1971

College Law: 1970-1971

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Second of a Series of Surveys

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IN THE FIRST ARTICLE of this series,[1] your attention was directed to the fact that college law is a comparatively new area of specialization in our system of jurisprudence. For many years, the number of court decisions involving institutions of higher education was quite small. The first text on the subject was published in 1936.[2] It was a pioneer effort to assemble and to classify the more significant of the judicial experiences of the colleges. The first meeting of the National Association of College and University Attorneys was held at the University of Michigan in 1961.

The evolution and development of college law has continued to accelerate during the past year. Perhaps the best indication of the topics of direct and current concern to those practicing in this area of legal specialization is the agenda of the June 1970 meeting of the NACUA. With few exceptions, the papers presented emphasized the problem of order on the campus and the role of the judiciary in its preservation.

Marshall A. Neil, Associate Justice of the Washington State Supreme Court in his keynote address, reminded those present that:

> Institutions of higher learning are presently preoccupied with two problems which are related, yet foreign, to the primary function of teaching: the problem of finding ways and means of handling student discontent and the resultant problem of maintaining financial support as the public becomes more and more disenchanted with the happenings on campuses.[3]

Injunctions Restraining Physical Disturbances

At the request of the American Council on Education, a committee of the National Association of College and University Attorneys prepared and submitted a special report on the use of the injunction in the restraint of campus disorders. According to Edward C. Kalaidjian, Counsel for Columbia University:

> During the present year, the equitable remedy of injunction has emerged as one of the more effective means available to institutions of higher education to cope with disruptive activities and vandalism on their campuses. The efficacy of injunctions received much attention in the public press about a year ago when Columbia University successfully used a restraining order to terminate the occupation of two buildings by an SDS group of several hundred persons on May 1st, 1969. The academic world quickly noted that a major building occupation had been terminated without the use of a single policeman on the campus.[4]

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* Of Santa Monica, California; retired vice-chancellor of Washington Univ.; publisher of the *College Law Digest*; member of the National Ass'n of College & University Attorneys; etc.

1 Blackwell, *Evolution and Development of College Law*, 20 CLEVE. ST. L. REV. 95 (1971).

2 E. ELLIOTT and M. CHAMBERS, THE COLLEGES AND THE COURTS (1936).

3 Neil, *The Courts "Invade the Campus"*, 5 COLLEGE COUNSEL 1 (1970).

4 Kallaidjian, *The Injunctive Process in Student Uprisings*, 5 COLLEGE COUNSEL 43 (1970).

One who knowingly violates an injunction may be prosecuted for contempt of court. However, the accused must be shown to have had notice of the injunction when he violated it. It is therefore essential that care be taken in the drafting of the court order and that wide publicity be given to its provisions and scope. The importance of these procedures is illustrated by the results of two recent court decisions.

After prolonged student demonstrations on the campus of the State University of New York at Buffalo in February of 1970, the university obtained a court order enjoining students "and all those persons receiving notice of this injunction" from interfering with the normal and lawful operations of university facilities. On March 11th, the faculty senate approved a resolution urging the acting president of the university to order the withdrawal of all police from the campus. He took no action in this regard. Certain faculty members entered his office and refused to leave when asked to do so. In a paper presented to a member of his staff, they stated that the group would remain until the police were removed from the campus. They were arrested and convicted of criminal contempt of court. Upon appeal, their convictions were reversed on the grounds that even if they had notice of the injunction, they were not bound by its terms, because (1) they were not parties to the disruptive activities which led to the issuance of the injunction; (2) they were not named as parties in the injunction proceedings; (3) they were not charged with acting in concert with or as agents of, the parties named in the injunction.[5]

The second case involved a disruption on the campus of Washington University. On March 23, 1970, approximately two hundred fifty individuals entered, without permission, several buildings of the university and engaged in conduct, described later by the court as "a riot." On the following day, the university obtained an injunction restraining similar conduct in the future by "individuals who may gain actual knowledge of this Order." On the night of May 5th, while the injunction was still in full effect, a crowd of over six hundred set fire to the ROTC building on the campus. Several participants were arrested and convicted of contempt of court. In a habeas corpus proceeding to review their convictions, the St. Louis County Court of Appeals held that notice of the restraining order was insufficient to sustain the conviction of certain of the petitioners, but affirmed the convictions of others not parties to the injunction proceeding.[6]

According to George V. Powell, President of the Board of Regents of the University of Washington:

> The month of May 1970 must surely be acknowledged to have been the most tumultuous and the most hazardous in the history of American higher education. . . . Based upon experience here and elsewhere throughout the nation, however, neither the availability of criminal statutes nor the possibilities of court injunctive procedures appear fully to prevent campus disruption and violence. Much of the effectiveness of either will depend upon the avail-

[5] S.U.N.Y. v. *Denton*, 35 App. Div. 2d 176, 316 N.Y.S.2d 297 (1970).

[6] Mechanic v. Greenfelder, 461 S.W.2d 298 (Mo. Ct. App. 1970).

ability of law enforcement forces and the practical ability to identify particular individuals in the act of breaking the law, an especially persistent problem in mass actions.[7]

The Board of Governors of the American Bar Association authorized the appointment of a Commission on Campus Government and Student Dissent in August, 1969 and charged it with "responsibility to develop legal standards, procedures, and administrative guidelines relevant to student unrest and campus violence." In the section on the use of injunctions, the commission outlined the advantages and disadvantages of this legal instrumentality as follows:

> The injunction constitutes a public declaration by the courts of the unlawful nature of the actions taken or threatened by the disrupting students. The issuance of an injunction may generate a favorable public reaction to the positions of the university. It may persuade moderate students to refrain from participating in the disruption. It imposes restraint upon the disrupting students by a non-university governmental entity. Students may obey a court order when they would ignore the orders of a university official . . .
>
> There are also disadvantages. It is frequently necessary to utilize local law enforcement officers to serve process. In most states, the injunction is not self-enforcing, although at least one state statute makes a violation of an injunction a crime in itself. Enforcement of an injunction through court proceedings may involve some of the same problems as those presented when police are used to quell a disturbance. A university that is not prepared to enforce the injunction through contempt proceedings should not seek one. To obtain an injunction in such a situation might permit a court decree to be flouted by students with impunity.[8]

Control of Student Publications and Speech

Another area of current concern to college administrators is the question of the degree of control they may and should exercise over the contents of student publications. The Assistant Attorney General of the State of Maryland, Estelle A. Fishbein, introduced this topic for discussion at the 1970 conference of the NACUA as follows:

> The rise in campus militancy in the past decade has been accompanied by an increasingly strident student press. With depressing frequency, campus administrators are hard put to decide what posture to assume with regard to student publications which seek to push the freedom of the press and freedom of speech to their outermost limits. Administrators are often faced with student editors who apparently feel impelled to communicate their thoughts by enthusiastic use of obscene words and cartoons, suggestive photography, obscenities, and possibly libelous statements directed at school administrators, government officials, and private citizens unfortunate enough to incur student ire.[9]

Apparently, the first case arising out of a dispute between the editor of a student publication and a university administrator involved an

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[7] Powell, *A Perspective on the Campus: May 1970,* 1 U. WASH. RPT., No. 3 (1970).

[8] REPORT OF THE AMERICAN BAR ASSOCIATION COMMISSION OF CAMPUS GOVERNMENT AND STUDENT DISSENT 27.

[9] Fishbien, *The University's Right to Control Over Student Publications,* 5 COLLEGE COUNSEL 65 (1970).

editorial critical of state legislators published in the student newspaper at Troy State College.[10] The editor had been instructed not to publish the editorial on the grounds that to do so would violate a university regulation to the effect that student publications must not include comments critical of the governor or the state legislature.

The student editor left his editorial space blank, with the word "censored" across the page. He mailed his censored editorial to a public newspaper. His conduct was deemed "willful and deliberate insubordiation" and it constituted the sole basis for his expulsion. The court, in ordering his re-instatement, said:

> A state cannot force a college student to forfeit his constitutionally protected right of freedom of expression as a condition to his attending a state-supported institution.[10a]

This case involved the question of judicial review of disciplinary action taken by a public institution against a student as well as freedom of expression. In a more recent decision,[11] a federal district court was faced squarely with the question of the degree of control a public institution may exert over a student publication. The editorial staff of the student newspaper at Fitchburg State College decided to reprint an article written by Eldridge Cleaver which had been printed in a magazine of national distribution. The president of the college took the position that he was compelled by state statutes to see that funds derived from the required student activities fee were properly spent. He appointed an advisory board to prevent the publication of material considered by the administration to be unsuited for a campus newspaper.

The authority of the advisory board was challenged and the court chose to construe the powers conferred on the board in the narrowest possible light; that is, that the board's censorial powers could be exercised only over the obscene. The following are excerpts from the opinion:

> Obscenity in a campus newspaper is not the type of occurrence apt to be significantly disruptive of an orderly and disciplined educational process. Furthermore, assuming that a college administratation has a sufficient educationally oriented reason to prevent the circulation of obscenity on campus, there has been no showing that the harm from obscenity in a college setting is so much greater than in the public forum that it outweighs the danger to free expression inherent in censorship without procedural safeguards. . . .
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> We are well beyond the belief that any manner of state regulation is permissible simply because it involves an activity which is a part of the university structure and is financed with funds controlled by the administration. The state is not necessarily the unrestricted master of what it creates and fosters. Thus, in cases concerning school-supported publications or the use of school facilities, the courts have refused to recognize as permissible any regulations infringing free speech when not shown to be necessarily related

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[10] Dickey v. Alabama, 273 F. Supp. 613 (N.D. Ala. 1967). *See also* Tinker v. Des Moines Indep. Community School Dist., 393 U.S. 503 (1969).

[10a] Dickey v. Alabama, 273 F. Supp. 613 (N.D. Ala. 1967).

[11] Antonelli v. Hammond. 308 F. Supp. 1329 (D. Mass. 1970).

to the maintenance of order and discipline within the educational process. [11a]

However, a California court has upheld the authority of a state university to discipline students for the repeated public use of objectionable language. The court said:

> The question here is whether the University's requirement that plaintiffs conform to the community's accepted norms of propriety with respect to the loud, repeated public use of certain terms was reasonably necessary in furthering the University's educational goals. We note that plaintiffs were not disciplined for protesting the arrest of Thompsen, but for doing so in a particular manner. The qualification imposed was simply that plaintiffs refrain from repeatedly, loudly and publicly using certain terms which, when so used, clearly infringed on the minimum standard of propriety and the accepted norm of public behavior of both the academic community and the broader social community. . . .[12]

The courts have not as yet been called upon to rule upon the degree of control a private institution of education may exercise over the publications of its students. Only where state action is invoked is it possible to raise the constitutional questions of freedom of speech and expression. It would seem that a private institution sponsoring the publication of student periodicals is still entitled to all the privileges and prerogatives of a private publisher and owner.

In 1967 the American Association of University Professors recommended that:

> Wherever possible, the student newspaper should be an independent corporation, financially and legally separate from the university.

However, the AAUP also warned that:

> . . . the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity and the techniques of harassment and innuendo. . . .[13]

In response to a request to name the most significant case decided during the academic year 1970-1971 involving an institution of higher education, John E. Landon, Associate Counsel of the Regents of the University of California, directed our attention to one in which his own institution was the defendant.[14]

On February 26, 1968, members of a student organization, known as the Campus Draft Opposition (CDO), applied for permission to use the Greek Theatre on the Berkeley campus for what they termed "The Vietnam Commencement." In its published statement, the CDO said:

[11a] *Id.*

[12] Goldberg v. Regents of Univ. of California, 248 Cal. App. 2d 867, 57 Cal. Rptr. 463 (1967).

[13] *Joint Statement on Rights and Freedoms of Students,* AAUP BULL. (Winter 1967), 363. *See also* THE STUDENT NEWSPAPER: A REPORT OF A COMMISSION APPOINTED BY THE PRESIDENT OF THE UNIVERSITY OF CALIFORNIA (Am. Council on Education, Washington, D. C.).

[14] Sellers v. Regents of Univ. of California, 432 F. 2d 493 (9th Cir. 1970).

> The commencement will resemble, in its general outline, the traditional formal university graduation. We hope to attract nationally-known speakers and to present our own honorary degrees to men and women who have taken noteworthy public stands in the cause of ending American involvement in Vietnam. In choosing such a ceremony, with its attendant academic symbolism, the CDO intends to stress the intellectual and moral integrity of the act of refusing to serve.

The officers of the university, concerned with the legality of the proposed assembly, requested a formal opinion from the general counsel of the board of regents. He was of the opinion that the proposed use of the theatre would be in violation of the following provisions of a federal statute:

> [A]ny person . . . who knowingly counsels, sides, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this title . . . or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offences shall [be subject to criminal prosecution].[15]

The general counsel also expressed the opinion that the proposed function would be in violation of a resolution of the board of regents that university facilities shall not be used for the purpose of organizing or carrying out unlawful activities.

The chancellor of the Berkeley campus, acting upon advice of counsel, denied the use of the theatre to the members of the Campus Draft Opposition. They filed a complaint in a federal district court, seeking an injunction, a declaratory judgment, and damages. They alleged that the action of the chancellor abridged their constitutional rights of freedom of speech and assembly and the equal protection of the laws. Their petition was denied and they appealed. The United States Court of Appeals for the Ninth Circuit, in affirming the decision of the district court, said:

> As stated in *Adderley v. Florida*, 385 U.S. 39, 47 (1966), "The State, no less than a private owner of property, has power to preserve the property under its control for the use for which it is lawfully dedicated." Here, Appellee, in the exercise of its power to govern the University and in the pursuit of a valid interest in that area, as most, has only incidently infringed on First Amendment freedom. . . . We must recognize that First Amendment rights are not absolute. Regulations as to time, place, and manner of exercise of such rights are proper when reasonably related to a valid public interest.[16]

The students filed a petition with the United States Supreme Court for a writ of certiorari, but by an eight to one vote, the hearing was denied.[17]

Those fortunate enough to have attended a commencement in the Greek Theatre on the Berkeley campus of the University of California in a less turbulent era will long remember its classic beauty and the dig-

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[15] 50 U.S.C. § 462(a).

[16] Sellers v. Regents of Univ. of California, 432 F.2d 493 (9th Cir. 1970).

[17] Sellers v. Regents of Univ. of California, ____ U.S. ____ (1971).

nity of the academic procession of faculty and graduates descending the marble steps of this imposing amphitheatre. As we have seen, the United States Supreme Court has refused to permit it to be used for a mock commencement and the conferring of pseudo-honorary degrees upon those who have publicly declared their unwillingness to serve their country.

When requested to explain why he had designated this action of the high court as "The Decision of the Year" in the area of college law, Mr. Landon said:

> I think the case is of some significance. It tends to prove that, even in this day when anything and everything appears to go, it is still occasionally possible to preserve a jewel for its intended use.[18]

Nonresident Fees at Public Institutions

The nonresident tuition fee of public institutions of higher education has been under almost continuous attack in the courts during the past year. The leading case on its constitutionality was decided in 1922.[19] The state statute in question defined the term "nonresident" as one who had not been a bona fide resident of the state for one year prior to this admission to the university. The court held that the imposition, by the Board of Regents of the University of California, of a $75 admission fee for nonresidents was neither unreasonable nor unconstitutional.

There have been many cases involving the interpretation of regulations adopted to determine the status of "resident" and "nonresident" for the assessment of the nonresident tuition fee,[20] but a new basis for challenging its assessment was provided by the United States Supreme Court in 1969 when it ruled that a state may not impose a waiting period before granting a new resident the benefits of welfare payments.[21] The court viewed the denial of welfare benefits to such individuals as an impediment upon their right to travel from one state to another. Mr. Justice Brennan observed that:

> The Court long ago recognized that the nature of our Federal Union and our concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement.

A student enrolled at the University of California utilized this concept of a constitutional right of interstate travel, enunciated in the *Shapiro* case, to challenge the validity of a regulation requiring one year of residence in the state in order to obtain the benefit of free tuition. The California Court of Appeals rejected her challenge[22] and she filed an

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[18] Letter from John E. Landon, April 28, 1971.

[19] Bryan v. Regents of Univ. of California, 188 Cal. 559, 205 P. 1071 (1922).

[20] Clark v. Redeker, 259 F. Supp. 117 (S.D. Iowa 1966); Newman v. Bowers, 92 Ia. 90, 349 P.2d 716 (1960). *See also* R. CARBONE, RESIDENT OR NONRESIDENT: TUITION CLASSIFICATION IN HIGHER EDUCATION IN THE STATES (Education Comm. of the States, Denver).

[21] Shapiro v. Thompson, 394 U.S. 618, 629 (1969).

[22] Kirk v. Board of Regents of Univ. of California, 396 U.S. 554 (1970), *dismissing appeal from* 273 Cal. App. 2d 430, 78 Cal. Rptr. 260 (1970).

appeal with the United States Supreme Court, dismissed by a 5 to 3 decision for want of a substantial federal question.

The California court had based its decision on footnote 21 in the opinion of the United States Supreme Court in the *Shapiro* case in which the court said:

> We imply no view of the validity of waiting period or residence requirements determining eligibility to vote, eligibility for tuition-free education, to obtain a license to practice a profession, to hunt or fish, and so forth. Such requirements may promote compelling state interests on the one hand, or, on the other, may not be penalties upon the exercise of the constitutional right of interstate travel.[23]

The California court, in justification of its decision, said:

> While we fully recognize the value of higher education, we cannot equate its attainment with food, clothing and shelter. *Shapiro* involved the immediate and pressing need for preservation of life and health of persons unable to live without public assistance, and their dependent children. . . . Charging higher tuition fees to nonresident students cannot be equated with granting basic subsistence to one class of needy residents while denying it to another equally needy class of residents.[24]

Collective Bargaining on Campus

According to William F. McHugh, Associate Counsel for the State University of New York, the demand for collective bargaining rights by faculty members and other professionals has continued to increase during the current year.[25] Labor leaders have shown an increasing interest in organizing the employees of institutions of higher education.

This effort to recruit members from the campus began many years ago. At first it was confined to the "blue collar" workers of the maintenance department. Gradually the campaign was expanded to include clerical workers and technicians. The drive to unionize members of the faculty went into high gear in 1961, when the United Federation of Teachers, an AFL-CIO affiliate, was designated as the bargaining agent for teachers in the New York City School system. In 1965 the federation announced that it had received a grant from the AFL-CIO to finance a drive to organize 5,000 California state college teachers.

The early common law of England and America declared that the organization of workers to bargain collectively with their employers constituted a "criminal conspiracy" and it was punished accordingly. This harsh doctrine was gradually modified by court decisions and by legislation. But the weight of public opinion continued to oppose the idea of permitting federal, state, and municipal employees to make use of group pressure to enforce their demands.

In 1919 Calvin Coolidge, then governor of Massachusetts, became a national figure overnight by his famous declaration during the Boston

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[23] Shapiro v. Thompson, 394 U.S. 618, 638 n. 21 (1969).

[24] Kirk v. Board of Regents of Univ. of California, 273 Cal. App. 2d 430, 78 Cal. Rptr. 260 (1970).

[25] McHugh, *Recent Developments in Collective Bargaining in Higher Education*, 5 COLLEGE COUNSEL 159 (1970).

police strike, that "There is no right to strike against the public safety by anybody, anywhere, at any time."

A good friend of organized labor, Franklin D. Roosevelt, expressed the opinion that "a strike by public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of government . . . and such action is unthinkable and intolerable."

The National Labor Relations Act of 1935,[26] sometimes referred to as the Wagner Act, declared it to be the policy of the federal government to protect the right of workers in private industry to organize for the purpose of negotiating the terms and conditions of their employment. But Section 2 of that act specifically excluded federal and state employees from the benefits of the legislation.[27]

In amending the Taft-Hartley Act of 1955, Congress made it clear that strikes against the federal government are illegal, and it authorized the federal courts to enjoin such action. By an executive order dated June 17, 1962, the late President Kennedy granted federal employees the right to form, join, and assist any employee organization. Such organizations may now be designated as the exclusive bargaining agent for federal employees.

Among the states, there is an increasingly strong trend to enact laws giving their public employees the right to select their own bargaining representatives. However, no state has granted public employees the right to strike. Thirteen years ago a California court held that a strike against the state university was illegal because there was, in the judges' opinion, no such thing as the right to strike against the state or one of its agencies.[28] In a more recent decision, a Kentucky Court of Appeals held that there exists a reasonable basis for distinguishing between private and public employees; that the denial of the right to strike to public employees, while granting such right to private employees, does not constitute denial of equal protection of the law in the constitutional sense.[29]

Last March, a three-judge district court ruled that no employee, at common law, whether public or private, has a constitutional right to strike in concert with his fellow workers. The court, after pointing out the fact that the right of private employees to strike had received full Congressional sanction by the enactment of Section 7 of the National Labor Relations Act, said:

> The asserted right of public employees to strike has often been litigated and, so far as I know, it has never been recognized as a matter of law. . . . If the right of public employees to strike—with all its political and social ramifications—is to be recognized and protected by the judiciary, it should be done by the Supreme Court

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[26] 29 U.S.C. §§ 151-168.

[27] 29 U.S.C. § 152(2).

[28] Newmaker v. Regents of Univ. of California, 160 Cal. App. 2d 627, 325 P.2d 558 (1958).

[29] Jefferson County Teachers Ass'n v. Board of Educ., 463 S.W.2d 627 (Ky. Ct. App. 1970).

which has the power to reject established jurisprudence and the authority to enforce such a sweeping rule.[30]

The commerce clause of the Constitution has been interpreted and expanded by decisions of the United States Supreme Court so that Congress may now regulate not only commerce among the several states, but also almost any activity within a state if, in the opinion of the Court, it "substantially affects" interstate commerce.[31] On this basis, the National Labor Relations Board has not hesitated to take jurisdiction over labor disputes involving the employees of colleges and universities where the activity in which they are engaged is deemed to have a substantial effect upon the stream of interstate commerce.

By the provisions of the National Labor Relations Act, the only non-profit organizations specifically exempted from the jurisdiction of the NLRB are hospitals.[32] However, as a matter of policy, the board decided that it would not accept jurisdiction unless the employees of non-profit educational institutions were engaged in what the board deemed to be the "commercial" activities of such institutions, such as commercially sponsored research projects.

However, on June 12, 1970, the NLRB declared that it would now assert its jurisdiction over labor disputes involving employees engaged in the primary functions of institutions of higher education, if such activities were sufficiently large, in terms of dollar volume, to substantially affect interstate commerce.[33] The board took this new position at the request of several large universities.

The motivation for this action on the part of the universities was the extension of the provisions of the New York Public Employees Fair Employment Act, sometimes called the Taylor Law, to include private as well as public employees within the scope of its provisions. The act had created a Public Employment Relations Board.[34]

After reviewing the provisions of the Taylor Law, as amended, the members of the governing board of Syracuse University apparently decided that they would prefer to have labor disputes with their employees adjudicated by the National Labor Relations Board rather than by the Public Employment Relations Board.[35] During September of 1969 Cornell University also filed petitions with the NLRB, requesting that it assert jurisdiction over labor disputes involving its employees. Before the end of the year, Yale University had filed similar petitions.

According to a recent survey conducted by the American Association of University Professors, collective bargaining agreements with faculty members are now in force in thirty-seven institutions of higher education in this country. The American Federation of Teachers

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30 Postal Clerks v. Blount, ____ F. Supp. ____ (D.D.C. 1971).

31 NLRB v. Jones & Laughlin, 301 U.S. 1 (1937).

32 29 U.S.C. § 152(2).

33 Cornell Univ., 183 N.L.R.B. 41 (1970). *See also* Sherman and Black, *The Labor Board and the Private Employer: A Critical Examination of the Board's "Worthy Cause" Exemption*, 83 HARV. L. REV. 1323 (1970).

34 N. Y. Civil Service Law §§ 200-212 (McKinney Supp. 1970).

35 Cornell Univ., 183 N.L.R.B. 41 (1970).

has been selected as the agency for negotiation at ten institutions; the AAUP at three; the United Federation of College Teachers at two and the National Education Association, at one. The Association of New Jersey State College Faculties, Inc. initiated litigation to determine who was the "public employer" authorized to bargain collectively with the representatives of the public employees of the state under the provisions of the Employer-Employee Relations Act, adopted in 1968. The state supreme court held that the governor of the state, acting through his Office of Employee Relations, rather than the State Board of Higher Education, was the agency authorized to act.[36]

The first National Conference on Collective Negotiations in Higher Education, sponsored by the City University of New York, was held during May of 1970. The papers presented at the conference were published in revised versions in the February 1971 issue of the *Wisconsin Law Review*.

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[36] Association of N.J. State College Faculties v. Board of Higher Educ., 112 N.J. Super. 237, 270 A.2d 744 (1970).