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OGC News & Notes

Counsel's Office welcomes William "Will" Versfelt, a recent graduate of William & Mary Law School and a Cornell University alumnus, who joined the OGC in Albany as a Higher Education Law Fellow.

The National Association of College and University Attorneys (NACUA) has appointed Associate Counsel [Wendy Kowalczyk](#) and reappointed Associate Counsel [Geraldine Gauthier](#) to the Editorial Board of the Journal of College and University Law.

NACUA has reappointed Associate Counsel [Seth Gilbertson](#) as Chair of the NACUA Notes Editorial Board and reappointed Assistant Counsel [Andrea Stagg](#) as an Editorial Board member.

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

There are many reasons why legal work in a university's Office of General Counsel is unique and interesting, but one of the most invigorating ones is our connection to professionals engaged in teaching and learning. As part



of that mission, the Office of General Counsel has developed a highly successful summer and semester internship program. Led by attorneys Seth Gilbertson, Andrea Stagg and Joseph Storch, the program has become more robust and refined each year and the caliber of interns is stellar. We now routinely attract students who are in the top of their class, and who produce work that is crisply written and useful to our campuses. Our interns have continued on to jobs in higher education, top firms, and distinguished clerkships. This year, we take another step, hiring our first legal fellow, a recent law school graduate, funded by a grant, who is joining us this semester. The program provides legal fellows with the opportunity to gain experience in a university legal office, and assists our clients with cutting edge research on SUNY-wide and campus legal issues.



Court Case Limits DHR Jurisdiction

By Will Versfelt, Law Fellow

The New York Court of Appeals recently handed down a noteworthy decision with important implications for SUNY campuses, finding that the New York State Division of Human Rights (DHR) lacks jurisdiction to investigate complaints lodged against public school districts.

The [cases](#) were brought by the Syracuse and Ithaca school districts, and claimed that the DHR lacked jurisdiction over student claims. The court reviewed DHR's jurisdiction, concluding that for complaints by students, such jurisdiction only covered private, non-sectarian entities.

The result is that public entities, such as SUNY, are exempt from DHR cases alleging discrimination in the provision of educational services. DHR will continue to investigate employee complaints.

More information is provided in the attached memorandum. Questions may be directed to your campus counsel.

NACUA has reappointed General Counsel [Bill Howard](#) as a member of the NACUA Committee on Strategic Planning.

The [Buffalo Law Review](#) published former intern Nicole Ettlinger's article "[You Have the Right to Remain Thirteen: Considering Age in Juvenile Interrogations in J.D.B. v. North Carolina.](#)" Nicole recently began a clerkship for the New York Court of Appeals in Albany.

Former OGC intern Brendan Venter has accepted a post-graduate clerkship with the Honorable Gary Sharpe, the Chief Judge of the federal court's Northern District of New York.

Former OGC intern Jessica Vigers has been hired as an Associate at Cooper, Erving & Savage, a law firm in Albany. After completing her internship and graduating, Jessica clerked for the Appellate Division in Albany.

For more information, visit the Office of General Counsel online at: <http://www.suny.edu/counsel>.

State Authorization Update

By [Andrea Stagg](#), Assistant Counsel

The U.S. Department of Education recently issued a [Dear Colleague letter](#) indicating that it will not be penalizing distance education providers for being out of compliance with state authorization laws. However, states are beginning to enforce their laws because they are on notice that institutions are operating. States have sent cease and desist letters to institutions that are out of compliance, as well as notices regarding updated rules and interpretations. Campuses should continue to seek authorization in states where they enroll students in distance education coursework or have physical presence. Many states have provided SUNY with explanations of what kind of activities trigger the authorization requirement, including questionnaires for campuses to fill out so the state can make a determination on eligibility based on the responses. More information is available at the [Provost's Web site](#).

SUNY Records Management Conference

By [Nedra Abbruzzese-Werling](#)
Compliance Administrator

The Office of General Counsel's Records Management Officer hosted a one-day conference for campus Records Management Officers, Chief Information Officers, and campus counsel. The conference included an informative presentation by SUNY's own record management and e-discovery expert Seth Gilbertson, as well as Jennifer O'Neill, the Scheduling and State Agency Services Manager at the New York State Archives, and full-time Campus Records Manager Gina Doty of Plattsburgh. More than 30 attended. The conference was facilitated by Compliance Administrator and designated System-wide Records Management Officer Nedra Abbruzzese-Werling, with assistance by Mary Jane (Midge) DeChiro and Janine Frost. The conference was well-received, as the campus records personnel enjoyed getting to know similarly situated colleagues at their peer institutions, and also having the opportunity to hear from the SUNY and State sources on records retention and disposition.

More details on Records Management can be found at: <http://www.suny.edu/compliance/topics/recordsretention/>

OGC Sidebar:

[Robert Ruggeri](#) is the Senior Managing Counsel responsible for SUNY's western "WESTCAM" campuses. He also teaches Higher Education Law at the Albany Graduate School of Education.

Favorite part of the job?

Compared to private practice, the incredible diversity of legal assignments that I get to work on. In the course of a morning, I can handle everything from real property to free speech to rock 'n roll contracts.

Most interesting recent project?

Working on the development of the new medical school complex in downtown Buffalo. It involves assembling numerous parcels of land and solving all kinds of issues and problems.

What is your favorite part of teaching?

It requires learning about every aspect of higher education law. I have to prepare 52 hours of lectures. It's fun working with education students interested in legal issues affecting their work.

Office of General Counsel Legal ListServs: [Join the Clery Act, Title IX, or FOIL ListServs](#) 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 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. 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.

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