



Publications Program

The National Association of College and University Attorneys is the premier organization for higher education legal counsel, offering a broad range of services that help members identify, analyze, resolve, and prevent legal problems on campus. Its mission is to advance the effective practice of higher education attorneys for the benefit of the colleges and universities they serve. NACUA's extensive array of publications, its Continuing Legal Education workshops and Annual Conference, Legal Reference Service (through which attorneys share knowledge and work products on current legal issues), custom listservs, and homepage all serve as vital information resources. For more information about NACUA, visit www.nacua.org.

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NACUA publications cover a wide range of topics that are of interest to higher education administrators, faculty, and legal counsel. As part of the Association's transition to less printed and more electronic delivery of publications, we have recently eliminated much of our inventory of printed compendia. We still have CD-ROMs of most compendia available as well as printed versions of all our pamphlets. Additionally, be sure to read about the conference materials we have available on page 13!

Members can access all pamphlets for free!

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PAMPHLETS & MONOGRAPHS

All pamphlets are \$9 unless otherwise marked.

Managing Your Campus Legal Needs: An Essential Guide to Selecting Counsel by *Lawrence White*

This monograph is written primarily for college and university presidents and others who use (or are thinking about using) the services of campus lawyers. It addresses threshold questions that a president may consider when deciding whether to establish an in-house legal office or retain the services of outside counsel, and whom to hire to provide those legal services. It further describes what campus counsel do and how their offices are organized; delineates the professional and personal characteristics of the campus lawyer; and offers insight into what others at the institution can expect of their campus counsel, and in return what he or she expects of them. A secondary audience is the lawyers who currently provide these services, particularly those new to the field of higher education, as the monograph explains what makes campuses different from other legal practice settings, how to conceptualize the role of campus counsel, and where to turn for peer advice. 2008. 28 pp.

■ *NACUA member institutions: \$21.00*
Non-member institutions: \$30.00

What the General Counsel's Office Needs to Know About its International Students Office by *Russell C. Ford*

This pamphlet spotlights the role of the general counsel regarding the foreign national students and the international students office, including: classifications available to foreign national students, institutional obligations and liabilities, the international students office, and employment of foreign students. 2009. 28 pp.

■ *NACUA member institutions: \$15.00*
Non-member institutions: \$18.00

Who Are Your Faculty and Staff? Background Checks in Academe by *Barbara A. Lee, Steven D. Frenkil, Sandra J. McLelland, and Dickens Mathieu*

Given the proliferation of resume fraud, the potential for liability in hiring an employee who has a history of violence or dishonesty, and the special concerns created by the presence of sex offenders on campus, many institutions are adopting background checks for all or a large portion of their workforce, including faculty members and even volunteers. This monograph focuses on the use of background checks for faculty and other staff at colleges and universities. It discusses the type of information that might be considered when conducting a background check; reviews federal and state law requirements for using certain criminal or other information when making an employment decision; addresses what jobs might warrant a background check; and examines how background checks may be conducted, including using an external agency. The authors also focus on the various sources of legal liability for colleges and universities when either applicants or employees challenge the use and/or results of background checks, or when a third party alleges that the lack of a background check caused that individual harm; and they offer a variety of issues and questions that administrators should consider when developing a policy or procedure for using

background checks for employment decisions at their own institutions. 2008. 44 pp.

FERPA, GLBA & HIPAA: The Alphabet Soup of Privacy by *Christine R. Williams*

The Family Educational Rights and Privacy Act (FERPA), the Gramm-Leach-Bliley Act (GLBA), and the Health Information Portability and Accountability Act (HIPAA) are a few of the avenues by which Congress has sought to strike a balance between the competing interests in privacy and access to information. This monograph provides readers with a basic understanding of each of these laws and identifies the various areas on campus that each impacts. It discusses the laws' similarities and differences as they relate to the privacy and security of the people and information they are intended to protect; and includes a comprehensive side-by-side chart comparing their respective breadth and scope of coverage. The last section focuses on various obstacles to compliance, and presents hypothetical situations that administrators and campus counsel may encounter related to FERPA, HIPAA, and GLBA. The monograph can serve as a valuable resource for campus counsel in conducting training programs on their campus relating to any of these laws. 2007. 48 pp.

Criminal Conduct of Students: The Institution's Response by *Randolph Geller*

Criminal conduct by students at colleges and universities is nothing new. In recent years, however, it has become increasingly problematic as a result of safety and liability concerns, and increasingly visible as a result of public and legislative scrutiny. This monograph is intended to assist administrators and college attorneys in identifying and resolving many of the legal issues associated with criminal conduct by applicants for admission and by students once they are enrolled.

In particular, it focuses on criminal conduct and admissions, financial aid, and housing; the circumstances under which an institution may discipline a student for conduct that is criminal in nature, including a discussion of due process and the postponement of disciplinary proceedings when criminal charges are likely or pending; criminal conduct and the awarding of degrees; and the impact of various laws and regulations, including FERPA, on criminal conduct by students. 2007. 40 pp.

Immigration Law: Issues for Faculty and Staff, 2007 Update by *Mark B. Rhoads and Helen L. Konrad*

Employing foreign nationals (or "aliens") in the U.S. is a complex process that involves three major governmental agencies, and requires knowledge of a range of options, obstacles, and pitfalls in the system. This monograph is designed to assist college and university attorneys and administrators better understand some of the basic issues and options for both short- and long-term employment of alien faculty and staff (student immigration issues are discussed only as they relate to employment of foreign students at the institution). Updated to reflect current law, Section I discusses the types of non-immigrant (temporary) visas commonly held by individuals employed at U.S. colleges and universities, including B-1/B-2, F-1, H-1B, J-1, TN, R, and O-1; Section II summarizes the processes by which such workers may seek permanent residency in the U.S.; and Section III addresses some specific issues regarding the employment of unauthorized aliens. The authors include a section on basic terms and definitions and use specific examples throughout to illustrate many of the concepts they discuss. 2007. 36 pp.

Contracting for Large Computer Software Systems *by Wesley D. Blakeslee and Dennis J. Gallitano*

Negotiating the acquisition of an institution or enterprise-wide software system can be a daunting task, and implementing it can be a complex project that often can span one or more years and require an investment of millions of dollars. This pamphlet discusses some of the business and legal considerations that an institution should address when purchasing large computer software, including best practices and key terms and issues that should be part of the negotiation process. The specific areas of focus include: getting started, understanding the negotiation "playing field," identifying risks and creating a risk profile, and maintaining leverage during the negotiation process. The authors also provide a useful checklist for negotiating a technology contract. While oriented more to large system acquisitions, the tips and techniques also will help mitigate risks in smaller software transactions. 2007. 28 pp.

Why You Can't Sue State U: A Guide to Sovereign Immunity *by William E. Thro*

It is important that employees at public colleges and universities understand what is meant by "the sovereign immunity of the States." This pamphlet provides a basic overview of this concept, and clarifies the circumstances whereby individuals, as well as the institution, are immune from lawsuits when acting in their official capacity. The first part describes the Supreme Court's sovereign immunity jurisprudence, and how its rulings on this issue have changed over the past 25 years. The second part focuses on the exceptions to the proposition that sovereign immunity prohibits all claims against the States regardless of the theory, specifically: Congress' power to abrogate States' sovereign immunity by passing legislation; the ability of States to waive their sovereign immunity; the impact of a State initiating litigation; and the *Ex Parte Young* doctrine, which allows federal courts to issue injunctions forcing state officials to comply with federal law. 2007. 24 pp.

Legal and Policy Issues in Disciplining College Faculty *by Donna R. Euben and Barbara A. Lee*

Most college and university faculty are dedicated professionals who take their responsibilities seriously. On occasion, however, institutions must deal with a faculty member whose behavior requires some form of discipline short of dismissal. This monograph describes the use of progressive discipline and standards for faculty conduct, reviews litigation challenging various forms of faculty discipline, and suggests a set of issues for faculty members and administrators to consider before developing a faculty discipline policy. It also includes a discussion of design issues for these policies, such as who is responsible for their implementation, allowing for various dispute resolution mechanisms, and drafting strategies that will encourage judicial deference to internal decision making regarding disciplinary decisions. 2006. 32 pp.

Negotiating the Mine Field: The Conduct of Academic Research in Compliance with Export Controls *by Carol T. Carr*

Export controls are a multi-faceted body of law and regulations that can affect research institutions in myriad ways, including the need to reconcile national security safeguards with the

fundamental principle of unrestricted academic freedom. This monograph provides an overview of export control laws and regulations, beginning with a discussion of the issues that affect research institutions most directly: fundamental research and deemed exports. As such, it focuses on the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR), as well as various other rules and regulations designed to protect research and technologies. It also describes the most likely places where these export control issues may arise in academe and addresses the specific issues that researchers and administrators need to know. It concludes with a list of 12 primary issues an institution should consider in managing its export control matters to ensure compliance. 2006. 52 pp.

Should I Stay or Should I Go? Early Retirement Incentive Programs *by Tara Schulstad Sciscope*

Changes in the legal landscape of retirement laws, coupled with employees working longer, pose significant challenges to colleges and universities in the way they manage their retirement programs. The first section of this monograph describes various ways that early retirement incentive programs can be structured and the goals, advantages, and disadvantages of each. It then discusses applicable federal and state law that must be considered, with respect specifically to ADEA, ERISA, the Tax Code, and state age discrimination laws. Finally, the author offers a list of practical issues that administrators should consider before implementing an early incentive retirement program at their institution. 2006. 40 pp.

The HIPAA Privacy Regulations and Student Health Centers *by Melissa Bianchi*

This pamphlet is intended to assist college and university attorneys and administrators determine whether their student health center needs to comply with HIPAA. It focuses on the HIPAA privacy regulations, including their interaction with FERPA and their applicability to student health centers, and it delineates the options for structuring an institution's student health center policies to ensure their compliance with the Privacy Rule. Among the specific issues discussed by the author are: the definition and use of protected health information, the circumstances under which student medical records are subject to FERPA or HIPAA, covered entity status, and administrative options for student health centers that treat non-students, as well as students. Also included are selected frequently asked questions concerning the disclosure of student health information and a flow chart illustrating if and under what circumstances a student health center needs to comply with HIPAA. 2006. 16 pp.

The Campus as Creditor: A Bankruptcy Primer on Educational Debts *by Julia R. Hoke*

With increasing frequency, colleges and universities are creating contractual relationships between themselves as creditor and the student as debtor to facilitate the payment of tuition, fees, and associated expenses. This monograph reviews the principles of consumer bankruptcy law that are most relevant to colleges and universities – primarily Chapters 7 and 13; offers guidelines for administering accounts in bankruptcy by synthesizing some of the requirements of the federal regulations governing the campus-based loan programs with key bankruptcy principles; and addresses typical and recurring issues that institutions face when a student or former student seeks bankruptcy protection while indebted to the institution. The author specifically discusses such

key concepts as the automatic stay, claim, and discharge; the educational debt exception to discharge; and the permissibility of traditional campus collection measures. 2006. 28 pp.

Tax-Exempt Bonds: Considerations for College and University In-House Counsel by *Stephen E. Weyl and Ronald F. Rodgers*

Colleges and universities issue tax-exempt bonds most often to fund capital expenditures. The process generally is complex, requiring the participation of legal counsel experienced in this area. This monograph highlights some of the critical procedural and substantive issues that arise in tax-exempt financings. Its intended audience is in-house counsel at colleges and universities who serve as either the institution's primary counsel in such financings or are their institution's liaison to outside counsel. The authors focus on 18 major steps and processes involved in issuing tax-exempt bonds, including: determining the projects to be financed; choosing the issuer of the bonds; selecting the working group of professionals; structuring a finance plan; conducting due diligence; and obtaining necessary approvals. Also includes sample intent and delegation resolutions, and a sample form of borrower's counsel opinion. 2006. 36 pp.

How to Conduct a Sexual Harassment Investigation by *Elsa Kircher Cole, Thomas P. Hustoles, and Jackie R. McClain*

Presented in a "how-to" format, this pamphlet offers practical suggestions for conducting an appropriate and timely sexual harassment investigation. Among the issues covered are why the institution should conduct the investigation, common mistakes, choosing an investigator, handling the complaint, interviewing the complainant, the anonymous or reluctant complainant, victim denials or assertions of consensual conduct, caring for the alleged victim during the investigation, meeting with the alleged harasser, ensuring fairness to the alleged harasser, role of legal counsel, concluding the investigation, and what happens afterwards. 2006. 32 pp.

Campus Police Authority: Understanding Your Officers' Territorial Jurisdiction by *Jeffrey S. Jacobson*

State laws governing the territorial jurisdiction of college and university police officers vary greatly. The majority of statutes expressly limit the authority of campus police to property owned or controlled by the school, but use widely varying terms to define the actual boundaries. This 2006 update discusses the scope of campus officers' territorial authority and various methods that can be used to expand that jurisdiction if advisable. It also includes the most recent court cases and addresses questions concerning what campus police agencies can or should do with the powers they have been given, both on- and off-campus (e.g., whether they can conduct warrantless searches of residence halls, treat students and non-students differently, or respond to crimes differently than would municipal police). Finally, it explains some of the liabilities that campus police and their employers may face if the officers act in ways not authorized by law. 2006. 32 pp.

HIPAA and Research by *Donna A. Boswell and Bartley L. Barefoot*

This pamphlet provides a general overview of the HIPAA Privacy Rule and, in particular, its research related provisions. It is intended to assist college and university attorneys and administrators in understanding some of the most common concerns associated with the Rule and to suggest some possible solutions. Among the issues discussed by the authors are: authorization and waiver of authorization, Protected Health Information review preparatory to research, limited data sets, PHI concerning deceased persons, minimum disclosure requirements, and accounting for PHI disclosures. Also included is a section on frequently asked questions concerning such matters as clinical trial recruitment, the relationship between the Privacy Rule and Common Rule, and researchers' ability to make future uses of the data. 2005. 28 pp.

Access to Institutions of Higher Education for Students with Disabilities by *Hattie E. Kauffman*

This pamphlet reviews the relationship between Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. It discusses three types of impairments that have significant impact on campus – contagious disabilities and health risks, drug and alcohol addiction, and learning disabilities. It then examines the various regulations promulgated under both pieces of legislation, including: admissions, adjustments to the academic program, auxiliary aids, computer accessibility, financial aid, health care and insurance, housing, physical accessibility, physical education and athletics, student employment, and transportation systems. Each section serves as a checklist of steps and actions administrators can take to ensure that no otherwise qualified student is denied any of the benefits provided by the institution solely because of a disability. 2005. 32 pp.

Negotiating a Faculty Collective Bargaining Agreement by *Thomas P. Hustoles and Nicholas DiGiovanni, Jr.*

Whenever a college or university is faced with bargaining a new or successor agreement with faculty, the negotiation often is accompanied by an adversarial tension. This pamphlet provides a framework for easing that tension, with the ultimate goal of successfully negotiating a new agreement that is mutually satisfactory to both parties. The "13 best tips" offered by the authors represent their cumulative best advice from a combined 60-plus years of negotiating contracts, and their best effort at creating practical, sound suggestions for preparing for, engaging in, and successfully concluding a collective bargaining agreement. Also included is a representative collection of sample bargaining provisions and clauses that are protective of institutional rights. 2005. 36 pp.

What to Do When the U.S. Department of Education, Office for Civil Rights Comes to Campus by *Cynthia L. Jewett and Lisa H. Rutherford*

Unlike other federal agencies with investigative and enforcement responsibilities, the U.S. Department of Education, Office for Civil Rights does not arrive unannounced on campus. Instead, an institution receives written notice that a formal complaint of discrimination has been filed against it with the OCR, or that OCR has initiated a compliance review. This pamphlet focuses on the steps that colleges and universities should take as soon as they become aware that OCR will be conducting an investigation,

whether remotely or on-site. The authors discuss such issues as: what constitutes a complaint with the OCR, the immediate steps that should be taken following receipt of a complaint, the best way to resolve a complaint, and how the institution should respond to a compliance review and prepare for the ensuing investigation. They also offer 10 tips for institutions facing an OCR investigation, plus a useful listing of additional resources and websites. 2005. 28 pp.

Copyright Issues in Higher Education, 2005 Update by *Georgia K. Harper*

College and university administrators, faculty, staff, and students create and use copyrighted works in every aspect of academic life. Given that nearly everyone who uses e-mail and the Internet is a publisher to some degree, and therefore, a copyright holder, it is more important than ever that the entire institutional community understands the basic concepts of copyright, including what are protected works; what is fair use; the application of the law to academia; and institutional liability for copyright infringement by employees and students. This monograph provides information on the creation and use of copyrighted materials, as well as preventing harm to others' interests. This update includes information on issues related to distance education and obtaining permission to use others' works when owners are difficult to find. The "link index" includes more than 50 additional sites for reference. 2005. 36 pp.

What To Do When the NCAA Comes Calling by *Mary Ann Connell, Robin Green Harris, and Beverly E. Ledbetter*

Few events on a college or university campus cause as much uncertainty and fear as learning that the NCAA is going to investigate the institution's athletics program. Not only is this a time-consuming, complex, and expensive process, but its scope can create widespread publicity with far-reaching community, public relations, and alumni consequences. This monograph provides practical guidance to institutional presidents, athletic directors, faculty athletic representatives, legal counsel, and others who may be involved in responding to charges stemming from violations of NCAA rules and regulations. The authors discuss the major components of an NCAA investigation, including the different types of violations, the Notice of Inquiry, the Notice of Allegations and the institution's Response, the Prehearing Conference, the Case Summary, and what transpires during and after a Committee on Infractions' hearing, including appeals. Also included are answers to frequently asked questions and a checklist to follow throughout the investigatory process. 2005. 40 pp.

What to Do When the EEOC Comes Knocking on Your Campus Door by *Laura Todd Johnson and Linda C. Schoonmaker*

The Equal Employment Opportunity Commission (EEOC) enforces a wide range of federal statutes prohibiting employment discrimination on the basis of race, color, religion, sex, national origin, equal pay, age, and disability. Whether it knocks on your institution's door frequently or only rarely, this pamphlet will help you manage your response more effectively and responsibly. The authors describe the various steps that institutions should follow in responding to an EEOC charge, including who should conduct the internal investigation, the materials that should be shared with the EEOC, and what happens when mediation fails or the institution chooses not to participate. They also include useful tips for preparing for an on-site visit by the EEOC, and discuss various

options for the institution once a determination is made. 2004. 24 pp.

Managing Financial Conflicts of Interest in Human Subjects Research by *Lance Shea, Frederick Robinson, and Lara Parkin*

Financial conflicts of interest on the part of researchers – and their potential for adversely affecting research integrity, especially in the area of human subjects research – are the focus of significant federal regulation and guidance. Financial interests in research can be held by the institution or by investigators, and can take the form of equity interests in the research sponsor, royalty interests in profits generated, and payments for recruiting subjects and consulting on research studies. This pamphlet discusses financial interests that are receiving particular scrutiny, provides an overview of current regulations and guidance pertaining to those interests, and discusses approaches for managing conflicts of interest that may arise from those financial interests. 2004. 32 pp.

Race-Conscious Admissions and Financial Aid Programs by *Elizabeth B. Meers and William E. Thro*

The U.S. Supreme Court's decisions in *Grutter v. Bollinger* and *Gratz v. Bollinger* provide the legal standards generally employed by the higher education community in assessing the legality of using race in admissions, and possibly in financial aid and other programs. This monograph is designed to assist college and university counsel and administrators understand the legal rules associated with such programs generally, and to recognize specific features that might increase the risk of liability. Part I provides an overview of raceconscious admissions and financial assistance programs; Part II outlines the legal principles governing these programs; Part III applies those principles in the context of admissions and financial assistance; Part IV details enforcement procedures; and Part V offers a series of questions to consider regarding admissions and financial aid policies in light of the two University of Michigan cases. 2004. 60 pp.

Defamation Issues in Higher Education by *Francine Tilewick Bazluke and Robert C. Clothier*

Many activities undertaken by a college or university create the potential for defamation claims, including providing performance evaluations and references for employees and students; taking personnel and student disciplinary actions; and sponsoring activities such as student newspapers, academic journals, and speakers. This pamphlet describes the fundamentals of defamation law, examines the various employee and student contexts holding the greatest potential for defamation claims, identifies judicial decisions affecting colleges and universities, and offers useful guidelines for minimizing the risk of defamation liability. 2004. 32 pp.

Accommodating Faculty and Staff with Psychiatric Disabilities by *Barbara A. Lee and Peter H. Ruger*

State and federal laws forbid discrimination against faculty or staff who have psychological disorders. This monograph reviews the legal requirements for determining whether an employee with a psychological disorder is protected by the nondiscrimination laws,

and for working with that individual in a manner that is both lawful and responsive to the institution's needs. 2003. 28 pp.

Crime on Campus, 2nd Edition
by Philip Burling

This publication reviews the theories and legal analyses that govern claims that colleges and universities should be liable to victims of crimes that occur on their campuses; it examines the new and/or amended legislation of recent years, and surveys the cases under those laws, including what some higher education institutions have done by way of compliance; and it provides a list of steps that institutions have undertaken to moderate and reduce the impact of crime on their campus. This second edition includes an overview and analysis of campus disciplinary procedures relating to student conduct that violates both campus rules and criminal law. 2003. 64 pp.

Computer Access: Selected Legal Issues Affecting Colleges and Universities, 2nd Edition
by Michael D. Sermersheim

The proliferation of personal computers and other electronic devices on college and university campuses underscores the need to develop and enforce consistent institution-wide computer access policies and practices. This second edition updates many of the issues covered in the original publication, including analyzing legal issues surrounding access to computers and to the World Wide Web within the academic community; evaluating current legal developments; and offering guidelines for developing sound computer access policies. In addition, it has been expanded to include such issues as the relationship of the USA Patriot Act to computer access and the need to provide access to all users, including those with disabilities. 2003. 28 pp.

The Family Educational Rights and Privacy Act: A General Overview *by Nancy E. Tribbensee*

Because of its complexity and enormity, the Family Educational Rights and Privacy Act (more commonly known as "FERPA") has frustrated and confused many members of the higher education community. This pamphlet offers a general overview of FERPA for higher education administrators, attorneys, faculty, students, and staff who need only a basic knowledge of student records law. Offered in an easy-to-understand Q-and-A format, the information focuses on such areas as directory information; which records are protected by FERPA; when students can inspect and review their educational records; use of and access to student information by faculty and campus officials; and disclosure of student information. 2002. 16 pp.

The Dismissal of Students with Mental Disabilities *by Martha Hartle Munsch and Susan P. Schupansky*

For many years, campus administrators and attorneys have faced the dilemma of how to handle the dismissal of students with various types of mental disabilities. This pamphlet serves as a "road map" of the legal issues surrounding their dismissal by offering practical guidance on how best to uphold the school's disciplinary and academic standards while keeping within the bounds and spirit of the current law. It includes an overview of applicable federal law in addition to discussing when it is appropriate to dismiss students with certain learning and

psychiatric disabilities. A useful question and answer section is also included. 2003. 32 pp.

Understanding Attorney-Client Privilege Issues in the College and University Setting

by Robert Burgoyne, Stephen McNabb, and Frederick Robinson

Most university counsel at one time or another face issues relating to the attorney-client privilege and work product doctrine. Two broad questions arise with respect to such communications: "which communications are protected from disclosure?" and "how can counsel ensure that those protections are recognized and preserved?" This publication addresses both issues, particularly within the college or university setting. It is designed to assist university counsel to think through the more pertinent issues relating to both the attorney client and work product privileges, and to give nonpractitioners a general overview of the subject. It discusses privilege issues in a variety of contexts and suggests steps that counsel can take to ensure that privilege properly attaches to a given communication in the first instance, and to guard against a subsequent waiver of the privilege. 1998. 32 pp.

**PUBLICATION PACKAGE:
All NACUA Pamphlets & Monographs**
■ \$150.00 (members and non-members)

COMPENDIA

Free Speech in Higher Education: Important Protections and Permissible Regulations edited by Derek P. Langhauser, Robert M. O'Neil, and William E. Thro

This comprehensive compendium focuses on the protections and regulations that govern First Amendment rights in higher education, including: threshold concepts; private colleges and universities; student groups and clubs; professors and other employees; religious speech; facilities, grounds, speech zones, and other designated forums; newspapers and other publications; internet, email, and other technologies; speech codes; guest speakers (invited and uninvited); advertisers, vendors, and other commercial speech; athletics; recurring symbols; and military recruiting.

■ CD-ROM - \$45

Employment Issues In Higher Education, 3rd Edition edited by Deborah C. Brown

This updated and significantly expanded Third Edition is an excellent resource for attorneys, human resources professionals, and others involved in higher education employment law. Its content ranges from the pre-hiring issues of affirmative action and background checks to separation agreements and termination policies.

The first section focuses on common employment practices, including hiring, compensation and benefits, complying with FLSA and ERISA, discrimination and harassment claims, investigations and electronic privacy, and international employment and immigration issues.

The second section examines the legal issues and nondiscrimination obligations of employers in such areas as FMLA, military status, disability, gender, age, and retaliation claims; and the remaining sections highlight the unique challenges colleges and universities face based on their public and private status and new and emerging workplace issues. The compendium includes an extensive, 23-page listing of additional and supplemental resources and websites for further research. 2008. 1193 pp.

■ CD-ROM - \$45

Student Risk Management in Higher Education: A Legal Compendium edited by Kimberly J. Novak and Art M. Lee

Managing and minimizing the risks associated with students and student-related activities is no small feat. Given the tremendous breadth of activities that comprise the higher education environment today, the types of risks that exist are practically endless. This compendium brings together more than 50 law review and other journal articles, reports, conference presentations, and institutional policies, procedures, and forms. It examines the fundamental concepts and philosophies related to student affairs risk management in higher education, as well as the issues of liability and transfer of risk. The majority of the compendium outlines strategies and provides a panoply of resources for specific events and situations, including: student travel and transportation, residential life, student organizations, events involving minors, athletic events, sports clubs, alcohol and other drugs, high risk behavior and mental health issues, and academic internships and externships. This is an essential resource for higher education administrators and attorneys who

work with and/or advise students in activities outside the classroom. 2007. 1,112 pp.

■ CD-ROM - \$45

The NACUA Handbook for Lawyers New to Higher Education, 3rd Edition edited by Camille Heenan and William E. Thro

Higher education law is a multi-faceted and continually evolving practice area. It is a challenge for even the most experienced attorney to stay abreast of the latest developments. For attorneys new to higher education, the challenge is even greater. The burden is not just keeping up to date on the full range of issues, but learning the fundamentals, as well. This Third Edition of *The NACUA Handbook for Lawyers New to Higher Education* is designed especially to meet the needs of lawyers entering the practice of higher education law, yet it also is a valuable resource for all higher education law offices. Moreover, in an effort to keep the *Handbook* current, the editors selected outlines from NACUA workshops and annual conferences and journal articles from *The Journal of College and University Law* and *the Education Law Reporter* that generally have been presented and/or written since 2003, when the first edition was published. Information ranges from athletics to taxation, computers to student discipline, discrimination to research and intellectual property, and HIPAA to FERPA. Many of the contributors are veteran NACUA members who have significant experience with and expertise on these topics. 2009.

■ CD-ROM - \$75

Legal Issues in Distance Education edited by Deborah C. Brown, John R. Przypyszny, and Katherine R. Tromble

The advent of online education – both in the form of so-called “distance learning” and as a supplement to traditional classroom teaching and learning – continues to dramatically alter the face of higher education. The use of new technology, including all of the facets of the Internet, presents a host of legal and practical questions for colleges and universities. The contents of this compendium are organized around five sections. The first includes a variety of resources intended to familiarize the reader with the myriad issues that can arise in effectuating distance education; the second section addresses accreditation and state and federal regulation; the third section focuses on copyright, intellectual property, and other technology issues; the fourth section examines discrimination- and accessibility-related issues for individuals with disabilities; and the final section includes materials relating to student affairs and academic and conduct codes in the context of distance education. Also included is a listing of additional resources and helpful websites. 2007. 990 pp.

■ CD-ROM - \$45

Copyright Law and Policy in a Networked World edited by Georgia K. Harper

Copyright law has grown in importance over the last two decades, moving from an area of law that concerned only the publishing and entertainment industries to one that affects a much wider audience, including – at its center – higher education. Colleges and universities are taking part in the re-engineering of copyright law by promoting the growth of knowledge and learning in a networked environment. This two-volume compendium focuses on nine key areas of copyright: copyright basics; domestic and international copyright law and policy; copyright and the public domain; the effects of the digital environment on copyright law; scholarly communication, libraries, and the University Press; fair use, the TEACH Act, and using others' works; ownership of copyright; DMCA anti-circumvention; and liability

issues. It is designed to help address institutional clients' copyright questions, point to additional resources, and provide users an opportunity to delve deeper into some of the more reflective aspects of copyright law. 2007. 1,258 pp.

■ CD-ROM - \$45

Academic Freedom and Tenure: A Legal Compendium

*edited by Steven G. Olswang and
Cheryl A. Cameron*

Most institutions today use the tenure contract to protect faculty academic freedom. Yet, even with such a universal acceptance, hundreds of conflicts and court cases occur each year regarding just what academic freedom encapsulates, and under what bases tenure might not be conferred, or can be terminated without infringing this protected right. The materials in this two-volume compendium pull together many of the most recent academic and legal writings on both of these subjects. The editors have organized the contents around the following areas: the history and purpose of academic freedom and tenure; who academic freedom protects; collective bargaining; what tenure and academic freedom don't protect; tenure as a mechanism to protect a faculty member's academic freedom; procedural protections of tenure; the tenure contract; and alternatives to tenure. 2006. 1,392 pp.

■ CD-ROM - \$45

Religious Discrimination and Accommodation Issues in Higher Education: A Legal Compendium

edited by Richard A. Weitzner

This compendium provides users with a comprehensive overview of the issues and applicable case law and guidance in understanding and responding to claims of religious discrimination and requests for accommodation by employees and students. It includes articles that address the myriad issues from the perspective of public and private independent as well as religiously affiliated institutions of higher education. The contents focus on: religious discrimination and accommodation in employment and related to students, generally; constitutional issues and the public employer; the religiously affiliated institution; religious harassment; such selected issues as religion and academic freedom, religion v. cultural accommodation, proselytizing in the workplace, and prayer in the academy. Also included is an array of sample policies and forms and federal regulations and guidance. 2006. 640 pp.

■ CD-ROM - \$45

Legal Issues in Sponsored Research Programs: From Contracting to Compliance *edited by Theresa J. Colecchia*

Understanding the issues associated with sponsored research programs at colleges and universities can be both exciting and daunting – exciting because it supports the institution's mission to create and disseminate new knowledge; daunting because of the need to understand the thicket of federal regulation surrounding much of the research enterprise. This compendium provides a broad overview of key sponsored research issues organized by subject matter. The 50-plus documents that are included provide a solid review of the basics, with myriad references to additional primary and advanced materials, as well as useful websites. It is organized around five general headings: An Overview of the Research Enterprise; Grants and Contracts; Responsible Conduct of Research; Research in the International Setting; and A Practitioner's Toolbox of useful checklists, form agreements, and sample policies. The Additional Resources section includes five

pages of useful websites for research-related organizations; additional institutional policies; government regulations, reports, and white papers; and policy statements and guidance. 2005. 1,080 pp.

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Study Abroad in Higher Education: Program Administration and Risk Management

edited by Nancy E. Tribbensee

Higher education has gone global. Increasingly, colleges and universities are sending students to study abroad, conducting research in other countries, participating in international student and faculty exchanges, and opening international branch campuses. This compendium includes an array of resources useful to both attorneys and administrators responsible for planning, coordinating, and facilitating the success of international programs and study abroad activities. Among the topics addressed are academic considerations, contracts with foreign entities, disability accommodations, employment law, safety, and risk management. The focus is on current (post 9/11) articles and resources that address program administration, risk management, security, and other related issues that have become so important in today's world. 2005. 502 pp.

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Technology Transfer Issues for Colleges and Universities: A Legal Compendium

edited by Judith L. Curry

It has been more than 20 years since the Bayh-Dole Act made it possible for colleges and universities to retain title to inventions arising out of research funded by the federal government, thereby opening up opportunities to even the smaller, less research-oriented institutions.

Since then, technology transfer has taken an increasingly central role in higher education. This compendium addresses the needs of college and university attorneys who advise technology transfer offices as only one among their many duties, as well as those who work more in-depth with various aspects of the topic. It is organized around seven general headings and includes both basic introductory information and more advanced articles on the administration of technology transfer, intellectual property licensing, entrepreneurial issues, and tax considerations. Sample policies, agreements, forms, and licenses, as well as three pages of websites, additional documents, policies, and license agreements also are provided. 2005. 714 pp.

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Accommodating Students with Learning and Emotional Disabilities: A Legal Compendium, 2nd Edition

edited by Ellen M. Babbitt

ADA issues arising on college and university campuses are more numerous, complex, and subtle than ever before, due in large part to students being increasingly sophisticated and forthcoming in their requests for disability accommodations. This compendium brings together a wealth of materials focusing on learning and emotional disability issues in an effort to clarify some of the unclear language of the ADA. It is organized into four primary sections: statutes, regulations, agency guidance, and Supreme Court decisions; general principles of ADA analysis; special issues, with a particular focus on accommodating learning and emotional disabilities at professional schools, in athletics, and for off-site and distance learning programs; and an extensive

collection of additional resources, websites, and other materials that allow for more in-depth research.

2004. 1,056 pp.

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**Student Disciplinary Issues:
A Legal Compendium, 3rd Edition**

*edited by Janet Elie Faulkner and
Nancy E. Tribbensee*

Everyday, administrators at virtually every college and university are faced with the difficult and often volatile issues relating to student conduct both in the academic and nonacademic setting. Since many of these issues involve such constitutional concerns as due process, vagueness, privacy, and notice and opportunity to be heard, administrators need to be aware of and understand the intricacies of student codes of conduct. This Third Edition centers around four primary areas: student due process and contract rights, sanctions, disclosure of conduct records, and model codes. It provides a framework for assisting administrators and legal counsel to plan for and address the full array of student discipline issues. In addition to including law review articles, NACUA outlines, sample institutional policies, task force reports, and brief excerpts from applicable federal statutes, its contents have been expanded to also include materials from psychologists, faculty groups, and other interest groups whose work encompass or include student conduct and disciplinary activities.

2004. 840 pp.

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