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## OGC News & Notes

Associate Counsel [Suzanne Shane](#) received the Frederick R. Preston Partnership award for outstanding contributions to the quality of student life on the Stony Brook campus. The award is made by the Stony Brook Dean of Students' office.

Associate Counsel Karen Richard's article, "When Is a Police Officer's Knowledge Actual Notice to a Municipality?" was published in the Spring 2012 issue of the New York State Bar Association [Municipal Lawyer](#), Vol. 26, No. 2, p. 51.

[Robert Ruggeri](#) has been promoted to Senior Managing Counsel for the WestCam campuses and [Janna Pfluger-Boucher](#) has been promoted to the position of Senior Associate Counsel for Labor.

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

The end of an academic year always is a time to reflect on the year that has passed. As I end my first full year as General Counsel of the State University of New York, I wanted to reflect on some of the past year's changes for SUNY and the



OGC, so my colleagues and I did that, and we are now pleased to issue the [Office of General Counsel's first Annual Report](#). The Report describes some of the myriad legal issues our office has handled, and shows the depth and breadth of my colleagues' knowledge, with long lists of publications and speaking engagements over the past year. I appreciate the creativity shown by System and Campus clients, and the ingenuity shown by the Office of General Counsel colleagues as we work to provide services to our clients. We hope you enjoy the Annual Report and look forward to many more shared successes in the year to come.



## Freeh Report and Child Abuse

By [Joseph Storch](#), Associate Counsel and [Andrea Stagg](#), Assistant Counsel

After an intense investigation, former FBI Director Louis Freeh issued his [Report on the Penn State Scandal](#). The Report found that Penn State leadership did not take appropriate actions to protect children who were victims of a former football coach.

While the Report spills significant ink on the myriad Clery Act violations, it gives less treatment to the equally pressing Title IX issues that are revealed by the findings.

To help educate our clients, we issued [analyses on the Clery Act and Title IX implications](#) of the Penn State scandal to the appropriate [Office of General Counsel ListServes](#). Those analyses may be [found here](#). All SUNY staff who have Title IX or Clery Act responsibilities may join the [Title IX ListServ](#) or the [Clery Act ListServ](#).

OGC thanks Summer Interns Brendan Venter and Bryan Gottlieb for their help in completing several projects important projects for SUNY clients. Brendan and Bryan are each in the top 1% of their respective class at Albany Law School,

In May, former intern Nicole Ettliger represented her class as the University at Buffalo Law School [Commencement speaker](#). After bar study, Nicole will clerk for the New York Court of Appeals.

At the recent [Annual Conference](#) of the National Association of College and University Attorneys (NACUA), [Bill Howard](#) presented on "Ethical Considerations in Discharging the Duties of General Counsel;" [Seth Gilbertson](#) presented on "NACUA Committee and Volunteer Service;" [Andrea Stagg](#) presented on "Program Integrity Rules;" and [Joseph Storch](#) presented on "The Clery Act for New Lawyers," "The Article Writing Process," & "Cyber-Bullying on the Quad."

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

## New York's New 911 Good Samaritan Law

By Bryan Gottlieb  
Counsel's Office Intern

The 2011 New York 911 [Good Samaritan Law](#) bars prosecution of individuals for minor drug and alcohol violations when that person attempts to acquire medical help for themselves or another for an overdose or other medical emergency. The bar to prosecution contained within the Law only affects criminal law and does not govern college judicial discipline. Some colleges have added similar provisions in their judicial or conduct codes that offer amnesty or reduced charges if a student reports an overdose or medical emergency.



## Prayer at Public College Commencements

By Brendan Venter  
Office of General Counsel Intern

Despite recent questions about the practice, including a non-sectarian prayer at a public college commencement has been found constitutional by several federal courts. In determining whether the First Amendment is violated, courts analyze whether such state practice impermissibly establishes or sponsors religion. For a commencement prayer, courts consistently hold that in a typical case, prayer serves the secular purpose of solemnizing the occasion; its primary effect is not to advance or inhibit religion; and its use does not constitute an excessive government entanglement with religion. For more detail, please see our [memorandum addressing prayer at a public university commencement ceremony](#).

## OGC Sidebar:

[Suzanne Shane](#) is an Associate Counsel at Stony Brook University. She previously served as counsel at Long Island University.

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

Working in such a diverse and dynamic environment where each day brings new challenges and opportunities. The knowledge that in some small way I am assisting Stony Brook University in achieving its mission, and its students and educators in achieving their goals.

### **Thoughts on the Frederick R. Preston Partnership award?**

The award is given in honor of one of Stony Brook's shining stars and the former Vice President for Student Affairs, so I am truly honored to be mentioned in the same sentence with him!

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

Honestly, it's hard to single out just one; on a daily basis, I find it interesting and challenging to use my legal and business experience to formulate creative solutions to the unique problems that arise at a university.

**Office of General Counsel 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.

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