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## OGC News & Notes

The American Bar Association's latest book, [Town and Gown: Legal Strategies for Effective Collaboration](#), contains chapters by two SUNY attorneys. Associate Counsel [Seth Gilbertson](#) wrote Chapter 3, Sources and Structure of Higher Education Law; Associate Counsel [Joseph Storch](#) wrote Chapter 8, Campus Security & Local Criminal Enforcement Entities.

[Joseph Storch](#) was one of 32 higher ed. professionals invited to the [EDUCAUSE Summit on Managing Data Risk in Student Success Systems](#), sponsored by the [Gates Foundation](#).

An article by Associate Counsel [Kingsley Osei](#), "[Exploring Policy Alternatives to Excluding State Owned Enterprises from Millennium Challenge Corporation Funded Contracts in Africa](#)" was published by the International In-house Counsel Journal. Volume 6, No. 22, p. 1849.

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

I am pleased to announce that [Monica C. Barrett](#) has been selected as the new Executive Deputy General Counsel for the Office of General Counsel for the State University of New York. She began her service for SUNY on October 16<sup>th</sup>. Monica is an accomplished higher education attorney with over twenty-five years of legal experience. A detailed biography appears on the second page of the GC Update. SUNY is very fortunate to welcome Monica as its new Executive Deputy General Counsel.



I am also pleased to announce that the [New York Community College Trustees](#) (NYCCT) recognized [Dona Bulluck](#) at their annual awards banquet for "Professional Contribution and Service." Congratulations Dona!

## Copyright Law in Plain Language

By [Joseph Storch](#)

Copyright law can be confusing, even for intellectual property attorneys. The Office of General Counsel advises SUNY campuses on obtaining content rights, and we are often asked why this topic is so complex. A few years ago, I was privileged to join a team of higher ed professionals from across the country, led by ACE and NACUBO, that worked together to create a document that makes copyright law clear and straightforward. [Use of Copyrighted Music on College and University Campuses](#) and the accompanying [At a Glance: Music and Copyrights on Campus](#) should assist SUNY colleges in determining where and how various copyright laws and rights (fair use, synchronization, performance, grand, jukebox, etc.) apply. Questions may be directed to campus counsel.



## Annotated Exhibits A & A-1 Now Online

By [Joseph Storch](#) & [Kingsley Osei](#)

We often hear vendors contesting SUNY standard terms [Exhibit A](#) and [Exhibit A-1](#). SUNY always argues that these are not new *terms*, but are summaries of the *law*, and not negotiable. To aid SUNY business officers in making these arguments, we developed annotated [Exhibit A](#) and [Exhibit A-1](#). These online exhibits reference and link to relevant laws, allowing SUNY to show vendors that these exhibits (which are [required by State regulations](#)) don't *create* law, but merely *reference* existing laws. Researchers on this project included Liz D'Agostino, Ilijana Kaledzic, and Ruchira Podali.

## Second Annual Records Management Conference

By [Nedra Abbruzzese-Werling](#)

SUNY hosted its second Records Management Conference, which included presentations by [Seth Gilbertson](#), New York State Archives Scheduling and State Agency Services Manager Jennifer O'Neill, and UAlbany's Archivist Geoff Williams, as well as a discussion from SUNY System's Chief Information Officer, [Dr. Hao Wang](#). The conference at Empire State College had 40 attendees.

## OGC Sidebar:

Associate Counsel [Lynne Reid-McQueen](#) represents Downstate Medical Center.

### Favorite part of the job?

Every week is a surprise and I thrive on this type of challenge. As a generalist at a health science center in a major city, the issues are varied. Downstate is always evolving to redefine itself in a changing world, and the context in which simple contract, property and employment questions may arise changes as well.

### Most interesting recent project?

I am thrilled every time that my office has facilitated a solution to a challenge confronted by Downstate. Many of our issues are ongoing, relatively routine projects but, periodically, will require legal intervention. The collaboration aspect of this job is one of its finest elements. Working with our administrators and managers is a team effort where all work toward a common goal. Each time that I work in collaboration with other attorneys and administrators to resolve an issue that includes a mix of legal, policy and financial challenges, and we actually reach a satisfactory resolution, I think it is a good day at the office!

## Monica Barrett Biography

[Monica Barrett](#) is an accomplished higher education attorney with over twenty-five years of legal experience. Most recently, Monica served as the Associate Vice President and Deputy General Counsel at Rutgers, the State University of New Jersey, where she had been an attorney since 1996. Prior to her tenure at Rutgers, Monica served as in-house counsel to Cornell University and then Barnard College. An experienced employment lawyer, Monica also worked as an associate in private law firms, handling litigation, settlement negotiations and contract work on behalf of different clients, including public and private sector unions, employee benefit funds, and employees in individual employment-related matters.



Monica clerked for the Honorable Sylvia B. Pressler, Presiding Judge of the New Jersey Superior Court, Appellate Division, in Hackensack, New Jersey from September 1988 through August 1989. While at Rutgers, Monica worked on a myriad of issues, with a focus on student affairs, academic affairs, and employee relations.

Monica is a Member of the Board of the National Association of College and University Attorneys ("NACUA"), and has presented her papers at a number of NACUA's conferences, with such titles as "New Realities in Sex Discrimination and Sexual Harassment" (1996), "Psychiatric Disorders and the ADA: Up Close and Personal" (2001), "Rutgers' Response to the Tyler Clementi Tragedy" (2011) and "Cyber-bullying on the Quad" (2012), to name just a few.

Monica received her B.A in Philosophy with Honors from Wellesley College and her Juris Doctor from the University of Michigan Law School. Monica is admitted to practice law in New York and New Jersey and is admitted to practice in the U.S. District Courts in the District of New Jersey and the Northern and Southern Districts of New York as well as to the U.S. Supreme Court.

## START-UP NY

By [Sandra Casey](#)

START-UP NY – Since passage of this legislation, providing tax free zones for new businesses on SUNY campuses and other select locations, OGC has been working weekly with [Empire State Development](#) (ESD), the state's top economic development agency, to assist in drafting ESD's [newly released proposed regulations implementing the program](#).

Also, OGC is part of the SUNY Core START-UP NY Team, chaired by [Dr. James Malatras](#) and [Dr. Timothy Killeen](#), to assist with developing policies, procedures and other reference documents. Information about START-UP NY can be found at <http://startup-ny.com/>.

### Mandated Domestic Violence Policy Update

By [Nedra Abbruzzese-Werling](#)

The New York State Office for the Prevention of Domestic Violence (OPDV) issued a [memorandum](#) stating that all agencies must update their current Domestic Violence policies with specific language and must submit the update to the OPDV by December 15. More information and an [updated model policy](#) are on the [Compliance website](#).

**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](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.

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.