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- [Staff Biographies](#)
- [OGC Offices](#)
- [Pertinent Legal Information](#)
- [Internships & Employment](#)

OGC News & Notes

Counsel's Office welcomes new attorney [Jessica Baker](#) to the [Buffalo Office](#). She started on August 8, 2011.

Counsel's Office welcomes secretary [Mary Jane "Midge" DeChiro](#) to the [System Office](#). She started on October 24, 2011.

[Seth Gilbertson](#) has been appointed Chair of the NACUA Notes Editorial Board. NACUA Notes are practitioner oriented, peer-reviewed updates on major legal issues.

[Gerry Gauthier](#) has been appointed a member of NACUA's Journal of College & University Law Editorial Board for the 2011-12 year. The Editorial Board has overall responsibility for monitoring the quality and direction of J.C.U.L.

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

As in other disciplines, higher education attorneys are lucky to have a dynamic and well-run national organization, the National Association of College and University Attorneys ([NACUA](#)) that tracks relevant issues, publishes updates and organizes conferences that help our SUNY attorneys do their jobs. I am excited to announce that for the first time ever, five members of the Office of General Counsel have been appointed to [NACUA committees](#) as members or chair. Their leadership and work in this national organization will benefit higher education attorneys around the country while bringing new ideas and cutting-edge analysis back to our system and campus clients.



FOIL Training

By [Geraldine Gauthier](#), Associate Counsel

On November 15, the Office of General Counsel will host a day-long FOIL (Freedom of Information Law) training for campus Records Access Officers.

Attorneys who attend the Albany training can receive 2 C.L.E. credits. Registration materials were transmitted via the FOIL ListServ the first week in October; **the registration deadline is today, October 28**. We hope to see you there!

Clery Training at Purchase College

By [Joseph Storch](#), Associate Counsel

On December 8, the Office of General Counsel will offer Clery training at Purchase College for interested staff at any State-operated or community college. You can register by [clicking this link](#). Please register by December 1, 2011.

[Andrea Stagg](#) has been appointed a member of the NACUA Notes Editorial Board. NACUA Notes are practitioner oriented, peer-reviewed updates on major legal issues.

[Bill Howard](#) has been appointed to the NACUA Committee on Strategic Planning. The Committee's mission is to consider the long range goals and direction for the organization and its members.

[Joseph Storch](#) has been appointed to the Annual Program Committee for the 2012 NACUA Annual Conference in Chicago. Joe is specializing in programs on student affairs and athletics issues.

[Robert Ruggeri](#) will be teaching "Higher Education Law" at the University of Albany Graduate School of Education beginning in the 2011-12 academic year. The course had been taught for many years by the late Sanford Levine, former SUNY University Counsel.

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

New Conflicts of Interest Rules

By [Andrea Stagg](#), Assistant Counsel

On August 25, 2011 the U.S. Department of Health and Human Services issued final rules about reporting the financial conflicts of interest of researchers and investigators who receive public health service funding. Among other changes, the final rule lowers the financial threshold for reportable significant financial interests to \$5,000 from \$10,000, has fewer exceptions for income from non-profit entities, and changes the process for identifying and reporting conflicts of interest. The onus is now on the institution, not the investigator, to determine whether a financial interest is a conflict. The final rule can be found here: <http://tinyurl.com/3wpjyv4>.

Important Amendments to A.D.A.

By Nicole Ettlinger, Summer Intern (U.B. Law '12)

In 2009, the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) amended the language of the Americans with Disabilities Act (ADA) and added an amendment to the Rehabilitation Act of 1973. The regulations explain that the law's language was amended to ease the process of proving a disability under the ADA. While the definition of "disability" under the ADA remains the same—1) physical/mental disability that substantially limits one or more major life activities, 2) a record of impairment, 3) being "regarded as" having a substantially limiting impairment—a construction of broad coverage now applies. The ADAAA also expands the scope of "major life activities" under the substantially limits prong, extends coverage to episodic impairments, and disallows the consideration of positive impacts of mitigating measures on an individual's impairment. To learn more about how the ADAAA affects employees and students, please see the guidance from Counsel's Office.



Copyright Office Seeks DMCA Exemption Comments

By [Joseph Storch](#), Associate Counsel

On September 29, the Copyright Office issued a [notice in the Federal Register](#) seeking comments from, among others, educational institutions, librarians and scholars, regarding exemptions to the anti-circumvention rules of the Digital Millennium Copyright Act. More information can be found at this [EDUCAUSE resource](#). If you are interested in submitting comments, [contact 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. 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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