		The contract theory 755
	8.2.4	The principle of nondiscrimination 758
		8.2.4.1 Race 758 8.2.4.2 Sex 762
		8.2.4.3 Disability 768
		8.2.4.4 Age 775
		8.2.4.5 Residence 777
		8.2.4.6 Immigration status 778
		Affirmative action programs 781
	8.2.6	Readmission 803
8.3	Finan	cial Aid 808
	8.3.1	General principles 808
		Federal programs 812
		Nondiscrimination 817
		Affirmative action in financial aid programs 820
		Discrimination against nonresidents 825 Discrimination against aliens 833
	0.5.0	8.3.6.1 Documented (immigrant and nonimmigrant) aliens 833
		8.3.6.2 Undocumented aliens 837
		Using government student aid funds at religious institutions 840
	8.3.8	Collection of student debts 842
		8.3.8.1 Federal bankruptcy law 842
		8.3.8.2 Withholding certified transcripts 846 8.3.8.3 Debt collection requirements in federal student loan
		programs 849
8 4	Stude	nt Housing 854
0.1		Housing regulations 854
		Searches and seizures 861
8 5	Camp	us Computer Networks 866
0.5	_	Freedom of speech 866
		Liability issues 873
		us Security 876
0.0	-	Security officers 876
		Protecting students against violent crime 880
		Federal statues and campus security 885
8.7		Support Services 888
0		Overview 888
		Health services 888
	8.7.3	Services for students with disabilities 893
		Services for international students 896
		Child care services 899
	8.7.6	Legal services 900
Sele	cted A	nnotated Bibliography 901
LU	IME	

## VO

- Rights and Responsibilities of Individual Students 910
  - 9.1 Disciplinary and Grievance Systems 910
    - 9.1.1 Overview 910
    - 9.1.2 Establishment of systems 911

			Codes of student conduct 913 Judicial systems 917
	9.2	Discip	linary Rules and Regulations 921
		9.2.2	Overview 921 Public institutions 921 Private institutions 924 Disciplining students with psychiatric illnesses 924
	9.3	Grade	s, Credits, and Degrees 927
		9.3.2 9.3.3 9.3.4	Overview 927 Awarding of grades and degrees 927 Degree revocation 938 Sexual harassment of students by faculty members 941 Evaluating students with disabilities 959 9.3.5.1 Overview 959 9.3.5.2 The concept of disability 960 9.3.5.3 Notice and documentation of disabilities 962 9.3.5.4 Requests for programmatic or instructional accommodations 965
	0.4	Drococ	decommodations 965 dures for Suspension, Dismissal, and Other Sanctions 972
	7.4	9.4.1	Overview 972 Public institutions: Disciplinary sanctions 973 9.4.2.1 Notice 978 9.4.2.2 Hearing 978
			Public institutions: Academic sanctions 982 Private institutions 988
	9.5	Studer	nt Protests and Freedom of Speech 993
		9.5.2 9.5.3 9.5.4 9.5.5 9.5.6	Student free speech in general 993 The "public forum" concept 996 Regulation of student protest 1001 Prior approval of protest activities 1008 Court injunctions and criminal prosecutions 1010 Posters and leaflets 1012 Protests in the classroom 1015
	9.6	Speecl	h Codes and the Problem of Hate Speech 1017
		9.6.2.	Hate speech and the campus 1017 The case law on hate speech and speech codes 1019 Guidelines for dealing with hate speech on campus 1026
	9.7	Studer	nt Files and Records 1029
		9.7.2	Family Educational Rights and Privacy Act (FERPA) 1029 State law 1035 The Federal Privacy Act 1040
	Sele	ected A	nnotated Bibliography 1041
)	_		nd Responsibilities of Student Organizations r Members 1050
	10.1	Stude	ent Organizations 1050

10.1.1 The right to organize 1050

10.1.2 The right not to join, or associate, or subsidize 1056

ns 1087 93
s 1098
MENTS 1159
MENTS 1159
MENTS 1159
AENTS 1159
MENTS 1159
MENTS 1159
MENTS 1159
MENTS 1159
)

10.1.3 Mandatory student activities fees 1058

	Relations with Local Police 1206
11.6	
	Community Access to the College's Campus 1211
	11.6.1 Public versus private institutions 1211 11.6.2 Exclusion of speakers and events 1213 11.6.3 Trespass statutes and ordinances, and related campus regulations 1217 11.6.4 Soliciting and canvassing 1229 11.6.4.1 Overview 1229 11.6.4.2 Commercial solicitation 1230 11.6.4.3 Noncommercial solicitation 1236
11.7	Community Activities of Faculty Members and Students 1239
Selec	ted Annotated Bibliography 1244
The	College and the State Government 1247
12.1	Overview 1247
12.2	State Provision of Public Postsecondary Education 1250  12.2.1 Overview 1250  12.2.2 Statutorily based institutions 1253  12.2.3 Constitutionally based institutions 1255
12.3	State Chartering and Licensure of Private Postsecondary Institutions 1258
	12.3.1 Scope of state authority 1258 12.3.2 Chartering and licensure of religious institutions 1264
12.4	State Regulation of Out-of-State Institutions and Programs 1267
12.5	Other State Regulatory Laws Affecting Postsecondary Education Programs 1273  12.5.1 Overview 1273  12.5.2 Open meetings and public disclosure 1276  12.5.3 Open records laws 1281
	12.5.4 State administrative procedure laws 1286 12.5.5 Laws regulating medical services and medical research 1288
Selec	ted Annotated Bibliography 1292
The	College and the Federal Government 1297
13.1	Federal Constitutional Powers over Education 1297
	13.1.1 Overview 1297 13.1.2 Spending power 1299 13.1.3 Taxing power 1301 13.1.4 Commerce power 1301 13.1.5 Civil rights enforcement powers 1304 13.1.6 State sovereign immunity from suit 1307
13.2	Federal Regulation of Postsecondary Education 1313
	13.2.1 Overview 1313 13.2.2 Immigration laws 1314 13.2.3 Regulation of research 1318 13.2.3.1 Overview 1318 13.2.3.2 Laws governing research on human subjects 1318
	11.7 Select The 12.1 12.2 12.3 12.4 12.5 Select The 13.1

	13.2.3.3 Laws governing animal research 1325
1221	13.2.3.4 Research misconduct 1329
	USA PATRIOT Act and related laws 1330
13.2.5	Copyright law 1334
	13.2.5.1 Overview 1334
	13.2.5.2 The fair use doctrine 1335
	13.2.5.2.1 Guidelines 1336
	13.2.5.2.2 Coursepacks 1337
	13.2.5.2.3 Research copies 1338
	13.2.5.2.4 Use of author's own work 1339
	13.2.5.2.5 Use of unpublished material 1339
	13.2.5.2.6 Fair use of other types of expression 1339
	13.2.5.2.7 Fair use summary 1341
	13.2.5.3 Performance rights 1342
	13.2.5.4 The "work made for hire" doctrine 1344
	13.2.5.4.1 Copyright and coauthorship 1346
	13.2.5.5 Liability for infringement 1346
	13.2.5.6 Licensing 1350
	13.2.5.7 Sovereign immunity 1351 13.2.5.8 Other copyright issues 1352
	13.2.5.8 Other copyright issues 1332 13.2.5.8.1 Scope of copyright protection 1352
	13.2.5.8.1 Scope of copyright protection 1332 13.2.5.8.2 Music 1353
	13.2.5.8.3 Anti-circumvention 1353
	13.2.5.8.4 Term extension 1354
	13.2.5.8.5 Copyright and standardized tests 1355
13 2 6	Patent law 1355
10.2.0	13.2.6.1 Overview 1355
	13.2.6.2 Patentability 1356
	13.2.6.3 Ownership of patents 1358
	13.2.6.4 Infringement lawsuits 1360
	13.2.6.5 Sovereign immunity 1360
	Trademark law 1361
	Antitrust law 1368
13.2.9	Federal Trade Commission Act 1375
13.2.10	Environmental laws 1376
13.2.11	Americans With Disabilities Act 1381
13.2.12	Laws regulating computer network communications 1384
	13.2.12.1 Overview 1384
	13.2.12.2 Computer statutes 1385
	13.2.12.3 General statutes 1393
13.2.13	Medicare 1397
13.2.14	Health Insurance Portability and Accountability
	Act 1401
13.2.15	False Claims Act and other fraud statutes 1404
13.3 Federal	Taxation of Postsecondary Education 1406
13.3.1	Introduction and overview 1406
	Tax-exempt status 1408
	Tax-exempt status and intermediate sanctions 1410
	Tax rules regarding students 1412
	Gifts and contributions 1415
	The unrelated business income tax 1416
	Related entities and commercialization 1419
13.3.8	IRS audit guidelines 1420

13.4 Federal	l Aid-to-Education Programs 1423
13.4.2 13.4.3	Functions and history 1423 Distinction between federal aid and federal procurement 1424 Legal structure of aid programs 1425 "Cross-cutting" aid conditions 1428
	13.4.4.1 Drug-Free Workplace Act of 1988 1432 13.4.4.2 Drug-Free Schools and Communities Act Amendments 1434 13.4.4.3 Student Right-to-Know Act 1435
	Enforcing compliance with aid conditions 1435 Protecting institutional interests in disputes with funding agencies 1438
13.5 Civil R	ights Compliance 1449
13.5.2	General considerations 1449 Title VI 1450 Title IX 1462
	Section 504 1464
	Age Discrimination Act 1469
	Affirmative action 1471
13.5.7	Scope and coverage problems 1472 13.5.7.1 Coverage of employment discrimination 1472 13.5.7.2 Coverage of unintentional discriminatory acts 1474 13.5.7.3 Scope of the phrase "receiving federal financial assistance" 1477
	13.5.7.4 Scope of the phrase "program or activity" 1479
	13.5.7.5 Coverage of retaliatory acts 1482
12 7 0	13.5.7.6 Coverage of extraterritorial acts of discrimination 1484
	Administrative enforcement 1486 Other enforcement remedies 1493
	g with the Federal Government 1501
	Handling federal rule making and regulations 1501
	Obtaining information 1506
Selected An	notated Bibliography 1507
DART CIV THE	COLLEGE AND EXTERNAL PRIVATE ENTITIES 1523
	e and the Education Associations 1525
	ew of the Education Associations 1525
	able Legal Principles 1528
	ollege and the Accrediting Agencies 1530
	Overview of accrediting agencies 1530 Accreditation and the courts 1534
14.5.2	14.3.2.1 Formative developments 1534
	14.3.2.2 State common law and "federal common law" 1538
	14.3.2.3 The U.S. Constitution 1543
	14.3.2.4 Antitrust law 1546
	14.3.2.5 Defamation law and other tort theories 1549 14.3.2.6 Bankruptcy law 1553
14.3.3	Accreditation and the U.S. Department of Education 1554
	Dealing with accrediting agencies 1559

14.4 Athletic Associations and Conferences 1560
<ul> <li>14.4.1 Overview 1560</li> <li>14.4.2 Federal constitutional constraints 1561</li> <li>14.4.3 State statutes regulating athletic associations' enforcement activities 1564</li> <li>14.4.4 Antitrust laws 1566</li> </ul>
14.4.5 Common law principles 1571
14.4.6 Federal civil rights statutes 1573
14.4.6.1 The civil rights spending statutes 1573 14.4.6.2 The Americans With Disabilities Act 1577
14.5 The American Association of University Professors 1581
14.6 Dealing with the Education Associations 1584
Selected Annotated Bibliography 1586
The College and the Business/Industrial Community 1591
15.1 The Contract Context for College Business Transactions 1591
15.1.1 Overview 1591 15.1.2 Types of contracts and contract terms 1591 15.1.3 Elements of the contract 1593 15.1.4 Breach of contract and remedies for breach 1595 15.1.5 Arbitration 1597
15.2 The College as Purchaser 1599
15.2.1 Purchase of goods 1599 15.2.2 Purchase of services 1603 15.2.3 Purchase of real estate 1610 15.2.4 The special case of design and construction contracts 1610 15.2.4.1 General principles 1610 15.2.4.2 Construction contracts in public institution 1612 15.2.4.3 Liability problems 1615
15.3 The College as Seller/Competitor 1618
15.3.1 Auxiliary enterprises 1618
15.3.1.1 Overview 1618 15.3.1.2 Institutional authority to operate auxiliary enterprises 1621 15.3.1.2.1 Public institutions 1621 15.3.1.2.2 Private institutions 1627
15.3.2 State noncompetition statutes 1628 15.3.3 Federal antitrust law 1632 15.3.4 Taxation of income from entrepreneurial activities 1634 15.3.4.1 Federal unrelated business income tax 1634 15.3.4.2 State and local taxation 1637 15.3.5 Administering auxiliary enterprises 1639
15.4 The College as Research Collaborator and Partner 1640
15.4.1 Potentials and problems 1640 15.4.2 The research agreement 1643 15.4.3 Application of patent law 1650 15.4.4 Federal tax exemptions for research 1652 15.4.5 Application of antitrust law 1654 15.4.6 Federal government incentives for research collaboration 1655 15.4.7 Conflicts of interest 1657
Selected Annotated Bibliography 1662

Indexes 1667