SUPPLEMENT TO

THE LAW AND HIGHER EDUCATION

CASES AND MATERIALS ON COLLEGES IN COURT

THIRD EDITION

MICHAEL A. OLIVAS
WILLIAM B. BATES DISTINGUISHED CHAIR AND DIRECTOR
INSTITUTE FOR HIGHER EDUCATION LAW & GOVERNANCE
UNIVERSITY OF HOUSTON LAW CENTER

AMY GAJDA
ASSOCIATE PROFESSOR
TULANE UNIVERSITY LAW SCHOOL

Carolina Academic Press Durham, NC

Copyright © 2013 Carolina Academic Press All Rights Reserved

ISBN 978-1-59460-974-9

Carolina Academic Press 700 Kent Street Durham, North Carolina 27701 Telephone (919) 489-7486 Fax (919) 493-5668 www.cap-press.com

CONTENTS

Acknowledgments	v
Chapter One	1
Chapter Two	17
Chapter Three	47
Chapter Four	95
Chapter Five	139

ACKNOWLEDGMENTS

MAO: In this Supplement, Michael thanks UHLC graduates Sarah Rodriguez Arvidsson and Emiliano Fragoso, who helped with basic document acquisitions, analysis, and more importantly, the careful filing that is a prerequisite for this bibliographical project. In addition, I have been blessed by working with several great UHLC Research Librarians who have been indispensable in this overall book, since the beginning; those with whom I have worked on the various iterations to this Supplement include Mon Yin Lung, Lauren Schroeder, Kay Stein, and Emily Lawson. At Carolina, Amy and I thank Keith Sipe and Linda Lacy. To the wonderful Amy Gajda, welcome aboard. And in many various forms and forums, I thank Leland B. Ware, William A. Kaplin, Augustina H. Reyes, and Deborah Y. Jones. Finally, this book is a labor of teaching love, and I learn each time from my law and other graduate students, who always see more in these cases than I had recognized. In essence, I stay in this project for them, and to make me a better teacher and learner.

Santa Fe, NM and Houston, TX, July, 2013

AG: First, I thank the amazing Michael Olivas for inviting me to join this ever-exciting project and for his wit, wisdom, talent, and leadership. I also thank my research assistants at Tulane Law School who have helped with this supplement: Laura Fink, Faith Perdue, Christopher Arkin, Rebecca Sha, and Shannon Chapman. I am also grateful to the students in my Law of Higher Education classes at Tulane whose insightful comments and questions helped to shape this supplement. And, finally, I thank Dave, Michael, and Matthew, who support me in ways big and small.

New Orleans, July, 2013