An Introduction to Resources in Higher Education Law

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Library Guides

Step One:
• From the Libraries’ homepage, find and click on the link for Research Guides

Step Two:
• Find and click on Education

Step Three:
• Find and Click in HIED 752/852 Law in Higher Education
Research Course Guide: HIED 752/852 Law in Higher Education

https://guides.lib.odu.edu/hied752

Resources for your course:

- Home Page with tutorials for Nexi Uni and Library Help
- Books and Reference for print resources – legal books and encyclopedias
- Nexi Uni – how to access, search and shepardize in this resource
- Databases – to find laws and research articles about legal issues
- Web Sources – important web sources for legal information.
- Cite – how to cite legal materials in APA style and Uniform System of Citations
Laws & Regulations

• **Statute Law**: Laws passed by legal bodies

• **Case Law**: Laws interpreted & redefined by courts
  – Example: Brossard v. School Board of Norfolk

• **Code of Federal Regulations (CFR)**: Regulations with the force of law from federal regulatory agencies.
  – Example: CFR Title 34 (U.S. Department of Education) 97.401: Protections for children who are subjects in research
Legal Terminology

• Binding vs. Persuasive Case Law
  • Persuasive authority means sources of law that the court consults in deciding a case. *It may guide the judge in making the decision in the instant case.* But it is not a binding precedent on the court under common law legal systems such as English law. Persuasive precedent may come from a number of sources such as lower courts, horizontal courts, foreign courts, statements made in dicta, treatises or law
  • For authority to be **mandatory or binding**, the court in your jurisdiction (determine jurisdiction at the outset even if the matter is not being litigated) MUST follow the legal rule(s) set forth in the authority you are relying on for your legal situation

• Shepardizing
  • the process of using a citator to discover the history of a case or statute to determine whether it is still good law.
Case Law and Statute Law

Today we are talking about Case Law, Statutes (U.S. Code) and legal articles from law reviews and other legal journals.
Finding Case Law

• **Case Books:**
  - U.S. Supreme Court Reports, [KF101.U53](#) (3rd Floor)
  - Federal Reporters, [KF115.F42](#) (3rd Floor)
  - State Court Reporter (Southeastern Reporter), [KF135.S62](#) (3rd Floor)

• [Nexis Uni](#) (Electronic Database)

• [Google Scholar](#) (scholar.google.com)
Nexis Uni

- Includes all levels of case law (state, federal, supreme court).
  - Search by case citation or keyword
- Supreme Court Briefs
- Search/browse federal and state statutes, codes and regulations
- Law review articles on legal topics

Nexis Uni from your Course Guide OR from the Databases A-Z list
Searching for Cases in **Nexis Uni**

**By Case Name**

Grutter v. Bollinger

**By Keywords**

Case citations are arranged by vol.; court; page.

For example: 539U.S.306
From Nexi Uni - Export to DropBox or Google Drive

<table>
<thead>
<tr>
<th>Snapshot</th>
<th>News (10,000+)</th>
</tr>
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<tbody>
<tr>
<td>Cases</td>
<td>699</td>
</tr>
<tr>
<td>Statutes and Legislation</td>
<td>10,000+</td>
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<tr>
<td>Law Reviews and Journals</td>
<td>10,000+</td>
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<tr>
<td>Administrative Materials</td>
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<td>9,083</td>
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<tr>
<td>Administrative Codes and 6,773 Regulations</td>
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Click here to send items to Drop Box.

Plans to 'sonify' weather data could lead to new audible warnings that alert communities vulnerable to extreme weather events, putting the fight against climate change. Researchers at the Monash Communication Research Hub with the Sir Zelman Cowan State University (USA) are working to 'sonify' cyclones and soundtracks for use by scientists, weather forecasters and

But Dr. David Holmes, Director of the Monash Climate Change Communication Research Institute,...
Shepardizing

• To Shepardize a case means to retrieve prior and subsequent history and all citing references.

• Shepardizing in Nexis Uni
  – Search by citation
    • Grutter v. Bollinger 539 U.S. 306
  – Open the full view of the case
    • Click on “Shepardize this document”
Google Scholar

• Limit search to case law

• Limit further to Federal or specific State courts.
ProQuest Congressional

• Find statute law, primary documents
• Includes hearings, congressional records, bill text, CRS Reports, Committee prints, U.S. Code, Public Law, House & Senate Reports & Documents, & more.
Background Information About Laws Pertaining to Education

• Law Databases
  – Legal Collection (EbscoHost)
  – Nexis Uni
  – CQ Press Library
  – ProQuest Congressional

• Education Databases
  – Education Source (includes ERIC, Education Research Complete, and Education Full Text in one search)
  – ERIC (free)
Law Reviews and other Legal Articles

**NexisUni**: Search for law review articles from homepage

**Legal Collections (EbscoHost)**: Scholarly peer-reviewed publications including law journals, documents, and case studies, covering legal topics

**Education Source (EbscoHost)**: Find scholarly articles on legal issues from the Education literature
Searching the “Open Web”

• Restrict your search to .gov sites
  – In Google: +Discrimination +education site:.gov

• Examples:
  – Family Educational Rights & Privacy Act (FERPA)
  – Landmark Supreme Court Cases About Teens

Recommended WebSites

- **SCOTUSblog**
  - Comprehensive Supreme Court coverage and commentary. Information about the justices, the cases, what’s happened and what’s next

- **Oyez**
  - A multimedia judicial archive of the Supreme Court of the U.S.

- **FindLaw For Legal Professionals**
  - Access to cases, codes and free legal information
Citing Legal Materials

• **Purdue OWL**: online writing lab that provides information on how to cite in various styles
• APA, Appendix D: References to Legal Materials (p. 397)
• BlueBook: A Uniform System of Citation
  – Help Desk (KF 245.B58)
See [HIED 752/852](#) Course Guide for links to more resources.
Questions?