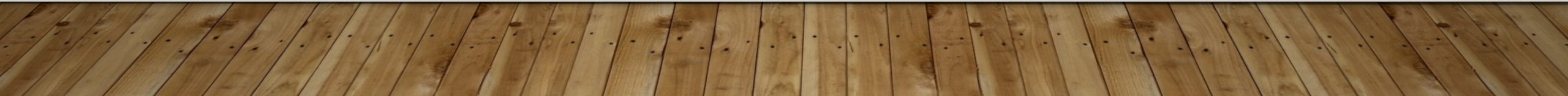


HOT TOPICS IN HIGHER EDUCATION LAW & POLICY

PETER F. LAKE, PROFESSOR OF LAW, CHARLES A. DANA CHAIR, DIRECTOR OF THE CENTER FOR EXCELLENCE IN HIGHER EDUCATION LAW AND POLICY, STETSON UNIVERSITY COLLEGE OF LAW

© Peter Lake, 2017

WE LIVE IN DISRUPTIVE TIMES



NEWS

APR 26 2017, 5:32 PM ET

Trump Signs Executive Order Reviewing Federal Role in Education

by MARY EMILY O'HARA

President Donald Trump signed an executive order on Wednesday aimed at decreasing the role of the federal government in education while giving states and local school districts more power over decision-making.

Here's Every Major Statement Trump and DeVos Have Made on Higher Ed

By Adam Harris | MARCH 03, 2017

In Trump's First 100 Days, Higher Ed Sees More Shadow Than Substance

By Adam Harris | APRIL 28, 2017 ✓ PREMIUM

SOME POTENTIAL TRANSFORMATIONS IN FEDERAL POLICY

- Trump budget—Defunding?
- Virginia Foxx, U.S. House Education Committee/Lamar Alexander Republican Senator from Tennessee—Deregulation?
- DeVos, U.S. Secretary of Education/ Sessions, Attorney General, Dept. of Justice
 - K-12 focus? (300-day mandate)
 - Dear Colleague(s) from Justice/ Focus on Due Process and/or Criminal Justice Response? Retrenchment on 2011 DCL, etc? Respondent rights? **Notice and comment.**
 - Candice Jackson to lead DOE's Office for Civil Rights
- Jerry Falwell, Jr. tapped by Pres. Trump to head a commission on higher education. "The goal is to pare [governmental micromanagement] back and give colleges and their accrediting agencies more leeway in governing their affairs."
 - Faith-based institutions

POTENTIAL TRANSFORMATIONS CONTINUED

- Federal regulation rollbacks? Implications for For-Profit/Title IX/Lending/Immigration (Sanctuary campuses, DACA)
- DOJ Amicus Brief Regarding Title VII and Sexual Orientation
- Transgender Issues
- Speech/Student Press/Association/Expressive Activity (*More on this later today!*)
 - Could protesting on campus affect federal funding?
- Greater support for trade schools, vocational schools, community colleges, HBCUs?
- For-Profits
- Political Epistemology

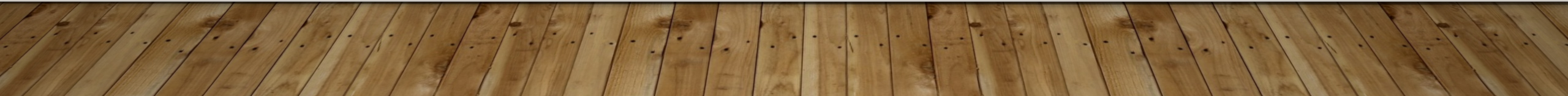
General Deregulation Agenda at Federal Level—Will States/Accreditors Diverge?

- Commonwealth of Virginia/California laws on sexual assault
- Georgia HB 51 (Failed)
- Oregon, Utah and others provide confidentiality for victim advocates
- Tennessee, etc. laws on free speech (includes “harassment”)
- North Carolina and North Dakota require lawyers be allowed to participate in certain conduct hearings
- Guns on campus
- Legalization of marijuana
- Performance funding for publics—impact on privates?
- Accreditors?

Potentially Disruptive Factors

- More “rights” focus, less emphasis on safety?
- Feel safe, be safe?
- \$\$\$\$\$—Debt, Monetary Policy
- Yields (The Impact on Foreign Students), Attainment
- Weaponization
- Academic Refereeing
- Litigation/Oppositionalism: Lawyers, Legalisms, and Firewalls
- “Field position football”
- Protests/Speech/Catfish
- Fake News/ Narratives

NAVIGATING DISRUPTION



Navigating Disruption

- Stay True to Core Mission/Policies
- The Spirit, and Rule, of the Law
- Voluntary Compliance
- End Cycles of Martyrdom and Change—Prevention
- Leadership and the Facilitator University
- Recognize and Adapt to the Underlying Forces Animating the Rise of “Compliance University”

WHAT HAS CAUSED THE RISE OF COMPLIANCE U.?

- Advocacy/Consumer culture
- Changing roles of lawyers and legalists – “J.D. preferred”
- The rise of college “courts”
- Successes and Failures of the Civil Rights Era
- Globalization
- Student debt
- P-20
- Shift to focus on federal policy objectives
- Role of foundations/advocacy groups – “Dupont Circle”
- Evolution of risk management (Enterprise Risk Management)
- Loss of trust
- Shift in financing of higher education

THANK YOU!

