

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

Traevna 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

Fees	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

Fees	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.