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## OGC News & Notes

In January, Assistant Counsel [Andrea Stagg](#) published a NACUA Note on "OCR'S 'Dear Colleague' Letter on Title IX and Sexual Violence- Training Obligations." National Association of College & University Attorneys, Vol. 10, No. 4 (attached in PDF).

Counsel's Office welcomes Associate Counsel [Mark Lemire](#) to the Albany [System Administration Office](#). Mark joined SUNY on November 15, 2011. Prior to joining SUNY, Mark was in private practice.

Counsel's Office welcomes paralegal [Cindy Knickerbocker](#) to the [Binghamton Office](#). Cindy joined SUNY on November 14, 2011. Prior to joining SUNY, Cindy worked as a project manager and solution engineer for a business process services company.

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

The New Year brings new challenges and new opportunities for growth, at our campuses and in Counsel's Office. I am pleased that over the next few months, Counsel's Office will bring online a new matter management system that will assist us in providing the efficient service our campuses expect. In her [State of the University](#), Chancellor Zimpher applauded the concept of Systemness, where we leverage resources to work together in an efficient manner. Counsel's Office is a prime example of Systemness. Although your campus may work with only one or a few attorneys and paralegals on a regular basis, all members of our staff have expertise in a wide range of areas, and they are constantly assisting each other, sharing resources, and working together to provide optimal service to our system and campus clients, while keeping costs low. I wish each of you a successful 2012!



## Title IX Training

By [Andrea Stagg](#),  
Assistant Counsel

On February 14 from 2:00 p.m. – 3:30 p.m., the Office of General Counsel will host a Webinar training intended for Title IX coordinators. The webinar is being paid for by the Office of General Counsel. It will be recorded, not only for those who are not available at the date and time, but also for new employees.

For more information and login instructions, e-mail [andrea.stagg@suny.edu](mailto:andrea.stagg@suny.edu).

## Election Year Reminder

By [Joseph Storch](#),  
Associate Counsel

SUNY employees must be cautious that we follow applicable law, executive orders and SUNY Policy on political campaigns. Political engagement by faculty, staff and students is encouraged, but we must be careful regarding use of facilities for political purposes and not using State resources for private political ends.

Attached please find a Memorandum about political activity applicable to campuses and staff.

Counsel's Office welcomes back intern Stefan Eilts for the Spring 2012 semester. Stefan is a third-year law student at Albany Law School. He previously interned for Counsel's Office in Fall 2010. While at SUNY, Stefan co-authored (with Seth Gilbertson) a NACUA Note on the application of the Fair Labor Standards Act to student internships.

Counsel's Office congratulates former Intern Nicole Ettlinger on her appointment to a clerkship with the New York State Court of Appeals. Nicole will graduate the University at Buffalo Law School in May 2012 and assume her clerkship after the Bar Exam. Nicole interned at SUNY in Summer 2011.

Counsel's Office congratulates former Intern Daniel Bernstein who received an offer of employment from Bond, Schoeneck, and King. Dan will graduate from Albany Law School in May 2012 and start work after the Bar Exam. Dan interned twice at SUNY, in summer 2010 and Spring 2011.

For more information, visit Counsel's Office online at: <http://www.suny.edu/counsel>.

## Addressing Abuse of Minors on Campus

By [Marti Anne Ellermann](#), Deputy General Counsel

The recent news from Penn State University and Syracuse University has led many to consider the need for additional reporting and strengthened campus and University policies aimed at the protection of minors on our college campuses. Over the next few months we can expect there to be legislative action at the State level to put in place new mandates for reporting child sexual and other abuse incidents that occur on campus property or during Campus-sponsored activities. Current mandatory reporting laws do not apply to most University employees. Counsel's Office is also working with other System and campus officers to identify additional steps we can take to help ensure safety for participants in programs on our campuses. These include expanded requirements for vendors and others who use our facilities to conduct activities that children attend such as summer and sports camps. Specific questions about proposed campus policies and programs should be addressed to your [campus counsel](#).

## New Regulation Impacts Students Deemed a Threat to Self.

By [Wendy Kowalczyk](#), Associate Counsel

Until recently, in extreme and rare cases, colleges were permitted to remove, dismiss, or discipline a student *regardless of disability* if the student posed a significant risk to the health or safety of himself or others. Recently changed ADA regulations now permit colleges to discipline or remove a disabled student only when the student's disability poses a significant threat to *others*, and not if solely based on a threat to self.

As a result, the Office of General Counsel recommends that all campuses immediately review and revise their involuntary withdrawal and other policies to reflect the change in regulation. Effective immediately, any reference to removing a student based on threat to self should be removed from these policies.

Attached please find detailed guidance on this topic.



## SUNY Awards Contract to New I.P. Counsel

By [Geraldine Gauthier](#), Associate Counsel

SUNY has negotiated a new outside counsel contract with [Heslin Rothenberg](#) for trademark, copyright and other intellectual property matters. The search committee members were Jennifer LoTurco (Chancellor's Office), and Associate Counsels [Geraldine Gauthier](#), [Karen Richards](#), and [Joseph Storch](#).

Please inventory current I.P. matters being handled by Bond Schoeneck & King, to determine whether they can be completed by March 31, 2012 or should be transitioned to Heslin and direct any questions to your [campus counsel](#).

## Counsel's Office Legal ListSers: [Join the Clery Act, Title IX, or FOIL ListSers](#)

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 Counsel's Office. 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.suny.edu/counsel/index.cfm>.

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.