The State University of New York

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OGC News & Notes

Counsel's Office welcomes new attorney Geraldine Gauthier to the System office.

Counsel's Office welcomes new attorney Suzanne Shane to the Stony Brook office.

Marti Anne Ellermann has been named Deputy General Counsel.

Counsel's Office sends best wishes to retiring attorneys Lewis Rosenthal and Rosemarie Scrodanus.

Associate Counsel Joseph Storch's article on copyright and peer-to-peer file sharing has been published in the most recent Albany Law Review at *74 Alb. L. Rev. 313* (2011).

Welcome from Bill Howard, General Counsel

Since March 1st when I joined the Office of General Counsel as its newest member, I have had the pleasure of meeting many of you, our wonderful clients, performing the important missions of SUNY on a daily basis. I am honored to be entrusted by the Board of Trustees and Chancellor Zimpher to lead the legal team for SUNY. The attorneys throughout the office are an impressive group of dedicated professionals, who cover a vast range of legal topics with skill, knowledge, creativity, and good humor, all with a keen client service attitude. We hope that you find these updates and our new website useful and informative, and please do not hesitate to contact me or any member of the office with any comments or concerns. I look forward to meeting and working with more of you, the people of SUNY who are its power!

Governor Signs Procurement Relief
By Kingsley Osei, Associate Counsel

Governor Andrew Cuomo recently signed into law partial procurement relief, allowing the State University of New York to purchase among others, materials, equipment, supplies and motor vehicles without the prior approval of the New York Office of the Attorney General and the Office of the State Comptroller. The new law does not cover contracts for services, real estate and revenue contracts (which will still require Attorney General and Comptroller approval). Further implementation guidance will be provided in the coming months.

New Clery Act Handbook
By Joseph Storch, Associate Counsel

In February, the Department of Education issued an updated Handbook for Campus Safety and Security Reporting.

The new Handbook is available online.

U.T. Professor's Conviction for Export Controls Violations Affirmed

By Seth Gilbertson, Associate Counsel

In *United States of America v. John Reece Roth*, the Sixth Circuit Court of Appeals affirmed the conviction of a University of Tennessee professor for violating export control laws by taking certain restricted data to China and allowing foreign national graduate students to access restricted data at his lab in Knoxville. The court held that prohibitions on exportation apply to data during all phases of a research project and ruled the professor did not have to know that the specific data he exported was on a restricted list in order to be convicted, so long as the government proved he knew his conduct was unlawful.

State Authorization and Distance Education

By Andrea Stagg, Assistant Counsel

The Department of Education published regulations in October 2010 that require institutions to comply with home state rules for authorization and licensure in order to remain eligible for Title IV funds. The rules also specify that institutions offering distance education must comply with any other state requirements to be legally offering distance education in other states. On April 20, 2011 the Department of Education issued a Dear Colleague Letter that delays enforcement of the impending state authorization regulations until July 1, 2014, so long as institutions make a good faith effort to obtain authorization before that date. The letter also identifies examples of "good faith efforts," announces plans for USDE to host a comprehensive directory of state laws, and describes the Department's support of state coordination, including reciprocal agreements and common applications. SUNY System will continue to seek exemption or authorization on behalf of all SUNY institutions in compliance with this guidance.

The Offices of University Police, University Life, and General Counsel are offering Clery trainings this summer:

- Geneseo: June 16
- Farmingdale: July 6
- Empire State: July 7
- ESF: July 14

For more information, e-mail Director of University Police David Schindler

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