

# THE LAW OF HIGHER EDUCATION

SIXTH EDITION  
VOLUME 1

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# The Law of Higher Education

*Note: Since the publication of the Fifth Edition, we have added two outstanding new coauthors to our team, Neal Hutchens and Jacob Rooksby. Their bios are in the “The Authors” section below. We are greatly pleased to introduce them to you.*

WK  
BL

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*Jacob H. Rooksby*

# The Law of Higher Education

A Comprehensive Guide  
to Legal Implications  
of Administrative Decision Making

Sixth Edition

Volume I

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# Notice to Instructors

A *Student Version* of *The Law of Higher Education*, sixth edition, will be published shortly after this sixth edition is published. In addition, a website supporting the sixth edition and the *Student Version* is available to instructors and students. This website is hosted by the National Association of College and University Attorneys (NACUA) and is accessible at <https://www.nacua.org/lohe6theditionupdates>. There will also be an *Instructor's Manual* available only to instructors who adopt the *Student Version* for their classroom teaching, which will be on the NACUA website.

*The Law of Higher Education: Student Version* will be approximately one-half the length of the sixth edition and will contain material from the sixth edition that has been carefully selected by the authors for its particular relevance for classroom instruction. The *Student Version* will also include a new Preface, a General Introduction to the study of higher education law, and four appendices directed specifically to students and instructors. This *Student Version* will be available from Jossey-Bass in the spring semester of 2020.

Through NACUA, the authors also provide website postings on recent legal developments and new research resources, as well as periodic updates to the *Law of Higher Education* books, as described in the Notice that immediately follows this one. These services should greatly assist instructors in keeping their courses up to date. Further information on these various resources and instructions for using them are on the NACUA website.

# Notice of Website and Periodic Updates for the Sixth Edition

The authors, in cooperation with the publisher, have made arrangements for periodic updates for this sixth edition of *The Law of Higher Education*. Beginning with the publication of the fourth edition in 2006, the National Association of College and University Attorneys (NACUA) has hosted a website for *The Law of Higher Education* and its progeny, including the *Student Version of The Law of Higher Education* and *A Legal Guide for Student Affairs Professionals*. A primary purpose of this website is to provide quick access to the authors' brief updates and citations on major new developments and resources that affect the discussions in these books. The updates for the sixth edition may be accessed through the NACUA website at <https://www.nacua.org/lohe6theditionupdates>. Further directions for using the website will also be available at this address. This updating service for users of *The Law of Higher Education*, the *Student Version*, or the *Student Affairs* volume is intended to be a response to the law's dynamism—to the rapid and frequent change that occurs as courts, legislatures, government agencies, and private organizations develop new requirements, revise or eliminate old requirements, and devise new ways to regulate and influence institutions of higher education.



The Jossey-Bass Higher and Adult Education Series



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*Much as it takes a village to raise a child (a saying of obscure origin), it takes an “academical village” (Thomas Jefferson’s phrase) to raise a book—at least a book such as this that arises from, and whose purpose is to serve, a national (and now international) academic community. This book is dedicated to all those members of our academical village who in numerous and varied ways have helped raise this book from its origins through this sixth edition, and to all those members who will face the great challenges of law and policy that will shape higher education’s future.*

