



Top 10 Tips for Navigating the Legal Landscape in Your Role at UD

1. **FERPA.** FERPA protects “education records,” not *educational* records. Even discipline records, if they identify a specific student, are considered confidential. Basic FERPA information, including a list of DOs and DON'Ts, is available at go.udayton.edu/ferpa.
2. **Mandatory reporting.** When it comes to allegations of discrimination for any protected class, employees are mandatory reporters. If you hear or see something, report it to the Equity Compliance Office.*
3. **Watch what you say!**
 - a. Cc'ing a UD attorney does not automatically create privilege. Legal advice must be sought.
 - b. Even if you're seeking counsel from an attorney, privilege might not exist with respect to all possible outside scrutinizers.
 - c. Do not inadvertently waive the privilege by forwarding an email or talking to someone outside the transmission of legal advice.
4. **Subpoenas.** If you receive a subpoena, contact Legal Affairs.** Depending on what information is sought, Legal must follow certain procedures because of applicable law.
5. **Projects / contracts.** Submitting a contract for review does not automatically make resources appear or have needs met. You still must do your diligence and planning (e.g., with Procurement, Facilities, impacted units, etc.), typically well before submitting a contract for review.
6. **Games of chance.**
 - a. **Casino-like events:** The University, as a non-profit, is limited regarding the number of days per year that it can hold casino-like events. Student Development has historically hosted a Monte Carlo-style event as part of family weekend; President's Council agreed to this several years ago (October 2013). Other restrictions apply, such as no gift card or cash prizes for craps and roulette. Thus it is very important that any other unit wanting to host a game-of-chance event (e.g., Monte Carlo event, Texas Hold 'Em, poker tournament, etc.) consult with Legal Affairs.
 - b. **Raffles:** Raffles may only be held to raise money for non-profit purposes; certain records must be kept for at least 3 years (e.g., gross receipts, prizes awarded, itemized expenses). An IRS filing is required if the prize is more than \$600 and the payout is at least 300 times the raffle ticket price. Additional limitations apply to minors selling tickets. Pre-approval is required from Legal Affairs & the Tax Manager; please refer to the University's Awards, Gifts & Prizes Policy.
7. **Beverages.** We are a Pepsi campus. Generally, no University funds should be spent on Coke products or non-Aquafina water. Non-Pepsi products should not be offered or served to guests.
8. **Lawyers.** If contacted by an outside attorney, contact Legal Affairs.
9. **Media contact.** If contacted by the media, contact News & Communications.
10. **Government / other contact.** If contacted by an outside investigatory entity (e.g., an ICE agent, a government agency, etc.), graciously collect some information but provide nothing substantive, and contact Legal Affairs.

Do not talk with or respond substantively to the caller first and then seek forgiveness later. Consult first!

* Does not apply to employees acting in capacity as confidential resource (e.g., clergy, counselors, doctors/nurses, etc.).

** Does not apply to subpoenas received by Public Safety in their ordinary evidence-providing capacity for criminal matters.

QUESTIONS?

Any questions should be directed to the **Office of Legal Affairs:**



www.udayton.edu/legalaffairs



legalaffairs@udayton.edu



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