

Legal Issues in Higher Education

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Today's Schedule:

- Law in the Classroom
- The Hierarchy of Higher Education Laws
- Overview of Higher Ed laws
 - National
 - State
 - Local
- The Florida College System
- Overview of Higher Ed laws
- Back to the classroom

Law and Mean Girls

- How does the movie compromise student/teacher relationships?
- What does “Mean Girls” show us about the role teachers play in the legal system?
- How do you think this works in higher education?

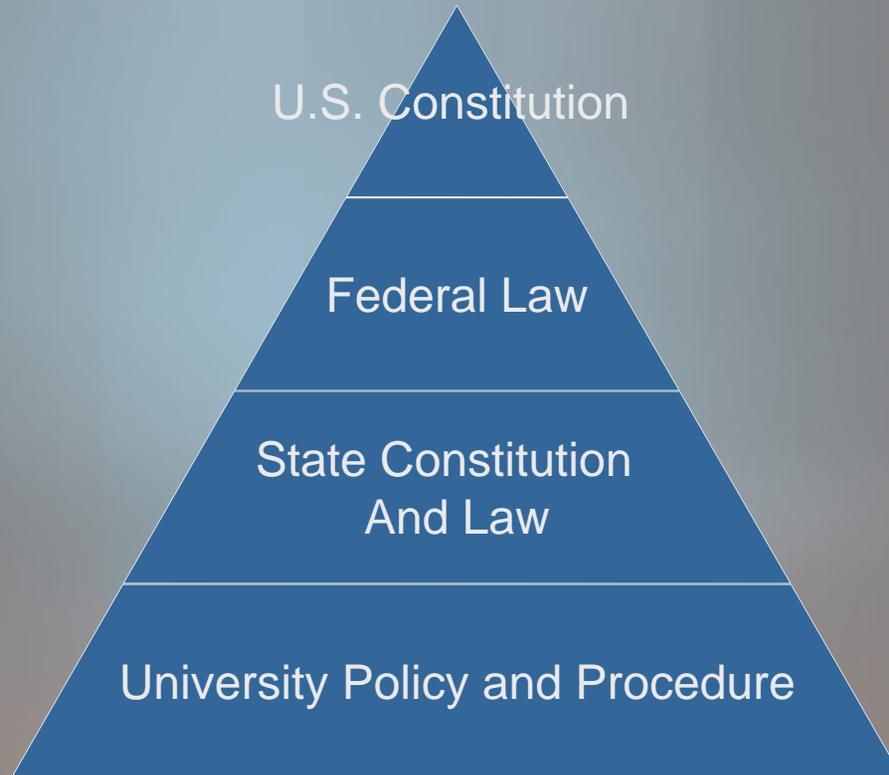
How UF Handles Grievances:

- A grievance is:
 - When a student believes that any decision, act or condition that affects them is illegal, unjust, or creates unnecessary hardship;
 - May include:
 - academic problems (excluding grades),
 - mistreatment by any university employee,
 - wrongful assessment of fees,
 - records and registration errors,
 - student employment and discrimination because of race, national origin, sex, marital status, religion, age or disability.

Grievance Process:

- Student should speak with the accused person,
- Then, submit grievance in writing to next-level supervisor,
- Investigation,
- May then appeal to appropriate Vice President,

Hierarchy of Educational Laws:



No Child Left Behind:

- Signed by President Bush on Jan. 8, 2002
- Calls for:
 - Stronger accountability,
 - More freedom,
 - Encouragement,
 - More Choices.

State Laws:

- The goal of the state is to:
 - Achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students,
 - Have a system that is student-centered,
 - Have a system that safeguards equity and supports academic excellence

Liability Clause:

- The state does not guarantee success
- Nor does it guarantee that every school will perform equally

The FCAT:

- Given to Third through 11th grade students.
- Meant to increase student achievement.
- Tests students in certain areas:
 - Reading
 - Science
 - Writing

Bright Futures

- Created in 1997,
- Rewards high school students for their academic achievement,
- Provides funding for college
 - 75 or 100 percent of tuition

UF's Academic Enhancement Program:

- President Machen's proposes to charge \$500 per semester to incoming freshmen,
- What about those with financial need?
- How does this fit into UF's tuition plan?

State Oversight:

- Board of Trustees
- Board of Governors
- State Legislature

Board of Trustees:

- Acts like the board of a major corporation.
- Appointed by the Governor
- The UF Board has one student member

Board of Governors:

- Created in 2003
- Formerly the Florida Board of Regents
- Serves as the statewide governing body for the SUS
- 17 members, including:
 - 14 Governor-appointed members,
 - the Commissioner of Education,
 - the Chair of Advisory Council of Faculty Senates,
 - and the President of the Florida Student Association

Discrimination:

- Florida prohibits discrimination on the basis of:
 - Race
 - Ethnicity
 - National Origin,
 - Gender,
 - Disability,
 - Marital Status
- This applies to students and employees

At the University of Florida:

- SG prohibits discrimination on the bases of:
 - Race,
 - Ethnicity,
 - Creed,
 - Sex,
 - Sexual Orientation,
 - National Origin,
 - Age,
 - Religion,
 - Disability,
 - Or any other classification as provided by law.

Admissions:

- Each university in the State University System has its own procedures.
- At UF, undergraduate students must:
 - Submit an online application,
 - Submit standardized test scores,
 - Write a 500-word personal narrative,
 - Submit optional recommendation letters.

Admissions:

- The Talented 20 Program
 - Guarantees admission to a Florida public university for students in the top 20 percent of their graduating class

How Laws Impact Teaching:

- The basics:
 - Sexual Harassment,
 - Physical Harassment,
 - Corporal Punishment,
 - Academic Honesty,
 - Class hours.

Laws in the Classroom:

- Fair Use:
 - Teachers are allowed to make “fair use” of materials for instructional purposes,
 - Does not deprive a publisher or author or income,

Fair Use:

- How does internet use fall into this category?
- What about pictures and graphics from the Web?

Other Legal Issues in the Classroom:

- Intellectual Property:
 - Says that subject matter is the product of the mind or the intellect.
 - The holder of this legal entitlement has exclusive rights to its use.
 - Is all speech and art community property?
 - How do lectures and PowerPoint presentations fall into this category?

In Summary:

- Laws affecting higher education come from three levels:
 - National,
 - State,
 - University.
- Laws not only impact the institution
 - They also influence the educators

Sources:

- “Board of Governors State University System of Florida.” www.flbog.org/bog.
- “What is the Florida Bright Futures Scholarship Program?” Florida Department of Education. www.firn.edu/doe/brfutures.
- “Florida Comprehensive Assessment Test.” www.firn.edu/doe/sas/fcat.htm.
- Florida State Constitution
- The Catholic University of America Office of General Counsel. “Legal Issues Facing Teachers.” www.cua.edu.
- McKenzie, Jamie. “Keeping it Legal: Questions Arising out of Web site Management.” June 1996 <http://fno.org>.
- “No Child Left Behind.” U.S. Department of Education. Jan. 2002 www.ed.gov.
- “Talented 20.” Florida Department of Education. www.fldoe.org
- University of Florida. “Board of Trustees.” www.ufl.edu
- University of Florida. “Student Grievance Procedure.” www.dso.ufl.edu.
- University of Florida. “Florida Board of Governors approves UF academic enhancement proposal.” Nov. 16, 2006 www.trustees.ufl.edu/about.
- University of Florida Student Government. “Constitution of the Student Body.” Jan. 2005 www.sg.ufl.edu.