



The Office of General Counsel

Fall 2009 Faculty Newsletter

Welcome to the “Sometimes Annual Newsletter” from the university’s Office of General Counsel (OGC). Our communications take various forms over the years but we always have the same goals:

- to make our faculty aware of some of the campus’s most important current legal issues and new regulations; and
- to encourage Faculty to contact their dean, the Provost or the Office of General Counsel if they have a legal question or concern.

This newsletter has what we believe are important updates for all faculty, but perhaps especially for our new faculty and part-time instructional staff, on legal and policy matters, “including but not limited to” (as the lawyers say!) the following:

- A link to our **Faculty Resource section** of the General Counsel web page (called the “*Campus Legal Information Clearinghouse*,” as noted above) which includes information, forms and online resources for off-campus activities including field trips; advice for navigating the university’s hiring and business processes; and links to selected university policies of interest to Faculty.
- Link to <http://compliance.cua.edu> and info about CUA’s Compliance Partners, identifying the legal responsibilities of those on campus whose position involves helping the university achieve compliance with federal education regulations. This section includes Peg O’Donnell’s “Top 5” list of compliance tips for faculty as well as a link to the university’s policy website.
- Q & A on the most current legal issues, such as threats to campus safety; mistaken disclosure of confidential student data; and payment of honoraria for speakers.

We believe in a preventive law approach, in order to keep the university out of litigation by giving advice before a student or employee concludes their only option is a lawsuit.

OGC Online Resources for Faculty

The OGC has created a special section for faculty on our web page. This page has resources for copyright, contract review, off-campus field trips, reasonable accommodations, student record privacy, waivers and releases, sexual harassment, and other topics of interest to faculty. A recent example of the kinds of special resources we have includes an excellent explanation of the rules governing research which involves exports and the federal rules on export control, at <http://counsel.cua.edu/nacuanoteexportcontrol.cfm>.

The OGC brings the law and university policy to your desktop via extensive web pages. The OGC page has customized resources for faculty, and the very latest on higher education law. See <http://counsel.cua.edu>.



Faculty are the key to the university's success with students **and** the key to helping the university avoid many legal problems.

In the past month, for example, we have featured information on E-Verify, the new rule for verifying the work status of those assigned to federal contracts; news about responsible conduct of research rules effective January 4, 2010 for those working on NSF funded research; and new rules under HIPAA for breaches related to Protected Health Information. You can read about all of these issues on the OGC web page. Other items of interest to faculty include the court decision that use of Turnitin.com does not violate the copyright of students, online at (<http://counsel.cua.edu/copyright/index.cfm>), the article "Cloud Computing's Top Ten issues for Higher Education" at (<http://counsel.cua.edu/ferpa/>) and Cornell's Digital Literacy Resource, which contains a Guide for students doing research online, information on technology trends, and more.

Compliance Information for Faculty

Our new “Compliance Partners” page is OGC’s mechanism for providing current compliance information to CUA employees who play a key role in the university’s efforts to follow increasingly complex federal regulations. Since faculty members are key to our compliance efforts, we have also created a special “faculty compliance” web page at <http://compliance.cua.edu/faculty/faculty.cfm>. Some of the material on this page may overlap with the online resource above, but it helps to check out both pages.

Note also that OGC oversees the policy process at the university and updates the university’s policy website, found at <http://policies.cua.edu/>. Here, you will find the full set of university-wide policies. This is the official policy page and the policies posted here, to the extent they may differ from a print version, take precedence over a print copy. For some important policies especially of interest to many faculty, see <http://policies.cua.edu/faculty/research.cfm> for research policies applicable to Faculty.

Peg O’Donnell’s 5 Tips to Faculty for Legal Compliance

1. Full-time CUA students are not permitted to hold either a regular part-time or regular full-time position at CUA. They are eligible only for temporary, part-time positions. That is, those requiring no more than nineteen (19) hours of work per week. Foreign students are subject to the rule above, with an additional caveat: foreign students who work more than 20 hours per week while school is in session risk violating immigration regulations and could fall out of status, requiring a return to their home country.
2. New university copy machines make it very easy to scan books, which may or may not be permissible under copyright law. Please remember to follow the Copyright Guidelines at <http://counsel.cua.edu/copyright/resources/guidelines/>.
3. The university has a process for approving contracts. See <http://counsel.cua.edu/cuaspecific/contractreview/>. We value your adherence to this policy.
4. CUA has a prohibition on consensual relationships with students or subordinates. See <http://policies.cua.edu/EEO/sexharass.cfm>.
5. Read and reread your emails, especially the “cc” and “blind cc” lines before you hit “send.” Email disclosure of confidential information is the number one way privacy laws are violated.

A short Q & A on Some Current Legal Issues for Faculty

Q: What would you do if a student in your class turns in an essay that is uniquely disturbing and suggests a potential threat to campus safety?

A: Contact the Dean of Students and possibly the Director of Public Safety.

Q: If you are inviting foreign faculty to your school for a speaking engagement that involves an honoraria payment, what is the protocol?

A: Talk to the Director of International Student and Scholar Services to clarify what visas allow payment, and communicate with the Director of Accounts Payable in advance, as well.

Q: You have just hit “send” on your email when you realize it contained confidential data that should not have been disclosed to some of the recipients on your list. Now what?

A. Contact the Information Security Officer, Dr. William Lantry, at Lantry@cua.edu. Dr. Lantry can walk you through the necessary steps, including any reporting obligations. The Office of General Counsel can also assist with this type of disclosure.

Additional Selected University Resources of Interest to Faculty

1. You have full access to all current and back issues of the *New York Times* online, as well as a number of other publications, through ALADIN. See <http://counselonline.cua.edu/archives/> and click on LEXIS.
2. You have publishing space on the web server set up for faculty. Contact Lisa Hawkins at Hawkinsl@cua.edu.
3. The Director of International and Scholar Services can assist you in bringing in a scholar to your department on an H-1B or J-1 visa, and generally assist you in inviting international scholars to campus. Please contact Helene Robertson at Robertsh@cua.edu.
4. Your children may qualify for the CUA Tuition Exchange Program, which has 600 participating members. See <https://www.tuitionexchange.org/partinst.cfm> and <http://policies.cua.edu/employment//exchange.cfm> for the conditions that must be met.

Staffing in the Office of General Counsel

Craig Parker is the General Counsel and Associate Vice President for Community and Government Relations. Craig is the person to call at 319-5097 or email at parker@cua.edu if your question concerns Government and Community Relations, planned giving, faculty affairs, administration and governance, finance, real estate and property management, or pending or threatened litigation.

Peg O'Donnell is the Associate General Counsel on Policy and Compliance. Call at 319-5142 or email Peg at odonnelm@cua.edu if you have a question about copyright, student record privacy, reasonable accommodations, the university's policy process or any of the federal regulations that are listed online at <http://counsel.cua.edu/fedlaw/A-Z.cfm>. Questions about DC Law (<http://counsel.cua.edu/dclaw/>) can also be directed to Peg.

Sarah Phelps is the Associate General Counsel. Contact Sarah by phone at 319-5142 or email her at phelpss@cua.edu. Sarah's "portfolio" in the office is generally co-extensive with Craig's, with special responsibility for legal issues in student discipline, student academic problems, and sexual harassment or other equal opportunity complaints. Sarah also assists in litigation oversight.

Peg Truesdale Haney is the Legal Assistant and Records Manager. You can call her at 319-5142 if you have questions about scheduling meetings with OGC attorneys, for checking the status of a contract or for general information about the Office of General Counsel.

Pallavi Kakade is the Community Relations Assistant. Call Pallavi (ext. 6718) with questions regarding Community Relations.
