

# DIVISION OF INSTITUTIONAL INTEGRITY ANNUAL LEGAL SYMPOSIUM

*Barnhardt Student Activity Center Salons  
October 16, 2018*

## AGENDA

**8:30 – 8:55** Continental Breakfast

**8:55 – 9:10** Welcome and Introductions

**9:15 – 10:00** Session One *(choose one)*

- 1A. **How Much for the “Free” Speech? A Review of the University’s Commitment and Obligation to Foster and Protect Free Speech on Campus.** *Sam Sears, Deputy General Counsel; Jeff Baker, Chief of Police and Public Safety; and Larry Gourdine, Associate Dean and Director of Student Assistance and Support Services.*

This presentation will first provide the legal framework underlying campus free speech rights and the policies and procedures the UNC System has adopted to meet its obligation to foster and protect free speech on campus. The presentation will then turn to an exploration of the costs of free speech, recognizing that some forms of protected speech can be deeply hurtful to members of our University community and that, on occasion, protected speech may give rise to public safety concerns. Panelists will discuss how the University balances its strong commitment to maintaining a safe, inclusive, and welcoming campus environment against its equally strong commitment to free speech in this context.

- 1B. **5 to 4: How Brett Kavanaugh’s Supreme Court Appointment Might Affect UNC Charlotte.** *Jesh Humphrey, Vice Chancellor for Institutional Integrity and General Counsel.*

Nobody knows the future, but in recent years the Supreme Court has become increasingly predictable, with votes often splitting along ideological lines. This session attempts to forecast what the retirement of the Court’s most prominent swing vote, Justice Anthony Kennedy, and the appointment of Justice Brett Kavanaugh might mean for colleges and universities.

**10:00 – 10:10** Break

**10:10 – 10:55** Session Two *(choose one)*

- 2A. **A Primer on Political Activities.** *Brad Trahan, Assistant General Counsel.*

As primary season approaches and campaigns gear up this election year, please join us for a refresher on how UNC Charlotte faculty and staff, and the institution, may engage in political activities. First, this session will review how, as a public institution, UNC Charlotte is restricted from engaging in certain political activities -- but not others. Second, we will discuss how employees must balance their university employment obligations with the rights they retain to freely express their views on any subject, including those of a political nature -- and what that practically means for our employees.

- 2B. **Barking Up the Right Tree: Navigating Accommodation Requests for Animals on College Campuses.** *Kris Caudle, Higher Education Legal Fellow, and Gena Smith, Director of Disability Services.*

This session will provide an overview of federal disability laws and UNC Charlotte policies related to the presence of animals on campus, with a focus on: (1) the distinction between service animals and assistance animals; (2) FHA regulations governing assistance animals in on-campus residences; (3) managing conflicting disability scenarios; and (4) practical considerations in analyzing student and employee accommodations requests.

**10:55 – 11:05 Break**

**11:05 – 11:50 Session Three** (*choose one*)

- 3A. **Understanding Title IX Reporting Responsibilities While Building Your Trauma-Informed Response Toolbox.** *Dr. Michelle Reinken, Title IX Coordinator; Dr. Theresa Rhodes, Associate Director for Training, Counseling and Psychological Services; and Mayanthi Jayawardena, Interpersonal Violence Prevention Specialist.*

In this session, the speakers will give special attention to breaking down federal compliance expectations, understanding the impact of trauma on students' responses and needs from university resources, and discussing effective strategies for interacting with disclosing students considering the potential impact of trauma experiences.

- 3B. **Do We Have a Policy About That? Do We Need One? Tips on Navigating and Developing University Policies.** *Amy Kelso, Senior Associate General Counsel.*

This session will provide guidance on finding, interpreting, and applying University Policies, determining whether a new University Policy is necessary, and developing new University Policies. The presenter will also review the guidelines and procedures in University Policy 805, *University Policy Development, Approval, and Publication*, and provide drafting tips and examples.

**11:50 – 12:45 Buffet Lunch**

**12:45 – 1:30 Session Four** (*choose one*)

- 4A. **Export Control Fundamentals.** *John Johnson, Special Agent, US Department of Commerce, Office of Export Enforcement.*

Are you considering traveling abroad or collaborating with employees from universities outside of the United States? Join John Johnson, Special Agent for the Office of Export Enforcement for the United States Department of Commerce, for a practical discussion of what all university employees need to know about transferring goods, technology, and data to foreign countries.

- 4B. **What is Reasonable? Responding to Medical Leave of Absence and Disability Accommodation Requests from Employees.** *Jeffrey Jensen, Senior Associate General Counsel; Cindy Edwards, Assistant Employee Relations Manager, Human Resources Department; and Joy Finney, Benefits Counselor, Human Resources Department.*

The presenters will review elements of complex medical leave and disability accommodation laws and applicable University policies, and they will discuss fact-based scenarios to identify best employment practices. The audience will also be invited to play "truth or fiction" during this session, a favorite from past Symposia.

**1:30 – 1:40 Break**

**1:40 – 2:25    Session Five (choose one)**

- 5A.    **Debunking Assumptions: Reframing and Understanding the Title IX Office and How It Truly Serves the University Community.** *Dr. Michelle Reinken, Title IX Coordinator, and Alex Tompkins, Title IX Case Manager.*

During this session, the speakers will emphasize data and trends reflected on our campus to help participants more fully understand the office's mission and resulting services, outreach, and education. Attendees will gain a more complete understanding of the Title IX process from the student perspective as well as how the Title IX Office can support faculty and staff.

- 5B.    **Controls – Who Needs Them?** *Molly Murphy, CIA, CFE, Internal Audit and Raheel Qureshi, CPA, Internal Audit.*

In this presentation, we will talk about risks that your unit may be exposed to and controls that can mitigate these risks. We will provide some real-life scenarios that occurred on college campuses where things went wrong and discuss how they could have been prevented with better controls.

**2:25 – 2:35    Break**

**2:35 – 3:20    Session Six (choose one)**

- 6A.    **Legal Whack-A-Mole: Addressing the Pesky Student Issues that Pop Up.** *Sarah Edwards, Associate General Counsel.*

This session will review the legal principles, including the First Amendment and the Family Educational Rights and Privacy Act (FERPA), that should guide faculty and staff responses to student issues. It will also use scenarios to answer questions including but not limited to: What information can you share with a company or facility that is training your student? What discipline can you take following a student's offensive social media post? Can you use students' pictures on your department's website without their permission? Get your mallets ready!

- 6B.    **Set the Record Straight . . . An Insider's Guide to Public Records.** *Tina Dadio, University Public Records Officer/Legal Specialist and Amanda Simpson, Paralegal.*

In this session we will present information on the lifecycle of a public record request and best practices on document management and retention. It will include an overview of the type of requests received ranging from standard, complex, to time intensive and how it relates to university employees.

**3:20 – 3:30    Break**

**3:30 – 4:00    Legal FAQ: Come Hear the Questions (and Answers!) that OLA Most Often Fields**