



The Trials of Academe: The New Era of Campus Litigation

Amy Gajda

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Once upon a time, virtually no one in the academy thought to sue over campus disputes, and, if they dared, judges bounced the case on grounds that it was no business of the courts. Tenure decisions, grading curves, course content, and committee assignments were the stuff of faculty meetings, not lawsuits.

Not so today. As Amy Gajda shows in this witty yet troubling book, litigation is now common on campus, and perhaps even more commonly feared. Professors sue each other for defamation based on assertions in research articles or tenure review letters; students sue professors for breach of contract when an F prevents them from graduating; professors threaten to sue students for unfairly criticizing their teaching.

Gajda's lively account introduces the new duo driving the changes: the litigious academic who sees academic prerogative as a matter of legal entitlement and the skeptical judge who is increasingly willing to set aside decades of academic deference to pronounce campus rights and responsibilities.

This turn to the courts is changing campus life, eroding traditional notions of academic autonomy and confidentiality, and encouraging courts to micromanage course content, admissions standards, exam policies, graduation requirements, and peer review.

This book explores the origins and causes of the litigation trend, its implications for academic freedom, and what lawyers, judges, and academics themselves can do to limit the potential damage.

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