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“Traversing the legal minefields that surround academic chairpersons”

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Presenter information:

Nathan M. Roberts

Nathan M. Roberts is the Dean for the College of Education at the University of Louisiana at Lafayette. Prior to serving as Dean, he was the Department Chair for Educational Foundations & Leadership and the “Mr. & Mrs. E.P. “Pat” Nalley/BORSF Professor in Education at the University of Louisiana at Lafayette. He earned both his law degree and his Ph. D. from Louisiana State University. Nathan is a former school board attorney who teaches masters and doctoral courses in school law.

Over the past five years Nathan has co-edited 2 books and written numerous book chapters and refereed journal articles. He is a Louisiana Mediator for Special Education cases and a frequent presenter at the national Education Law Association conference, the Louisiana Athletic Directors meeting and the state Super Conference on Exceptional Children. He conducts legal update sessions for new department chairs for the university.

Title (10 words): *“Traversing the legal minefields that surround academic chairpersons”*

Abstract (25-50 words): The presenter will describe common higher education law issues encountered by Chairpersons and provide a framework for analyzing them to protect the department and the Chairperson. Perspective on the process will be offered by a former chairperson, now dean, who is also an attorney and teaches courses in education.

5 keywords: Legal Issues, Governance, Leadership, Faculty Engagement, Policy

Presentation topic themes: "Issues and Trends in Higher Education" based on website

Target Audience: New and Experienced Departments Chairs and Deans

Type of Presentation: Best Practice Presentation

Objectives of the Presentation: The audience will gain insight into legal issues encountered by Chairpersons. Most Chairpersons have little background or training in strategies and methods of

analyzing legal issues and determining plans of action to address them. The presentation will describe common higher education legal issues and provide practical methods of analyzing the facts and law to create a framework for resolving them.

Description of the Session (300-500 words):

Modern colleges are often faced with numerous challenging legal issues and Chairpersons are generally on the front line of attack with the challenges. Unfortunately, most Chairpersons are unprepared to analyze the issues and determine a course of action because their program of study in their discipline did not include an education law course and many colleges and universities do not adequately prepare or train them for addressing complicated legal situations.

New cases are handed down on a regular basis and Chairpersons will benefit from a review of the cases and the creation of a legal framework to analyze and resolve future legal issues in their department and college. Legal issues can be resolved in various ways depending on the facts and situation. Having a legal framework to analyze and resolve the issues in the best manner for the department and college will provide confidence and skills to assist Chairpersons in their difficult role. Common issues that will be explored in the session include sexual harassment, discrimination, academic freedom, hiring and firing protocol and Title IX. Case studies along with real and hypothetical examples will be used to fuel exploration.

Each discipline has unique areas of scholarship, research, teaching and service, but all face similar legal issues that permeate higher education. The impact of issues related to laws and regulations in higher education can be somewhat overwhelming. The discussion will focus on how legal issues and cases that impact Chairpersons, and will provide insight into dealing with the legal quagmire that is higher education. In an effort to briefly, but adequately, articulate the issues, they will be divided into major categories for presentation. While the categories are not totally inclusive, they do represent the major issues associated with higher education. The presentation will address (1) Sexual harassment (2) Classroom environments; (3) academic freedom; (4) Hiring considerations; (5) Discrimination; and (6) Title IX. The presentation will conclude with recommendations for best practices and potential policies.

Following the presentation 15 minutes for questions and comments will be allotted, for other Department Head and Deans to offer insights into best practice at their institution or ask questions.