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INTRODUCTION

MANAGING DEPARTMENTS: CHAIRPERSONS AND THE LAW

This series of essays is designed to educate and inform department chairs about the legal implications of decisions they make. Knowing the law and adopting preventive measures is the best approach to limiting liability and reducing legal exposure.

Department chairs often make or participate in decisions that can lead to litigation. For example, they make key decisions regarding recruitment and hiring; they are key players in the promotion and tenure process; they help establish major and degree requirements; and they assign faculty responsibilities, such as student advising and research and publication requirements.

As a matter of law, the college generally is responsible and liable for the acts of its employees. In relatively few instances are the decision makers personally liable, even if named in a lawsuit.

In all of their roles—recruiter, evaluator, promoter, assessor, terminator, cheerleader and developer—department chairs make critical decisions that can and do generate litigation. Accordingly, it is important that decisions be made by those who understand the law and take appropriate preventive actions.

This manual focuses on the following topics:

- Academic Freedom: Its Protections and Limitations
- Interviews and Reference Checks
- References, Evaluations, and Defamation
- Student Evaluations of Professors
- Academic Fraud and Scientific Misconduct

- Duty to Advise Students
- Contentious Professors and Collegiality
- Dismissal for Cause and Lesser Sanctions
- Faculty Access to Personnel Records
- Faculty Employment Discrimination: Sex, Race, and Age
- Sexual Harassment
- The College Catalog and Student Challenges
- Student Challenges to Academic Judgments
- Disclosure and Retention of Student Records

Each of these essays is presented with a common format: Overview, Application, and Preventive Measures. A Selected Bibliography follows each topic.

Specific comments on this manual are welcome. For further information, please write to College Legal Information, Inc., P.O. Box 150541, Nashville, Tennessee 37215 or call 615-383-3332. Copies can be obtained by sending payment to College Legal Information, Inc., P.O. Box 150541, Nashville, Tennessee 37215. Copies are \$60.00 each or \$55.00 each for 2 or more.

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PROFESSIONAL SHOULD BE SOUGHT.

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He is a Professor of the Practice of Education at Vanderbilt University and has been invited by many colleges and their associations to present seminars on higher education and the law. He has written several books and more than 43 articles and papers for scholarly journals, and he currently edits *Lex Collegii*, a legal newsletter for independent colleges and universities. In addition to this manual, Weeks has written or coauthored others, each addressing particular topics relevant to different college decision makers: *Student Affairs Decisions and the Law*; *Complying with Federal Law*; *Faculty Decision Making and the Law*; *Record Retention and Disposal*; *Student Handbook Policies*; *Faculty Handbook Policies*; *Staff Handbook Policies*; *Faculty Evaluation and the Law*; *Managing Admissions, Records, and the Law*; *Institutional Advancement and the Law*; *Strategic Legal Planning: The College and University Legal Audit*; *Managing Liability and Overseas Programs*; and *Managing Campus Conflict Through Alternative Dispute Resolution*.

Weeks has consulted with colleges throughout the United States and serves as legal counsel to several colleges and educational associations. He has participated in and directed more than 150 seminars and workshops for college administrators, faculty and trustees and has addressed many higher education organizations, associations, and legal groups. Weeks is a member of the National Association of Independent Colleges and Universities Legal Services Panel.

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