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Perspectives

Community College Leadership for the 21st Century

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Operating the colleges and universities of today presents a multitude of challenges... Often the issues they face involve institutional policy, but with continually increasing frequency they have legal implications.

– William A. Kaplin

Staying legally aware is the first step towards reducing the risk of exposure to legal liability in the operation of a college or university's student affairs program.

– Perry A. Zirkel and Charles T. Bargerstock

The Top Ten Legal Issues Facing Community Colleges

Leslie Robert Stellman, Esquire

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Today's community colleges are faced with a number of serious legal issues. Most of those issues are common to all institutions of higher education, such as Clery Act reporting requirements, privacy rights of students, suicides and other violent acts on campus, and the limits of tolerating internet speech when it results in campus disruption or promotes abusive behavior such as bullying. Some of the issues are more subtle and are unique to some community colleges. In my home state of Maryland, our legislature is on the brink of enacting comprehensive collective bargaining laws that will require community colleges to recognize and bargain with unions representing adjunct professors and other college employees. Then there are of, course, routine safety and security issues, employment discrimination, and the need to accommodate disabled students, staff, and faculty members under both federal and state laws.

With the increasing number of transgender students entering colleges and universities, there have been numerous questions raised about their rights, particularly with respect to the use of bathrooms and locker rooms. Student sexual harassment and assaults have been the target of complaints investigated by the U.S. Department of Education's Office of Civil Rights ("OCR"), which has insisted upon thorough investigations and severe consequences to students accused by fellow students of sexual misconduct or assaults.

Community colleges are also facing OCR complaints based upon their failure to properly investigate and follow up on student bullying, particularly where such conduct results in students losing interest in furthering their education and dropping out. In a series of highly controversial "Dear Colleague Letters," the OCR has insisted that as a condition of receiving federal funds, colleges and universities take aggressive action to curb bullying – including cyberbullying – and to swiftly impose harsh consequences on wrongdoers. The so-called "deliberate indifference" standard for proving Title IX violations in the courts has been significantly lowered by the OCR for compliance purposes, finding schools responsible for sex discrimination and bullying simply by virtue of their specific (or even general) knowledge of such activities.

A survey of community colleges' legal woes has produced a "top ten" list of the most prevalent issues facing those institutions today. They include the following:

1. Compliance with the Americans With Disabilities Amendments Act and Section 504 of the Rehabilitation Act of 1973. The Americans With Disabilities Act of 1990 ("the ADA") was amended in 2008, and tracks earlier legislation known as Section 504 of the Rehabilitation Act of 1973. These laws collectively protect the rights of students and employees with disabilities from discrimination, and require that they receive adequate and reasonable accommodations in order to enable them to enjoy the benefits of the educational program (if a student) or to perform the essential functions of their job (if an employee).

> ***Neither the ADA nor Section 504 requires an institution of higher education to lower its standards or to alter the essential content of its offerings.***

In the employment arena, these laws require that "qualified individuals with a disability" be provided reasonable accommodations unless the requested accommodations would create an undue hardship for the employer. "Undue hardship" has been defined by the courts as including measures that are excessively costly in light of the employer's resources. In the case of students, reasonable accommodations are required for disabled students to enable them not merely to participate but the opportunity to benefit from educational programs. An undue hardship in the case of disabled students is one where providing an accommodation would fundamentally alter the program, such as exempting a student from a foreign language requirement in order to receive a degree.

Neither the ADA nor Section 504 requires an institution of higher education to lower its standards or to alter the essential content of its offerings, however. Each recipient of federal funds (which includes virtually every community college in the nation) is required: (1) to designate at least one person as responsible for ensuring compliance with the law; (2) to establish a grievance procedure for students who are aggrieved by decisions relating to their disability; (3) to publish a notice of nondiscrimination based upon disability in relevant course and college materials; and (4) to ensure accessibility to disabled students, including adequate handicapped parking spaces, accessible bathrooms and water fountains, and wheelchair access into college buildings.

2. Title IX of the Education Amendments of 1972. Title IX was enacted in order to insure that students would not be denied equal participation in educational or related activities by any school or institution receiving federal funds, based upon gender. Most people think of Title IX as a law intended to widen girls' access to intercollegiate sports. The actual text of the law makes it illegal to exclude students from participation, to deny them benefits, or to subject them to discrimination in an educational program based upon their gender.

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EMERGING LEADERS' PERSPECTIVES

In today's increasingly litigious society, community colleges face a variety of serious legal concerns that impact the organization. Included are matters of student discipline, ADA compliance, institutional and personal liability, discrimination and harassment, considerations of race and diversity, managing complex federal student financial aid programs, and now campus safety concerns as well. Therefore, it becomes imperative that college leaders remain vigilant to the challenges. We posed the following question to emerging and national leaders; their answers appear below:

QUESTION OF THE MONTH:

What can college leaders do to help raise the legal awareness of their community college teams?

Antoinette Countryman, MFA

Instructor of English and Journalism
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At least once a year, most faculty and staff members click on links to watch a required presentation about sexual harassment or FERPA regulations. We have done it, alone in our offices, clicking through a set of slides and video clips, and – between bites of lunch – answering the brief questions to prove that we have completed the program. Yet most of us – especially educators – would agree that this is NOT best practice to ensure learning. This kind of disengagement is something we avoid in the classroom, yet it is a standard tool for explaining legal consideration at many institutions.

The current concerns over Title IX issues and sexual violence have convinced many that more is needed than the usual approaches to imparting legal information. Many schools have involved students in presentations and launched discussions about making campuses safer. However, all legal issues need to be addressed using more active, engaged methods such as providing examples, facilitating discussions, and allowing for questions. Expert presentations and the sharing of cases can help all on the campus grasp the importance of these issues, and the various roles each member of a campus community plays in protecting students and the institution. Students should be involved when appropriate so they understand their rights and the college's commitment to protecting them. These kinds of programs can be done as part of professional development-allotted sessions.

The complexity of the current issues require strength and vigilance by college leaders.

The complexity of the current issues require strength and vigilance by college leaders. In addition to the programs on sexual harassment and FERPA, leaders must be informed on issues involving academic freedom, copyright infringement, affirmative action, discipline, due process, discrimination and freedom of speech. Online education technology has affected some of these issues and the effects need to understood and addressed.

Moreover, college leaders need to model the behaviors that show the college does not tolerate discrimination, respects laws, and supports the rights of all who study and work at the institution. They need to be sure that there are visible, accessible elements on campus to explain and reinforce the college's commitment to legal issues. These elements can become part of orientation presentations, college success courses, registration handouts, and posters.

This is an issue of protection for individuals and the institution, and simple click-through lessons once a year do not demonstrate a commitment to those protections. This needs to be a part of a college's culture and the leaders need to be at the forefront of establishing that culture.

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Brenda Sipe, MFA

Director of Continuing Studies
Kendall College of Art and Design of Ferris State University, Grand Rapids, Michigan

College leaders need to be well informed about the ongoing potential for litigation, aware of daily events on their campuses, and able to make critical decisions fluidly. From the top down, a leader must identify employees who can effectively take responsibility for each area of compliance and then provide proper education on these issues.

Considering the wide range of challenges with potential legal implications, at my institution there are several lawyers who can be consulted for legal advice. This helps to assure leaders that the institution's best interests have been protected before undertaking any new initiative. If a lawyer is part of a leadership team, then the president has an advantage.

When each and every employee is aware of the potential for litigation, the college is at a lower risk.

Other members of the leadership team should be made aware of their responsibility to disseminate information regarding compliance to the appropriate members of their own staff. When each and every employee is aware of the potential for litigation, the college is at a lower risk. In a worst-case scenario, awareness would be raised campus-wide only after an event that unfortunately resulted in litigation. The challenge here is raising awareness without breeding fear of taking productive risks that may benefit the education of students or the institution as a whole. This can be done in a number of ways, starting with the president and the leadership team. One way to raise general awareness about litigious issues would be as part of a carefully crafted strategic planning effort involving focus groups.

Issues that impact most employees such as those regarding race and diversity, Title IX, and safety concerns, can be addressed in mandatory large-group training sessions, and more specific issues in targeted small-group meetings. Or, a college could offer incentives for participation, rather than making training mandatory. New employees should be trained in pertinent areas during employee orientation, and on general compliance via the employee handbook. Planned ongoing professional development, scheduled regularly, will ensure that all employees are kept up-to-date on these rapidly changing concerns. For example, at my institution an emergency management leadership team discusses safety issues confronting the college and how best to deliver this information to faculty, staff, and students. Such initiatives should help protect the college in the event of an emergency.

A leader should communicate widely with the college at each opportunity, including employees in the discussions about how to reduce legal risk. Having a plan in place, combined with education on potential issues, is pro-active. This should offer the assurance needed for employees to go confidently about their primary task – that of educating students.

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NATIONAL LEADER PERSPECTIVE

In today's increasingly litigious society, community colleges face a variety of serious legal concerns that impact the organization. Included are matters of student discipline, ADA compliance, institutional and personal liability, discrimination and harassment, considerations of race and diversity, managing complex federal student financial aid programs, and now campus safety concerns as well. Therefore, it becomes imperative that college leaders remain vigilant to the challenges. We posed the following question to emerging and national leaders; their answers appear below:

QUESTION OF THE MONTH:

What can college leaders do to help raise the legal awareness of their community college teams?

William J. Mullowney, JD, LLM
Vice President for Policy and General Counsel
Valencia College
Orlando, Florida

Attached to almost every action we take and every decision we make in furtherance of our mission are a host of potential legal and policy issues which, if ignored, can lead to negative outcomes that threaten to divert our attention, drain our resources, harm our reputation, and impede our progress. In light of the smothering barrage of information from myriad sources that we receive daily, some interesting questions are raised: How do we distinguish the credible and substantial risks from the remote and inapplicable ones? How do we assess these legal issues in terms of our specific contexts and capabilities? How do we balance compliance against the achievement of our educational objectives? To avoid liability, we cannot simply curl up in the fetal position and do nothing, so how can we raise our legal I.Q., make more informed decisions, and take more effective actions? The answers to these questions may well reside within the offices of your college attorney.

The effective college attorney will create and implement, in collaboration with other college departments, a robust preventative law program aimed at promoting a campus culture that avoids the need to engage in formal adversarial proceedings.

Many community colleges employ in-house attorneys who are generalists, able to handle issues from admissions to zoning. They are available regularly on campus, extremely familiar with higher education legal issues and policies, have institutional memory and keen knowledge of college and community personalities, and an appreciation for internal and external politics. Their presence on staff saves on legal fees and promotes an environment in which preventative law is as important as responses to legal matters. Some colleges may engage only outside counsel, who can serve as specialists and like their in-house counterparts, are critical in helping colleges deal with litigation, grievances, administrative hearings, and other adversarial proceedings. All college attorneys strive to help colleges resolve disputes amicably, exercising their skills as problem solvers, critical thinkers, consensus builders, and risk managers. Smart college attorneys will join and become active in associations such as the National Association of College and University Attorneys (NACUA), which offers rich resources and training in advancing the effective practice of higher education law, helping lawyers deepen their knowledge and "get smart quick" when needed.

The effective college attorney will create and implement, in collaboration with other college departments, a robust preventative law program aimed at promoting a campus culture that avoids the need to engage in formal adversarial proceedings by executing tasks properly the first time. Often college personnel, unsure of applicable legal parameters in a given situation, are more likely to stop way short of what is permissible to avoid liability, rather than aggressively overshooting the line and finding themselves in a world of noncompliance. This often leaves substantial educational opportunities on the table, with the probable benefits to students forever unrealized. An institutional commitment to preventative law can mean the difference between responsibly pushing the envelope (while maintaining compliance) and breaking the law.

Preventative law efforts involve the dissemination of information and the provision of training on cutting-edge legal issues specifically affecting higher education, but also important is raising awareness of legal trends and directions. What are the emerging issues we may not be focused on, but need to be? What legal issues will demand our attention in the future? For example, a recent survey of college and university general counsels conducted by NACUA identified the top concerns as (1) compliance (how to develop and manage an effective compliance program); (2) limited resources (increasing workloads versus insufficient financial and human resources); (3) governance (matters between and among the general counsel, the president, and the board of trustees); (4) distressed students/employees and campus safety (mental health and threatening behavior in the classroom and workplace); and (5) risk management. Also identified were the five most common legal trends in higher education of (1) increasing regulation from federal agencies; (2) expansion of online education; (3) increasing higher education international programs and globalization; (4) proliferation of adjunct faculty unions; and (5) increased public/private partnerships and entrepreneurship by administration and faculty. Do these concerns and trends reflect what you are experiencing? Who at your college is focused on these matters, and are they convening appropriate campus conversations?

My advice to college leaders is simple… but not easy. First, ensure that college policies and procedures are up to date, understandable, and understood. Next, establish and implement a collaborative preventative law program, including training for personnel at all stages of employment. Not everyone needs to be an expert in all areas, so target your training.

Since "legal decisions" are always multifaceted, they require properly balanced consideration of the legal aspects, political aspects (colleges are generally public entities governed by state law and subject to legislative intervention), organizational aspects, and reputational aspects of their impact. And, attention to college mission should not be forgotten in the discussion. Finally, use each legal/compliance matter as a learning tool – when a matter is concluded, take time to gather relevant staff and debrief. Build upon successes and fill in the gaps.

The pursuit of the community college mission is a risky business. Period. The public demands of transparency, accountability, performance, and affordability overlay the equally-compelling public demands of risk management and compliance. Despite these challenges, we succeed for our students by virtue of informed and engaged faculty and staff, and colleges governed with a commitment to doing the right things the right ways at the right times, for all.

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QUICK TAKES
Highlights from the Field

Balancing Student Privacy, Campus Security, and Public Safety: Issues for Campus Leaders

By Lesley McBain

This report explores the complex higher education issues of promoting student mental health, privacy, and public safety, as well as the delicate balance among them. Given the proud history of intellectual freedom, openness, and public accessibility, recent events on college campuses have served to cast light on legalities of administrative procedures regarding disturbing student behavior, as well as the legal role of the ADA, FERPA, and HIPAA in campus policies and procedures. Access the work here: ***http://bit.ly/1WbZrz5***

Building an Effective Compliance Program: An Introductory Guide

by NACUA

Community colleges and universities alike face many of the same legal issues and are subject to the same regulatory guidelines. The compliance strategies outlined in this document essentially entail an institution's obligations to abide by the myriad of laws and regulations, and to set up structures and processes to ensure that these obligations are met in areas ranging from discrimination and affirmative action to privacy and security, ethics, conflicts of interest, and more. Access the work here: ***http://bit.ly/1UECHZ8***

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The Top Ten Legal Issues Facing Community Colleges *(continued from page 1)*

More recently Title IX has been the source of litigation and OCR complaints in cases where students have been the victim of sexual harassment, sex discrimination, or sexual assaults, whether by faculty or fellow students. In order to for a student to show that such conduct constituted a violation of Title IX, a student needs to convince a court that the college was "deliberately indifferent" towards the situation – a much higher standard than mere negligence, which only requires evidence that the college knew or should have known of the conduct.

> *The process of collective bargaining is fraught with legal issues, including good faith and bad faith bargaining.*

The OCR has applied Title IX to transgender students who are the victim of unequal treatment and harassment by their peers. Transgender issues have largely focused on: (1) the right of students to change their names and other student data in order to reflect their gender preference; and (2) access to bathrooms and locker rooms based upon their original (versus preferred) gender. The OCR has taken the position that transgender students should be afforded the right to use bathrooms based upon their gender preference, even if they have not undergone a sex change operation. Some states and local school board have pushed back, in some cases with legislation, but this issue remains a significant source of contention.

3. Employee Relations (Collective Bargaining). With the emergence of "nontraditional" faculty, such as adjunct professors who are teaching a greater number of classes in community colleges, there has been a growing sense by these professors of the need to organize in order to improve their generally poor salaries and working conditions. As noted above, in Maryland pending legislation would afford these faculty members the right of collective bargaining, whereby they may select a union to represent their interests in regards to wages, hours, and other terms and conditions of employment. While public sector collective bargaining is under siege in many states such as Wisconsin, adjunct faculty – who enjoy few, if any, rights, and who frequently have to cobble together classes at a number of schools in order to make ends meet – have become more vocal, and some legislatures have been willing to offer them collective bargaining rights, although not necessarily the right to strike.

The process of collective bargaining is fraught with legal issues, including good faith and bad faith bargaining. Bad faith bargaining is the most common and is defined as the desire not to reach an agreement, but it does not extend to every instance in which a college resists an unreasonable union bargaining demand. Good faith bargaining requires that both parties are prepared to meet at reasonable times and places in a genuine effort to reach an agreement over wages, hours, and other terms and conditions of employment.

4. Student Records (Family Educational Rights and Privacy Act, or "FERPA"). This 1973 law applies to records which contain information directly related to a student and which are maintained by an educational institution or an entity acting for such an institution. Examples of such records include: grades, discipline, attendance records, test scores, and essays or projects that have been prepared and turned in by students.

The law has three (3) component parts: (1) a right of access by students (and, for students under 18 years of age, by their parents) to their student records; (2) a right of privacy in those records, insuring that they not be disclosed to anyone other than a limited class of recipients of the information, such as fellow faculty members, guidance counselors, or school administrators; and (3) a right to correct inaccurate information contained in student records.

5. Public Information Requests. All 50 states similarly share common public records laws which render most college records (other than personnel or student records) accessible to the public and the press. Unless documents fall within the narrow exception of personnel records, student information, or attorney-client privileged communications, they may be subject to disclosure under a state's public information act.

The result of public information laws is that virtually anything in print – whether on a personal or college owned iPhone, in a text message, in an Instagram or Twitter comment, or in an email – may be subject to disclosure by any requesting party. Accordingly, every college employee should consider whether it is absolutely necessary to put in writing matters which are potentially adverse to the college's interests and ensure clarity so as to avoid distortion of messages when received by parties with interests adverse to the college or by the press.

6. Intellectual Property Problems: Copyright Violations. The right of individuals to copyright works of art and literature is embodied in the U.S. Constitution and subsequent laws. Common copyright violations that have plagued higher education institutions include: (1) reproducing copyrighted materials (even inadvertently, such as in a lesson plan or an on-line assignment) without consent of the copyright owner; (2) performing copyrighted work (such as a play) without the consent of the copyright owner; and (3) distributing copyrighted materials without the consent of the copyright owner.

An important exception in the law exists for so-called "fair use," which permits selected use of excerpts of copyrighted work for criticism, comment, news reporting, teaching, scholarship, or research. Under the 2002 Technology, Education and Copyright Harmonization Act (called the "TEACH Act"), institutions and individuals are exempt from copyright liability for the transmission (including over a digital network) of a performance or display of most copyrighted works by an accredited non-profit educational institution to students officially enrolled in a course. The TEACH Act covers distance education as well as face-to-face classroom teaching which has an online, web-enhanced, transmitted or broadcast component.

In order for a college to benefit from the TEACH Act exemptions to the copyright laws, an institution must employ technology protection measures (i.e., anti-piracy protections) that reasonably prevent students from retaining the transmission beyond the class session and from redistributing it to others. The "fair use" doctrine allows the use of copyrighted materials as part of a lesson provided those materials are highly limited in scope. Thus, an entire book may not be copied and distributed to students, but limited passages from the book may be allowed.

College librarians should be trained in spotting copyright

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The Top Ten Legal Issues Facing Community Colleges (continued from page 4)

violations, such as excessive use of the library copy machine by faculty and students with respect to a single document or book. Similarly, college IT departments must strictly police the use of licensed software on campuses so as to insure that the software is not being unlawfully reproduced or distributed to unlicensed users or equipment. The consequences of failing to comply with these basics include paying substantial fines to copyright holders and their attorneys.

> ***The result of public information laws is that virtually anything in print – whether on a personal or college owned iPhone, in a text message, in an Instagram or Twitter comment, or in an email – may be subject to disclosure by any requesting party.***

7. Employment Discrimination Claims by Faculty and Staff. Federal and local laws protect employees from discrimination based upon a number of protected statuses. Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination against employees and applicants based upon race, color, religion, national origin, and gender, while the Age Discrimination in Employment Act prohibits discrimination against employees and applicants over 40 years of age. The Americans With Disabilities Act, its 2008 amendments, and Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with a disability, and requires employers to provide disabled employees with reasonable accommodations.

Many state and local laws prohibit other forms of discrimination, most notably discrimination based upon sexual orientation, as well as marital status and even, in some states, personal appearance. Federal law makes it illegal to discriminate against returning veterans or National Guard members who are required to perform duties that might otherwise interfere with their college responsibilities. Finally, the EEOC has extended gender discrimination to include transgender employees and, most recently, gay employees. Each of these civil rights laws include protections against retaliation by employees asserting rights under the respective law. Over the recent past the Supreme Court has extended retaliation protection to virtually every civil rights law even where none exists in the body of the statute.

Discrimination may be proven by direct evidence or by indirect evidence, such as through proof of disparate treatment or the establishment of policies and practices that have a disparate impact on protected classes of applicants or employees.

8. Race and Diversity in Admissions. The U.S. Supreme Court this past fall heard oral argument on what is expected to be a landmark case (Fisher v. University of Texas at Austin), in which the question squarely before the Court is whether colleges may use race as one factor in a "holistic" consideration of applicants for admission. In previous decisions – particularly Gratz v. Bollinger and Grutter v. Bollinger, decided in 2003 – the Court struck down a mechanical race-based admissions preference policy as unconstitutionally favoring one race over another, while upholding a race-conscious admissions policy which viewed race as merely one factor among many.

In the first case to squarely address race as a factor in student admissions decisions, the Supreme Court ruled in 1978 that racial diversity served a "compelling state interest," and thus could be taken into account in making admissions decisions. The recently argued Fisher case focused on the second prong of the constitutional test required by the "Equal Protection" clause of the 14th Amendment, which is whether a particular use of race in making admissions decisions constituted the narrowest means of achieving racial diversity. While it is quite possible that Fisher will be decided by an equally divided court and given the recent death of Justice Antonin Scalia, if that occurs the lower court's decision – which upheld the University of Texas' "holistic" approach, including its consideration of race as a factor in admissions decisions – would remain the law governing the three (3) states covered by the appeals court in that case. It would be left for a future Supreme Court to definitively decide the fate of affirmative action.

9. Legal Exposure for Minors on Campus. A lesson that Penn State University will no doubt never forget is that colleges frequently host minors, who are subject to special legal protections. While in general a state entity such as a community college is not constitutionally obligated to protect minors or other individuals from harm caused by third parties, nonetheless most states have strict laws governing sexual contact between adults and minors. In many cases adults who work with children on a regular basis – such as summer camp counselors employed on the campuses of many community colleges – are subject to background checks, including fingerprint analysis.

In light of the Penn State scandal, many colleges and universities have revisited their rules and policies regarding the presence of minors on campus, and have become far more sensitive to concerns created by their presence. One of Penn State's biggest faux pas was a failure to timely report each incident of sexual abuse to the U.S. Department of Education and to the University community as required by the Clery Act, which mandates the reporting and publication of campus crimes. The consequences of Clery Act violations range from hefty fines against the college to the denial of federal student loans to college attendees.

> ***In light of the Penn State scandal, many colleges and universities have revisited their rules and policies regarding the presence of minors on campus, and have become far more sensitive to concerns created by their presence.***

10. Open Meeting Laws. All 50 states and the District of Columbia have so-called "sunshine" laws that require business of the colleges' boards of trustees to be conducted in formal meetings that are open to the public. Exceptions to such open meetings laws include the discussion of personnel matters, including the selection and hiring of the college president; legal advice regarding pending litigation; collective bargaining discussions in which the college's negotiators are given their bargaining parameters for negotiations; and the acquisition of real property. In most open meeting laws, noncompliance may result in the overturning of actions taken illegally by the boards of colleges due to a failure to take such action in open sessions.

Conclusion. The foregoing are just a relatively limited example of the legal pitfalls facing community colleges today. Every community college leader should be prepared for potential lawsuits by retaining competent counsel and remaining regularly advised as to changing developments in each of these areas of the law. The best way to avoid being sued is to take pro-active steps to come into and remain in compliance with federal and local laws, and to continuously train and update administrators in the latest legal developments affecting higher education.

Leslie Robert Stellman *has been practicing labor, employment, and school law for over 40 years. As chair of the education practice group of the Baltimore area law firm Pessin Katz Law, P.A., Mr. Stellman oversees a team of 8 attorneys and paralegals who represent most of the public schools throughout the State of Maryland, as well as a number of community colleges. He is a graduate of Johns Hopkins University and the Syracuse University College of Law, and is admitted to practice in the U.S. Supreme Court, many of the federal courts of appeals, and the Maryland courts. He recently completed 2 terms as a member of the board of directors of the Council of School Attorneys, the legal arm of the National School Boards Association, as well as a term as a member of the board of directors of the Education Law Association, an organization committed to studying legal problems in both K-12 and higher education.*