

University of Miami Law School
University of Miami School of Law Institutional Repository

University of Miami Law Review

3-1-2017

Prefatory Matter and Table of Contents

Follow this and additional works at: <http://repository.law.miami.edu/umlr>



Part of the [Law Commons](#)

Recommended Citation

Prefatory Matter and Table of Contents, 71 U. Miami L. Rev. Iss. 2 (2017)

Available at: <http://repository.law.miami.edu/umlr/vol71/iss2/1>

This Prefatory Matter is brought to you for free and open access by University of Miami School of Law Institutional Repository. It has been accepted for inclusion in University of Miami Law Review by an authorized editor of University of Miami School of Law Institutional Repository. For more information, please contact library@law.miami.edu.

University of Miami Law Review

VOLUME 71

WINTER 2017

NUMBER 2

REMARKS

KEYNOTE ADDRESS	<i>Justice John Paul Stevens (Ret.)</i>	359
<i>DOE V. UNIVERSITY OF MICHIGAN</i> : FREE SPEECH ON CAMPUS 25 YEARS LATER	<i>Len Niehoff</i>	365

ARTICLES

A CRITICAL LOOK AT HOW TOP COLLEGES ARE ADJUDICATING SEXUAL ASSAULT	<i>Tamara Rice Lave</i>	377
TRIGGERING <i>TINKER</i> : STUDENT SPEECH IN THE AGE OF CYBERHARASSMENT	<i>Ari Ezra Waldman</i>	428
CENSORSHIP BY CRYING WOLF: MISCLASSIFYING STUDENT SPEECH AS THREATS	<i>Susan Kruth</i>	461
THE LIMITS OF EDUCATION PURPOSE LIMITATIONS	<i>Elana Zeide</i>	494

NOTES

COMBATTING INSTITUTIONAL CENSORSHIP OF COLLEGE JOURNALISTS: THE NEED FOR A TAILORED PUBLIC FORUM CATEGORY TO BEST PROTECT SUBSIDIZED STUDENT NEWSPAPERS	<i>Nicole Comparato</i>	528
--	-------------------------	-----

STATEMENT OF EDITORIAL POLICY

The *University of Miami Law Review* (ISSN 0041-9818) is published quarterly during the fall, winter, spring, and summer by the students of the University of Miami School of Law. Periodicals postage paid at Miami, Florida and additional mailing offices. POSTMASTER: Send address changes to *University of Miami Law Review*, 1311 Miller Drive, University of Miami School of Law, B-349 Law Library, Coral Gables, FL 33124.

SUBSCRIPTIONS: One year's subscription for four issues / one volume is \$50.00 for domestic mailing and \$60.00 for international mailing, payable in advance. Single issues are \$15.00. Address your order to *University of Miami Law Review*, 1311 Miller Drive, B-349 Law Library, Coral Gables, FL 33124. If the *University of Miami Law Review* does not receive notice of termination before the expiration of the subscription, it will be automatically renewed. Because the *University of Miami Law Review* holds back issues at its editorial offices for a limited time only, subscribers should report non-receipt of an issue within six months of its mailing or one month following receipt of a succeeding issue.

SINGLE AND BACK ISSUES: Each issue of Volume 71 of the *Review* can be purchased for \$15.00 from the *University of Miami Law Review*. Back issues of Volumes 1–70 are available through William S. Hein and Company, Inc., 1285 Main Street, Buffalo, New York 14209, (800) 828-7571. Back issues can also be found in electronic format on HeinOnline (<http://heinonline.org>).

SUBMISSIONS: The *University of Miami Law Review* invites the submission of unsolicited articles. All submissions should conform to *The Bluebook: A Uniform System of Citation* (20th ed. 2015). In general, the *University of Miami Law Review* follows *The Redbook: A Manual on Legal Style* (3d ed. 2013) on grammar, style, and usage. Authors seeking publication in the *University of Miami Law Review* should submit manuscripts electronically and in Microsoft Word format. For more information, please visit us online at <http://lawreview.law.miami.edu/>.

COPYRIGHT: Copyright © 2017 by the *University of Miami Law Review*. The author of each article published in the *Review* grants permission for copies of that article to be made and used for classroom use, provided that the user identifies the author and the journal, affixes proper notice of copyright to each copy, and sends notice and a description of the use to the *University of Miami Law Review*. In addition, the author of each article grants the *University of Miami Law Review* the right to authorize the publication, reproduction, and distribution of the article in electronic, computerized-retrieval systems, and similar forms, and to transfer such rights. For reprint permission for purposes other than classroom use, please contact the *University of Miami Law Review* at the above address, or fax (305) 284-6506. Please allow at least one business week for processing.

UNIVERSITY OF MIAMI SCHOOL OF LAW

ADMINISTRATION

Julio Frenk, M.D., M.P.H., PH.D, *President of the University*
Thomas J. LeBlanc, B.S., M.S., Ph.D., *Provost & Executive Vice President*
Patricia D. White, B.A., M.A., J.D., *Dean & Professor of Law*
Osamudia James, B.A., J.D., LL.M., *Vice Dean & Professor of Law*
Scott Sundby, B.A., J.D., *Associate Dean for Faculty Development, Dean's Distinguished Scholar & Professor of Law*
Kele Stewart, B.S., J.D., *Associate Dean for Experiential Learning, Co-Director of the Children & Youth Law Clinic & Professor of Clinical Legal Education*
Ileana Porras, B.A., M.Phil., J.D., *Associate Dean of Academic Affairs*
Raquel M. Matas, B.A., J.D., *Associate Dean for Administration and Counsel to the Dean*
Harold Flegelman, B.A., J.D., *Associate Dean for the Adjunct Faculty & Director of the Graduate Program in Entertainment, Arts and Sports Law*
Georgina Angones, B.A., *Assistant Dean for Law Development and Alumni Relations*
Marcelyn Cox, B.A., J.D., *Assistant Dean, Career Development Office*
Michael L. Goodnight, B.A., M.S., *Associate Dean of Admissions and Enrollment Management*
Marni B. Lennon, B.A., Ms.Ed., J.D., *Assistant Dean for Public Interest and Pro Bono, Director, HOPE Public Interest Resource Center*
Greg Levy, B.A., J.D., *Assistant Dean of Academic Affairs and Student Services*
Janet E. Stearns, B.A., J.D., *Dean of Students*
William P. VanderWyden, III, B.A., M.Ed., J.D., *Assistant Dean for Professional Development*

FACULTY

David Abraham, B.A., M.A., Ph.D., J.D., *Professor of Law Emeritus & University of Miami Law Review Faculty Advisor*
Anthony V. Alfieri, A.B., J.D., *Dean's Distinguished Scholar, Professor of Law & Director of the Center for Ethics & Public Service*
Paula Arias, J.D., *Director of International Moot Court Program & Lecturer in Law*
Yasminat Assis, LL.M., J.D., *Associate Director, International Graduate Law Programs & Lecturer in Law*
Jill Barton, B.J., B.A., M.S., J.D., *Professor of Legal Writing*
Ricardo Bascuas, B.A., J.D., *Professor of Law*
Caroline Bettinger-Lopez, B.A., J.D., *Professor of Clinical Legal Education & Director, Human Rights Clinic*
William Blatt, A.B., J.D., *Professor of Law*
Caroline M. Bradley, B.A. (Hons), LL.M., *Professor of Law*
Patricia A. Brown, B.S.F.S., J.D., *Director, Graduate Program in Taxation*
Sergio Campos, A.B., J.D., *Professor of Law*
Donna K. Coker, B.S.W., M.S.W., J.D., *Professor of Law*

Charlton Copeland, B.A., M.A.R., J.D., *M. Minnette Massey Chair in Law and Professor of Law*

Caroline Mala Corbin, B.A., J.D., *Professor of Law*

Andrew Dawson, B.A., J.D., *Associate Professor of Law*

Michele DeStefano, B.A., J.D., *Professor of Law*

Alyssa Dragnich, B.A., J.D., *Professor of Legal Writing*

Marc Fajer, A.B., J.D., *Professor of Law*

Zanita E. Fenton, A.B., J.D., *Professor of Law*

Mary Anne Franks, B.A., M.Phil., Ph.D., J.D., *Professor of Law*

Sandra Friedrich, J.D., LL.M., *Director, White & Case International Arbitration LL.M. Graduate Program & Lecturer in Law*

Christina M. Frohock, B.A., M.A., J.D., *Professor of Legal Writing*

A. Michael Froomkin, B.A., M.Phil., J.D., *Laurie Silvers and Mitchell Rubenstein Distinguished Professor of Law*

Patrick O. Gudridge, A.B., J.D., *Professor of Law*

Michael H. Graham, B.S.E., J.D., *Dean's Distinguished Scholar for the Profession, Professor of Law*

Susan Haack, B.A., M.A., B.Phil., Ph.D., *Distinguished Professor in the Humanities, Cooper Senior Scholar in Arts and Sciences, Professor of Philosophy & Professor of Law*

Stephen K. Halpert, A.B., J.D., *Professor of Law*

Frances R. Hill, B.A., M.A., Ph.D., J.D., LL.M., *Dean's Distinguished Scholar for the Profession, Professor of Law*

Elizabeth M. Iglesias, B.A., J.D., *Professor of Law*

Jan L. Jacobowitz, B.S., J.D., *Director of the Professional Responsibility and Ethics Program & Lecturer in Law*

D. Marvin Jones, B.S., J.D., *Professor of Law*

Stanley I. Langbein, A.B., J.D., *Professor of Law*

Tamara Rice Lave, B.A., M.A., Ph.D., J.D., *Associate Professor of Law*

Lili Levi, A.B., J.D., *Professor of Law*

Martha R. Mahoney, B.A., M.A., J.D., *Dean's Distinguished Scholar & Professor of Law*

Fred McChesney, A.B., J.D., Ph.D., *Carlos de la Cruz-Soia Mentschikoff Chair in Law and Economics*

Felix Mormann, J.D., LL.M., *Associate Professor of Law*

Peter Nemerovski, B.A., J.D., *Professor of Legal Writing*

JoNel Newman, B.A., J.D., *Director of the Health and Elder Law Clinic & Professor of Clinical Legal Education*

James W. Nickel, B.A., Ph.D., *Professor of Philosophy & Professor of Law*

Leigh Osofsky, A.B., J.D., *Professor of Law*

Bernard H. Oxman, A.B., J.D., *Richard A. Hausler Endowed Chair & Professor of Law*

Kunal Parker, A.B., M.A., J.D., Ph.D., *Dean's Distinguished Scholar & Professor of Law*

Jan Paulsson, A.B., J.D., *Michael Klein Distinguished Scholar Chair & Professor of Law*

Shara Pelz, B.A., J.D., *Professor of Legal Writing*

Carmen Perez-Llorca, J.D., LL.M., *Director of International Graduate Law Programs & Lecturer in Law*

Bernard P. Perlmutter, B.A., J.D., *Co-Director of the Children & Youth Law Clinic & Professor of Clinical Legal Education*

Alejandro Portes, B.A., M.A., Ph.D., *Professor of Sociology & Professor of Law*
Tina Portuondo, B.A., J.D., LL.M., *Director of the Heckerling Institute on Estate Planning & Director of the Heckerling LL.M. in Estate Planning*
Daniel B. Ravicher, B.S.C.E., J.D., *Director of the Larry Hoffman|Greenberg Traurig Startup Law Practicum & Lecturer in Law*
Thomas A. Robinson, B.S., J.D., B.Litt., *Professor of Law*
Scott Rogers, B.S., M.S., J.D., *Director, Mindfulness and the Law Program & Lecturer in Law*
Laurence M. Rose, B.A., J.D., *Director of the Litigation Skills Program & Professor of Law Emeritus*
Robert E. Rosen, A.B., M.A., J.D., Ph.D., *Professor of Law*
Andres Sawicki, S.B., J.D., *Associate Professor of Law*
K. Renee Schimkat, B.A., J.D., *Professor of Legal Writing*
Stephen J. Schnably, A.B., J.D., *Professor of Law*
Rebecca Sharpless, B.A., M.Phil., J.D., *Director, Immigration Clinic & Professor of Clinical Legal Education*
Rachel Stabler, B.A., J.D., *Professor of Legal Writing*
Irwin P. Stotzky, B.A., J.D., *Professor of Law*
Jessi Tamayo, B.A., J.D., *Director of the Street Law Program & Lecturer in Law*
Annette Torres, B.A., M.B.A., J.D., *Professor of Legal Writing*
Stephen K. Urice, B.A., Ph.D., J.D., *Professor of Law*
Francisco Valdes, B.A., J.D., J.S.M., J.S.D., *Dean's Distinguished Scholar & Professor of Law*
Teresa Verges, B.A. J.D., *Director, Investor Rights Clinic & Lecturer in Law*
William H. Widen, A.B., J.D., *Professor of Law*
Richard L. Williamson, Jr., A.B., M.A., J.D., *Professor of Law*
Sally H. Wise, B.A., J.D., M.LL., *Director of the Law Library & Professor of Law*
Cheryl Zuckerman, B.A., J.D., *Professor of Legal Writing*

Emeriti

Terence J. Anderson, B.A., J.D., *Professor Emeritus of Law*
Kenneth M. Casebeer, A.B., J.D., *Professor Emeritus of Law*
Mary I. Coombs, B.A., M.A., J.D., *Professor Emerita of Law*
Mary Doyle, B.A., LL.B., *Dean Emerita & Professor Emerita of Law*
Dennis O. Lynch, B.A., J.D., J.S.D., LL.M., *Dean Emeritus & Professor Emeritus of Law*
Elliott Manning, A.B., J.D., *Professor Emeritus of Law*
M. Minnette Massey, B.B.A., LL.B., M.A., LL.M., *Professor Emerita of Law*
George Mundstock, B.A., J.D., *Professor Emeritus of Law*
Keith S. Rosenn, B.A., LL.B., *Professor Emeritus of Law*
Kathryn D. Sowle, B.A., J.D., *Professor Emerita of Law*

University of Miami Law Review

ADVISORY BOARD

ROY BLACK	JOSEPH MAMOUNAS
SCOTT E. BYERS	STEVEN MARKS
HON. A. JAY CRISTOL	ADAM MOSKOWITZ
JARET L. DAVIS	MICHAEL NACHWALTER
FREDDY FUNES	REBKAH J. POSTON
ELIZABETH A. GONZALEZ	PETER PRIETO
GEORGE HARPER	JOE SEROTA
CHARLES KLINE	HON. THOMAS E. SCOTT
GUY LEWIS	BRIAN W. TOTH
ALVIN LINSDAY	HARLEY S. TROPIN