I have been asked by the editors of this extremely valuable handbook to provide a brief introduction to it. This may seem counterintuitive given that I have served since 2005 as the President of Ramapo College, designated as New Jersey’s Public Liberal Arts College. However, I had previously taught for several years at the University of Windsor and University of Calgary law schools before spending 20 years in a variety of administrative roles at the University of Western Ontario, including dean of law and vice-president administration and general counsel. I have also continued as one of the instructors in the Senior University Administrators Course, which has enabled me to stay abreast of Canadian higher education.

Only a couple of generations ago, senior administrators and trustees of Canadian colleges and universities held office for terms – 20 or 30 years was not uncommon – that would be unthinkable today. The sheer operational complexity and the intense regulatory and political scrutiny to which institutions are subject has meant that the average term of office of a dean or a president or a board chair has significantly and steadily declined. Today’s university is engaged with many more external constituencies, particularly in its research operations, and these engagements often feature separate structures that can sometimes behave as if they are autonomous. Faculty members, as well, more frequently engage in research and other academic projects beyond the boundaries of their home institution.

Virtually all these changes increasingly raise the spectre of potential legal action on any number of grounds, and in a way that is menacing to the layperson. Degree programs in education administration and other sorts of training and education workshops typically include a legal component, but there are few accessible resources available. In-house counsel, where they exist, are obviously a valuable resource but only if they
are approached to give advice. In that respect, there is one other factor at play in higher education institutions that must be acknowledged. In my experience, those involved in the workings of universities are often attracted to them because of the intellectual environment and the opportunity to work more or less independently. They have flourished in their individual careers from the beginning and have become accustomed to resolving problems themselves as they arise.

This proclivity can cause problems in two ways. First, the situation may have legal components that the decision maker may not recognize. Second, even where it is recognized that there are legal issues, the tendency to want to fix the problem without help often means that the situation has grown worse by the time it lands on the in-house counsel's desk.

All those involved in the workings of Canadian institutions of higher learning – the board, the president and senior administration, the faculty, staff, and students – should therefore welcome the appearance of the *Handbook of Canadian Higher Education Law*. Its twelve chapters cover important topics in a way that can be readily understood by non-lawyers, thus enabling them to make informed decisions that minimize the prospect of legal challenge. In the increasingly complex world of higher education, it is not enough to have in-house counsel with primary responsibility for legal matters. Too often, situations with significant legal implications are brought to their attention too late in the day because administrators at the centre of the problem do not realize potential bases of liability. This handbook will go a long way to developing the antennae necessary to recognize that legal advice needs to be sought.

The various topics covered in the *Handbook’s* early chapters illustrate a dominant underlying theme: in a professional domain such as higher education, where we expect individuals to exercise their discretion relying on their skills, training, and experience, what limits on the exercise of that discretion are properly to be imposed by the legal system? Generally speaking, the courts are not inclined to second-guess decision makers in higher education. Indeed, the clearest cases of judicial intervention tend to be where the higher education system has failed to follow its own prescribed rules. Ironically, this failure tends to occur, at a procedural level, when the individual case's resolution seems clearest on its merits. The lesson to be learned can be stated as Rule #1: Follow your own prescribed rules and procedures, and Rule #2: Follow Rule #1. Formalities cannot be dispensed with just because the substantive result seems obvious.

The *Handbook* sensibly moves from the general, beginning with a legal overview of higher education, to the particular, with individual chapters focusing on the legal context of the various actors in the system – faculty, students, government, and particular communities of interest. This makes it particularly useful as a reference and guidance source for them.

From my perspective as someone who is about to enter a tenth year as president of a public liberal arts college in the United States after
spending over 25 years in the Canadian higher education system, the theme of accountability continues to occupy the spotlight on both sides of the border. In both countries, this is evidenced by a renewed emphasis on accreditation standards, a dynamic tension between the provinces/states and the federal branch with the latter using research funds as a lever, and a focus on outcomes measures across institutions. A cynic might note that a principle of inverse proportion is operating in both countries as each demands increasing accountability even as their fiscal support for higher education is reduced.

One thing that a handbook such as this cannot do is account for the political dimension of higher education administration. As I write this, events that began unfolding at the University of Saskatchewan in May 2014 remain a hot topic of conversation. The provost, who appears to have exceeded his authority by purporting to strip a dissident dean not only of his administrative position as dean but also, inter alia, of his tenured faculty position, resigned. The president, who described the provost's action as a “blunder” and reinstated the former dean to his tenured faculty position, was shortly thereafter fired by the board of governors without cause and to prevent further damage to the reputation of the university.

This termination of a university president is but one example of several that have occurred at Canadian universities in the last decade. In such a volatile environment, the *Handbook of Canadian Higher Education Law* should make a valuable companion.

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