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OGC News & Notes

The Office of General Counsel welcomes [Carrie E. Gee](#), as an Associate Counsel in the SUNY Charter Schools Institute in Albany and welcomes [Bonnie Davis](#), as Office Manager in the Albany System Office.

Associate Counsel [Jessica Baker](#) was promoted from Vice Chair of Membership to Vice Chair of Education for the [American Health Lawyers Association Physician In-House Counsel Affinity Group](#). She will coordinate all educational activities including monthly leadership conferences, bimonthly educational calls and webinars, and coordination with practice groups on strategic initiatives.

Associate Counsel [Kingsley Osei's](#) article, "[Public-Private Partnerships for Infrastructure Projects](#)" was published in the February 4, 2014 issue of the *New York Law Journal*.

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

Although we primarily discuss their legal work in these updates, many OGC members are also found after hours in the classroom. We value this contribution to education. It has a positive impact on students learning from experienced



practitioners, but also on our staff, who hear students' experiences and new ideas. Attorneys Bob Ruggeri, Sandra Casey, and Gerry Gauthier are teaching classes this semester, and Kingsley Osei just returned from teaching in Africa. We've highlighted some of this work below in a "Focus on Faculty."



Guest Post: [Chris Ashley](#), SUNY RF General Counsel

I am very pleased to be joining the legal team at the Research Foundation for SUNY. I am coming to New York after [14 years with the University of Wisconsin System](#), which, like SUNY, is doing great things in education, research, and economic development. I am especially looking forward to working with all the attorneys in the SUNY Office of General Counsel and at institutions around the System. Personally, it will be a great pleasure to return to New York where I grew up (many years ago!) and introducing my family to everything the Capital Region has to offer.

EDUCAUSE Live on Legal Issues for IT

EDUCAUSE has invited Associate Counsel [Seth Gilbertson](#) and [Joseph Storch](#) to present on

[Legal Issues for Higher Ed Technology Professionals](#)

In an [EDUCAUSE Live session](#).

Topics are:

- Use and Misuse of E-mail
- First Amendment in the Digital Environment
- BYO and Privacy

February 27, 2014, 1-2 PM

[Registration is free.](#)

Reemployment Benefits Under USERRA

By Sarah Harvey, Intern

The Uniformed Services Employment and Reemployment Rights Act ("USERRA") provides basic rights to military service members when returning from a qualifying time of military service. [Click here for a memorandum that specifically addresses the service member's entitlement to certain seniority and seniority-based rights and benefits upon reemployment.](#)

[Associate Counsel Karen Richards](#) had three articles go to press: [Disregarding Rules of the Road: Emergency Vehicles Finish Behind Road Work Vehicles](#) in *Municipal Lawyer*, Vol. 27 No. 3; [Court of Appeals Takes the Bull by Its Horns: Liability for Roaming Cattle](#) in *N.Y. Real Property Law Journal*, Vol. 42, No. 1; and [Police Protection and the "Special Relationship" Exception](#) in *Municipal Lawyer*, Vol. 27 No. 2. All reprinted by [permission of the NYSBA](#), 1 Elk St. Albany.

Counsel's Office welcome interns Bryan Gottlieb and Ruchira Podali in Albany and Nicole Komin at Buffalo Health Sciences. Bryan is a 3L and Editor in Chief of the [Albany Law Review](#). Ruchira is a 2L and a member of the [Albany Law Review](#). Nicole is a member of the [UB Intellectual Property Law Journal](#).

The [Higher Education Compliance Alliance](#), a consortium of many higher education associations, has issued a new [HECA Compliance Matrix](#). The Matrix is based, in part, on the Office of General Counsel's 2010 report, "Federal and New York State Disclosure Requirements," a 47 page document prepared for SUNY's Council of Chief Student Affairs Officers.

START-UP New York Advances

By [Sandra Casey](#)

Since passage of this groundbreaking legislation providing tax free zones for new NY businesses on SUNY campuses and at other select locations throughout the State, OGC has been working with officials from SUNY System Administration and the SUNY Research Foundation on developing START-UP NY procedures for all SUNY campuses to follow. Both the legislation and the Empire State Development's ("ESD") implementing regulations require campuses to submit a campus plan to ESD for approval of tax free areas on their campuses. OGC is part of the SUNY START-UP NY Review Team ("Review Team"), which the Chancellor empanelled to review campus plans before they are submitted to ESD. Review continues and a handful of plans have been approved. General information about START-UP NY can be found at <http://startup-ny.com/>.



Update on Gates/EDUCAUSE Summit

As a result of the summit sponsored by the Bill and Melinda Gates Foundation, EDUCAUSE, and participants including Associate Counsel Joseph Storch, have published the collaborative document, "[Managing Data Risk in Student Success Systems](#)."

OGC Sidebar:

Senior System Counsel [Sandra Casey](#) provides overall legal support for system-wide functions by reviewing policies, assisting with financial matters, such as bond financing for capital projects, and coordinating with System offices on state legislation and Board of Trustees' resolutions.

Favorite part of the job?

Working collaboratively with SUNY administrators and OGC colleagues to resolve legal issues and develop policies. Being part of such a talented team is both rewarding and humbling.

Most interesting recent project?

Shortly after I arrived at OGC, the START-UP NY legislation was enacted and I was asked to assist with implementation at SUNY. START-UP NY is a state economic development program that positions SUNY campuses as hosts for entrepreneurs and businesses from around the world. It is exciting to be involved at the ground level of this transformative program that aligns with SUNY's mission of teaching, research and public service; enabling engagement with industry in a manner that will benefit not only the SUNY community, but all New Yorkers.

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 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.

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.

Focus on Office of General Counsel Faculty



Geraldine Gauthier, **Associate Counsel**, is an Adjunct Professor teaching Business Law at Baker College, the largest private, nonprofit college system in Michigan with 12 campuses and 43,000 students. This accredited undergraduate course is required for associates and bachelors degree candidates in the Business Administration program and is delivered entirely online using the

Blackboard learning management system, augmented by instructor-created multi-media including video, screencasts and wikis.

Kingsley Osei, **Associate Counsel (Contracts)** recently returned from Kampala, Uganda, where he taught “Negotiation, Drafting and Management of Contracts” for the International Law Institute in an intensive 2-week program held at its African affiliate, the African Institute for Legal Excellence. Kingsley was slated to co-teach the program with a Ugandan judge, who was unable to participate due to professional commitments at the last minute. Kingsley went forward with the program and the class was attended by 18 lawyers and three contract administrators from seven African countries.



Sandra Casey, **Senior System Counsel** is an Adjunct Professor teaching the Law of Higher Education in the Masters program at The College of Saint Rose in Albany, NY. The diverse body of law currently governing colleges and universities is reviewed,

with emphasis on New York law and the unique structure of the University of the State of New York, to which SUNY and private higher education institutions belong. Albany Law School students are also enrolled in Sandra’s course, which engages students in college-setting simulations designed to demonstrate how lawyers and administrators work together to develop policies and respond to legal challenges.

Robert Ruggeri, **Senior Managing Counsel, “Westcam”** For the past 3 years, Bob Ruggeri has been teaching “Higher Education Law” at the University at Albany’s Graduate School of Education. Most of his students are Ph.D. students in the higher education administration program and some are SUNY deans and employees. Bob reports, “It’s quite a bit of work to prepare over 50 hours of lectures on virtually every topic in our field. But it’s satisfying to contribute something to SUNY and our office’s mission in this way. And it’s also a bit poignant for me personally since this is the class that former SUNY General Counsel Sandy Levine taught.”



Michele Le Moal-Gray, **Associate Counsel** teaches Legal Issues in Higher Education at Stony Brook University. Michele recently served as a guest lecturer on legal issues in higher education in Stony Brook’s School of Social Work classes and lectured on the role of University Counsel in a Stony Brook Higher Education seminar on Leadership in

Education. She guest lectured on Ethics in Higher Education at a Rutgers University Graduate Leadership Seminar.

In addition:

- The [Stony Brook OGC Office](#), in tandem with the Stony Brook University English Department, has been mentoring an undergraduate student intending to go to law school.
- [Seth Gilbertson](#) is assisting with a human resources class at Fredonia.
- [Joseph Storch](#) taught an eight week course on Clery Act compliance for the National Association of College and University Attorneys, and is teaching a session on the Clery Act for a Higher Ed Law course at the University of Michigan.
- [Andrea Stagg](#) and [Joseph Storch](#) will be presenting in [Sandra Casey’s](#) course.