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INTRODUCTION

The Journal of College and University Law presents: Armed Violence on Campus: A Search for Solutions

John H. Robinson

ARTICLES

The Debate Over Campus-Based Gun Control Legislation
Brandi Hephner LaBanc, Kerry Brian Melear & Brian O. Hemphill

As part of the Journal of College and University Law’s symposium on campus violence, this article explores the changing landscape of gun control legislation, specifically the nuances of concealed carry laws and their impact on the higher education environment. Varying perspectives and rationales concerning campus violence and gun control are discussed, and campus-based best practices are outlined. College and university initiatives related to policy development and interventions are shared in order to assist higher education leaders to prepare their campuses for legislative changes that shape the contours of campus safety and security.

Dealing with Students with Psychiatric Disorders on Campus: Legal Compliance and Prevention Strategies
Barbara A. Lee

According to data collected by the United States government, approximately 27 percent of individuals between the ages of eighteen and twenty-four have a diagnosable mental illness. In 2012 alone, 21 percent of college and university students had sought treatment for mental health issues that year. The prevalence of mental illness on college and university campuses, and particularly that of untreated mental illness, has resulted in strategies to address the problematic behavior, the underlying mental illness, or both—and has also, in some cases, created legal liability for colleges and universities and the staff who were trying to protect both the students with mental illness and the campus community at large. As part of the Journal of College and University Law’s symposium on campus violence, this article will examine the legal protections for students with psychiatric disorders, the limits placed on faculty and administrators who wish to protect these students and those that they may do harm to, and the strategies that some institutions have adopted in order to identify at-risk students and intervene before they harm themselves or others.
The Devil is in the Details: Will the Campus SaVE Act Provide More or Less Protection to Victims of Campus Assaults?

Susan Hanley Duncan

As part of the Journal of College and University Law's symposium on campus violence, this article focuses on the problem of sexual harassment and sexual violence at our nation's colleges and universities. After describing the scope of the problem, the article summarizes past legislative efforts and the key components of the new Campus SaVE Act. The author reviews the ambiguities and challenges of implementing the new law arising in the negotiated rulemaking sessions. After explaining some of the work yet to be done by federal agencies, the author concludes by offering some non-legal strategies that colleges and universities should adopt to help address this very serious problem on their campuses.

Facing the Student-Debt Crisis: Restoring the Integrity of the Federal Student Loan Program

Robert C. Cloud & Richard Fossey

Currently, more than thirty-seven million people have outstanding college or university loans, and the total amount of student loan indebtedness has reached $1.2 trillion. Student-loan default rates have gone up in recent years and there is evidence that student-loan indebtedness has become increasingly burdensome for millions of Americans. In addition, widespread fraud and abuse has been documented in the for-profit college and university industry regarding federal student loans. This article argues that the federal student loan program is in crisis and threatens to undermine the national economy. The authors make specific recommendations for restoring its integrity. Specifically the authors suggest that the U.S. Department of Education publish a more transparent measurement of the student-loan default rate, which is much higher than the rate that is officially reported. In addition, the U.S. Bankruptcy Code should be amended to allow student-loan debtors who file for bankruptcy in good faith to discharge their student loans in bankruptcy under the same terms as other unsecured debt. Finally, the federal government needs to continue and intensify its efforts to eliminate fraud and abuse in the for-profit college and university industry, which has higher student-loan default rates than any other sector of post-secondary education.
No More "Business as Usual" in Higher Education: Implications for U.S. and U.K. Faculty
Barbara A. Lee & Mark R. Davies 499

The winds of change are buffeting colleges and universities in both the United States and the United Kingdom. Public funding (and perhaps public support) for higher education has declined in both nations; online learning and student consumerism have, in many respects, reshaped how faculty spend their time and how they are evaluated. This article traces briefly some of the numerous changes and pressures facing higher education today in both the U.S. and the U.K., and then turns to recent legal developments that affect faculty work and rights. After reviewing numerous structural changes that have altered the ways that many institutions operate, and examining several legal trends that are bringing changes to faculty work, the article concludes with observations about how faculty in both nations—both individually and collectively—may wish to respond to the changes swirling around them.

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Though FERPA was originally passed with the intention of allowing students access to their own education records, the Act has since been amended many times, and it is no longer clear what qualifies as an "education record" or who has access to those records. Today, colleges and universities use FERPA to protect a broad range of information from disclosure, but press outlets that want access to information claim that colleges and universities are protecting too much under the guise of FERPA. Press outlets have focused on two main arguments to gain access to information held by colleges and universities: (1) the First Amendment freedom of the press and its related right to access certain information, and (2) the right to access public records under state open records laws. However, neither of these avenues has produced the access desired by the media. Going forward, press outlets may be more likely to reach outcomes in their favor if, instead of arguing that they simply have a right to access the information, they argue that the information is not "education record" and thus, is not protected.

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- Bryan J. Dik & Matthew J. Schaap

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