

the **TRIALS** of
ACADEME

AMY GAJDA

Two hands, one on the left and one on the right, are shown from the wrist up, wearing white gloves. Both hands are pointing their index fingers towards the subtitle text in the center.

The
New Era of
Campus Litigation

The Trials Of Academe The New Era Of Campus Litigation

Stanley Fish



The Trials Of Academe The New Era Of Campus Litigation:

The Trials of Academe Amy Gajda, 2010-02-15 Once upon a time virtually no one in the academy thought to sue over campus disputes and if they dared judges bounced the case on grounds that it was no business of the courts Not so today As Amy Gajda shows in this witty yet troubling book litigation is now common on campus and perhaps even more commonly feared This book explores the origins and causes of the litigation trend its implications for academic freedom and what lawyers judges and academics themselves can do to limit the potential damage *Intellectual Property, Faculty Rights and the Public Good* Samantha Bernstein-Sierra, Adrianna Kezar, 2017-04-17 Explore the different forms that intellectual property IP has taken in higher education in recent years and how to navigate the changing landscape for faculty members and university administrators Due to technological advancements and the rise of neo liberal policies influenced by academic capitalism faculty members are finding their rights being renegotiated often without their input Through patents copyrights distance education programs and MOOCs universities and publishers are seeking to gain a competitive advantage in a market largely dominated by profit generation All this is putting the university's public mission in tension with increasingly profit driven university management practices This volume Presents policy trends in university IP regulation over the past 40 years Examines the utility of IP rights in higher education Considers the implications of knowledge ownership in the academic profession and Details the IP barriers that faculty encounter when attempting to share their work This is the 177th volume of the Jossey Bass quarterly report series New Directions for Higher Education Addressed to presidents vice presidents deans and other higher education decision makers on all kinds of campuses it provides timely information and authoritative advice about major issues and administrative problems confronting every institution *Academic Freedom and the Law* Eric Barendt, 2010-11-19 Academic Freedom and the Law A Comparative Study provides a critical analysis of the law relating to academic freedom in three major jurisdictions the United Kingdom Germany and the United States The book outlines the various claims which may be made to academic freedom by individual university teachers and by universities and other higher education institutions and it examines the justifications which have been put forward for these claims Three separate chapters deal with the legal principles of academic freedom in the UK Germany and the USA A further chapter is devoted to the restrictions on freedom of research which may be imposed by the regulation of clinical trials by intellectual property laws and by the terms of contracts made between researchers and the companies sponsoring medical and other research The book also examines the impact of recent terrorism laws on the teaching and research freedom of academics and it discusses their freedom to speak about general political and social topics unrelated to their work This is the first comparative study of a subject of fundamental importance to all academics and others working in universities It emphasises the importance of academic freedom while pointing out that on occasion exaggerated claims have been made to its exercise *Courtrooms and Classrooms* Scott M. Gelber, 2016-02-29 A stunningly original history of higher education law

Conventional wisdom holds that American courts historically deferred to institutions of higher learning in most matters involving student conduct and access. Historian Scott M. Gelber upends this theory, arguing that colleges and universities never really enjoyed an overriding judicial privilege. Focusing on admissions, expulsion, and tuition litigation, *Courtrooms and Classrooms* reveals that judicial scrutiny of college access was especially robust during the nineteenth century when colleges struggled to differentiate themselves from common schools that were expected to educate virtually all students. During the early twentieth century, judges deferred more consistently to academia as college enrollment surged, faculty engaged more closely with the state, and legal scholars promoted widespread respect for administrative expertise. Beginning in the 1930s, civil rights activism encouraged courts to examine college access policies with renewed vigor. Gelber explores how external phenomena, especially institutional status and political movements, influenced the shifting jurisprudence of higher education over time. He also chronicles the impact of litigation on college access policies, including the rise of selectivity and institutional differentiation, the decline of de jure segregation, the spread of contractual understandings of enrollment, and the triumph of vocational emphases.

The Law of Higher Education Dennis Farrington, David Palfreyman, 2012-03-22. Written by two leading practitioners, this comprehensive and practical guide to the law of higher education in the UK provides extensive analysis of the complex legal framework in which universities work and the remedies which may be sought in the event of disputes. *The Law of Higher Education* has been fully updated to take account of the many legislative changes which have come into force since the publication of the first edition in 2006. The impact of new charity law, changes in governance structures, developments in the law of employment, academic freedom issues, and the increasing presence of academies and other private Higher Education Institutions are all dealt with in detail, with reference to and analysis of the relevant case law throughout. Although focussing on UK laws, the new edition includes expanded material on the international context, which has become particularly important as institutions are increasingly involved in international exchanges and collaborations as well as being subject to the increasing globalisation of higher education. The text is linked to the updating service on the Oxford Centre for Higher Education Policy Studies website, ensuring that readers are kept up to date with developments even after publication.

Versions of Academic Freedom Stanley Fish, 2014-10-23. The author and New York Times columnist sheds light on the intersection of academia and politics with this look at the debate surrounding academic freedom. Depending on who's talking, academic freedom is an essential bulwark of democracy, an absurd fig leaf disguising liberal agendas, or most often, some in-between muddle that both exaggerates its own importance and misunderstands its actual value to scholarship. The crucial question, Fish tells us, is located in the phrase itself: Do you emphasize academic or freedom? Putting the stress on academic suggests a limited professional freedom, while the conception of freedom implied by the latter could expand almost infinitely. Guided by that distinction, Fish analyzes various arguments for the value of academic freedom. Does it contribute to society's common good? Does it authorize professors to critique the status quo both inside and outside

the university Is it an engine of revolution Are academics inherently different from other professionals Or is academia just a job and academic freedom merely a tool for doing that job No reader of Fish will be surprised by the deftness with which he dismantles weak arguments corrects misconceptions and clarifies muddy ideas And while his conclusion may surprise it is unquestionably bracing Stripping away the mystifications that obscure academic freedom allows its beneficiaries to concentrate on what they should be doing following their intellectual interests and furthering scholarship

Millennials and Media Ecology Anthony Cristiano,Ahmet Atay,2019-07-03 Millennials and Media Ecology explores issues pertaining to millennials and digital media ecology and studies the cultural pedagogical and political environments such heterogeneous generation populates The book questions whether millennials are properly understood as a heterogeneous group particularly by the institutions and agencies that target them and whether they are demonstrating the ability to set out a path for themselves and take charge of their own life and future A diverse team of expert authors review past and current studies with critical assessment of arguments and propositions and document actual experiences of members of the millennial generation through detailed studies Engaging with topical subject matter and current research on millennials the chapters Question the misunderstanding that digital tools and Internet technologies are making the younger generation dumber and disengaging them from the real world Underscore the legal and economic insights into the commodification of the younger generation as consumers rather than learners Examine the historical trajectory of media technology and whether new practices are having an empowering effect or one of enslavement to an increasingly irreversible technological and socio political regime Shed light on issues of critical pedagogy emerging from digital environments in relation to one s mental abilities and degrees of wisdom Discuss the cultural and political implications of millennials new media trends the changing relationship between millennials and legacy media which rely on the younger generation for survival Offer new insights into the significance of current media trends in relation to issue of credibility and identity This is an essential book for scholars in the fields of Media and Communications and Popular Culture and will be vital reading for postgraduate students and specialists in related fields

Higher Education Law Klinton Alexander,Kern Alexander,2016-10-04 This fully revised and updated textbook weaves law into its historical political and sociological context while providing clear explanation of the law as it applies to American colleges and universities This text draws exclusively on federal and state cases emerging from campuses and includes helpful pedagogical elements such as chapter outlines questions for discussion side bars text boxes research aids and summation of law to equip readers with the tools and knowledge to effectively respond in an environment of increasing litigation Addressing a gap in the literature this new edition provides a comprehensive and accessible understanding of the latest laws relevant to higher education and student affairs administrators New In This Edition Explanation and streamlining of old case law New cases throughout covering recent developments in student loan debt student safety Internet speech affirmative action discrimination Greek life issues relating to new technology non faculty

employees campus police and athletics Revised explanation on student and college costs Expanded examination of the idea of academic freedom

Institutional Failures Howard M. Wasserman, 2016-05-23 The authors of this new collection argue that the many features of the now infamous Duke University men's lacrosse controversy are best understood in the context of the three major socio-legal institutions in which the drama played out The legal system Duke University and the news media all struggled to respond to and handle the case tinged as the events were with race sex violence class privilege and notions and perceptions about sports The problems missteps mistakes and injustice in the case resulted from each institution's failure to operate properly from the incentives built into each institution that affected individual behavior and from the inability of each institution to communicate and cooperate with the others To understand the Duke lacrosse controversy is to study these institutions and to answer questions about the performance of each to learn what each did right and wrong and why and to consider how each can improve in the future By examining the actions of these institutions and the individuals within them these essays consider the role each played in the case how each contributed to the crisis and to its resolution the ways in which they interacted with one another and the lessons this case teaches about the appropriate functioning of each institution

Aspiring Adults Adrift Richard Arum, Josipa Roksa, 2022-12-22 Few books have ever made their presence felt on college campuses and newspaper opinion pages as quickly and thoroughly as Richard Arum and Josipa Roksa's 2011 landmark study of undergraduates learning socialization and study habits Academically Adrift Limited Learning on College Campuses From the moment it was published one thing was clear no university could afford to ignore its well documented and disturbing findings about the failings of undergraduate education Now Arum and Roksa are back and their new book follows the same cohort of undergraduates through the rest of their college careers and out into the working world Built on interviews and detailed surveys of almost a thousand recent college graduates from a diverse range of colleges and universities Aspiring Adults Adrift reveals a generation facing a difficult transition to adulthood Recent graduates report trouble finding decent jobs and developing stable romantic relationships as well as assuming civic and financial responsibility yet at the same time they remain surprisingly hopeful and upbeat about their prospects Analyzing these findings in light of students' performance on standardized tests of general collegiate skills selectivity of institutions attended and choice of major Arum and Roksa not only map out the current state of a generation too often adrift but enable us to examine the relationship between college experiences and tentative transitions to adulthood Sure to be widely discussed Aspiring Adults Adrift will compel us once again to re-examine the aims approaches and achievements of higher education

The Marketisation of Higher Education and the Student as Consumer Mike Molesworth, Richard Scullion, Elizabeth Nixon, 2010-10-04 Until recently government policy in the UK has encouraged an expansion of Higher Education to increase participation and with an express aim of creating a more educated workforce This expansion has led to competition between Higher Education institutions with students increasingly positioned as consumers and institutions working to improve the extent to which they

meet consumer demands Especially given the latest government funding cuts the most prevalent outlook in Higher Education today is one of business forcing institutions to reassess the way they are managed and promoted to ensure maximum efficiency sales and profits Students view the opportunity to gain a degree as a right and a service which they have paid for demanding a greater choice and a return on their investment Changes in higher education have been rapid and there has been little critical research into the implications This volume brings together internationally comparative academic perspectives critical accounts and empirical research to explore fully the issues and experiences of education as a commodity examining the international and financial context of marketisation the new purposes of universities the implications of university branding and promotion league tables and student surveys vs quality of education the higher education market and distance learning students as active consumers in the co creation of value changing student experiences demands and focus With contributions from many of the leading names involved in Higher Education including Ron Barnett Frank Furedi Lewis Elton Roger Brown and also Laurie Taylor in his journalistic guise as an academic at the University of Poppleton this book will be essential reading for many

Suing Alma Mater Michael A. Olivas, 2013-07-01 This careful reading of six legal cases in American higher education is an essential primer for understanding contemporary litigation Winner of the Steven S Goldberg Award for Distinguished Scholarship in Education Law of the Education Law Association Although much has been written about U S Supreme Court decisions involving higher education little has been said about the foundational case law and litigation patterns emerging from the lower courts As universities become increasingly legislated regulated and litigious campuses have become testing grounds for a host of constitutional challenges From faculty and student free speech to race or religion based admissions policies *Suing Alma Mater* describes the key issues at play in higher education law Eminent legal scholar Michael A Olivas considers higher education litigation in the latter half of the twentieth century and the rise of purposive organizations like the American Civil Liberties Union and the Alliance Defense Fund now known as the Alliance Defending Freedom that exist to advance litigation He reviews more than 120 college cases brought before the Supreme Court in the past fifty years and then discusses six key cases in depth *Suing Alma Mater* provides a clear eyed perspective on the legal issues facing higher education today

The Branding of the American Mind Jacob H. Rooksby, 2016-12-01 The first real expos of how universities have trademarked copyrighted branded and patented everything they do Universities generate an enormous amount of intellectual property including copyrights trademarks patents Internet domain names and even trade secrets Until recently universities often ceded ownership of this property to the faculty member or student who created or discovered it in the course of their research Increasingly though universities have become protective of this property claiming it for their own use and licensing it as a revenue source instead of allowing it to remain in the public sphere Many universities now behave like private corporations suing to protect trademarked sports logos patents and name brands Yet how can private rights accumulation and enforcement further the public interest in higher education What is to be gained

and lost as institutions become more guarded and contentious in their orientation toward intellectual property In this pioneering book law professor Jacob H Rooksby uses a mixture of qualitative quantitative and legal research methods to grapple with those central questions exposing and critiquing the industry s unquestioned and growing embrace of intellectual property from the perspective of research in law higher education and the social sciences While knowledge creation and dissemination have a long history in higher education using intellectual property as a vehicle for rights staking and enforcement is a relatively new and as Rooksby argues dangerous phenomenon for the sector The Branding of the American Mind points to higher education s love affair with intellectual property itself in all its dimensions including newer forms that are less tied to scholarly output The result is an unwelcome assault on the public s interest in higher education Presuming no background knowledge of intellectual property and ending with a call to action The Branding of the American Mind explores applicable laws legal regimes and precedent in plain English making the book appealing to anyone concerned for the future of higher education

Six Degrees of School Improvement Ted Purinton, 2011-02-01 Amidst the contentious debates about teacher effectiveness most people believe that unions education colleges charter networks consulting agencies textbook publishers test producers professional associations teachers and researchers disagree with one another about the most essential school reforms Though all these groups do certainly have their own interests and perspectives they also all desire to see that students are better prepared for a competitive world What if all these groups worked together for that very goal What would happen if all reform work in PK 12 education centered on the improvement of teaching Would teachers be treated differently Would they respond to their work in more innovative ways Would it change the quality of education that children in the United States receive Six Degrees of School Improvement Empowering a New Profession of Teaching provides glimpses of this realistic approach to American education reform with an eye toward what the system might look like in one to two generations from now The book makes a solid case for collaborative professionalism a system that binds professionals together under a common set of understandings about the ways in which children and adolescents learn content knowledge and acquire skills It argues that popular approaches to school improvement circumvent teachers and thus further de skill and disempower the very people responsible for student learning in classrooms Most importantly the book provides very clear guidance on building a system of collaborative professionalism among teachers

The Oxford Handbook of Research Ethics Ana S. Iltis, Douglas MacKay, 2024 The development of new pharmaceutical products and behavioral interventions aimed at improving people s health as well as research that assesses the efficacy and cost effectiveness of public policies such as policies designed to improve children s education or reduce poverty depends on research conducted with human participants It is imperative that research with human subjects is conducted in accordance with sound ethical principles and regulatory requirements Featuring 45 original essays by leading research ethicists The Oxford Handbook of Research Ethics offers a critical overview of the ethics of human subjects research within multiple disciplines and fields including biomedicine

public health psychiatry sociology political science and public policy *The Faculty Lounges* Naomi Schaefer Riley, 2011-06-16 College tuition has risen four times faster than the rate of inflation in the past two decades While faculties like to blame the rising costs on fancy athletic buildings and bloated administrations professors are hardly getting the short end of the stick Spending on instruction has increased twenty two percent over the past decade at private research universities Parents and taxpayers shouldn't get overheated about faculty salaries tenure is where they should concentrate their anger The jobs for life entitlement that comes with an ivory tower position is at the heart of so many problems with higher education today Veteran journalist Naomi Schaefer Riley an alumna of one of the country's most expensive and best endowed schools explores how tenure has promoted a class system in higher education leaving contingent faculty who are barely making minimum wage and have no time for students to teach large swaths of the undergraduate population She shows how the institution of tenure forces junior professors to keep their mouths shut for a decade or more if they disagree with senior faculty about anything from politics to research methods Lastly she examines how the institution of tenure with the job security mediocre salaries and low levels of accountability it entails may be attracting the least innovative and interesting members of our society into teaching **Supporting and Supervising Mid-Level Professionals** Larry D. Roper, 2011 Student service professionals promoted to a supervisory role face the challenges of supervising career professionals office staff graduate students or undergraduates Stress and anxiety naturally accompany the demands of such a job particularly in the academic world an environment that can require sensitivity to multicultural issues supervision by virtual means and navigation of an occasionally difficult opaque hierarchy The authors of this sourcebook blend research personal essays case studies and their personal experiences to illuminate the needs and challenges of midlevel supervisors Topics include Dynamics of supervision Reflections on building capacity as a supervisor Developing a philosophy of self authorship Managing conflict from the middle Supervising graduate assistants Effective strategies for virtual supervision Supervising across cultures Case studies in middle management supervision This is the 136th volume of the Jossey Bass quarterly report series New Directions for Student Services An indispensable resource for vice presidents of student affairs deans of students student counselors and other student services professionals New Directions for Student Services offers guidelines and programs for aiding students in their total development emotional social physical and intellectual **The American Supreme Court** Robert G. McCloskey, 2010-07-15 Celebrating its fiftieth anniversary Robert McCloskey's classic work on the Supreme Court's role in constructing the U S Constitution has introduced generations of students to the workings of our nation's highest court For this new fifth edition Sanford Levinson extends McCloskey's magisterial treatment to address the Court's most recent decisions As in prior editions McCloskey's original text remains unchanged In his historical interpretation he argues that the strength of the Court has always been its sensitivity to the changing political scene as well as its reluctance to stray too far from the main currents of public sentiments In two revised chapters Levinson

shows how McCloskey's approach continues to illuminate developments since 2005 including the Court's decisions in cases arising out of the War on Terror which range from issues of civil liberty to tests of executive power. He also discusses the Court's skepticism regarding campaign finance regulation, its affirmation of the right to bear arms, and the increasingly important nomination and confirmation process of Supreme Court justices including that of the first Hispanic justice, Sonia Sotomayor. The best and most concise account of the Supreme Court and its place in American politics, McCloskey's wonderfully readable book is an essential guide to the past, present, and future prospects of this institution. **American**

Higher Education in the Twenty-First Century Philip G. Altbach, Patricia J. Gumpert, Robert O. Berdahl, 2011-04-12 First published in 1998, *American Higher Education in the Twenty-First Century* offers a comprehensive entree to the central issues facing American colleges and universities today. This thoroughly revised edition brings the volume up to date on key topics of enduring interest: Placing higher education within its social and political contexts; leading scholars discuss finance, federal and state governance, faculty, students, curriculum, and academic leadership. Contributors also address major changes in higher education, especially the influence and incorporation of the latest technologies and growing concern about the future of the academy in a post-Iraq War setting. No other book covers such wide-ranging issues under the broader theme of higher education's relationship to society. Highly acclaimed and incorporating cutting-edge research, *American Higher Education in the Twenty-First Century* remains the standard reference in the field. Contributors: Philip G. Altbach, Benjamin Baez, Michael N. Bastedo, Robert O. Berdahl, Marjorie A. E. Cook, Melanie E. Corrigan, Judith S. Eaton, Peter D. Eckel, Gustavo Fischman, Roger L. Geiger, Lawrence E. Gladieux, Sara Goldrick-Rab, Patricia J. Gumpert, Fred F. Harclerode, D. Bruce Johnstone, Adrianna Kezar, Jacqueline E. King, Aims C. McGuinness Jr., Amy Scott Metcalfe, Michael Mumper, Michael A. Olivas, Robert M. O'Neil, Gary Rhoades, Frank A. Schmidlein, Sheila Slaughter, Daryl G. Smith, John Willinsky. *Higher Education Policy* **Ethics**

and Experiments Scott Desposato, 2015-12-22 For most of political science's history, discussions about professional ethics had nothing to do with human subjects. Professional ethics involved integrity in the classroom, fair tenure and promotion rules, and the careful avoidance of plagiarism. As most research was observational, there was little need for attention to how scholarly activities might directly affect the subjects of our work. Times have changed. The dramatic growth in the use of experiments in social science, especially overseas, is generating unexpected ethical controversies. The purpose of this volume is to identify, debate, and propose practical solutions to the most critical of these new ethical issues. A leading team of internationally distinguished political science scholars presents the first examination of the practical and ethical challenges of research with human subjects in social science and policy studies. Part 1 examines contextual challenges provided by experiments conducted overseas: questions of culture, religion, security, and poverty. Part 2 examines questions of legal constraints on research focusing on questions of foreign review of international experiments. Part 3 tackles the critical issues in field experiments, including deception and consent, impact on elections and careers, the boundaries of the public officials.

exemption and the use of partner organizations to avoid Institutional Review Body IRB review Part 4 considers strategies for the future including training and education IRB reform institutional changes and norm development

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