New Academic Administrators
Orientation
Legal Overview

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OGC is committed to helping University clients meet their goals!

• OGC website http://www.umd.edu/legal/.

• Call us at 301-405-4945.

• Our 8 attorneys have expertise in a wide variety of legal specialties, and work in collaboration with the Maryland Office of Attorney General.
OGC specialties include:
- Employment law
- Constitutional law (First Amendment, due process and equal protection, etc.)
- Sponsored research contracts and related matters
- Procurement contracts and related matters
- Environmental law
- Administrative law (EEOC, Office for Civil Rights, Department of Labor, FERPA, HIPAA, etc.)
- Public Information Act & FOIA requests
- Athletics
- Estates, endowments, and charitable trusts
- Real estate
- Torts and risk management

OGC is YOUR law firm!
• When **court papers** (subpoena, complaint, etc.) are received.

• Upon notice or **threat of a lawsuit**, claim, dispute, etc., potentially adverse to the University’s interests.

• When a **regulator** contacts you or (even more fun!) shows up on campus.

• When an **outside attorney** contacts you regarding a matter related to the University.

• Upon receipt of any **public records request**.

**When should you contact OGC?**
• Upon receipt of a request for a student’s education or medical records from anyone other than a University employee or the student.

• When an involuntary separation of an employee is being contemplated (along with HR).

• When a serious injury or death occurs on property owned, leased or managed by the University, or occurs in a University-sponsored activity, program, or field trip.
When should you contact OGC?

- When measures are being developed to comply with any applicable law, regulation, or policy.
- When training or seminars (e.g., live or web-based) related to “legal” or “compliance” matters are of interest.
- When you wonder, “should I contact OGC?”
• Identify the critical path of each workflow.
  • Consider the necessary order of tasks, ideal schedule, and potential problems with resources and/or scheduling.

• If OGC is on that path, contact us as soon as possible.

• OGC can be most affective when working proactively, not reactively.

Make time an asset!
Can I sign a contract?

- Any document that commits UMD to do something is a contract (regardless of title).
  - Memorandum of Understanding
  - Letter of Intent
  - Cooperative Agreement
  - Non-disclosure Agreement
  - Copyright license
  - Etc.

- Only a relatively few administrators have been delegated authority to sign contracts on behalf of UMD.

- Contact OGC if you need help in identifying an authorized contract signer.

- A new contract signature delegation policy is under development.
• Any email you send likely will exist forever on some server.

• Any email can end up on the front page of the newspaper.

• Exceptions to the Public Information Act are very limited.

• Phone calls and conversations are wonderful techniques.

Create public records purposely.
• Child abuse and neglect
• Sexual misconduct
• Discrimination
• Scholarly/research misconduct
• Family medical leave (FMLA)
• Privacy protections (FERPA and HIPPA)

Spot the issue and then get support from OGC. In the meantime, go gray.

Selected scenarios with important legal implications.
Utilize the **Faculty Resource Guide**, available on the OGC website. It contains valuable information about topics including:

- **Teaching** – using 3rd party materials, online courses, religious observances, special considerations for student athletes
- **Supporting Students** – privacy concerns, harassment, accommodations
- **Research** – funding, intellectual property, forming start-ups, working with animals, export control
- **Business & Contractual Relationships** – outside professional activities, signature authority, downloading software, liability insurance
- **Advice for common scenarios**

Get support when you need it!
• Employees who act within the scope of their employment will be defended/indemnified by the University.

• Employees who engage in grossly negligent or malicious behavior are acting outside the scope of their employment, and will likely have to defend themselves at personal expense.

• Following the Golden Rule and using common sense will go a long way toward protecting you and the University.
Questions?

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