

The Journal of College and University Law
(ISSN 0093-8688)

The *Journal of College and University Law* is the official publication of the National Association of College and University Attorneys (NACUA). It is published three times per year by the National Association of College and University Attorneys, Suite 620, One Dupont Circle, N.W., Washington, DC 20036 and indexed to *Callaghan's Law Review Digest*, *Contents of Current Legal Periodicals*, *Contents Pages in Education*, *Current Index to Journals in Education*, *Current Index to Legal Periodicals*, *Current Law Index*, *Index to Current Periodicals Related to Law*, *Index to Legal Periodicals*, *LegalTrac*, *National Law Review Reporters*, *Shepard's Citators*, and *Legal Resource Index* on Westlaw.

POSTMASTER: Send changes of address requests to the *Journal of College and University Law*, Room B3, Law School, Notre Dame, IN 46556.

Postage paid at Washington, D.C., and at additional mailing offices.

**Copyright © 2007 by National Association
of College and University Attorneys**

Cite as — J.C. & U.L. —

Library of Congress Catalog No. 74-642623

Except as otherwise provided, the *Journal of College and University Law* grants permission for material in this publication to be copied for use by non-profit educational institutions for scholarly or instructional purposes only, provided that 1) copies are distributed at or below cost, 2) the author and the *Journal* are identified, and 3) proper notice of the copyright appears on each copy. If the author retains the copyright, permission to copy must be obtained directly from the author.

ABOUT THE JOURNAL AND ITS EDITORS

The *Journal of College and University Law* is the only law review entirely devoted to the concerns of higher education in the United States. Contributors include active college and university counsel, attorneys who represent those institutions, and education law specialists in the academic community. The *Journal* has been published annually since 1973 and now boasts a national circulation of more than 3,800. In addition to scholarly articles on current topics, the *Journal of College and University Law* regularly publishes case comments, scholarly commentary, book reviews, recent developments, and other features.

In 1986, the Notre Dame Law School assumed publication of the *Journal*, which had been published at the West Virginia University College of Law from 1980–1986.

Correspondence regarding publication should be sent to John H. Robinson, Faculty Editor, *Journal of College and University Law*, Notre Dame Law School, Room B3, Notre Dame, IN 46556. The *Journal* is a refereed publication.

The views expressed herein are attributed to their authors and not to this publication, the National Association of College and University Attorneys or the Notre Dame Law School. The materials appearing in this publication are for information purposes only and should not be considered legal advice or be used as such. For a special legal opinion, readers must confer with their own legal counsel.