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## OGC News & Notes

The Office of General Counsel welcomes [Elise Puzio](#) as Special Assistant to the Deputy Counsels.

The *N.Y.U. Journal of Intellectual Property and Entertainment Law* published Associate Counsel [Joseph Storch's](#) article, "[3-D Printing Your Way Down the Garden Path: 3-D Printers, the Copyrightization of Patents, and a Method for Manufacturers to Avoid the Entertainment Industry's Fate](#)" in the Spring 2014 issue. Separately, the *Chronicle of Higher Education* [interviewed Storch about the First Amendment and college speech codes governing online activity.](#)

The N.Y.S. Bar Association *Real Property Law Journal* published Associate Counsel [Karen Richard's](#) article (with Patrick Seely, Jr. and Shannon Jones) "[Can the Mere Presence of Contaminants Reduce a Property's Tax Assessment?](#)" Vol. 42, No. 2.

## Message from [Bill Howard](#), General Counsel

Sexual assault on colleges and university campuses is a major headline in the news. Laws and regulations are changing, federal agencies are investigating, and calls come from every corner for change.



SUNY is well-served in this area by its Office of General Counsel attorneys, in close partnership with the Offices of University Life and University Police. I was privileged to work with Vice President Biden and Cabinet members as they gathered information for their [Task Force Report](#), discussed below. Concurrent with the Report, the Office for Civil Rights issued [clarifications to its April 2011 Dear Colleague Letter](#). Associate Counsel [Andrea Stagg](#) was the first to publish an analysis, which was distributed by NACUA across the country. Associate Counsel [Joseph Storch](#) advised the American Council on Education on technical guidance for the Task Force, and served as an expert advisor to the Violence Against Women Act Negotiated Rulemaking committees. In the coming months, OGC will be [presenting four trainings for SUNY campuses](#) on compliance with these new changes.



L to R: Secretary Kathleen Sebelius, Vice President Joseph Biden, General Counsel Bill Howard, OCR Asst. Secretary Catherine Lhamon

Official White House Photo by David Lienemann, used by permission

## Clery/Title IX Training

The OGC will provide [two trainings this summer on Clery, Title IX and VAWA Compliance](#). Each training will be presented twice.

### The Violence Against Women Act: Updating Codes and Handbooks

June 26, 9:30–4:00, Albany  
July 9, 9:30–4:00, Albany

### Working IX to IV: Title IX and Title IV Requirements (Clery/VAWA) for SUNY Campuses

June 19, 9:30–4:00, Cortland  
Sep. 11, 9:30-4:00, NYC

[To register, click here](#)

## OCR Title IX Guidance

By [Andrea Stagg](#)

The Department of Education's Office for Civil Rights issued a 46-page document, "[Questions and Answers on Title IX and Sexual Violence](#)," to provide guidance on issues brought to light since the April 2011 Dear Colleague Letter. [Click here for a summary of the Q&A.](#) This guidance addresses some unique questions and includes much-needed clarification on confidentiality and mandatory reporting. Many recommendations, such as the elements of a grievance procedure, can be found in the [SUNY Agreement](#).

Associate Counsel [Geraldine Gauthier](#) and [Karen Richards](#) co-authored an article "[Liability of Health Care Providers for the Emotional Injuries of 'Bystanders'](#)" in the N.Y.S. Bar Association *Health Law Journal*, Vol. 18, No. 3 (Fall 2013). Reprinted by [permission of the NYSBA](#), 1 Elk St. Albany.

The Office of General Counsel in Albany welcomes summer interns **Stephanie Morrison**, a rising second year at Cornell Law School and **Alexander Slichko**, a rising second year at Harvard Law School.

#### **Compliance Site Updates** By [Nedra Abbruzzese-Werling](#)

The Compliance webpage includes new developments:

[NYS Education Law Article 129-A Certification](#), due 7/1

[The Nonprofit Revitalization Act of 2013](#), effective 7/1

[E-Discovery \(including SUNY's recently issued E-discovery procedure\)](#)

[SUNY Email Retention Guidance](#)

[OFCCP Compliance](#)

[Start-Up New York](#), with [Program Participation Policy](#) and [Procedures](#).

#### **Memo on Political Activity on SUNY Campuses** By [Bill Howard](#), [Sandra Casey](#), and [Joseph Storch](#)

The election season is here again. OGC has updated its memo, [Political Campaign Activity at SUNY Campuses](#).



#### **White House Report on Sexual Assault; VAWA Rules** By [Joseph Storch](#)

The Spring of 2014 saw several notable documents issued regarding sexual assault prevention on college campuses. The Department of Education completed negotiations on implementing the Campus Save provisions of the Violence Against Women Act (VAWA). Proposed Regulations will be issued in June and finalized in the Fall. In April, the White House issued the [First Report](#) of its task force on prevention of sexual assault. This Report differs significantly from other past documents as it heeded the call for actual guidance and sample policies. The Report is a positive step for compliance and violence prevention on campuses. We will be summarizing these documents and providing two different training sessions for our SUNY colleagues.

#### **OGC Sidebar:**

Associate Counsel [Barbara Scarlett](#) provides overall legal support for Binghamton University.

#### **Favorite part of the job?**

The people; the students, faculty, staff, administration and campus visitors. Each person I encounter here on the campus and at System Administration brings such a diverse outlook to the campus and SUNY, I am learning all the time.

#### **Most interesting recent project?**

I am involved in a small part of the campus' proposed Pharmaceutical Sciences and Pharmacy School. Currently we are working on acquiring the real property for the school. I have been involved with acquiring property for the University before; including arm's length purchases and a "friendly" eminent domain proceeding. So far, this project has been exciting and challenging, working with colleagues to find suitable locations and start the acquisition process. I am looking forward to this challenge with the end goal of helping our future pharmaceutical science students have a wonderful facility to learn and achieve their educational goals.

**Office of General Counsel Legal ListSers:** [Join the Clery Act, Title IX, or FOIL ListSers](#) or [Compliance ListServ](#)

General Counsel Update is issued quarterly by the SUNY Office of General Counsel and is sent to a broad array of SUNY System and Campus leadership and professionals who work with OGC. If you would like to be added to the distribution list, or have any other questions about General Counsel Update, please contact Associate Counsel Joseph Storch at [joseph.storch@suny.edu](mailto:joseph.storch@suny.edu). Learn more about our office at <http://www.system.suny.edu/counsel/>.

The Office of General Counsel provides comprehensive legal services to support one of the United States' leading state systems for higher education. We protect and defend the University's legal interests, providing legal advice to the [Board of Trustees](#), [System Administration](#), the [State University's campuses](#), and other components of SUNY. We track legal developments, issue legal guidance to campus professionals and provide training on understanding and complying with legal requirements.

The articles above and related links are for informational purposes only and do not represent legal advice. The SUNY Office of General Counsel **cannot** provide legal advice to students or employees of the State University of New York on personal matters.