

 NACUA



## 47TH ANNUAL CONFERENCE

San Diego, California

Manchester Grand Hyatt San Diego

June 27-30, 2007

*San  
Diego*

## SCHEDULE AT A GLANCE

### Tuesday, June 26

24 hours	Cyber Café <i>sponsored by Whyte Hirschboeck Dudek S.C.</i>
8:00 am – 8:30 am	Pre-Conference Workshop for Lawyers New to Higher Education Continental Breakfast
8:30 am – 4:00 pm	Pre-Conference Workshop for Lawyers New to Higher Education
8:30 am – 4:00 pm	Committee Meetings
1:00 pm – 5:00 pm	Pre-Conference Roundtable for New and Recently Appointed In-House General Counsel
1:00 pm – 5:00 pm	<b>NEW!</b> Pre-Conference Roundtable for Experienced In-House General Counsel
4:00 pm – 5:00 pm	Pre-Conference Workshop for Lawyers New to Higher Education Reception
5:00 pm – 6:00 pm	Pre-Conference Roundtable Receptions

### Wednesday, June 27

24 hours	Cyber Café <i>sponsored by Whyte Hirschboeck Dudek S.C.</i>
8:00 am – 8:30 am	Pre-Conference Workshop for Lawyers New to Higher Education Continental Breakfast
8:30 am – 11:30 am	Pre-Conference Workshop for Lawyers New to Higher Education (continued)
8:30 am – 11:30 am	NACUA Board of Directors Meeting
11:30 am – 12:45 pm	Lawyers New to NACUA Luncheon
11:45 am – 12:45 pm	Special Interest Groups
1:00 pm – 2:30 pm	Welcome and Opening Plenary Session <i>sponsored by Pillsbury Winthrop Shaw Pittman LLP</i>
2:30 pm – 3:00 pm	Break <i>sponsored by Employment Law Alliance</i>
3:00 pm – 4:15 pm	Concurrent Sessions
4:30 pm – 6:00 pm	Honors and Awards Ceremony & Reception
6:00 pm – 7:30 pm	Opening Reception <i>sponsored by Employment Law Alliance</i>

### Thursday, June 28

24 hours	Cyber Café <i>sponsored by Whyte Hirschboeck Dudek S.C.</i>
7:00 am – 9:00 am	Rise and Shine Networking Breakfast
8:00 am – 9:00 am	Special Session! News from the Nation's Capital
9:15 am – 10:45 am	Concurrent Sessions
10:45 am – 11:15 am	Break
11:15 am – 12:45 pm	Concurrent Sessions
Free Afternoon	

### Friday, June 29

24 hours	Cyber Café <i>sponsored by Whyte Hirschboeck Dudek S.C.</i>
8:00 am – 9:00 am	Association Breakfast
9:15 am – 10:30 am	Concurrent Sessions
10:30 am – 11:00 am	Break
11:00 am – 12:15 pm	Concurrent Sessions
12:30 pm – 1:45 pm	Networking Luncheon/Affinity Group Luncheons
2:00 pm – 3:15 pm	Concurrent Sessions
3:15 pm – 3:45 pm	Break <i>sponsored by Paul, Plevin, Sullivan &amp; Connaughton LLP</i>
3:45 pm – 5:00 pm	Concurrent Sessions

### Saturday, June 30

24 hours	Cyber Café (until 12:00 pm) <i>sponsored by Whyte Hirschboeck Dudek S.C.</i>
7:30 am – 8:30 am	Continental Breakfast
8:30 am – 10:00 am	Concurrent Sessions
10:00 am – 10:30 am	Break
10:30 am – 12:00 pm	Concurrent Sessions
12:00 pm	Conference Adjourns

# Welcome

## to NACUA's 47th Annual Conference

### DEAR NACUA MEMBERS:

As your First Vice President and Chair of the Committee on Annual Program, it's my pleasure to invite you to attend our 47th Annual Conference on June 27 - 30 in beautiful San Diego, California. Your Program Committee has been hard at work since the end of last year's Annual Conference in Chicago assembling an outstanding array of conference sessions and speakers for your education and enjoyment. We hope to see as many of you as possible. This year's conference will include:

- Over 80 conference sessions, including panels, discussion groups, special interest group meetings, forums and computer resource sessions, among the following tracks: Business and Real Property; Diversity and Civil Rights; General Counsel, Labor and Employment; Litigation and Risk Management; Professional Development; Research and Intellectual Property; and Student Affairs and Athletics.
- Our featured Opening Plenary Session speaker on Wednesday afternoon, **Dr. L. Randall Lowry III**, President of Lipscomb University and founder of the Straus Institute of Dispute Resolution at Pepperdine University. You won't want to miss Dr. Lowry's informative and entertaining presentation on effective principles of negotiation for NACUA members.
- A special session on Thursday morning: "News from the Nation's Capital," with **Terry Hartle**, Senior Vice President for

Government and Public Affairs at the American Council on Education. Be sure to attend for an insider's look at the new Congress, the new dynamics for higher education in Washington, and a review of pending and proposed legislation and regulations affecting colleges and universities.

- A full complement of computer resource sessions, including additional sessions by computer guru **Barron Henley**.
- Our popular pre-conference **Workshop for Lawyers New to Higher Education**.
- A pre-conference **Roundtable for New or Recently Appointed General Counsel** and a new pre-conference **Roundtable for Experienced General Counsel**.
- **Networking and social events** allowing you to meet old friends and make new ones—including our Honors and Awards Ceremony and Opening Reception on Wednesday evening, networking and affinity group luncheons, breakfasts and coffee breaks, and the traditional free afternoon to enjoy San Diego on Thursday, June 28.

I hope to see you in San Diego!

Mary E. Kennard  
 First Vice President, NACUA  
 Chair, Committee on Annual Program  
 Vice President and General Counsel  
 American University, Washington, DC



**Mary E. Kennard**  
 First Vice President, NACUA

### Table of Contents

Schedule at a Glance .....2

Welcome Letter.....3

About San Diego.....4

Special Sessions .....5

Thank to Our Sponsors .....7

Conference Tracks .....10

Conference Schedule .....12

Registration Information .....21

About the Hotel .....22

Travel Arrangements .....23

PreConference Events

Registration Form.....24

Registration Form.....25

Conference Highlights and Activities.....27

# Thank You for Your Generous Support

NACUA would like to express its gratitude to the following organizations and law firms for their generous support of the 2007 Annual Conference.

Their contributions are essential to NACUA's ability to deliver an annual conference providing strong educational training, professional development, and networking opportunities.

## ◀ PLATINUM ▶

### Employment Law Alliance

Bond, Schoeneck & King, PLLC	Miller Nash LLP
Curiale Dellaverson Hirschfeld & Kraemer, LLP	Miller, Canfield, Paddock & Stone, PLC
Edwards, Angell, Palmer & Dodge, LLP	Reed Smith, LLP
Gray, Plant, Mooty, Mooty, & Bennett, P.A.	Santamarina y Steta
Ice Miller, LLP	Sturgill Turner Barker & Moloney, PLLC
Locke Liddell & Sapp	Vedder, Price, Kaufman & Kammholz, P.C.
Michael Best & Friedrich LLP	

## ◀ GOLD ▶

Pillsbury Winthrop Shaw Pittman LLP | Whyte Hirschboeck Dudek S.C.

## ◀ SILVER ▶

Akin Gump Strauss Hauer & Feld LLP | DowLohnes LLP

DrinkerBiddleGardnerCarton | Hogan & Hartson LLP

Paul, Plevin, Sullivan & Connaughton LLP

## ◀ BRONZE ▶

Bryant Miller Olive | Bulkley, Richardson & Gelinas | Holland & Knight

Morrison & Foerster, LLP | TIAA-CREF

## ◀ CRYSTAL ▶

Bowditch & Dewey, LLP | Ober, Kaler, Grimes & Shriver, Attorneys at Law

Womble Carlyle Sandrige & Rice

Sponsorship of the NACUA Annual Conference provides firms and companies with the unique opportunity to demonstrate their strong support for the higher education community and attorneys who serve colleges and universities, as well as promote their services to a community looking to them for support and solutions.

With five discrete tiers of sponsorship, sponsoring firms and companies can select a sponsorship level and activity that best suits them. Each sponsorship level includes various benefits, such as printed acknowledgement in conference materials, recognition on-site at the conference, and complimentary conference CD-ROMs and registrations.

If your firm or company is interested in serving as a sponsor of NACUA's 2007 Annual Conference, please contact Miriam S. Miller, Manager of Membership and Outreach Services, at 202-833-5948 or via email at [msm@nacua.org](mailto:msm@nacua.org).

# Special Sessions



## Opening Plenary Session

**Getting the Deal: Seven Strategies You'll Never Forget**

*Wednesday, June 27, 1:00 pm – 2:30 pm*

NACUA is pleased to welcome back to our Annual Conference

**Dr. L. Randolph Lowry III.** Now President of Lipscomb University in Nashville, Tennessee, Dr. Lowry is the founder of the Straus Institute for Dispute Resolution at Pepperdine University. He is a nationally recognized expert in negotiation, dispute resolution and mediation. NACUA members are regularly called upon to employ negotiating skills in both their professional and personal lives. Whether negotiating litigation settlements, employment agreements, the terms of institutional policies or even a teenager's curfew or allowance, or a family holiday gathering, certain principles of negotiation are timeless, tested and true. In this fast-paced, entertaining and interactive presentation using real-life scenarios, Dr. Lowry will demonstrate how you can truly negotiate anything once you understand the principles and dynamics of the nego-

tiation process. Dr. Lowry's presentations at NACUA's 2002 Annual Conference drew packed session rooms and outstanding reviews. NACUA is proud to have him as the plenary speaker for our 2007 Annual Conference. Dr. Lowry will examine the subject of his plenary session in even greater depth in a separate concurrent conference session immediately following the plenary session (3:00 pm – 4:15 pm on Wednesday, June 27).

Dr. Lowry holds a B.A. in political science and a master's degree in public administration from Pepperdine University. He received his J.D. from Hamline University in St. Paul, MN. In 1986 he joined the law school faculty at Pepperdine and in September 2005 was inaugurated as the 17th president of Lipscomb University. He is an annual visiting professor at Vermont Law School and the City University of Hong Kong, and has taught in China, Australia and Italy. His consulting and training practice has included work in the Netherlands, India and Argentina.

## Sessions for New NACUA Member Attorneys

We are pleased to offer two events designed to acclimate new member attorneys to their first Annual Conference, learn more about general higher education law issues, and meet fellow new NACUA member attorneys. Whether you are a new attorney or an experienced attorney new to higher education law, we highly encourage you to attend the following events:

### Pre-Conference Workshop for Lawyers New to Higher Education

*Tuesday, June 26 - Wednesday, June 27*

This comprehensive and intensive workshop is designed to provide member attorneys new to the practice of higher education law with an orientation into key areas of the practice. For more information, please see pg. 9.

*Please note that there is a separate fee of \$149 (for NACUA members) and \$199 (for non-members) to attend this Workshop.*

### Lawyers New to NACUA Networking Luncheon

*Wednesday, June 27, 11:30 am – 12:45 pm*

Join NACUA's Board of Directors and Past Presidents for an informational networking luncheon! The luncheon will give new attendees the opportunity to meet NACUA leaders, as well as fellow new NACUA member attorneys.

For more information on new member sessions, please contact Miriam S. Miller, Manager of Membership & Outreach Services, at **202-833-5948** or via email at **msm@nacua.org**.

## News from the Nation's Capital

*Thursday, June 28, 8:00 am – 9:00 am*

With the arrival of a new Congress and the 2008 presidential campaign already in its early stages, there is a new political climate in Washington, DC. Join us for this special session looking at legislative and regulatory developments at the federal level, plus an insider's look at the new Congress and the multitude of Presidential prospects. How will all of these changes affect higher education and NACUA member institutions?

### Terry Hartle, Senior Vice President for Government and Public Affairs at the American Council on Education

and a seasoned observer and analyst of the Washington political environment, will provide an overview of the new dynamics for higher education in Washington, and of pending and proposed legislation and regulations that could significantly affect college and university counsel. From heightened scrutiny of tax-exempt organizations and governance, to proposed legislation and regulations, this session, moderated by **NACUA CEO Kathleen Curry Santora**, will bring you up to date.

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## Computer Resource Sessions

Once again, the Annual Conference will feature a full set of sessions designed to enhance the computer skills and knowledge of attendees. We are pleased to welcome back to the Annual Conference Barron K. Henley of Henley, March & Unger, Inc. An attorney and “legal technologist” with 15 years of experience, Mr. Henley consults and lectures nationwide on legal technology applications and strategies for practice management, document management, file management, mobile lawyering, scanning and imaging, and specific software programs. He will be leading the following three sessions on **Friday, June 29**:

### Session 4I: Legal Technology Tips, Tricks, Gadgets and Cool Stuff

*Friday, June 29, 9:15 am - 10:30 am  
(Regular Session)*

Back and better than ever for 2007 – –NACUA members attending the 2005 and 2006 annual conferences loved this session. Combining great information plus lots of humor, it’s 75 minutes of fast-paced edu-tainment.

### Session 6I: Practice Management Software – Organize Your Office!

*Friday, June 29, 2:00 pm - 3:15 pm (Limited Enrollment Session)*

Learn what affordable practice management software can do for you to organize your office and maximize your efficiency.

### Session 7I: Electronic Documents: Review, Compare, Mark Up, and Organize!

*Friday, June 29, 3:45 pm - 5:00 pm (Limited Enrollment Session)*

Learn how to track document changes, compare different versions, and add annotations while avoiding the perils of metadata.

## Navigating NACUANET and the NACUA Web Page

### Session 3J:

*Thursday, June 28, 11:15 am - 12:45 pm  
(Limited Enrollment Session)*

### Session 8I:

*Saturday, June 30, 8:30 am - 10:00 am  
(Limited Enrollment Session)*

The Annual Conference will again feature two limited enrollment sessions devoted exclusively to helping attendees learn how to get the most out of NACUANET and the resources on the NACUA website. Led by NACUA staff members John R. Bishop, Karl F. Brevitz, Melissa Rooker and Loretta J. Johnson, these sessions will demonstrate the newest features on the NACUA website (including the new Clearinghouse of Training Materials) and how to use some advanced features of NACUANET (including accessing and searching the on-line archives).

## Individual NACUANET and NACUA Web Page Orientation Sessions!

Sign up at NACUA Information Central for 15-minute individual sessions with NACUA Staff members (offered on a first-come-first-serve basis). Obtain your NACUA usernames and passwords, subscribe to NACUANET, adjust your personal NACUANET settings, access and edit your membership profile in the NACUA database or have your questions regarding use of NACUA’s electronic services answered.

15-minute sessions will be scheduled during the following time blocks:

- *Thursday, June 28, 9:15 am – 10:45 am*
- *Friday, June 29, 11:00 am – 12:15 pm*
- *Saturday, June 30, 10:30 am – 12:00 pm*

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## Cyber Café

### Cyber Café

*sponsored by Whyte Hirschboeck Dudek S.C.*

*Tuesday, June 26, 8:00 am – Saturday, June 30, 12:00 Noon*

This year’s Cyber Café will be open 24 hours a day from Tuesday through Saturday during the Conference.

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## TIAA-CREF

### Planning for Your Retirement: Personal Consultations with TIAA-CREF Counselors

Representatives from TIAA-CREF will be available on Wednesday, June 27 through Friday, June 29 for scheduled sessions to confer with TIAA-CREF participants on their personal plans for retirement. A photo I.D. and Social Security number are needed to schedule your personal consultation. Attendees will be able to schedule their sessions in advance of the Conference via a special Website, or on-site at the Conference in the Registration Area.

TIAA-CREF is a leading, national provider of financial services and one of the world’s largest pension systems with more than \$325 billion in assets under management, serving approximately 3.2 million people and 15,000 academic, research, medical and cultural institutions nationwide. TIAA-CREF and its group of companies provide a broad range of products and services including Annuities, Mutual Funds, IRAs, Keogh Plans, Life Insurance, Trust Services, and College Savings Programs.

Sign up for counseling sessions during the following time blocks:

- *Wednesday, June 27, 1:00 – 5:00 pm  
(last appointment begins at 4:00 pm)*
- *Thursday, June 28, 8:00 am – 5:00 pm  
(last appointment begins at 4:00 pm)*
- *Friday, June 29, 8:00 am – 5:00 pm  
(last appointment begins at 4:00 pm)*

# About San Diego

California's second largest city and the United States' seventh largest, San Diego boasts a citywide population of nearly 1.3 million residents and more than 2.8 million residents countywide. San Diego County encompasses 18 incorporated cities and numerous other charming neighborhoods and communities, including downtown's historic Gaslamp Quarter, Little Italy, Coronado, La Jolla, Del Mar, Carlsbad, Escondido, La Mesa, Hillcrest, Barrio Logan, and Chula Vista, just to name a few.



San Diego is renowned for its idyllic climate, pristine beaches and a dazzling array of world-class family attractions. Popular attractions include the world-famous San Diego Zoo and Wild Animal Park, Sea World

San Diego and LEGOLAND California. San Diego offers an expansive variety of things to see and do, appealing to guests of all ages from around the world.

Seventy miles of Pacific Ocean coastline not only supports year-round outdoor recreation, such as surfing, boating, sailing and swimming, but also important scientific research at the Scripps Institution of Oceanography. To the south, it's a whole different country—Mexico—featuring its own cultural offerings in various towns along the border and coastline, including Tijuana, Rosarito and Ensenada.

San Diego's arts and culture and culinary arts are booming. The hottest, new culinary arts talents prepare award-winning meals throughout the region's 6,400 eating establishments. Balboa Park, the largest urban cultural park in the U.S., is home to 15 museums, numerous art galleries, beautiful gardens, the Tony Award-winning Globe Theatres and the world-famous San Diego Zoo.

San Diego County also features 92 golf courses and a variety of exciting participatory

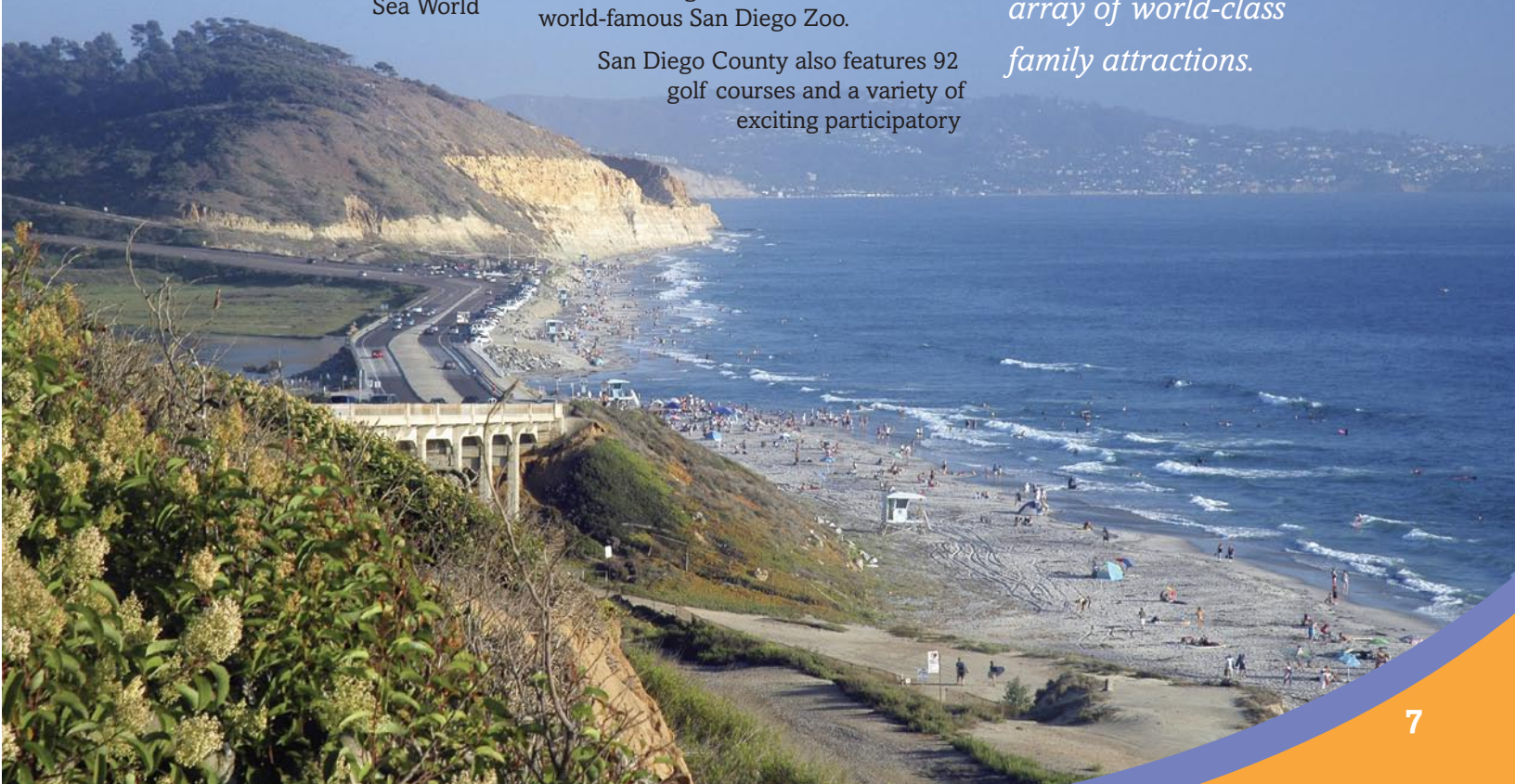


and spectator sports, beach-front resorts and luxury spas, gaming, a dynamic downtown district, annual special events

and unique holiday offerings, multicultural festivals and celebrations, colorful neighborhoods and communities, a rich military history and much more.

San Diego promises a truly remarkable experience for everyone! Visit NACUA's Annual Conference Website for more San Diego attractions and activities.

*San Diego is renowned for its idyllic climate, pristine beaches and a dazzling array of world-class family attractions.*



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

Back This Year!

Tuesday, June 26, 1:00 pm – 5:00 pm

Each year, between 25 and 50 lawyers are appointed in-house general counsel at NACUA member institutions. This unique seminar, first introduced at the 2006 Annual Conference, provides members who are newly or recently appointed as in-house general counsel an opportunity to spend an afternoon with a group of NACUA members with many years of experience serving as their institution's chief legal officer. Using an informal, roundtable format, seminar leaders will lead discussions on topics such as:

- General Counsel Relationships with Board, President, Administrators and Faculty
- Key Institutional Policies and Compliance Obligations to Examine
- General Counsel Office Organization and Budgeting
- Time and Matter Management
- Hiring, Evaluation and Retention of Staff
- Management of External Counsel and Fees
- Measuring and Evaluating Performance as General Counsel

Emphasis will be placed on discussion and questions, with many opportunities to exchange ideas and share experiences, challenges and successes. The seminar will conclude with a light reception for participants and seminar leaders. Attendance is limited to 20 participants, newly or recently appointed as the in-house general counsel/chief legal officer of their institution within the past three years.

Please join us for this unique seminar. It is your opportunity to spend an afternoon with other new and experienced general counsel and to benefit from the knowledge, insights and experiences of colleagues.

Registrants at last year's Roundtable praised it highly. Comments included:

*"Invaluable advice and ideas for new counsel."*

*"New general counsel probably need to attend for at least three years."*

*"Great idea! I will come again."*

Leaders for this session include seasoned NACUA members:

Jonathan R. Alger, Vice President & General Counsel, Rutgers, The State University of New Jersey

Melinda W. Grier, General Counsel, University of Oregon

Mary E. Kennard, Vice President & General Counsel, American University

Dana Scaduto, General Counsel, Dickinson College

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

Georgia Yuan, General Counsel, Smith College

*Please note that there is a separate registration fee of \$59. Those who did not attend last year's Roundtable will be registered first, on a first-come first-serve basis.*

## Pre-Conference Roundtable for Experienced In-House General Counsel

New This Year!

Tuesday, June 26, 1:00 pm – 5:00 pm

This new seminar will utilize the same format as that of the Roundtable for Newly Appointed General Counsel, but will address the needs and interests of members who have served several years as the general counsel of one or more institutions. Topics and discussions will be based on an advance survey of the registrants. Examples of possible topics include:

- Current campus legal issues and trends
- Surviving a Presidential Search and Transition
- Managing Board and Presidential Conflicts and Tensions
- Selection of External Counsel and Control of External Counsel Costs
- Hiring and Training of New Attorneys
- Knowledge Management
- General Counsel Office Metrics and Reporting
- The Year in Review: Lessons Learned and Shared
- Predictions for the Future

The seminar will utilize an informal roundtable format led by veteran NACUA members. Emphasis will be placed on discussion and questions, with many opportunities to exchange ideas and share experiences, challenges and successes. The seminar will conclude with a light reception for participants and seminar leaders. Attendance is limited to 20 participants with over three years of experience as the in-house general counsel/chief legal officer of their institution.

**Leaders for this session include seasoned NACUA members:**

Christine Helwick, General Counsel, California State University

William R. Kauffman, Vice President & General Counsel, Saint Louis University

Derek P. Langhauser, General Counsel, Maine Community College System

Paul Tanaka, University Counsel, Iowa State University

Wendy S. White, Vice President & General Counsel, University of Pennsylvania

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

*Please note that there is a separate registration fee of \$59.*

# Pre-Conference Workshop for Lawyers New to Higher Education

**T**his comprehensive and intensive workshop provides lawyers new to higher education law with an orientation into key areas of practice, including FERPA, student discipline, copyright and faculty concerns (see detailed schedule). Taught by skilled and accomplished NACUA members, this foundation-building workshop is designed to bring you up to speed, whether you

are a recent law school graduate or an experienced lawyer advising colleges and universities for the first time. You will learn from the experts, meet new NACUA members and get your questions answered. Take advantage of this incredible opportunity!

*Pre-Conference Workshop Fees: \$149 for members, \$199 for non-members.*



## Pre-Conference Workshop Schedule

### TUESDAY, JUNE 26

8:00 am – 8:30 am

#### Breakfast

8:30 am – 8:45 am

#### Welcome and Introduction to the Program

Kathleen Curry Santora, Chief Executive Officer, NACUA

8:45 am – 9:15 am

#### NACUAWEB: How to Use NACUA's Resources

SPEAKERS

Karl F. Brevitz, Director of Legal Resources, NACUA

Melissa Rooker, Assistant Director of Legal Resources, NACUA

9:15 am – 10:30 am

#### Ethics and Culture of Working within the College and University Environment: A Welcome to the Higher Education Counsel's Office

MODERATOR

Derek P. Langhauser, General Counsel, Maine Community College System

SPEAKERS

Stephen S. Dunham, Vice President and General Counsel, The Johns Hopkins University

Laurence Pendleton, Associate General Counsel, Colorado State University System

10:30 am – 10:45 am

#### Break

10:45 am – 12:00 pm

#### Student Disciplinary Issues in Higher Education

SPEAKERS

Kathryn C. Bender, Associate General Counsel, The Catholic University of America

Randolph Geller, Deputy General Counsel, University of Oregon

12:00 pm – 1:15 pm

#### Networking Luncheon

1:15 pm – 2:30 pm

#### BREAKOUT SESSIONS

##### A: College Athletics and Title IX Issues

SPEAKER

Kenneth A. McKanders, General Counsel, Eastern Michigan University

##### B: Tax Law of Colleges and Universities: The Basics

SPEAKER

Sean P. Scally, University Counsel and Tax Attorney, Vanderbilt University

2:30 pm – 2:45 pm

#### Break

2:45 pm – 4:00 pm

#### BREAKOUT SESSIONS

##### A: Student Disability Law in Higher Education

SPEAKERS

Vicki Gotkin, University Attorney, University of Arizona Health Sciences Center

Alan D. Rose, Rose, Chinita & Rose

##### B: Copyright Law for Colleges and Universities: The Basics

SPEAKER

Wesley D. Blakeslee, Associate General Counsel, The Johns Hopkins University

4:00 pm – 5:00 pm

#### Pre-Conference Workshop Reception for Speakers and Registrants

### WEDNESDAY, JUNE 27

8:00 am – 8:30 am

#### Continental Breakfast

8:30 am – 9:45 am

#### Key Federal Statutes and Regulations: FERPA and the Campus Security Act

SPEAKERS

Steven J. McDonald, General Counsel, Rhode Island School of Design

Robin L. Parker, General Counsel, Miami University

9:45 am – 10:00 am

#### Break

10:00 am – 11:30 am

#### Faculty Concerns

SPEAKERS

Cheryl A. Cameron, Vice Provost for Academic Personnel, The University of Washington

Mary Ann Connell, Mayo Mallette

11:30 am – 12:45 pm

#### Lawyers New to NACUA Luncheon

		Business (BZ) & Real Property	Diversity and Civil Rights/ (DC)	General Counsel (GC)	Labor and Employment (LE)
<b>Wed</b>	3:00– 4:15 pm	<b>1A</b> Institutional Responsibilities in Development	<b>1B</b> <i>Garcetti v. Ceballos</i> : Disciplining Official Speech	<b>1C</b> Managing the Small or One-Person GC Office	<b>1B</b> <i>Garcetti v. Ceballos</i> : Disciplining Official Speech <b>1D</b> Labor Law Primer: Labor Relations Issues for In-House Counsel
<b>Thursday</b>	9:15– 10:45 am	<b>2A</b> Top Ten Business Issues/Working with Your Business Officer	<b>2B</b> Consideration of Race and Other Diversity Factors in Institutional Programs <b>2E</b> Investigating Discrimination and Harassment Claims	<b>2C</b> A Conversation Among In-House and Outside Counsel <b>2I</b> Forum: Governance: The Board-President-General Counsel Relationship	<b>2E</b> Investigating Discrimination and Harassment Claims
	11:15 am– 12:45 pm	<b>3A</b> College and University Endowment Management <b>3I</b> Forum: Establishing & Operating Overseas Programs	<b>3B</b> Diversity-Related Enrollment Management Policies <b>3D</b> Conducting Effective Anti-Harassment Training	<b>3C</b> Ethical Issues Involving the Attorney-Client Privilege in the University Setting <b>3G</b> Top Ten Things a General Counsel Needs to Know about Research Risk	<b>3D</b> Conducting Effective Anti-Harassment Training
<b>Friday</b>	9:15– 10:30 am	<b>4A</b> Current Developments and Key Issues of Federal Tax Law	<b>4B</b> Creating a Welcoming and Inclusive Campus Climate	<b>4E</b> Reporting and Tracking Legal Office Activity	<b>4C</b> Hot Issues in Employee Benefits
	11:00 am– 12:15 pm	<b>5A</b> Construction & Design Agreements	<b>5B</b> Faculty Issues of Mental Health and Mental Illness	<b>5C</b> Transparency & Accountability in Governance and Business Practices	<b>5B</b> Faculty Issues of Mental Health and Mental Illness <b>5D</b> Do Your Volunteers Put You at Risk?
	2:00– 3:15 pm	<b>6A</b> IT Security for Colleges & Universities	<b>6C</b> Keeping Up with the Changes at the OFCCP <b>6H</b> Forum: Civil Rights: Impact of Advocacy Groups & State Initiatives	<b>6B</b> General Counsel Websites	<b>6C</b> Keeping Up with the Changes at the OFCCP <b>6D</b> The Anatomy of an Employment Case: The Jury’s Perspective
<b>Saturday</b>	3:45– 5:00 pm	<b>7A</b> Recent Developments in Laboratory Safety <b>7H</b> Forum: Campus IT, Security & Telecommunications	<b>7B</b> Surviving a DOJ ADA Accessibility Investigation or Audit <b>7D</b> Faculty and Administration Diversity	<b>7C</b> The Annual Audit and the GC / Audits of In-house Counsel	<b>7D</b> Faculty and Administration Diversity
	8:30– 10:00 am	<b>8A</b> Campus Energy Needs: Procurement, Cogeneration & Renewables	<b>8B</b> Retaliation Claims after Burlington Northern	<b>8C</b> Management Skills for Lawyers	<b>8D</b> Adjunct, Part-Time, & Non-Tenure Faculty
	10:30 am– 12:00 pm		<b>9A</b> Religious Diversity on Campus <b>9E</b> Student Speech & First Amendment Principles	<b>9B</b> A Crash Course on Dealing with the News Media	<b>9F</b> Forum: Higher Education Employment Law

Litigation and Risk Management (LR)	Professional Development (PD)	Research/Intellectual Property (RP)	Student Affairs/ Athletics (SA)
<b>1E</b> Highlights of Last Year's Higher Education Cases	<b>1F</b> Seven Strategic Principles of Successful Negotiation	<b>1G</b> FDA Regulation of University Research	<b>1H</b> Internet Privacy and Conduct Issues Facing Universities <b>1I</b> Forum: Intercollegiate Athletics, Sports Law & NCAA
<b>2D</b> Crisis on Campus: Getting Legal, Risk Management, and Communications Working Together	<b>2F</b> The Academy in Business	<b>2G</b> A Primer on Patents for Non-Patent Counsel	<b>2H</b> Academic Misconduct Policy & Practice
<b>3E</b> E-Discovery Update	<b>3C</b> Ethical Issues Involving the Attorney-Client Privilege in the University Setting <b>3F</b> Settlement Negotiations <b>3J</b> Navigating NACUANET & NACUAWEB	<b>3G</b> Top Ten Things a General Counsel Needs to Know about Research Risk	<b>3H</b> Student Affairs and Athletics Case Law Update
<b>4D</b> Risk Management Fundamentals	<b>4B</b> Creating a Welcoming and Inclusive Campus Climate <b>4E</b> Reporting and Tracking Legal Office Activity <b>4I</b> Legal Technology, Tips Tricks & Gadgets	<b>4F</b> Conducting Research Overseas <b>4H</b> Forum: Intellectual Property	<b>4G</b> Institutional Protocols for Students in Distress
<b>5D</b> Do Your Volunteers Put You at Risk? <b>5E</b> Dealing with Threats of Violence on Campus	<b>5F</b> Creating Preventative Law Opportunities	<b>5G</b> Tissue Issues Redux	<b>5H</b> Forum: Student Organizations & Student Discipline
<b>6D</b> The Anatomy of an Employment Case: The Jury's Perspective	<b>6E</b> Supreme Court Review: The First Two Years of the Roberts Court <b>6I</b> Practice Management Software	<b>6F</b> Digitizing University Resources	<b>6G</b> High Profile Athletic Department Misconduct:
<b>7E</b> Litigating against Students	<b>7I</b> Electronic Documents	<b>7A</b> Recent Developments in Laboratory Safety <b>7F</b> Understanding All of the I's: IRBs, IACUCs, IBCs	<b>7E</b> Litigating Against Students <b>7G</b> Religion, Gender, Race & Sexual Orientation, & Student Organizations
<b>8B</b> Retaliation Claims after Burlington Northern <b>8G</b> College & University Housing: Managing the Risks of Residence Halls	<b>8E</b> Ethical Challenges in Keeping Multiple Constituencies Happy <b>8I</b> Navigating NACUANET & NACUAWEB	<b>8F</b> To Copy or Not to Copy <b>8H</b> Forum: Research and Technology Transfer	<b>8G</b> College & University Housing: Managing the Risks of Residence Halls
<b>9C</b> Managing Risk through Mediation and other Programs	<b>9D</b> Planning Ahead for Retirement		<b>9E</b> Student Speech and First Amendment Principles

# 47th Annual Conference Schedule

## Tuesday, June 26

24 hours

### Cyber Café

sponsored by Whyte Hirschboeck Dudek S.C.

8:30 am - 4:00 pm

### Pre-Conference Workshop for Lawyers New to Higher Education

(see schedule pg. 9)

8:30 am - 4:00 pm

### Committee Meetings

1:00 pm - 5:00 pm

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

1:00 pm - 5:00 pm

### New! Pre-Conference Roundtable for Experienced In-House General Counsel

4:00 pm - 5:00 pm

### Pre-Conference Workshop Reception for Registrants and Speakers

## Wednesday, June 27

24 hours

### Cyber Café

sponsored by Whyte Hirschboeck Dudek S.C.

8:30 am - 11:30 am

### NACUA Board of Directors Meeting

8:30 am - 11:30 am

### Pre-Conference Workshop for Lawyers New to Higher Education

(continued)

(see schedule pg. 9)

11:30 am - 12:45 pm

### Lawyers New to NACUA Luncheon

(Pre-Conference Workshop Registrants invited)  
(see description pg. 9)

11:45 am - 12:45 pm

### Special Interest Groups

#### SIG1. Museums, Libraries and Collections

LEADER

Lori E. Fox, The J. Paul Getty Trust

#### SIG2. Church-related and Religious Institutions

LEADER

Phillip W. Ellenburg, Lipscomb University

#### SIG3. Community Colleges

LEADER

Miles LeBlanc, Houston Community College System

#### SIG4. Campus Real Estate and Development

LEADER

Charles K. Barber, The George Washington University

#### SIG5. General Counsel

LEADER

Thomas Dorer, West Virginia University

#### SIG6. Historically Black Institutions

LEADER

Pamela F. Boston, Norfolk State University

#### SIG7. University System Council

LEADER

Benjamin E. Rawlins, Oregon University System

#### SIG8. Health Sciences and Academic Medical Centers

1:00 pm - 2:30 pm

### Welcome and Opening Plenary Session

sponsored by Pillsbury Winthrop Shaw Pittman LLP

### Opening Remarks

Georgia Yuan, President, NACUA  
General Counsel, Smith College

### Welcoming Remarks

### Program Update

Mary E. Kennard, First Vice President, NACUA  
Vice President and General Counsel, American University

### State of the Association

Kathleen Curry Santora  
CEO, NACUA

## Key Codes

Business & Real Property (BZ)

Diversity and Civil Rights (DC)

General Counsel (GC)

Labor & Employment (LE)

Litigation & Risk Management (LR)

Professional Development (PD)

Research/Intellectual Property (RP)

Student Affairs/Athletics (SA)

## 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

**Opening Plenary Session**  
**“Getting the Deal: Seven Strategies You’ll Never Forget”**

Dr. L. Randolph Lowry III,  
 President, Lipscomb University  
 (see description pg.5)

2:30 pm – 3:00 pm

**Break**

*sponsored by Employment Law Alliance*

3:00 pm - 4:15 pm

**1A. Strings on Dollars: Institutional Responsibilities in Development (BZ)(BAS)**

- From UMIFA to UPMIFA: The New Uniform
- Prudent Management of Institutional Funds Act
- Working with donor conditions, restrictions and strings
- Sample policies and gift agreements
- What to do when gift’s purpose is frustrated by change in circumstances

**MODERATOR**

Sean P. Scally, Vanderbilt University

**SPEAKERS**

Quin Frazer, DrinkerBiddleGardnerCarton  
 Lorraine A. Sciarra, Princeton University  
 Carl (Tobey) Oxholm III, Drexel University

**1B. Garcetti v. Ceballos: Disciplining Official Speech (DC)**

- Background and review of case
- Following cases
- Scholarly opinions
- Reaction of AAUP, ACLU and others
- Hot topics

**MODERATOR**

Traevana Byrd, Ithaca College

**SPEAKERS**

Leonard M. Niehoff, Butzel Long  
 Simao J. Avila, University of California

**1C. The Lone Ranger: Managing the Small or One-Person GC Office (GC)(PNL)(BAS)**

- Setting priorities
- Making the most of limited time and financial resources
- Developing effective organization techniques
- Creating and using form contracts and documents
- General counsel’s role in institutional initiatives, training or committees
- Determining when and whether to use outside counsel
- Managing outside litigation
- Effectively using administrative support
- Utilizing law student interns
- Legal advisor to whom?

**MODERATOR**

Sandra A. Cooper, Occidental College

**SPEAKERS**

Kelly Capen Douglas, University of San Diego  
 Georgia Yuan, Smith College

**1D. Labor Law Primer: An A-to-Z Overview of Labor Relations Issues for In-House Counsel (LE)(BAS)**

- Focus on NLRA
- Union organizing
- Election basics
- The Aftermath
- NLRA issues in the non-union setting

**MODERATOR**

John Gaal, Bond, Schoeneck & King

**SPEAKERS**

Susan Kaplan, The George Washington University  
 Terrence H. Murphy, Buchanan Ingersoll

**1E. Trials and Tribulations: Highlights of Last Year’s Higher Education Cases and What We Can Learn from Them (LR)**

- Review of key reported trials and cases
- Analysis of wins, losses and draws
- Trends in trial cases
- Trends in appellate cases
- Predictions and warnings for the future

**MODERATOR**

John H. Robinson, University of Notre Dame

**SPEAKERS**

Theodore C. Stamatakos, University of Chicago  
 Bruce W. Melton, Babbitt & Melton

**1F. Applying the Seven Strategic Principles of Successful Negotiation in Your Higher Education Practice (PD)**

- Identifying issues, positions and interests
- Succeeding in a cooperative negotiation
- Succeeding in a competitive negotiation

**SPEAKER**

Dr. L. Randolph Lowry III,  
 President, Lipscomb University

**1G. FDA Regulation of University Research-What You Don’t Know Can Hurt You (RP)(PNL)(ADV)**

- FDA regulation of clinical trials – overview and comparison with OHRP oversight
- Investigator-sponsored studies – institution and investigator responsibilities
- Good manufacturing practices – implications of drug compounding/manufacturing
- FDA enforcement – how to respond, and the risks of noncompliance

**MODERATOR**

Terri James-Alexander, University of Alabama at Birmingham

**SPEAKERS**

Mark A. Bohnhorst, University of Minnesota  
 Phillip Katz, Hogan & Hartson

**1H. MySpace, Your Space, Whose Space: Internet Privacy and Conduct Issues Facing Universities (SA)(SDG)**

- MySpace.com, Facebook.com, BadJocks.com and similar websites
- Impact on institutions
- Improper use by students: discrimination, harassment
- Application of student conduct codes and other policies
- Legal issues arising from student, faculty and staff use
- Recommended institutional responses

**LEADERS**

Jeremy R. Hueth, University of Chicago  
 Donica Thomas Varner, University of Michigan

**1I. Forum: Intercollegiate Athletics, Sports Law and the NCAA**

**LEADERS**

Kenneth A. McKanders, Eastern Michigan University  
 Elsa Kircher Cole, National Collegiate Athletic Association

4:30 pm – 6:00 pm

**Honors and Awards Ceremony**

(see description pg. 27)

6:00 pm – 7:30 pm

**Opening Reception**

*sponsored by Employment Law Alliance*  
 (see description pg. 27)

**Thursday, June 28**

24 hours

**Cyber Café**

*sponsored by Whyte Hirschboeck Dudek S.C.*

8:00 am - 9:00 am

**Rise and Shine Networking Breakfast**

(see description pg. 27)

7:00 am - 9:00 am

**Special Session! News from the Nation’s Capital**

(see description pg. 5)

9:15 am -10:45 am

**Individual NACUANET and NACUA Web Page Orientation Sessions**

(please sign up at NACUA Information Central)  
 (see description pg. 6)

## THURSDAY, JUNE 28, CONTINUED

9:15 am -10:45 am

### 2A. Top Ten Business Issues Facing Your Campus: Working with Your Business Officer (BZ)(PNL)

- Top ten business issues facing campuses
- Discussion of the attributes of a good general counsel from the perspective of a business officer
- Discussion of the attributes of a good business officer from the perspective of a general counsel
- Application of these attributes to real-life situations faced by campuses
- Concrete suggestions on how general counsel can better communicate with his/her business officer

MODERATOR/SPEAKER

John D. Walda, President & CEO, National Association of College and University Business Officers

SPEAKERS

Jeff Foshee, Community College of Southern Nevada

Cullen M. Godfrey, Texas A&M University  
Robert Lovitt, Texas A&M University-Corpus Christi

Robert R. Hoon, University of North Carolina at Wilmington

### 2B. Beyond the Michigan Cases: Consideration of Race and Other Diversity Factors in Institutional Programs (DC)(PNL)(ADV)

- How and when race and other diversity-related factors can be considered in admissions, outreach, financial aid and retention
- Possible impact of current Supreme Court cases
- Current challenges to diversity programs
- Research and evidentiary bases for these programs
- Building a diverse student pipeline

MODERATOR

Anthony Hightower, Medical College of Georgia

SPEAKERS

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

Arthur L. Coleman, Holland & Knight  
Anurima Bhargava, NAACP Legal Defense and Education Fund

### 2C. Ins and Outs: A Conversation Among In-House and Outside Counsel (GC)(SDG)

- Selection, monitoring and review of outside counsel
- Billing practices and approaches
- Getting and giving attention and efficient service (even if you're not a major client)

LEADER

Dennis H. Blumer, Arent Fox  
James P. Greene, Dykema Gossett  
Martha Hartle Munsch, Reed Smith  
Miles J. Postema, Ferris State University  
Dana Scaduto, Dickinson College

### 2D. Crisis on Campus: Getting Legal, Risk Management, and Communications Working Together During High Profile Litigation (LR)(PNL)

- Sources of information demands regarding litigation
- Recipients of demands
- Role of legal office in communicating the university's position
- Assuring coordinated delivery of institutional message from all offices
- What to disclose to media about litigation
- Maintaining a positive approach to problematic allegations
- How to avoid damaging public statements

MODERATOR

Jeffrey Cooper, Pennsylvania State System of Higher Education

SPEAKERS

Christopher Simpson, SimpsonScarborough

### 2E. Investigating Discrimination and Harassment Claims: How to Stay Out of Hot Water AND Do the Right Thing (DC)(LE)

- Getting started: sufficiency of information to investigate; deciding who investigates; strategy; privileged v. non-privileged investigations; use of an outside investigator
- Tips on carrying out the investigation
- Concluding the investigation
- Communicating the findings

MODERATOR

Mary Phelps Dugan, University of Nevada – Reno

SPEAKERS

Marcia A. Mahoney, Marcia A. Mahoney, LLC  
Stephen J. Hirschfeld, Curiale Dellaverson  
Hirschfeld & Kraemer

### 2F. The Academy in Business: Basic Concepts and Roles for the General Practitioner (PD) (PNL)

- A Basic approach to reading financial statements
- Applications of the terminology
- General business issues
- The roles attorneys might play in a variety of transactions
- Tax-exempt financing, federal grant compliance, and audits
- Interactions between in-house counsel and CFOs

MODERATOR

Dayton T. Cole, Appalachian State University

SPEAKERS

Patrick Dunkley, Stanford University  
Gerald W. Woods, Kilpatrick Stockton

### 2G. A Primer on Patents for Non-Patent Counsel (RP)(BAS)

- Defining a patent
- Obtaining a patent
- Licensing a patent
- Protecting a patent
- Special rules for college and university patents
- Working with faculty on licensing patents
- Tips for patent litigation

MODERATOR

Daniel W. Park, University of California, San Diego

SPEAKERS

William Decker, University of San Diego  
Jerry P. Dodson, Morrison & Foerster

### 2H. Catch Me if You Can - Academic Misconduct Policy and Practice (SA)(ADV)

- Academic misconduct: current case law
- Due process: best policies and practices
- Appropriate standard of proof requirements: best policies and practices
- Detection, prevention, and punishment including the use of electronic databases
- How to handle high profile academic misconduct cases
- Degree revocation

MODERATOR

Robin L. Parker, Miami University

SPEAKERS

Richard C. Kast, University of Virginia  
John F. Burns, The Ohio University

### 2I. Forum: Governance: The Board-President-General Counsel Relationship

LEADER

D. William Moreau, Barnes & Thornburg

10:45 am – 11:15 am

### Break

11:15 am - 12:45 pm

### 3A. Legal Issues Relating to College and University Endowment Management (BZ)(ADV)

- Legal implications of global investing
- Legislative and regulatory developments
- Sourcing investments in alternative classes
- Key topics in structuring the investor-manager relationship

MODERATOR

Kenneth R. Miller, Yale University

SPEAKERS

David Shevlin, Simpson, Thacher & Bartlett  
David Winter, Hogan & Hartson

**3B. From Theory to Action: Key Issues and Models Associated with Diversity-Related Enrollment Management Policies (DC)(SDG)(ADV)**

- Key implementation issues and challenges
- Model practices
- Role of legal counsel
- Parameters for developing and implementing sound access and diversity policies
- Emerging “second generation” issues

**LEADERS**

Jonathan R. Alger, Rutgers, The State University of New Jersey  
 Arthur L. Coleman, Holland & Knight  
 Anurima Bhargava, NAACP Legal Defense and Education Fund

**3C. Wait! That’s Privileged! (Or Is It?): Ethical Issues Involving the Attorney-Client Privilege in the University Setting (GC)(PD)**

- Who is the client?
- The attorney-client privilege: when it applies and when it does not
- The work product doctrine: when it applies and when it does not
- Effect on the privilege when university counsel: wears multiple “hats” and supervises non-legal areas, advises institutional committees, serves on institutional committees, conducts or otherwise participates in investigations, advises low level managers, supervisors or others
- Strategies to preserve the attorney-client privilege
- Determining when and whether to waive the attorney-client privilege
- What to do when university counsel is called to testify

**MODERATOR**

Keyla McCullum, Board of Trustees of State Institutions of Higher Learning

**SPEAKERS**

Richard A. Paul, Paul, Plevin, Sullivan & Connaughton  
 Christopher M. Patti, University of California

**3D. Conducting Effective Anti-Harassment Training (DC)(LE)(PNL)**

- Key elements for training on sexual harassment and other forms of harassment
- Use of role plays, surveys, and other strategies for connecting with faculty and other groups
- Partnering with HR or the Affirmative Action/EEO Office
- Sample materials

**MODERATOR**

Gerard D. St.Ours, The Johns Hopkins University

**SPEAKERS**

Caroline Laguerre-Brown, The Johns Hopkins University  
 Maki Daijogo, Miller Law Group

**3E. E-Discovery Update (LR)(ADV)**

- 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”
- Coordinating the roles of counsel, administration, staff, and IT
- Sanctions for non-compliance
- New and notable e-discovery cases

**MODERATOR**

Susan Westover, California State University

**SPEAKERS**

Thomas S. D’Antonio, Ward Norris Heller & Reidy  
 Nelson E. Roth, Cornell University

**3F. The Ball is in Your Court Now: Effective Strategies for Negotiating Settlement Agreements (PD)**

- When is the best time to begin negotiating?
- How do you gain “leverage” in the negotiations?
- Should counsel handle negotiations in-house?
- When is mediation the best approach?
- “Must-have” provisions in any settlement agreement

**MODERATOR**

Lisa Huggins, University of Alabama at Birmingham

**SPEAKERS**

Joseph W. Ambash, Greenberg Traurig  
 Kevin D. O’Leary, Dartmouth University  
 Aisha Fallen, United Educators

**3G. Top Ten Things a General Counsel Needs to Know about Research Risk (GC)(RP)(PNL)**

- Federal grant accounting, including effort reporting
- Conflict of Interest (Institutional and Faculty)
- Tax-exempt bond financing, including tracking use
- Human subjects, including consent and vulnerable populations
- Ownership of tissue and data
- Animal welfare
- Export control
- Research misconduct
- Federal False Claims Act/Qui Tam actions

**MODERATOR**

Pamela J. Bernard, Duke University

**SPEAKERS**

Peter J. Harrington, Harvard Medical School  
 Nancy M. Pliske, Washington University

**3H. Student Affairs and Athletics Case Law Update (SA)**

- Review of recent cases in student affairs and athletics
- Legal issues on the horizon

**MODERATOR**

T. Scott Varady, University of Arkansas-Fayetteville

**SPEAKERS**

Robert L. Clayton, Mintz, Levin, Cohen, Ferris, Glovsky and Popeo  
 L. Lee Tyner, University of Mississippi  
 Harold W. “Harry” Potter, Holland & Knight

**3I. Forum: Establishing and Operating Overseas Programs**

**LEADERS**

David Aronofsky, University of Montana  
 Lee S. Smith, University of Texas at Austin

**Session 3J. Navigating NACUANET and the NACUA Web Page (PD)**

**LEADERS**

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

**Free Afternoon and Evening**

**Friday, June 29**

24 hours

**Cyber Café**

sponsored by Whyte Hirschboeck Dudek S.C.

8:00 am - 9:00 am

**Association Breakfast**

(see description pg. 27)

9:15 am - 10:30 am

**4A. Current Developments and Key Issues of Federal Tax Law Affecting Institutions of Higher Education (BZ)**

- UBIT
- Employment taxes
- Fringe benefits
- Charitable contributions
- Tax-exempt bonds
- Other current tax developments

**MODERATOR**

Sean P. Scally, Vanderbilt University

**SPEAKERS**

Bertrand M. Harding, Law Office of Bertrand M. Harding  
 Joseph Irvine, The Ohio State University

## FRIDAY, JUNE 29, CONTINUED

### 4B. Moving from Diversity to Inclusion: Creating a Welcoming and Inclusive Campus Climate (DC)(PD)(PNL)

- The difference between diversity and inclusion
- Pros and cons of surveying campus climate
- Strategies for creating inclusive campus communities
- Cultural competence in the workplace

#### MODERATOR

Shelley Carthen Watson, University of Minnesota

#### SPEAKERS

Chris Lockhart, University of Minnesota

### 4C. Hot Issues in Employee Benefits for Higher Education (LE)

- Dealing with changes in benefits provided by colleges and universities
- Executive compensation challenges and recent legal changes
- Reducing employee benefits litigation exposure
- FMLA developments
- Latest new employee benefits legislative and regulatory issues

#### MODERATOR

Michael Rosenbaum,  
DrinkerBiddleGardnerCarton

#### SPEAKERS

Stephanie Vullo, New York University  
Thaddeus J. Lewkowicz, Bond, Schoeneck & King

### 4D. Risk Management Fundamentals: Ten Things Every College and University Should Be Doing (LR)(BAS)

- The most frequent and severe campus risks, based on a multi-year study
- Risk management strategies that optimize campus resources
- Focusing institutional attention on campus risks
- Setting risk management programs in motion
- Lessons learned by counsel

#### MODERATOR

Stephen D. Sencer, Emory University

#### SPEAKERS

Sandra McMullan Liggett, University of New Mexico  
Constance Neary, United Educators Insurance Reciprocal Risk Retention Group

### 4E. What Have You Done for Us Lately? Reporting and Tracking Legal Office Activity (GC)(PD)(SDG)

- Methods/software for tracking legal office activities
- Preparing an annual report – best practices
- How are you saving us money? Managing risks before they become lawsuits
- Marketing and measuring legal office productivity

#### LEADERS

Craig Parker, The Catholic University of America  
William R. Kauffman, Saint Louis University

### 4F. Conducting Research Overseas (RP)

- Meeting expectations of federal sponsors
- Monitoring compliance remotely
- Local law issues, such as negotiating MOU's, corporate registration, tax exemption
- Liability and form of entity
- Engaging and working with local counsel

#### MODERATOR

Alexander E. Dreier, Hogan & Hartson

#### SPEAKERS

Edward A. Silver, Columbia University  
William Ferreira, Hogan & Hartson  
Gerianne J. Sands, Fred Hutchinson Cancer Research Center

### 4G. Sad, Stressed, and Suicidal: Institutional Protocols for Students in Distress (SA)(PNL)

- Institutional responsibilities to students with acute mental distress
- Accommodating their disabilities and best practices for responding to acute episodes
- Implications to be considered in an involuntary leave policy and best practices in working with students experiencing acute and/or long-term mental distress
- JED Foundation's "Framework for Developing Institutional Protocols for the Acutely Distressed or Suicidal College Student"

#### MODERATOR/SPEAKER

Amy L. Parsons, The Colorado University System

#### SPEAKERS

Ann H. Franke, Wise Results, LLC  
Kerry Kearney, Reed Smith  
Wendy S. White, University of Pennsylvania

### 4H. Forum: Intellectual Property: Patents, Copyrights, Fair Use and Open Source Software

#### LEADERS

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

### Session 4I. Legal Technology, Tips, Tricks, Gadgets and Cool Stuff – 2007 Edition! (PD)

- Amazing free software and web utilities
  - Unconventional (but useful) technical advice
  - Tools for a paperless or paper-reduced office
  - Tools for protecting yourself against hackers, viruses and spyware
  - Remote control and web meeting tools that are easy and inexpensive
  - 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.

10:30 am – 11:00 am

### Break

11:00 am - 12:15 pm

### 5A. Construction and Design Agreements: Blueprint for the Top Legal Issues (BZ)

- Construction Contracts
- Architect Agreements
- Review of specific contract provisions (in handout form) that institutions should seek to get
- Anticipating design professional/contractor counter proposals

#### MODERATOR

Howard P. Zweig,  
DrinkerBiddleGardnerCarton

#### SPEAKERS

Roman Petyk, University of Pennsylvania  
Jerald Goodman,  
DrinkerBiddleGardnerCarton

### 5B. The Nutty Professor: Faculty Issues of Mental Health and Mental Illness (DC)(LE)(BAS)

- Basics of Disability Law – What law applies? What are the definitions? What are the requirements on the employer?
- Faculty member scenarios
- Case Studies

#### MODERATOR

Kathleen A. Rinehart, Whyte Hirschboeck Dudek

#### SPEAKERS

Susan L. Wheeler, James Madison University  
Laura Rothstein, University of Louisville Law School

**5C. The Enron Effect: Transparency and Accountability in Higher Education Governance and Business Practices (GC)**

- Recent developments in federal and state efforts to promote good governance and accountability at colleges and universities
- Best practices in contracts and business relationships
- Conflicts of interest and ethics rules for board members and others involved in transactions
- Uncovering violations of institutional policies, and fraud and abuse in financial practices (including codes of conduct and hotlines)
- Importance of board and executive leadership

**MODERATOR**

Loretta P. Martinez, Colorado State University System

**SPEAKERS**

Carl (Tobey) Oxholm III, Drexel University  
 Alfred E. Ramey, New Jersey City University  
 Gregory Keith Spence, Cardean Learning Group

**5D. Free and Worth Every Penny: Do Your Volunteers Put You at Risk? (LE)(LR)(PNL)**

- Who is volunteering? Developing effective policies and forms to define and track volunteers
- Who should be volunteering? Implementing responsible processes for screening, hiring, and training your volunteers
- Have you planned ahead? Using volunteers at high profile or special events
- Have you considered the Fair Labor Standards Act?
- Is the person legally able to volunteer? Considering foreign nationals, visas, and restrictions on volunteering
- How young is too young? Allowing minors to volunteer
- Are you covered? Managing liability of volunteers

**MODERATOR**

Melissa Jackson, University of Wisconsin – Green Bay

**SPEAKERS**

Andrew J. Bracken, Ahlers & Cooney  
 Russell C. Ford, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo  
 Nancy E. Tribbensee, Arizona Board of Regents, Arizona State University System

**5E. Dealing with Threats of Violence on Campus (LR)(PNL)**

- Identifying and evaluating perceived threats of violence
- Planning to protect students, employees and property
- Pre-emptive strategies to avoid or lessen violence and enlisting outside help
- Notification to students, families, and FERPA

**MODERATOR**

Robin C. Alexander, University of District of the Columbia

**SPEAKERS**

Lucien (Skip) Capone, University of North Carolina at Greensboro  
 Park Dietz, M.D., M.P.H., Ph.D., Park Dietz & Associates

**5F. A Pound of Cure: Creating Preventive Law Opportunities (PD)(PNL)**

- Identifying your areas of greatest exposure
- Training high exposure areas: chairs & deans, HR staff, EEO staff, RAs, Campus Safety/ Police staff
- Ways to cultivate relationships: Working with Internal Audit, Risk Management and others responsible for compliance
- Debriefing litigation and other claims – learning from our mistakes
- Regular review of policies and policy compliance: Top policies worth reviewing for compliance

**MODERATOR**

Toi Y. Carter, Howard University

**SPEAKERS**

Andrea M. Gunn, California State University  
 Jennifer Kirkland, Washington and Lee University  
 Margaret O'Donnell, The Catholic University of America

**5G. Tissue Issues Redux (RP)(SDG)(ADV)**

- The *Catalona* case and other recent developments
- NCI draft guidelines and other federal and state initiatives
- General consent to unspecified future research and other informed consent issues
- Special issues in stem-cell research
- Material transfer agreements

**LEADERS**

Monica J. Allen, Washington University  
 Barbara L. Shiels, University of Minnesota

**5H. Forum: Student Organizations and Student Discipline**

**LEADER**

Debra Ann Carlson Wood, Scripps College

12:30 pm - 1:45 pm

**Networking Luncheon**

12:30 pm - 1:45 pm

**Affinity Group Luncheons**

12:30 pm - 1:45 pm

**2008 Meeting of the Committee on Annual Program**

2:00 pm - 3:15 pm

**Individual NACUANET and NACUA Web Page Orientation Sessions**

(Please sign up at NACUA Information Central) (see description pg. 6)

2:00 pm - 3:15 pm

**6A. IT Security for Colleges and Universities: What Is the Attorney's Role? (BZ)(BAS)**

- How information losses occur
- Safeguarding information: contract clauses, policies and other protections
- Fundamental IT security concepts
- Federal and state legal requirements for unauthorized disclosures
- Hypothetical: responding to an information security breach

**MODERATOR**

Steven J. McDonald, Rhode Island School of Design

**SPEAKERS**

Rodney Petersen, EDUCAUSE  
 Miriam Wugmeister, Morrison & Foerster  
 Robert J. Scott, Scott & Scott

**6B. Developing and Perfecting a General Counsel Website (or) GC Websites: The Why, What, and How of a Web Presence (GC)(PNL)(BAS)**

- Why have a website? Is this answer different for the large, public and the small private?
- What to include, what not to include?
- Lessons from those who have done it
- Who does the website serve?
- How can it reduce work and increase efficiency for the office?
- What are the "linking" copyright rules and protocols?
- What level of support do you need from IT?
- Taking the website to the next level
- Atour through CUA and Texas System websites

**MODERATOR**

David G. Ellis, Lewis and Clark College

**SPEAKERS**

Barry D. Burgdorf, University of Texas System  
 Margaret O'Donnell, The Catholic University

**6C. Keeping up with the Changes at the OFCCP (DC)(LE)(SDG)**

- Internet applicants rule
- Salary assessment standards and audits
- OFCCP requests for information
- OFCCP desk audits
- Compliance requirements
- Compensation review (regression analysis)

**MODERATOR**

Simao J. Avila, University of California

**LEADERS**

David Cohen, DCI Consulting, Inc.  
 Darrell R. VanDeusen, Kollman & Saucier

**6D. Anatomy of an Employment Case: The Jury's Perspective—How the Jury Gets to the Heart of Your Case (LE)(LR)**

MODERATOR

Jaffe D. Dickerson, Littler Mendelson

SPEAKERS

Beth A. Harris, University of Chicago  
Daniel A. Kaufman, Michael Best & Friedrich  
Dan Gallipeau, Dispute Dynamics, Inc.

**6E. Supreme Court Review: The First Two Years of the Roberts Court (PD)**

- An overview of Supreme Court decisions from the 2005-06 and 2006-07 Terms impacting colleges and universities—what was expected and what was a surprise
- Reflections on changes in the composition of the Court and what those changes and perhaps others may portend for the 2007-08 Term and years to come
- Possible future trends concerning First Amendment rights, equal protection, employment, and Eleventh Amendment doctrine.

MODERATOR

Patrick V. Apodaca, University of New Mexico

SPEAKERS

Kathleen Sullivan, Quinn Emanuel Urquhart Oliver & Hedges  
William E. Thro, Office of the Attorney General, Commonwealth of Virginia

**6F. Digitizing University Resources (RP)(ADV)**

- Digitizing library resources
- E-Reserves
- Google's Digital Library Project
- Podcasting faculty lectures
- Fair Use

MODERATOR

Stephana I. Colbert, Temple University

SPEAKERS

Mary E. MacDonald, University of California  
Brian Schottlaender, University of California – San Diego

**6G. High Profile Athletic Department Misconduct: Legal Advice for Institutional Clients Involving Alleged Misconduct by Coaches, Students, and Administrators (SA)(PNL)**

- Investigations of Misconduct – Who should do the investigation?
- How to conduct the investigation – considerations
- Consequences and institutional control – civil, criminal, NCAA and personnel issues for the university
- Image and public relations – who speaks for the university?
- Can the university defend itself and its personnel?
- Management of institutional interests – athletic department, president's office, governing board, alumni, and public officials.

MODERATOR

Brian A. Snow, Brian Snow, Attorney At Law

SPEAKERS

William P. Donohue, University of Minnesota  
Jim Livengood, University of Arizona  
Robert L. Clayton, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo

**6H. Forum: Civil Rights: Impact of Advocacy Groups and State Initiatives on Campus**

LEADER

Marvin Krislov, The University of Michigan

**6I. Practice Management Software – Organize Your Office! (PD)**

- What practice management software can do for you and your office
- Integrate calendaring, case and matter information tracking, email and phone calls, contact management, file follow-ups, and document generation
- Compare economical management software for small and medium-sized in-house offices

SPEAKER

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

3:15 pm – 3:45 pm

**Break**

*sponsored by Paul, Plevin, Sullivan & Connaughton*

3:45 pm - 5:00 pm

**7A. Recent Developments in Laboratory Safety (BZ)(RP)(SDG)**

- Update on new EPA regulations regarding laboratories
- Self-audit programs
- Select agents' regulations, audits and enforcement
- NRC "increased controls" regulations
- Personnel and student safety training

LEADERS

David J. Monz, Updike, Kelly & Spellacy  
Jonathan E. Clune, Yale University

**7B. Surviving a Department of Justice ADA Accessibility Investigation or Audit (DC)(PNL) (ADV)**

- Context for responding to a DOJ audit request or complaint
- Assessment of institutional compliance with accessibility requirements
- Responding to (and negotiating with) the DOJ
- Negotiating and complying with DOJ settlement agreements
- Avoiding an audit or complaint through preventative measures

MODERATOR

Ellen M. Babbitt, Babbitt & Melton

SPEAKERS

Chris J. Melcher, Colorado College  
Neil G. Wolf, Wildman, Harold, Allen & Dixon

**7C. The Annual Audit and the GC / Audits of In-house Counsel (GC)(PNL)(ADV)**

- What are the top issues confronting private and public institutions in the audit world?
- Conditional asset retirement obligations (private institutions)
- Alternative investments (private institutions)
- Pollution remediation obligations (public institutions)
- New auditing and accounting standards (both)
- Accountability within the institution
- Audit committees
- Audit committee charters
- Management's role
- Increased scrutiny of not-for-profit organizations
- Changes to Form 990
- Excess benefit transactions
- Private inurement
- Attorneys and auditors: relationships and expectations

MODERATOR

David G. Ellis, Lewis & Clark College

SPEAKERS

Lynn Kingston, Moss Adams  
Leslie Richardson, Moss Adams  
Scott Simpson, Moss Adams

**7D. Faculty and Administration Diversity: Balancing Legal Risks and Rewards (DC)(LE)**

- "ReverseDiscrimination" – The legal landscape
- Are the Michigan Decisions translating into the employment context?
- Recruiting for diversity – A safe area?
- Targeted searches and targets of opportunity – Where do the risks begin and end?
- Diversity hiring incentives – When is an incentive too much to withstand legal challenge?
- Search committee training
- Legal standards applicable in the awarding of fellowships

MODERATOR

Therese M. Leone, University of California

SPEAKERS

Richard Amador, Sanchez & Amador  
Theodora Lee, Littler Mendelson

**7E. Everything You Wanted to Know about Litigating against Students: The Customer Isn't Always Right (LR)(SA)(PNL)(BAS)**

- Typical student claims against institutions
- Legal standards courts use to evaluate these claims
- Judicial attitudes toward academic disputes and student plaintiffs
- Handling opposing counsel with no experience in student litigation
- Managing litigation while the student is on campus
- Preparing for the TFO
- Impact of FERPA on student litigation

MODERATOR

Stephanie Leider,  
Loyola University of Chicago

SPEAKERS

Mary Desler, Dean of Students  
Northwestern University  
Scott L. Warner, Babbitt & Melton

**7F. Understanding All of the I's: IRBs, IACUCs, IBCs, and You (RP)(BAS)**

- Understanding the basics of three primary research oversight committees, including basic structure, scope of authority, role of counsel, and investigating and reporting noncompliance
- Examining the structure of the governmental agencies that oversee each of these committees
- Best practices, policies, and compliance checklists

MODERATOR

Bethany Bridgham, American University

SPEAKERS

Catherine Kirby, American University  
Todd G. Guttman, The Ohio State University  
Robert E. Bienstock, Yale University

**7G. "No \_\_\_ Allowed"- Religion, Gender, Race and Sexual Orientation, and Student Organizations (SA)(ADV)**

- The legal issues involved with student organizations where the criteria for membership or holding office in the organization is contrary to the institution's own non-discrimination policies
- Recent case law regarding view point neutrality and the extent of a student organization's right to limit membership/officeholders based on gender, religious beliefs and sexual orientation

- First Amendment issues involved in declining to provide monetary or other support, failing to recognize or withdrawing recognition of these organizations

MODERATOR

Lucy A. Singer, University of Vermont

SPEAKERS

Nancy K. Lynch, University of Wisconsin – Madison  
Tomas L. Stafford, University of Wisconsin System  
Mark B. Rotenberg, University of Minnesota

**7H. Forum: Campus Information Technology, Security and Telecommunications**

LEADER

David L. Harrison,  
University of North Carolina General Administration

**7I. Electronic Documents: Review, Compare, Mark Up and Organize! (PD)**

- Use the powerful tools already in your word processor to track document changes, compare different versions, and add annotations
- Finding metadata – and keeping it out of your documents when communicating with third parties
- Best practices for trading documents electronically – tools to protect you and your staff against mistakes

SPEAKER

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

**Saturday, June 30**

24 hours

**Cyber Café**

(until 12:00 Noon)

sponsored by *Whyte Hirschboeck Dudek S.C.*

7:30 am – 8:30 am

**Continental Breakfast**

8:30 am - 10:00 am

**8A. Providing for your Campus Energy Needs: Procurement, Cogeneration and Renewables (BZ)(BAS)**

- Negotiation of energy and fuel contracts
- Key contractual provisions for colleges and universities
- Growth and use of renewable energy resources by institutions
- Energy conservation construction
- Legal issues in owning and operating renewable resources

MODERATOR

Kathy L. Schulz, New York University

SPEAKERS

Marlene B. Jones, California State University  
Lloyd C. Lee, University of California  
Maric S. Munn, Associate Director, Energy and Utilities, California State University  
Len Pettis, Chief of Plant, Energy and Utilities, California State University

**8B. Retaliation Claims after Burlington Northern: Managing on Campus to Avoid a Train Wreck at Trial (DC)(LR)(PNL)**

- The Supreme Court's new burdens for employers under Title VII
- Handling complainants and whistleblowers with extraordinary care
- Damage control to avoid retaliation and win your lawsuits

MODERATOR

Ann H. Franke, Wise Results, LLC

SPEAKERS

Jackie McClain, California State University – Long Beach  
Michael Sullivan, Paul, Plevin, Sullivan & Connaughton

**8C. Climbing Up and Managing Down--Management Skills for Lawyers (GC)(PNL)(ADV)**

- Moving from line lawyer to manager--how to work through others (delegation and motivation) rather than doing it yourself
- Effective evaluations--assessment, coaching, correction, and feedback
- Mentoring the rising star and managing the poor performer
- Making non-lawyer staff part of the team--training, support, and promotion
- The special needs of law clerks and interns
- Using facilitators, team-builders, and other management professionals

MODERATOR

Paul J. Ward, Arizona State University

SPEAKERS

Louise Carnachan, Carnachan Associates  
David Williams II, Vanderbilt University  
Christine Helwick, California State University

## SATURDAY, JUNE 30, CONTINUED

### 8D. Adjunct, Part-Time, and Non-Tenured Faculty: Bringing these Unique Employees into the Fold (LE)(PNL)(ADV)

- The myth of independent contractor status
- Integration into campus culture – practical aspects
- Integration into campus culture – legal aspects (e.g., sexual harassment training, availability of benefits, dealing with workers compensation)
- Incentives for satisfactory performance and timely completion of grades and papers
- Keys to effective appointment letters

#### MODERATOR

John D. Marshall, Georgia State University

#### SPEAKERS

Terrance J. Nolan, New York University  
Sandra J. Doran, Lesley University

### 8E. Ethical Challenges in Keeping Multiple Constituencies Happy while Representing the Interests of the University

- Counsel participation in contentious faculty hearings
- Counsel participation in sensitive research misconduct investigations (including government scrutiny)
- Counsel involvement in high profile student discipline and criminal misconduct cases
- Examination of hypothetical scenarios

#### MODERATOR

Betsy Facher, Emerson College

#### SPEAKERS

Katherine Hendricks, University of Washington

Peter G. McDonough, Princeton University  
Mary Ann Connell, Mayo Mallette

### 8F. To Copy or Not to Copy (RP)

- Understanding the origins, evolution, and application of fair use and the additional statutory copyright exemptions (such as the TEACH ACT)
- Update on how new technologies (such as P2P filing sharing) have altered the use of these copyright exemptions
- The latest developments on handling and using Orphan Works

#### MODERATOR

Justin Perillo, American University

#### SPEAKERS

Peggy E. Hoon, North Carolina State University Libraries

Steven J. McDonald, Rhode Island School of Design

Edward Gray, Morrison & Foerster

### 8G. College and University Housing: Expecting the Unexpected and Managing the Risks of Residence Halls (LR)(SA)(BAS)

- Managing issues concerning drug, alcohol and sexual conduct
- Residence hall case law: acts of third parties
- Students' rights to privacy
- Best models for training residence hall staff
- Model training materials

#### MODERATOR

T. Scott Varady, University of Arkansas-Fayetteville

#### SPEAKERS

Peter F. Lake, Stetson University College of Law  
Brandon Busteded, Outside the Classroom

### 8H. Forum: Research and Technology Transfer

#### LEADERS

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

### 8I. Navigating NACUANET and the NACUA Web Page (PD)

#### LEADERS

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

10:00 am – 10:30 am

### Break

10:30 am - 12:00 pm

### Individual NACUANET and NACUA Web Page Orientation Sessions

(Please sign up at NACUA Information Central) (see description pg. 6)

10:30 am - 12:00 pm

### 9A. Religious Diversity on Campus: Opening Minds, Doors, and the Big Tent (DC)

- Fostering religious diversity during the recruiting process
- Creating an infrastructure on campus which embraces diversity without overburdening the college
- Establishing policies that welcome students, faculty members and employees with diverse religious beliefs
- Disseminating policies and ensuring buy-in
- Reasonably accommodating religious beliefs
- What is a religion?
- What accommodations are required?
- What is reasonable?
- What role does safety play in making decisions?

#### MODERATOR

Mary M. Brockington, Strickland Brockington Lewis

#### SPEAKERS

Laurence Pendleton, Colorado State University System

Amy W. Adelman, Emory University

### 9B. So They've Sent You Out to Meet the Press: Now What? A Crash Course on Dealing with the News Media (GC)

- Working effectively with in-house and external communications professionals
- Crossing the divide between a PR professional's advice to "tell it all, tell it all fast" and the general counsel's mission to mitigate risk
- Developing key messages, and sticking to them
- "De-lawyering" written and oral communications for the news media
- Surviving cross-examination by reporters
- Special do's and don't's of working with the broadcast media

#### SPEAKER

Lisa M. Rudgers, Lisa Rudgers & Associates

### 9C. Managing Risk through Mediation and other Programs (LR)(SDG)

- Benefits of a mediation program
- Situations in which mediation is most effective
- Obstacles to mediation in a university environment
- Measuring the success of a mediation program

#### LEADERS

Jeffrey Cooper, Pennsylvania State System of Higher Education

Carl (Tobey) Oxholm III, Drexel University

#### 9D. Planning Ahead for Retirement (PD)

- A look at retirement planning by identifying retirement savings gaps
- Recommendations on how to fill those gaps to help you reach your retirement goals

##### SPEAKERS

Hollie Washington, Consultant, TIAA-CREF

#### 9E. Student Speech: Protected Speech, Threats, Fighting Words, Hostile Environments, and First Amendment Principles (DC)(SA)(ADV)

- Fostering a campus climate of civility and diversity without violating First Amendment principles
- Involvement of external organizations in funding litigation and advancing political or religious views
- First Amendment principles in student elections and student government
- The First Amendment and the university campus

##### MODERATOR

Scott H. Varady, University of Arkansas – Fayetteville

##### SPEAKERS

David Aronofsky, University of Montana  
Patricia A. Brady, University of Wisconsin System

#### 9F. Forum: Higher Education Employment Law

##### LEADER

Jaffe D. Dickerson, Littler Mendelson

12:00 pm

#### Conference Adjourns



## Registration Summary

NACUA expects participants to register and pay in advance of the Conference. NACUA accepts checks, Mastercard and Visa (sorry, no American Express). NACUA does not accept purchase orders as a form of payment. All attendees will receive a confirmation of their registration from the NACUA office. If you do not receive a confirmation, please call NACUA at (202) 833-8390 to make sure you are registered. If, after you have registered, you find that you are unable to attend and the cancellation deadline has passed, you may have an eligible colleague attend as your substitute. NACUA does not accept split registrations. Additional registration forms as well as the entire Conference registration brochure may be downloaded from the NACUA web site at <http://www.nacua.org>.

### PRE-CONFERENCE EVENTS

#### Pre-Conference Workshop for Lawyers New to Higher Education

This foundation-building workshop is designed to bring you up to speed whether you are a recent law school graduate or an experienced lawyer advising colleges and universities for the first time.

##### Your Registration Fee Includes:

- Entry to all sessions
- On-site session handouts
- Two continental breakfasts
- Tuesday afternoon networking luncheon
- Tuesday evening reception
- Wednesday afternoon Lawyers New to NACUA Luncheon
- All coffee and refreshment breaks
- 24-hour use of the Cyber Café
- Complimentary CD-ROM of all sessions, including audio and written materials

<b>Fees</b>	NACUA Member	\$149
	Non-Member	\$199

#### Roundtable for New and Recently Appointed In-House General Counsel

#### Roundtable for Experienced In-House General Counsel

##### Your Registration Fee Includes:

- On-site session handouts
- CD-ROM of session handouts
- Coffee break
- Wednesday afternoon light reception
- 24-hour use of the Cyber Café

<b>Fees</b>	NACUA Member	\$59
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### ANNUAL CONFERENCE

#### Register Early and Save \$50

All registrations with payment received on or before April 30, 2007 will qualify for Early Registration fees, for a savings of \$50. From May 1 to May 31 the Regular Registration fee will apply. And after May 31 all registrations will require the On-Site Registration fee.

#### Register With Others and Save \$50

Is more than one representative at your institution attending the Conference? Register representatives from the same member institution and receive a discount of \$50 for each additional member after the primary registrant.

#### Your Registration Fee Includes:

- Online access to session materials in advance of the Conference
- Entry to all sessions
- On-site session handouts
- Online access to all post-conference materials and audio of most sessions for three months
- Honors and Awards Ceremony and Reception\*
- Wednesday evening Opening Reception\*
- Thursday morning Networking Breakfast\*
- Friday morning Association Breakfast\*
- Friday afternoon Networking Luncheon\*
- All coffee and refreshment breaks
- 24-hour use of the Cyber Café

*\*If you plan to attend the Honors and Awards Ceremony and Reception, Opening Reception, Networking Breakfast on Thursday, Association Breakfast on Friday, and/or the Networking Luncheon on Friday, please indicate your attendance on your registration form in order to assist us in planning.*

#### Fees

Only registrations received on or before the April 30, 2007 deadline will qualify for the Early Registration fee. The Regular Registration fee will then apply for registrations received after April 30, 2007 and on or before May 31, 2007. After May 31, 2007 the On-Site Registration fee will apply. If mailing registration form, send with payment to NACUA, P.O. Box 791118, Baltimore, MD 21279-1118.

### Early Registration Fee

Received on or before April 30

NACUA Member	\$590
NACUA Member Additional Person	\$540
Non-Member	\$840

### Regular Registration Fee

Received on or before May 31

NACUA Member	\$640
NACUA Member Additional Person	\$590
Non-Member	\$890

### On-Site Registration Fee

Received after May 31

NACUA Member	\$690
NACUA Member Additional Person	\$640
Non-Member	\$940

Note: For non-member attendees whose college or university applies for institutional membership between July 1 – August 31, 2007, \$250 from one individual non-member registration fee can be credited towards the institution's 2007-2008 NACUA membership dues.

### Cancellation Policy

All requests for cancellations must be received in WRITING, via fax or email, no later than Thursday, May 31, in order to receive a full refund (minus an administrative fee of \$50). Requests for cancellations after May 31 and by June 7 that are approved by NACUA will qualify for a 75% refund of the registration fee (minus an administrative fee of \$50). Requests for cancellations after June 7 and by June 14 that are approved will qualify for a 50% refund of the registration fee (minus an administrative fee of \$50). Requests for cancellations after June 14 that are approved will qualify for a 30% refund of the registration fee (minus an administrative fee of \$50). If requests for cancellations are not received by June 25, no refunds or credits will be issued for any reason, with no exceptions. All refunds will be processed after the Conference.

## CONFERENCE MATERIALS

Written Materials Available in Multiple Formats!

### 1. Pre-Conference Web Access

All registered attendees will receive a unique username and password from Conference Archives to access session materials before they come to the Conference. This access will be available in early June. *Included in your registration fee.*

## About the Hotel Manchester Grand Hyatt

One Market Place  
San Diego, CA 92101 USA  
Phone: 619-232-1234



To make a reservation at the NACUA conference rate of \$221 single/\$241 double occupancy please call the Hyatt at 619-232-1234 by June 4, 2007.

The Manchester Grand Hyatt, the West Coast's tallest waterfront building, rises on the magnificent San Diego Bay just blocks from the restored, historic Gaslamp Quarter which provides ample nightlife and dining and other points of interest. The Hyatt offers four restaurants and lounges: Sally's Seafood on the Water, Lael's Restaurant, the Grand Lobby Bar and Top of the Hyatt. As a guest you have access to a 24-hour Fitness Center for a fee of \$5 per day, four tennis courts, and a full service spa. The hotel has 40 stories of luxurious guestrooms in two separate towers offering wired and wireless high speed internet and 24-hour room service. The Hotel is approximately eight to ten minutes away from the San Diego International Airport.

### 2. Onsite Written Materials

Written materials will be available in all session rooms to attendees in that session. Empty binders will be distributed at registration for collection of these materials. *Included in your registration fee.*

### 3. Complete Binder of Written Materials

In addition to the options above, the traditional binder of materials will again be available for purchase. **Please Note:** For registrants who order the binder, the binder will be shipped directly to the address you provide on the registration form after the Conference. This will ensure that binders are truly complete and contain all session materials, including any additional materials distributed on-site by Conference presenters. While at the Conference, feel free to access the individual session outlines that will be provided in the session rooms.

To order a binder, check the appropriate box on the registration form and include the purchase price with the amount remitted. *Binders will ship six to eight weeks after the Conference. Cost: \$69*

### 4. Searchable CD-ROM

Again this year, we will offer the entire Conference on CD-ROM. Loaded with all the written materials (including materials that were not available before or during the Conference), as well as audio of most Conference sessions, the CD-ROM is the most comprehensive archive of the

Conference available. The CD-ROM will ship approximately four to six weeks after the Conference and can be used on your desktop computer. *Cost: \$69*

### 5. Post-Conference Web Access

After the Conference, all registrants will be able to continue to use their unique usernames and passwords (provided by Conference Archives) to access the online materials to which the audio and onsite materials will be added shortly after the Conference. This service will be available for 90 days following the Conference. *Included in your registration fee.*

## Who is Eligible to Attend?

You must be an attorney representing a higher education institution or organization to register for the Annual Conference.

### NACUA Member Attorneys

If you are a member attorney from a NACUA Member Institution or Associate Member Institution, or if you are an Associate Individual Member, you are eligible to register at the Conference Member rate. All registrants must be included on their institution's NACUA membership roster to be eligible for the member rate. You may expedite your registration by obtaining the permission of your institution's primary representative before registering for the Conference.

**Non-Member Attorneys Representing or Employed by a NACUA Member Institution**

If you are a non-member attorney representing a college, university, or organization that is a NACUA Member, you are eligible to register at the Non-Member rate. NACUA will confirm your registration with your institution's primary representative prior to processing your registration. You may expedite your registration by including a signed letter from your institution's Primary Representative with your registration form.

**Non-Member Attorneys Representing a Non-Member Institution**

If you are a non-member attorney representing a college or university that is *not* a NACUA member, you are eligible to register at the Non-Member rate if you are eligible for NACUA membership. In order to gain eligibility to attend the Conference, you must include a letter with the following information with your registration form:

- Your interest in higher education law.
- An affirmation that you meet NACUA's commonality of interest requirements, which can be found at [http://www.nacua.org/membership/policies/Commonality\\_of\\_Interest\\_def.pdf](http://www.nacua.org/membership/policies/Commonality_of_Interest_def.pdf).

If you are a non-member attorney representing an organization that is eligible for Associate Institutional membership, your organization must be formally approved for NACUA membership before you can attend the Conference. To ensure that your organization's application is reviewed prior to the Conference, please submit your organization's completed application to Miriam S. Miller, Manager of Membership & Outreach Services, by Friday, April 6.

All non-member attorneys must send their registration forms to Miriam Miller's attention. NACUA will contact all non-member attorneys directly to notify them about the status of their registration and to gather additional information, if necessary.

Questions about eligibility may be directed to Miriam S. Miller, Manager of Membership and Outreach Services, at 202-833-5948 or [msm@nacua.org](mailto:msm@nacua.org).

## Travel Arrangements

### Airline Arrangements

Please arrange any flights through the carrier of your choice. The Manchester Grand Hyatt is located approximately 10 – 15 minutes from the San Diego International Airport (SAN).

### Ground Transportation

**By Taxi:**

Many companies provide taxicab service at San Diego International Airport. If you need a taxi, simply follow the signs leading to the Transportation Plazas. A Transportation Coordinator will place you with the first available taxi – unless you specify a particular taxicab company. Taxicab rides cost approximately \$10 to the Manchester Grand Hyatt.

2. All car rental agencies are off-site and do not have counters inside the terminal facilities. Car rental shuttles — boarded at the Transportation Plazas — will take you to their rental locations.

### Rental Agencies

Advantage	(800) 777-5500
Alamo	(800) 462-5266
Autorent	(619) 692-3006
Avis	(800) 852-4617
Budget	(800) 527-0700
Dollar	(800) 800-4000
Enterprise	(800) 270-8881
Fox	(800) 225-4369
Hertz	(800) 654-3131
National	(800) 227-7368
Pacific	(619) 233-3366
Rent4Less	(866) 614-7368
Thrifty	(800) 847-4389
West Coast	(619) 544-0606



**By Shuttle:**

Shuttle vans and buses operated by off-airport companies are a popular and convenient transportation option. Shuttle service is available at the Transportation Plazas across from Terminals 1 and 2, and curbside at the Commuter Terminal.

**By Car:**

If you need a rental car, there are several car rental reservation boards located near the baggage claim areas of Terminals 1 and

**Parking at the Hotel:**

The parking garage is attached/adjacent to the hotel. Self-parking for \$19 per night with in-&-out privileges. Valet parking for \$25 per night with in-&-out privileges

# NACUA Pre-Conference Events Registration Form

NACUA 2007 PRE-CONFERENCE EVENTS • JUNE 26 – 27, 2007

\* Note: If you are also attending the Annual Conference, please also complete the Annual Conference Registration Form.

## PERSONAL INFORMATION *(Please print or type. List only one person per form.)*

Full Name: \_\_\_\_\_  
 Badge Name: \_\_\_\_\_  
 Institution or Law Firm Name for Badge: \_\_\_\_\_  
 Law Firm *(if applicable)*: \_\_\_\_\_  
 Member Institution *(if applicable)*: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Day Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

## PRE-CONFERENCE EVENT FEES

### A. Workshop for Lawyers New to Higher Education *(see pg. 9) (Note: Registration fee includes binder of written materials and CD-ROM.)* Tuesday, June 26 – Wednesday, June 27

Member Registration Fee	\$149.00 = \$ _____
Non-Member Registration Fee	\$199.00 = \$ _____

### B. Roundtables *(see pg.8) (Note: Registration fee includes written materials and CD-ROM.)* Tuesday, June 26

Roundtable for New and Recently Appointed In-House General Counsel (3 years of less)	\$59.00 = \$ _____
Roundtable for Experienced In-House General Counsel (more than 3 years)	\$59.00 = \$ _____

### C. Speaker & Moderator Fees *(Note: Registration fees for those speaking or moderating at either the Workshop or at one of the Roundtables are waived. Please check the appropriate box.)*

Speaker complimentary (check box)	<input type="checkbox"/> = \$ 0.00
Moderator complimentary (check box)	<input type="checkbox"/> = \$ 0.00

### D. Request for CLE Credit *(Note: CLE Credit will not be available for attendance at the Roundtables.)* Please fill in this portion only if you wish NACUA to file for CLE credit on your behalf. There is a \$5.00 per-state administrative and application fee for all attorneys requesting this service.

State	Bar Number	\$5.00 = \$ _____
State	Bar Number	\$5.00 = \$ _____
State	Bar Number	\$5.00 = \$ _____

**TOTAL FEE TO ACCOMPANY REGISTRATION** *(add up all fees from above)* = \$ \_\_\_\_\_

## PAYMENT

Payment must accompany registration form. Registrations sent without payment will not be processed. All registrations will receive confirmation.

- Check enclosed (payable to NACUA)  
 Charge:  Mastercard  Visa *(Sorry, we do not accept American Express)*

Card Number \_\_\_\_\_ Exp. Date \_\_\_\_\_  
 Print name as it appears on card \_\_\_\_\_ Signature \_\_\_\_\_

## CLE Credits

NACUA is submitting the Pre-Conference Workshop for approval to the appropriate agencies of the states that certify continuing legal education programs (AL, AK, FL, GA, ID, IL, IA, KS, KY, LA, ME, MN, MS, MT, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA and WI). NACUA certifies that this program has been presumptively approved and conforms to the standards prescribed by the rules and regulations of the state bars of AZ, AR, CA, CO, DE, IN, MO, NV, NH, NM, NY, RI, VT, WV and WY. Please mark your registration form if you would like NACUA to file for CLE Credit on your behalf and reconfirm your bar number and state while at the Conference. There is a \$5.00 per state administrative and application fee for all attorneys requesting this service.

*\*Attorneys requesting CLE credit in Rhode Island will be invoiced by NACUA for an additional \$1.50 per credit hour claimed following the Annual Conference.*

## OTHER INFORMATION

- Do you have any special needs that require accommodation? Please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Do you have any dietary restrictions? Please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Who should be contacted in case of an emergency? Name: \_\_\_\_\_  
 \_\_\_\_\_

Day telephone: \_\_\_\_\_

## MAIL CHECK OR CREDIT CARD PAYMENT

along with completed registration form (both sides) to:

**NACUA**  
 P.O. Box 791118  
 Baltimore, MD 21279-1118  
 Tel: (202) 833-8390  
 Fax: (202) 296-8379



# Annual Conference Registration Form

NACUA 2007 ANNUAL CONFERENCE • JUNE 27 – 30, 2007

\* Note: If you are also attending the Pre-Conference Workshop for Lawyers New to Higher Education or one of the Pre-Conference Roundtables, please also complete the Pre-Conference Events Registration Form.

## PERSONAL INFORMATION

(Please print or type. List only one person per form.)

Full Name: \_\_\_\_\_

Badge Name: \_\_\_\_\_

Institution or Law Firm Name for Badge: \_\_\_\_\_

Law Firm (if applicable): \_\_\_\_\_

Member Institution (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

## SESSIONS

Indicate those sessions you tentatively plan to attend by circling one per time-period. This does not limit you to, nor reserve a spot for you, in a particular session.

### Wednesday, June 27

11:45 am – 12:45 pm	SIG1	SIG2	SIG3	SIG4	SIG5	SIG6	SIG 7	SIG8
3:00 pm – 4:15 pm	1A	1B	1C	1D	1E	1F	1G	1H 1I

### Thursday, June 28

9:15 am – 10:45 am	2A	2B	2C	2D	2E	2F	2G	2H	2I
11:15 am – 12:45 pm	3A	3B	3C	3D	3E	3F	3G	3H	3I 3J

### Friday, June 29

9:15 am – 10:30 am	4A	4B	4C	4D	4E	4F	4G	4H	4I
11:00 am – 12:15 pm	5A	5B	5C	5D	5E	5F	5G	5H	
2:00 pm – 3:15 pm	6A	6B	6C	6D	6E	6F	6G	6H	6I
3:45 pm – 5:00 pm	7A	7B	7C	7D	7E	7F	7G	7H	7I

### Saturday, June 30

8:30 am – 10:00 am	8A	8B	8C	8D	8E	8F	8G	8H	8I
10:30 am – 12:00 pm	9A	9B	9C	9D	9E	9F			

## EVENTS

Please indicate if you plan on attending the following events:

- Welcome & Opening Plenary Session (Wednesday, 1:00 pm)
- Honors & Awards Ceremony (Wednesday, 4:30 pm)
- Rise and Shine Networking Breakfast (Thursday, 7:00 am)
- Special Session: News from the Nation's Capital (Thursday, 8:00 am)
- Association Breakfast (Friday, 8:00 am)
- Networking Luncheon (Friday, 12:30 pm)

## OTHER INFORMATION AND SPECIAL NEEDS

Required Attendee Verification

- I am the primary representative of my member institution.
- I am an institutional representative, and I affirm that I have received approval from my institution's primary representative to attend the Annual Conference.
- I am an Associate Individual Member
- I am not a member of NACUA but am eligible to attend. (You must submit a letter of intent with your registration form. See "Eligibility" on pg. 22.)

## OTHER INFORMATION

- Do you have any special needs that require accommodation? Please explain: \_\_\_\_\_
- Do you have any dietary restrictions? Please explain: \_\_\_\_\_

Who should be contacted in case of an emergency? Name: \_\_\_\_\_

Day telephone: \_\_\_\_\_

## Annual Conference Registration Form, continued

### CONFERENCE FEES

Fill in all shaded boxes that pertain to your registration.

A. Registration Fees (see pg.21)	Early on or before April 30	Regular May 1-May 31	On-Site after May 31	
MEMBER: First person	\$590.00	\$640.00	\$690.00	=\$
MEMBER: Add'l person	\$540.00	\$590.00	\$640.00	=\$
NON-MEMBER	\$840.00	\$890.00	\$940.00	=\$

### B. Speaker Fees

(Note: The fees are for Annual Conference speakers only. If you are not an Annual Conference speaker, you will be charged any additional fees due based on the above schedule of fees.)

MEMBER SPEAKER		\$590.00	=\$
MEMBER SPEAKER: Add'l person		\$540.00	=\$

### C. Conference Materials

(see pg.21) (Note: Binder will be shipped AFTER the Conference (see pg. 21) (Note: Hard Copies of materials distributed in session rooms at no charge.) \*Rates below are for Conference registrants only

CD-ROM		\$69.00	=\$
SPEAKER CD-ROM ( <i>Speakers receive one complimentary CD-ROM of the conference</i> )		complimentary	=\$0.00
Full Binder of Written Materials ( <i>must be pre-ordered and will be shipped after the Conference</i> )		\$69.00	=\$

### D. Opening Reception

(see pg. 27)

Paid Registrant <input type="checkbox"/> Yes <input type="checkbox"/> No	#Attending	Fee included	
Adult Spouse/Guest(s)	# _____	x \$20.00	=\$
Child (ages 6-12)	# _____	x \$10.00	=\$
Child (5 and under)	# _____	Free	

### E. Request for CLE Credit

Please fill in this portion only if you wish NACUA to file for CLE credit on your behalf. There is a \$5.00 per-state administrative and application fee for all attorneys requesting this service.

State	Bar Number	\$5.00	=\$
State	Bar Number	\$5.00	=\$
State	Bar Number	\$5.00	=\$

### TOTAL FEE TO ACCOMPANY REGISTRATION

= \$ \_\_\_\_\_

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# Special Activities/Conference Highlights

## NACUA Information Central

Be sure to make time at the Conference to visit NACUA Information Central! NACUA Staff will be available to answer your questions about membership services, including upcoming programs, on-line resources, the Legal Reference Service, volunteer opportunities, and more. Attendees can browse NACUA's full publication library and purchase copies of publications, as well as pick up copies of recent NACUANOTES, on-line service tutorials, and membership benefits information. Members can also sign up for one-on-one meetings with the NACUA staff to learn more about NACUA's on-line services.



## Honors and Awards Ceremony

*Wednesday, June 27*  
4:30 pm – 6:00 pm

NACUA invites attendees and their guests to join us as we recognize NACUA's 2006-2007 Honors and Awards recipients. This ceremony will include recognition of Distinguished Service, Fellow, First Decade, and Life Member Awardees. The ceremony will be followed by a light reception.

## Rise and Shine Networking Breakfast

*Thursday, June 28*  
7:00 am – 9:00 am

Thursday's breakfast provides attendees with the opportunity to catch up with their NACUA friends and colleagues. Please note that there will be no program during this breakfast.

## Association Leadership and Membership Recognition Breakfast

*Friday, June 29*  
8:00 am – 9:00 am

Join your NACUA colleagues for Friday's Association Leadership and Membership Recognition Breakfast. The program will include:

- Remarks from outgoing President Georgia Yuan (Smith College)
- Remarks from incoming President Henry Cuthbert (University of Wisconsin—Madison)
- Results of Nominations and Elections
- Recognition of NACUA's 2006-2007 member attorney volunteers and retirees
- Preview of the 2008 Annual Conference in New York, NY

All member attorney Conference attendees will be entered into a drawing for their institution to receive a complimentary registration to the 2008 Annual Conference. Attendees must be present at the breakfast to be eligible for the complimentary registration.

## Opening Reception

at the Manchester Grand Hyatt  
*Wednesday, June 27, 6:00 pm – 7:30 pm*  
*Sponsored by Employment Law Alliance*

This annual event continues the tradition of providing all attendees the opportunity to reunite with NACUA friends and colleagues on the first evening of the Annual Conference. Remember to show your school pride by wearing your choice of collegiate wear! Again this year, we will provide a "Kids Corner" with kid-friendly food. The opening reception is free to all paid attendees. There is a fee for spouses and guests to attend this event.

*Cost: Free to all paid attendees; \$20.00 for adult guests; \$10.00 for children ages 6 – 12; Free for children 5 and under.*

## **NACUA'S MISSION**

*“to advance the  
effective practice  
of higher education  
attorneys for the  
benefit of the colleges  
and universities  
they serve”*



### **National Association of College and University Attorneys**

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Fax: (202) 296-8379

E-mail: [nacua@nacua.org](mailto:nacua@nacua.org)

Web: [www.nacua.org](http://www.nacua.org)