

NACUA 46th Annual Conference Schedule

KEY CODES

Tracks

- (BZ) Business
- (DC) Diversity and Civil Rights
- (GC) General Counsel
- (LE) Labor and Employment
- (LR) Litigation
- (PD) Professional Development
- (RP) Research/Intellectual Property
- (SA) Student Affairs/Athletics

Session Types

- (SDG) Small Discussion Group
- (PNL) Panel Discussion

Session Levels*

- (ADV) Advanced
- (BAS) Basic
- (ADV/INT) Advanced/Intermediate
- (BAS/INT) Basic/Intermediate

*Sessions not labeled are Intermediate

Special Interest Groups

are numbered SIG1 – SIG8

Session Materials

A grid detailing session with or without materials was distributed at registration

Non-recorded Sessions

*indicates a non-recorded session

Meeting room locations

- ◆ indicates meeting room
- All sessions will be held in the Chicago Marriott Downtown

Saturday, June 24

24 hours

Cyber Café sponsored by Pillsbury Winthrop Shaw Pittman, LLP

- ◆ 7th Floor Foyer

7:00 am - 4:30 pm

Registration

- ◆ 7th Floor Foyer

8:45 am - 3:45 pm

Pre-Conference Workshop for Lawyers New to Higher Education

- ◆ Grand Ballroom Salon III, 7th Floor (see schedule pg in workshop binder)

1:00 pm – 5:00 pm

New! Pre-Conference Roundtable for New and Recently Appointed In-House General Counsel

Section 01.

- ◆ Michigan/Michigan State, 6th Floor

LEADERS

Pamela Bernard, NACUA Past President, Vice President & General Counsel, Duke University

Thomas Cline, Vice President and General Counsel, Northwestern University

Marianne Schimelfenig, General Counsel, Saint Mary's College of California

Gregory K. Spence, Vice President and General Counsel, The New School

Section 02.

- ◆ Purdue/Wisconsin, 6th Floor

LEADERS

Georgia Yuan, General Counsel and Assistant to the President, Smith College

Mary Kennard, Vice President and General Counsel, American University

Jonathan Alger, Vice President and General Counsel, Rutgers University

David Williams, Vice Chancellor for Student Life and University Affairs and General Counsel, Vanderbilt University

3:45 pm - 5:00 pm

Pre-Conference Workshop Reception for Registrants and Speakers

- ◆ Avenue Ballroom Salon, 4th Floor

Sunday, June 25

24 hours

Cyber Café

- ◆ 7th Floor Foyer

7:00 am - 5:30 pm

Registration

- ◆ 7th Floor Foyer

8:30 am - 11:30 am

Board of Directors Meeting

- ◆ Avenue Ballroom Salon, 4th Floor

8:30 am - 11:30 am

Pre-Conference Workshop for Lawyers New to Higher Education

- (continued) (see schedule in workshop binder)
- ◆ Chicago Ballroom D, 6th Floor

10:00 am - 11:30 am

WACO Meeting

11:45 am - 12:45 pm

Lawyers New to NACUA Luncheon

- (Pre-Conference Workshop Registrants invited) (see description pg)
- ◆ Grand Ballroom Salon II, 7th Floor

11:45 am - 12:45 pm

Special Interest Groups

SIG1. Museums, Libraries and Collections

- ◆ Kansas City, 5th Floor
- Maria Simon, School of the Art Institute of Chicago

SIG2. Church-related Institutions

- ◆ Ohio State, 6th Floor
- Ellen K. Munro, Loyola University of Chicago

SIG3. Community Colleges

- ◆ Purdue, 6th Floor
- Miles LeBlanc, Houston Community College System

SIG4. Campus Real Estate and Development

SIG5. General Counsel

- ◆ Chicago Ballroom B, 5th Floor
- Gregory Keith Spence, The New School

SIG6. Historically Black Institutions

- ◆ Houston, 5th Floor
- Norma B. Leftwich, Howard University

SIG7. Smaller In-House Counsel Offices

- ◆ Northwestern, 6th Floor
- David G. Ellis, Lewis & Clark College

SIG8. Health Sciences/Academic Medical Centers

- ◆ Chicago Ballroom A, 5th Floor
- Andrew Newton, Medical College of Georgia

1:00 pm - 2:30 pm

Welcome and Plenary Session

sponsored by *Employment Law Alliance*

◆ Grand Ballroom Salon, 7th Floor

Opening Remarks

Melinda Grier, President, NACUA

General Counsel, University of Oregon

Program Update

Henry L. Cuthbert

First Vice President, NACUA

Senior University Legal Counsel, University of Wisconsin-Madison

State of the Association

Kathleen Curry Santora

CEO, NACUA

Opening Plenary Address

“The New Supreme Court”

Professor David A. Strauss

Harry N. Wyatt Professor of Law at the

University of Chicago School of Law

(see description pg 10)

2:30 pm – 3:00 pm

Break sponsored by *Employment Law Alliance*

◆ 5th and 7th Floor

3:00 pm - 4:15 pm

1A. Doing Business Overseas: Issues and Guidance on Compliance with U.S. Laws, Legal Structures, and Tax Implications (BZ)

◆ Chicago Ballroom D, 5th Floor

- United States laws applicable to the increasingly broad range of university activities abroad: economic sanctions; restricted persons; anti-boycott laws; export administration regulations; foreign corrupt practices act
- Legal structures: separate entity or contractual relationship; entity selection; tax issues
- Selected contract clauses
- Case studies highlighting issue identification

MODERATOR

Peter F. May, The School for International Training (World Learning Inc.)

SPEAKERS

Amy Davine Kim, Patton Boggs

Caroline O’Neill, The George Washington University

Claire H. Topp, Dorsey & Whitney, LLP

1B. Are You Looking At Me? Building A Functional and Effective Relationship with Your Board, Making The Corporate Record and Guiding Presidents and Boards in Challenging Times (GC)(PNL)

◆ Grand Ballroom Salon I, 7th Floor

- Board’s relationship with the General Counsel and the importance of the corporate record
- Essential legal guidance for board orientations
- Best practices in maintaining the corporate record, including bylaws, minutes, and other corporate documents
- How to guide critical legal or procedural matters during board and committee meetings

MODERATOR

Kathleen A. Rinehart, Whyte Hirschboeck

Dudek, S.C

SPEAKERS

Pamela J. Bernard, Duke University

Barbara A. Lee, Rutgers, The State

University of New Jersey

1C. Sexual, Religious, Racial and Other Harassment (DC)(LE)

◆ Grand Ballroom Salon III, 7th Floor

- Legal Update: An overview of the latest cases addressing the definition of hostile environment; implications of the First Amendment; and the difference between inappropriate and unlawful behavior
- Latest Prevention Techniques: The newest campus policies and procedures
- Responding to Complaints and Conflicts: Proper investigation techniques; anonymous complaints; standard of proof; the role of counsel

MODERATOR/SPEAKER

Zachary Hutton, Curiale Dellaverson

Hirschfeld & Kramer LLP

SPEAKERS

Danielle Hess, University of Idaho

Karen McAndrew, Dinse, Knapp

& McAndrew

1D. Effective Management of the Internal Dispute Resolution Process (LR)(PNL)

◆ Chicago Ballroom E, 5th Floor

- University counsel’s role in guiding the process and advising decision makers while maintaining the attorney-client privilege
- Working with incomplete, conflicting, or nonsensical written procedures
- Managing overlapping dispute resolution procedures, simultaneous internal or outside investigations and litigation
- Handling involvement by outside interest groups

MODERATOR

Tracy M. Smith, University of Minnesota

SPEAKERS

Ellen M. Babbitt, Babbitt & Melton

Susan L. Wheeler, James Madison University

1E. Discussion Group: Challenging Colleagues and Clients (PD)(SDG)

◆ Chicago Ballroom A, 5th Floor

- The “lawyer-averse” administrator who refuses to involve counsel until things go wrong
- The lawyer on the board of trustees who second-guesses counsel’s analysis and advice
- The “shadow lawyer” who usurps university counsel’s role as legal advisor to the campus and spreads misinformation
- The administrator who obtains but then ignores your advice
- Clients who don’t believe in confidentiality

LEADERS

Dennis H. Blumer, The George Washington University

Nancy S. Footer, University of North Texas System

Benjamin E. Rawlins, Oregon University System

1F. Copyright: Fair Use or Foul? How to Make the Call (RP)(BAS/INT)

◆ Grand Ballroom Salon II, 7th Floor

- Overview of ownership and fair use basics
- Assisting faculty and student compliance
- Avoiding infringement
- Maximizing use of “fair use”

MODERATOR

Cathy Kiselyak Austin, Gardner, Carton & Douglas

SPEAKERS

Jack Bernard, The University of Michigan

Darren S. Cahr, Gardner, Carton & Douglas

1G. Forum: Student Affairs Law

◆ Chicago Ballroom F, 5th Floor

LEADER

E. Lee Davis, Georgia Southern University

Amy W. Adelman, Emory University

4:30 pm – 5:30 pm

Honors and Awards Ceremony

(see description p. 10)

◆ Avenue Ballroom, 4th Floor

6:00 pm – 7:30 pm

Opening Reception

sponsored by *Sidley Austin Brown & Wood*
(see description p. 11)

◆ Grand Ballroom, 7th Floor

Monday, June 26

24 hours

Cyber Café

◆ 7th Floor Foyer

7:00 am - 1:00 pm

Registration

◆ 7th Floor Foyer

7:00 am - 9:00 am

Rise and Shine Networking Breakfast

(see description p. 11)

◆ Grand Ballroom Salon III, 7th Floor

8:00 am - 9:00 am

SPECIAL! Emerging Trends in Higher Education Law and Practice: A Conversation with Bill Kaplin and Barbara Lee (see description p. 8)

◆ Grand Ballroom Salon III, 7th Floor

9:15 am -10:45 am

Individual NACUANET and NACUA Web Page Orientation Sessions

◆ Los Angeles/Miami, 5th Floor

(please sign up at the Registration Desk)

(see description pg 9)

9:15 am -10:45 am

2A. Troubleshooting a Troubled Project: Navigating Your Way Through Design and Construction Contracts (BZ)(ADV)

◆ Chicago Ballroom D, 5th Floor

- Pre-Contract – Putting together the Project Team Evaluating project delivery systems; Pre-qualifying contractors and design professionals; Developing the scope of work and RFP; Preconstruction services
- Contract Administration – Documenting progress and issues; Communication; Scheduling; Applications for payment and withholding payment; Project administration; Ownership of documents; Indemnification; Confidentiality
- Disputes – Scheduling delay and loss of productivity claims; Differing site conditions; Design defects/omissions; Mechanic's liens; Material deliveries/cost increases; Liquidated and consequential damages
- Termination and Suspension

MODERATOR

Jenee M. Straub, Wildman, Harrold, Allen & Dixon

SPEAKERS

Shannon J. Briglia, Moore & Lee, LLC
Gregory R. Faulkner, Brown Raysman Millstein Felder & Steiner LLP

2B. Government Relations: Expanding Your Capabilities Through More Arrows in Your Quiver (GC)(BAS)(PNL)

◆ Chicago Ballroom G/H, 5th Floor

- Using national associations to foresee changes to, or opportunities to change, regulations and laws
- Working with associations and their Government Affairs offices to draft desired regulatory and statutory changes
- Coordinating with the associations and Government Affairs offices in commenting on proposed regulatory and statutory changes
- Working with Government Affairs offices to advocate University positions at the federal and state levels

MODERATOR

Jose D. Padilla, DePaul University

SPEAKERS

Dorothy K. Robinson, Yale University
Peter Rouse, Chief of Staff, Office of Senator Barak Obama
Michael Waring, Executive Director of Federal Relations, The University of Michigan - Ann Arbor

2C. FMLA and ADA/Workers' Compensation: We Know the Law, So How Do We Apply It? (DC)(LE)(ADV)(PNL)

◆ Grand Ballroom Salon II, 7th Floor

- Overview of the FMLA and ADA and new legal developments
- Recent cases and issues relating to retaliation claims and accommodations
- Institutional policies and common mistakes
- Case studies

MODERATOR

Jacqueline Conforti Barnett, Pennsylvania State System of Higher Education

SPEAKERS

Elizabeth C. Bunting, University of North Carolina
Darrell R. VanDeusen, Kollman & Saucier

2D. Preparing for E-Discovery: Don't let your U be Zubu 2! (LR)(ADV)

◆ Avenue Ballroom, 4th Floor

- The institution's obligation to preserve, review and produce electronic data and documents
- Litigation holds - who, what, when, why and how, including sample forms and checklists
- Litigation holds - "in theory" versus "in practice" (finding the balance between keeping both the judge and your clients placated)
- Coordinating the roles of counsel, administration, staff, and IT
- Sanctions for non-compliance

MODERATOR

Alan Garfinkel, University of Pittsburgh

SPEAKERS

Douglas F. Seaver, Hinckley, Allen & Snyder
Susan Westover, California State University



2E. What to Say When "No Comment" Won't Do: Media Skills for Lawyers (PD)

◆ Chicago Ballroom E, 5th Floor

- Helping your client work with the media and breaking news - and how your client can best utilize legal counsel
- How to effectively interact with the press as legal counsel
- Crisis management/coordination
- Impact of sunshine laws
- Working with various media, including print, broadcast and emerging media (e.g., blogs)
- Perspectives from members of the press

MODERATOR

Jack C. Doppelt, Professor, Medill School of Journalism, Northwestern University

SPEAKERS

Goldie Blumenstyk, Senior Writer, *The Chronicle of Higher Education*
Elsa Kircher Cole, National Collegiate Athletic Association
Christine Martin, Vice President for Institutional Advancement, West Virginia University

2F. Discussion Group: Animal Subject Research — Special Considerations for Maintaining Security and Dealing with Activists (RP)(SDG)

◆ Chicago Ballroom A, 5th Floor

- Assessing security for campus facilities and researchers
- Taking the high ground with PR efforts
- Re-starting the research enterprise after an attack
- Potential impact of growing animal law movement
- Responding to open records/open meeting requests

LEADERS

Richard W. Bianco, Office of Vice President of Research, University of Minnesota
Grainne Martin, University of Iowa

2G. International Students & Scholars, Big Brother, and You: Coping in the Post 9/11/2001 Era (SA)

◆ Chicago Ballroom B/C, 5th Floor

- International students and Social Security Numbers
- International students and scholars and drivers' licenses
- SEVIS reporting and responses to queries from Immigration & Customs Enforcement
- Arrests and detentions of international students
- Traveling as a foreign national: Students and scholars traveling in and re-entering the U.S.
- Processing for visas at U.S. consulates/embassies – background checks, visa violations, and issues revolving around specific consulates

MODERATOR/SPEAKER

Benjamin M. Griffiths, University of Wisconsin-Madison

SPEAKERS

Ellen Dussourd, Director of the International Student and Scholar Office, University at Buffalo
Mark P. Popiel, Director of Immigration Services, University at Buffalo

2H. Forum: Intercollegiate Athletics and Sports Law

◆ Chicago Ballroom F, 5th Floor

LEADER

Kenneth Andre McKanders, Eastern Michigan University

10:45 am – 11:15 am

Break sponsored by TIAA-CREF

◆ 5th and 7th Floor

11:15 am - 12:45 pm

3A. Problem Gifts and Prudent Investments (BZ)(ADV)

◆ Chicago Ballroom D, 5th Floor

- Fiduciary duties and accountability: Levels and management of risk; Securities laws; UMIFA; Are taxable investments prudent?
- Problem gifts: Control over investment; Restrictions and conditions; Unwinding a gift
- Investment: Commingling CRT funds with endowment funds; Variety of investment vehicles; Investment policy language; UBIT considerations; Performance-based compensation of investment managers

MODERATOR

Sally S. Harwood, Michigan State University

SPEAKERS

Gordon L. Beeman, The University of Michigan
Quin R. Frazer, Gardner Carton & Douglas LLP
A.L. (Lorry) Spitzer, Ropes & Gray

3B. ABCs of Training for Department Chairs and Deans (GC)(PNL)

◆ Grand Ballroom Salon II, 7th Floor

- What do Department Chairs and Deans need to know about the law?
- Teaching the basics of hiring, firing, promotion, harassment, discrimination and compliance
- How to develop and implement a training program for senior academic administrators

MODERATOR

Ann H. Franke, WiseResults, LLC

SPEAKERS

Steven Poskanzer, President, SUNY College at New Paltz
Nancy E. Tribbensee, Arizona State University

3C. Current Issues in Age Discrimination Law (LE)

◆ Grand Ballroom Salon I, 7th Floor

- Disparate impact claims under the ADEA
- Early retirement incentives and RIF's: Do we need to change course?
- Getting the release language right, or, if IBM can't, how can we?
- Recent developments and best practices

MODERATOR

Beverly E. Ledbetter, Brown University

SPEAKERS

Jill L. Rosenberg, Orrick, Herrington & Sutcliffe
Gerald D. Skoning, Seyfarth Shaw

3D. Discussion Group: You Want ME to Testify? University Counsel on the "Hot-Seat" (LR)(SDG)

◆ Chicago Ballroom A, 5th Floor

- Whether university counsel should always avoid becoming a witness
- How to avoid becoming a witness
- How to be an effective witness
- The consequences of testifying
- How to protect your communications as privileged
- Why and when you might waive the privilege
- Can you limit the scope of your waiver?
- Can you testify and still participate as counsel for the University?

LEADERS

Pamela J. Bernard, Duke University
Stephen S. Dunham, Johns Hopkins University
John M. Myers, Montgomery, McCracken, Walker & Rhoads

3E. Political Labels and Supreme Court Justices (PD)(BAS)(PNL)

◆ Chicago Ballroom E, 7th Floor

- What does it really mean to refer to the judicial philosophy of a Justice as "conservative," "liberal," "moderate" or "activist"?
- Are these labels useful at all in understanding the jurisprudence of the Court?
- How has the meaning of those terms evolved over time?
- Are there better terms for helping us understand how Justices view their role on the Court?
- What are the most accurate descriptions of the judicial philosophies of the current Justices of the court as evidenced by their opinions and other writings?
- How do these distinct philosophies—if they really are distinct philosophies—affect the way the Justices are likely to decide the cases that are of most importance to higher education?

MODERATOR

Derek Langhauser, Maine Community College System

SPEAKER

Professor David A. Strauss, Harry N. Wyatt Professor of Law, University of Chicago School of Law

3F. Discussion Group: Students with Criminal Backgrounds (SA)(SDG)

◆ Avenue Ballroom, 4th Floor

- Background checks in the admissions process
- Discovery of criminal background after admission
- What to do with the information after you have it
- Professional programs and internships
- Accreditation issues
- Student life and housing issues

LEADERS

Steve Milam, The Milam Firm
Robin L. Parker, Miami University
John J. Reilly, Case Western Reserve University

3G. Forum: Research and Technology Transfer Law

◆ Chicago Ballroom F, 5th Floor

LEADERS

Jill Bush Raines, University of Oklahoma
Health Sciences Center
Robert E. Bienstock, University of New Mexico

3H. Navigating NACUANET and the NACUA Web Page (PD)

◆ Los Angeles/Miami, 5th Floor

John R. Bishop, Director of Information Services, NACUA
Karl F. Brevitz, Director of Legal Resources, NACUA
Loretta Johnson, Coordinator of Legal Reference and Information Services, NACUA
Melissa Rooker, Assistant Director of Legal Resources, NACUA

4H. NEW! Discussion Group: Avian Flu Pandemic Planning for Colleges and Universities (BZ)(SDG)

◆ Chicago Ballroom A, 5th Floor

- The nature of the medical problem and potential campus impact
- The planning process
- Considerations for students, faculty and staff
- Public health issues and working with state and local authorities
- Planning for continuity of operation

LEADERS

James Shekleton, South Dakota Board of Regents
J. Charles Waldrup, University of North Carolina, Chapel Hill
Elizabeth C. Bunting, University of North Carolina, Chapel Hill

Free Afternoon and Evening

Tuesday, June 27

24 hours

Cyber Café

◆ 7th Floor Foyer

7:00 am - 5:00 pm

Registration

◆ 7th Floor Foyer

8:00 am - 9:00 am

Program Breakfast

(see description p. 11)

◆ Grand Ballroom Salon III, 7th Floor

9:15 am - 10:30 am

4A. Key Issues in Tax Law: Federal, State and Local (BZ)

◆ Chicago Ballroom B/C, 5th Floor

- Proposed tax-exempt organizations reforms and legislation
- Current audit issues
- Charitable giving
- Unrelated business income tax
- Compensation and benefits
- Tax-exempt bond issues
- Joint ventures

MODERATOR

Joseph Irvine, The Ohio State University

SPEAKERS

Bertrand M. Harding, Law Offices of
Bertrand M. Harding, Jr.
Sean P. Scally, Vanderbilt University

4B. Legal Technology Tips, Tricks, Gadgets and Cool Stuff (GC)

◆ Chicago Ballroom E, 5th Floor

- Software that adds functionality to programs you're already using
- Tools for a paperless or paper-reduced office
- Tools for protecting yourself against hackers, viruses and spyware
- Encryption tools for your computer, email and passwords
- Great web sites you've probably never heard of
- Tips for getting the best deals on legal technology
- Where to get technical advice for free or very little money
- Gadgets you didn't realize you needed (until now)

SPEAKER

Barron K. Henley, President, Henley March & Unger Consulting, Inc.

4C. Snooping, Spying and Surveillance of Employees (LE)(BAS)

◆ Chicago Ballroom D, 5th Floor

- Campus security vs. employee privacy rights
- What you can do, must do and can't do
- From basic office searches to advanced technology
- Troubling new technology

MODERATOR

Beth Tyner Jones, Womble, Carlyle

SPEAKERS

Joseph W. Ambash, Seyfarth Shaw
Simao J. Avila, University of California

4D. Blowing Whistles in the Wind: What You Don't Know About the False Claims Act Can Hurt You (LR)

◆ Denver/Houston/Kansas City, 5th Floor

- Preventing mistakes from turning into FCA actions
- Preventing disgruntled employees from turning into whistleblowers
- Preventing civil enforcement actions from turning into criminal enforcement actions
- Preventing Qui Tam actions
- A survey of state law whistleblowing and Qui Tam type actions
- Recent federal cases, including: *United States of America ex rel. Jeffrey E. Main v. Oakland City University*

MODERATOR

Pierce E. Buller, University of Pennsylvania

SPEAKERS

Susan L. Burke, Burke Pyle LLC
Michael B. Goldstein, Dow, Lohnes & Albertson
Michael P. Granston, Assistant Director, Commercial Litigation Branch, U.S. Department of Justice

4E. Implementing Diversity Best Practices in Admissions, Student Life and Employment: The Devil is in the Details (DC)(PD)(PNL)

◆ Grand Ballroom Salon II, 7th Floor

- "Best practices" for implementing the principles of the Michigan cases in recruiting and retaining students and employees
- How are schools determining their "critical mass"?
- What changes have been made to admissions staffing and processes?
- How are schools coordinating the other aspects of diversity?
- Bridge programs, targeted financial aid and admission to selective majors
- What legal techniques can you use to hire and retain a diverse workforce?

MODERATOR

Christine Hughes, Emerson College

SPEAKERS

Arthur L. Coleman, Holland & Knight

Steven Glenn Olswang, University of Washington

Erica Sanders, Associate Director, Office of Undergraduate Admissions, University of Michigan – Ann Arbor

4F. Scary Times for Federal Research: Grants Compliance Investigations, Enforcement and Reform Measures (RP)(PNL)

◆ Grand Ballroom Salon I, 7th Floor

- Federal “hot button” areas of concerns
- Recent settlements/audits and enforcement actions
- Roles of federal entities involved in investigation and enforcement efforts
- Guidance to university counsel on how to prevent investigations and steps to take if an investigation is initiated

MODERATOR/SPEAKER

Ann K. Adams, The George Washington University

SPEAKERS

Stephanie M. Graham, Northwestern University

Robert J. Kenney, Hogan & Hartson

4G. Suicide and Self-Harm: Legal Trends and Risk Management (SA)(PNL)

◆ Chicago Ballroom G/H, 5th Floor

- Recent developments
- Disability, counseling center and student housing issues
- Privacy & confidentiality
- Hospitalizations
- Withdrawal
- Parental/family notification
- Post-suicide protocols

MODERATOR

Jean E. Barrett, Georgia State University

SPEAKERS

Linda J. Schutjer, The George Washington University

Nancy E. Tribbensee, Arizona State University

10:30 am - 11:00 am

Break sponsored by *Employment Law Alliance*

◆ 5th and 7th Floor

11:00 am - 12:15 pm

Individual NACUANET and NACUA Web Page Orientation Sessions

◆ Los Angeles/Miami, 5th Floor

(please sign up at the Registration Desk)

(see description pg 9)

11:00 am - 12:15 pm

5A. Discussion Group: Commercialization of Campus (BZ)(SDG)

◆ Chicago Ballroom A, 5th Floor

- Institutional policies and controls
- Commercialization by affiliated entities
- Competition with private business
- Exit strategies

LEADERS

Robert J. Haverkamp, The Ohio State University

Ada Meloy, New York University

5B. Adjunct and Part-Time Faculty — Is Keeping Up with Them a Full-Time Job? (LE)

◆ Chicago Ballroom D, 5th Floor

- Defining “part-time”
- Employee or independent contractor?
- Re-appointment rights? Can it be quasi tenure?
- Hiring practices
- Union organization and representation – bargaining units, negotiation issues
- Employee benefits
- Applicability of university policies

MODERATOR

Carol L.J. Hustoles, Western Michigan University

SPEAKERS

Edward A. Brill, Proskauer Rose

Terrance J. Nolan, New York University

Greggory Keith Spence, The New School University

5C. Establishing an Effective Compliance Program: Compliance Hotlines and the Role of the Office of General Counsel (LR)

◆ Grand Ballroom Salon II, 7th Floor

- Oversight, governance, “Compliance Committees” and leadership
- Assessing risk and your “compliance culture”
- Codes of conduct
- Communication among offices
- Education/promotion of responsible conduct
- “Hot lines” and help lines
- Background checks or other pre-employment screening
- Monitoring and trending
- Reporting corrective action

MODERATOR

Thomas J. Schumacher, University of Minnesota

SPEAKERS

Peter J. Harrington, Harvard Medical School

Christopher W. Holmes, Baylor University

5D. Baby Boomers, Gen Xers or Baby Busters: How to Effectively Communicate Among the Generations (PD)(PNL)

◆ Chicago Ballroom E, 5th Floor

- How does each group understand and respond to the same message?
- How do the different groups view the role of managers and employer/employee loyalty?
- What motivates each age group (more time or more money)?
- How do we handle conflict resolution among different age groups?
- Ideas for recruiting and retaining employees in a cross-generational manner

MODERATOR

Kaye L. Koonce, Trident Technical College

SPEAKERS

Thomas A. Butcher, Grand Valley State University

Imogene Cathey, University of Florida

Nana Nakano, California State University

5E. Research Involving Human Embryonic Stem Cells (RP)(PNL)

◆ Chicago Ballroom B/C, 5th Floor

- Federal funding and facilities and equipment use issues
- Legislative update
- Consent issues and donor screening/tracking
- Establishing ESCROs and other oversight mechanisms and policies
- Intellectual property issues and MTAs
- Ethics issues

MODERATOR

Alexander E. Dreier, Hogan & Hartson

SPEAKERS

Jonathan D. Moreno, Professor, Center for Biomedical Ethics, University of Virginia

Greta Schnetzler, University of California – San Francisco

5F. You Can't Tell the Players Without a Scorecard: A Primer on the NCAA and NAIA (SA)(BAS)

◆ Grand Ballroom Salon I, 7th Floor

- History
- Governance and guiding principles
- Student-athlete eligibility
- Grants-in-aid and other financial support
- Academic standards
- Recruiting
- Extra benefits
- Investigations and appeals
- New developments and future directions

MODERATOR

Meg Reeves, Oregon State University

SPEAKERS

Steven J. Adamczyk, University of Arizona

Patricia B. Bartscher, San Francisco State University

Jim Carr, Interim President & CEO, National Association of Intercollegiate Athletics

5G. Forum: Governance and Corporate Compliance

◆ Chicago Ballroom F, 5th Floor

LEADER

D. William Moreau, Jr., Barnes & Thornburg, LLP

12:30 pm - 1:45 pm

Networking Luncheon

sponsored in-part by Whyte Hirschboeck Dudek S.C.

◆ Grand Ballroom Salon III, 7th Floor

12:30 pm - 1:45 pm

Florida Attorneys Affinity Group Luncheon

12:30 pm - 1:45 pm

African American Attorneys Affinity Group Luncheon

12:30 pm - 1:45 pm

Higher Education Real Estate Lawyers (HEREL) Affinity Group Luncheon

12:30 pm - 1:45 pm

New York Attorneys Affinity Group Luncheon

12:30 pm - 1:45 pm

Texas Attorneys Affinity Group Luncheon

12:30 pm - 1:45 pm

DC/MD/VA HELI Attorneys Affinity Group Luncheon

12:30 pm - 1:45 pm

2007 Program Committee Meeting

◆ Scottsdale, 5th Floor

2:00 pm - 3:15 pm

6A. Advanced Contracts Administration (BZ)(ADV)(PNL)

◆ Grand Ballroom Salon II, 7th Floor

- Contracting policies and procedures
- Issues regarding delegation of contracting authority
- Apparent authority
- Use of web sites
- Best practices, contracts manuals, clause banks, checklists, and form or model contracts
- Review and approval processes
- Innovative contract provisions
- What's different about "big" contracts?

MODERATOR

Christine Bates, The University of Akron

SPEAKERS

Jason B. Rogers, Belmont University

Margareth Schubert, Loyola University of Chicago

Matthew Walton, Arizona State University

6B. General Counsel Annual Reports: So What Have You Done For Me Today? And What Can You Do Tomorrow? (GC)(ADV)(PNL)

◆ Chicago Ballroom B/C, 5th Floor

- Objectives of your annual report: what your President/Board wants to know and what you need them to know
- Successful formats and techniques for written and in-person annual reports; issues of attorney-client privilege
- Benchmarking for the General Counsel's office
- Benefits of annual reports
- Involving the President and other administrators in the preparation or presentation of the annual report

MODERATOR

Frank Roth, Lehigh University

SPEAKERS

James J. Mingle, Cornell University

Paul J. Ward, Arizona State University

6C. Litigation Year In Review: News from the Front Lines – And the Audience (LR)

◆ Grand Ballroom Salon I, 7th Floor

- What happened in last year's college and university litigation "ground war"?
- How often did higher education institutions win or lose in court?
- How much did they end up paying?
- How long does it take to get to summary judgment, trial, or the settlement table?
- What should we be worrying about for next year?

MODERATOR

Kenneth L. Davidson, Northern Illinois University

SPEAKERS

Robb Jones, United Educators Insurance

Bruce W. Melton, Babbitt & Melton

6D. Hot Topics in Ethics (PD)

◆ Chicago Ballroom D, 5th Floor

- The changing role of the lawyer – advocate, counselor, regulator, cop, whistleblower, conscience
- Litigation misconduct – discovery abuse, document retention and destruction, frivolous claims and defenses, sanctions
- Civil and criminal investigations – internal procedures and external threats
- Privilege and confidentiality – unique challenges in the college/university environment

MODERATOR

Beth A. Harris, University of Chicago

SPEAKERS

John N. Gallo, Sidley Austin Brown & Wood
Donald M. Lewis, Halleland Lewis Nilan & Johnson

Professor Carolyn Shapiro, Chicago Kent College of Law

6E. From Bio to Nano: Patents and the New Technologies (RP)

◆ Chicago Ballroom G/H, 5th Floor

- Patent law reform
- Recent patent cases relevant to universities

MODERATOR

Beth Lynn Maxwell, University of Texas System

SPEAKERS

Ross S. Garsson, Winstead Sechrest & Minick P.C.

Denise M. Kettelberger, Merchant & Gould

6F. Learning Disabilities Under the ADA: Substantially Limited When Compared to Whom? (DC)(SA)(ADV)

◆ Chicago Ballroom E, 5th Floor

- The evolution of learning disabilities law
- *Betts vs. University of Virginia* and its lessons
- Providing and maintaining student disability services

MODERATOR/SPEAKER

Jeanne M. Kincaid, Drummond, Woodsum & MacMahon

SPEAKERS

Richard C. Kast, University of Virginia

Henry Morris, Arent Fox

Anne M. Reber, Director of Disability Services, Texas A&M University - College Station



6G. Forum: Higher Education Employment Law

◆ Chicago Ballroom F, 5th Floor

LEADER

Jaffe D. Dickerson, Littler Mendelson, P.C.

6H. Digital Document Management, Scanning and Harnessing the Power of Adobe Acrobat (PD)

◆ Los Angeles/Miami, 5th Floor

- Learn how to efficiently store, find, retrieve and manage all of your electronic documents and files
- Never search for a file again, and find the information you need instantly
- Find any word processor document you've ever drafted
- Comparison of main document management programs and approaches
- What you need, what it costs, where to get it, and how to use it
- What you can do with Adobe Acrobat including:
 - Creating PDFs from an electronic file, a web page or a scanner
 - Using PDFs as the document format when negotiating an instrument with opposing counsel
 - How to email PDFs to others for review and comment
 - Legal-specific document annotation tools that come with Acrobat 7
 - PDF security

SPEAKER

Barron K. Henley, President, Henley March & Unger Consulting, Inc.

3:15 pm – 3:45 pm

Ice Cream Break sponsored by Gardner, Carton & Douglas

◆ 5th and 7th Floor

3:45 pm - 5:00 pm

7A. Follow the Money: Anti-Terrorism Laws on Campus (BZ)(BAS)

◆ Chicago Ballroom G/H, 5th Floor

- Anti-money laundering provisions related to student and other campus accounts and stored value cards
- Applicability of the Bank Secrecy Act (BSA) to university credit unions and other activities
- Sanctions and Countries: what universities should know about OFAC
- Specially Designated Nationals and Blocked Persons (SDNs)
- Deemed exports: what universities should know
- Granting agencies' and foundations' certification requirements
- Reports to federal agencies: SARs and CTRs
- National security letters

MODERATOR

Jamie Lewis Keith, Massachusetts Institute of Technology

SPEAKERS

Mary Elizabeth Peters, Hogan & Hartson

Abbey V. Richards, The George Washington University

7B. A Case Study of Intercultural Institutional Conflict: Working with Your Board and President in a Time of Institutional Crisis: Are We Having Fun Yet? (DC)(GC)(ADV)(PNL)

◆ Chicago Ballroom E, 5th Floor

- Wish you hadn't ____ (You fill in the blank)!
- When and why you need to involve your public relations department
- Getting buy-in from the board
- Making it to the other side and keeping the "day" job, including yours!

MODERATOR

Kathleen Curry Santora, NACUA

SPEAKERS

Patricia B. Bartscher, San Francisco State University

Richard D. Legon, President, Association of Governing Boards of Universities and Colleges

Elizabeth (Libby) J. Keefer, Columbia University

7C. In a Nutshell: Basic Immigration Questions Counsel May Face in the Hiring Process (LE)(BAS)

◆ Grand Ballroom Salon I, 7th Floor

- Hiring for tenure-track (and other) positions
 - what can I ask and when can I ask it?
- Knowing Your ABC's (and F, J, O...)
- So you've hired someone, when can they begin work?
- Pitfalls of purposes of the I-9
- Tenure and visa status
- Recent developments in labor certifications

MODERATOR

Randall J. Ney, University of Iowa

SPEAKERS

Russell C. Ford, Strickland Brockington Lewis LLP

Helen Konrad, McCandlish Holton

7D. Behind Enemy Lines: Plaintiffs' Lawyers Teach Us How to Avoid Land Mines (LR)(INT/ADV)(PNL)

- ◆ Chicago Ballroom D, 5th Floor
- Common mistakes made by institutional defendants
- Special pitfalls for in-house counsel
- How outside counsel can make a situation worse
- What makes plaintiffs tick?
- How fee and cost considerations affect the litigation process
- Top ten lessons to learn from behind enemy lines

MODERATOR

Vernon L. Francis, Dechert, Price & Rhoads

SPEAKERS

Joseph Golden, Sommers Schwartz, P.C.
Patricia V. Pierce, Willig, Williams & Davidson

7E. Discussion Group: Controlled Chaos: Best Practices in Law Office Management (PD)(SDG)

- ◆ Chicago Ballroom A, 5th Floor
- Overview of best practices in law office management
- David v. Goliath: different strokes for different folks
- Matter, document, task and knowledge management
- Technology and business processes
- Who's working on what? Communication within the law office
- Personnel practices

LEADERS

Lynette Kosky, Business Administrator Senior, University of Michigan – Ann Arbor
Craig Parker, The Catholic University of America
Larry C. Smith, Section Director, American Bar Association
Karen J. Stone, University of North Florida

7F. Research Misconduct Cases: New PHS Regulations and Comparison of Different Agency Approaches (RP)

- ◆ Chicago Ballroom B/C, 5th Floor
- Research misconduct processes and procedures
- The new research misconduct rules
- Recent cases of note

MODERATOR

David L. Harrison, University of North Carolina

SPEAKERS

Susan L. Carney, Yale University
Christian Mahler, Acting Legal Counsel, U.S. Department of Health and Human Services

7G. Privacy, from FERPA to Facebook (SA)

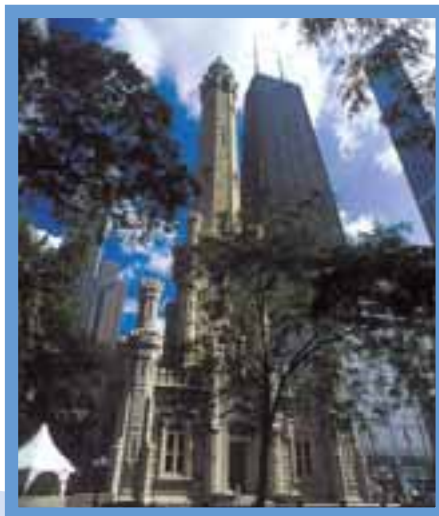
- ◆ Grand Ballroom Salon II, 7th Floor
- Privacy Implications of Blogs, Facebook, and other Next New Thingamabobs
- Security of education records stored in university and personal computers
- Student disciplinary records and transcripts
- Outsourcing traditional registrar functions
- Recent FPCO advice on FERPA, privacy, and technology

MODERATOR

Margaret O'Donnell, The Catholic University of America

SPEAKERS

Phyllis Karasov, Moore, Costello & Hart
Steven J. McDonald, Rhode Island School of Design



7H. Forum: Politics and Religion on Campus

- ◆ Chicago Ballroom F, 5th Floor

LEADER

Laurence Pendleton, Colorado State University
Jonathan R. Alger, Rutgers, The State University of New Jersey

7I. Blueprint for a Mobile Law Office (PD)

- ◆ Los Angeles/Miami, 5th Floor
- The hardware you need including: Standard laptop v tablet PC; Differences between Intel's alphabet soup of laptop processors; Notebook locks and encryption tools; Cell phones and PDAs (handheld computers); Headsets and headphones; Portable printers; USB flash drives; Portable scanners; Portable wireless routers; Remote access options for reaching your office; Full explanation of wireless, wi-fi and Bluetooth technologies.

SPEAKER

Barron K. Henley, President, Henley March & Unger Consulting, Inc.

24 hours

Cyber Café (until 12:00 Noon)

- ◆ 7th Floor Foyer

7:00 am - 12:00 pm

Registration

- ◆ 7th Floor Foyer

7:45 am - 8:30 am

Continental Breakfast

sponsored by Bell, Boyd & Lloyd

- ◆ 7th Floor Foyer

8:30 am - 10:00 am

8A. The "SOX" Are Coming: Sarbanes-Oxley-Style Accountability Measures (GC)

- ◆ Grand Ballroom Salon II, 7th Floor

- Federal and state efforts to adopt Sarbanes-Oxley-like good governance and accountability regulations for non-profits (including colleges and universities)
- Regulatory, investigative, and litigation challenges
- Proactive efforts and best practices for colleges and universities

MODERATOR

Jonathan R. Alger, Rutgers, The State University of New Jersey

SPEAKERS

Todd L.C. Klipp, Boston University
Dorothy K. Robinson, Yale University

8B. Discussion Group: When the Union Comes Knocking: Managing a Union Organizing Campaign Under the NLRA (LE)(ADV)(SDG)

- ◆ Chicago Ballroom A, 5th Floor

- Implementation and enforcement of no solicitation and campus access rules
- Understanding "appropriate units" and strategic considerations in defining them
- Implementing an effective campaign theme and strategy
- Resources available to assist the institution in a campaign
- Dealing with the newly affirmed federal employer reporting requirements under the LMRDA

LEADERS

Stephen Brodsky, Pace University
John Gaal, Bond, Schoeneck & King
Terrance J. Nolan, New York University

8C. Two New Worries for Campus Risk Managers (LR)(INT/ADV)

◆ Chicago Ballroom D, 7th Floor

Managing the Digital Campus

- Responding to government/ law enforcement inquiries, requests and subpoenas
- Dealing with possible illegal activity on your campus network
- Handling computer security breaches

Disaster Planning: Fail to Plan, Plan to Fail

- “It can’t happen here” –Lessons learned from recent disasters
- Effective disaster management practices
- Recognizing the human impact of a disaster

MODERATOR

Jaffe D. Dickerson, Littler Mendelson PC

SPEAKERS

Mark DiVincenzo, Massachusetts Institute of Technology

Kim Winston Nimmo, Senior Risk Services Consultant, United Educators Insurance

8D. Five Mistakes You’re About To Make: Ethical Issues in Criminal Investigations (PD)(ADV)

◆ Chicago Ballroom E, 5th Floor

- When do university employees need separate representation?
- “Corporate” Miranda warnings—who can you represent?
- Joint defense agreements—how do you share privileged info/work product with other defendants?
- When do you pay for defense and indemnification of an employee? When do you stop?
- What if the prosecutor wants your client to “cooperate” by waiving privilege?
- What is obstruction of justice? How do you avoid it?

MODERATOR

Patricia T. Bergeson, Rosalind Franklin University of Medicine and Science

SPEAKERS

Dan R. Dubitzky, Dubitzky & Zarky

Dean J. Polales, Ungaretti & Harris

Joseph F. Savage, Goodwin Procter LLP

Cyrus Vance, Morvillo Abramowitz Grand Iason & Silberberg, PC

8E. Special Subject Populations: Human Subject Research with Children, Prisoners, Pregnant Women and the Decisionally Impaired (RP)(ADV)

◆ Chicago Ballroom B/C, 5th Floor

- Overview of regulatory requirements for research involving vulnerable subjects
- Recent OHRP compliance actions and guidances for special subject populations
- Developing IRB policies and best practices for research
- An overview of state laws

MODERATOR

Alexander E. Dreier, Hogan & Hartson

SPEAKERS

Kristina Borrer, Director, Division of Compliance Oversight, U.S. Department of Health and Human Services

Theresa J. Colecchia, University of Pittsburgh

8F. Women in Athletics: Title IX Update, Non-traditional Sports, Employment and Other Issues (DC)(SA)

◆ Grand Ballroom Salon I, 7th Floor

- Update of Title IX as it applies to athletics with emphasis on recent Dept of Education Policy Clarification and NCAA response
- Participation by women in traditionally male sports (e.g., wrestling and football)
- Issues unique to women in a male-dominated culture
- Hiring and searching for female directors of athletics
- Women as legal advisors to the athletic department
- Equitable treatment of female and male student-athletes

MODERATOR

Robin Green Harris, Ice Miller LLP

SPEAKERS

Neena Chaudhry, Staff Counsel, National Women’s Law Center

Mark Murphy, Director of University Athletics, Northwestern University

Julie D. Vannatta, The Ohio State University

8G. Navigating NACUANET and the NACUA Web Page

◆ Los Angeles/Miami, 5th Floor

John R. Bishop, Director of Information Services, NACUA

Karl F. Brevitz, Director of Legal Resources, NACUA

Loretta Johnson, Coordinator of Legal Reference and Information Services, NACUA

Melissa Rooker, Assistant Director of Legal Resources, NACUA

8H. A Conversation on the War on Terrorism and Higher Education (BZ)(PNL)

◆ Chicago Ballroom G/H, 7th Floor

- The nature, scope and extent of the terrorist threat to the United States
- National security measures designed to counter the terrorist threat
- Security concerns and dangers at colleges and universities
- Impact of national security measures on:
 - research, scholarship and academic freedom
 - foreign students and scholars
 - rights of U.S. citizens

SPEAKERS

Nicholas Rostow, SUNY System

Martin Michaelson, Hogan & Harston

Wendy S. White, University of Pennsylvania

10:00 am – 10:30 am

Break sponsored by Bowditch & Dewey, LLP

◆ 5th and 7th Floor

10:30 am - 12:00 pm

Individual NACUANET and NACUA Web Page Orientation Sessions

◆ Los Angeles/Miami, 5th Floor

(please sign up at the registration desk)
(see description pg 7)

10:30 am - 12:00 pm

9A. South Campus Gateway: A Model for University Engagement and Collaboration with the Private Sector in the Revitalization of its Adjacent Neighborhoods (BZ)(PNL)

◆ Chicago Ballroom E, 5th Floor

- Challenges, complexities and opportunities of collaboration
- Mixed-use project issues
- Political, economic and legal issues: site assemblage, financing, design, taxation, operations/management and marketing
- Key issues, alternatives and lessons learned

MODERATOR

Mary Anne Smith, Illinois Institute of Technology

SPEAKERS

Christopher M. Culley, The Ohio State University

Terry D. Foegler, President, Campus Partners, Ohio State University



9B. Discussion Group: Shadow Boxing and Shadow Lives: Living with Lawyers and Lawyering on the Governing Board or in the President's Office (GC)(SDG)

◆ Chicago Ballroom A, 5th Floor

- How to guide the inquiry
- Conflicts of interest: Who decides? Then what?
- Managing incompatible outside roles and interests of board members
- How the general counsel can help the board and institutional clients stay focused on policy and administrative responsibilities rather than lawyering

LEADERS

Kenneth Andre McKanders, Eastern Michigan University
 Ellen K. Munro, Loyola University of Chicago
 John Simon, Chairman of the Board of Trustees, DePaul University

9C. Employee Benefits: A Primer on How to Talk the Talk (LE)(BAS)

◆ Grand Ballroom Salon II, 7th Floor

- Overview of major laws impacting employee benefit plans: decoding the acronyms (Internal Revenue Code; ERISA; state laws; labor laws (USERRA, ADA, ADEA, FMLA, etc.)
- What is an employee benefit plan? understanding the programs you have:
 - Typical public and private university/college examples
 - Retirement plans (401(a), 401(k) 457(b)
 - Welfare plans; health, life, disability, etc.
 - Deferred compensation plans
 - Retiree benefits, ERIPS
- Resources: expanding on the basics: internet, publications, seminars

MODERATOR

Jonathan E. Clune, Yale University

SPEAKERS

Elena Langrill, Maryland Office of the Attorney General
 Tara Schulstad Sciscoe, Ice Miller LLP

9D. Non-Traditional IP and Tech Transfer: Licensing Copyrights, Biological Materials, Trademarks and Trade Secrets (RP)(BAS)(PNL)

◆ Chicago Ballroom D, 5th Floor

- Non-patent technology transfer and licensing
- Copyrights, trademarks and other IP assets in University portfolio

MODERATOR

Miles J. Postema, Ferris State University

SPEAKERS

Michael A. Mitchell, The Ohio State University
 Wesley D. Blakeslee, Johns Hopkins University

9E. Spirited Students: Preventing and Managing Risks Resulting from Excessive Alcohol Consumption (SA)(PNL)

◆ Grand Ballroom Salon I, 7th Floor

- Effects of alcohol on student achievement
- Institutional liability
- Student codes of conduct
- Comprehensive institutional models designed to effectively address alcohol and other drug use through an interdisciplinary institutional response

MODERATOR

Steven J. Adamczyk, University of Arizona

SPEAKERS

Karen Moses, Director, Wellness and Health Promotion, Arizona State University
 John Schwartz, United Educators Insurance Reciprocal Risk Retention Group

9F. Forum: Intellectual Property and Computer Law

◆ Chicago Ballroom F, 5th Floor

LEADERS

Harold J. Evans, Williams & Anderson PLC
 Gloria Phares, Patterson, Belknap, Webb & Tyler

12:00 pm

Conference Adjourns