



## Navigating the Legal Landscape in Your Role at UD

- 1. Who We Are, What We Do, and Where We Are.** The Office of Legal Affairs acts as the legal counsel for the University as a corporation; that is, the University is the client. We cannot represent or advise people in their individual, personal capacities. For the University, we manage a broad range of legal issues, including but not limited to employment-related issues, student matters, transactions, litigation, legal compliance, and even issues of criminal law.

We are located in St. Mary's Hall, Suite 400. We have a site on Porches (go to "Menu" in upper right-hand-corner, then "Administrative," then "Office of Legal Affairs"), as well as a publicly-facing website at [www.udayton.edu/legalaffairs](http://www.udayton.edu/legalaffairs). Our general office number is 937.229.4333.

- 2. FERPA.** FERPA – short for Family Educational Rights and Privacy Acts – can be thought of, in an overly simplified way, as the HIPAA of education. FERPA is the federal law that protects the privacy of "education records" that are personally identifying about a student and maintained by the University. 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](http://go.udayton.edu/ferpa).

- 3. Attorney-client privilege – explain what it is, in-house counsel, etc.**

- Attorney-client privilege is a concept that protects documents from disclosure in a lawsuit setting, if certain elements exist: (i) there's a communication, (ii) between the client and client's attorney, (iii) made with the expectation of confidentiality, (iv) for the purpose of obtaining legal advice.
- Consulting a UD attorney does not automatically create privilege. Legal advice must be sought.
- Do not inadvertently waive the privilege by forwarding an email from a University attorney or talking to someone outside the transmission of legal advice.



- 4. Watch What You Say!**

- Most of your written communications as part of your UD role will *not* be attorney-client privileged, meaning, they could end up as part of a lawsuit (as evidence) if the University is sued. Your emails, chats, and texts (even if on a personal phone but about work) can all get wrapped up in litigation.
  - Ask yourself, would what you've written be okay in the eyes of your grandmother, spiritual advisor, spouse, etc.? Would what you've written create an embarrassing headline for you and/or the University in the media?
- Your udayton.edu email belongs to UD; use it for work, and know that UDit can review it if necessary.

- 5. Subpoenas and Record Requests.** If you receive a subpoena\* or record request, contact Legal Affairs. Depending on what information is sought, Legal Affairs must follow certain procedures because of applicable law. Requests for police records are overseen by Public Safety.

- 6. Contracts!** Contracts binding the University must go through the contract review process available at [go.udayton.edu/contractreview](http://go.udayton.edu/contractreview). Generally, only VPs have authority to sign contracts. More information about the contract review process and who has signature authority, as well as FAQs, is available on Porches under the Administrative tab and then the Office of Legal Affairs link. OLA is available to provide training to departments and/or divisions on the contract review workflow (through TeamDynamix) and our contract review process overall.

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

7. **We are notaries.** The Office of Legal Affairs provides notary services to the University community, and we can do so for personal needs as well. More information is available at [www.udayton.edu/legalaffairs/notary-services](http://www.udayton.edu/legalaffairs/notary-services).
8. **University Policies.** The University has numerous policies that apply to various aspects of University functions, life and activities. These policies are overseen by the University Policy Coordinating Committee with representatives from across campus; the committee is managed and chaired by Legal Affairs, and Legal Affairs also manages the policy webpages. You can access University policies at [www.udayton.edu/policies](http://www.udayton.edu/policies) or at the “policies” link at the bottom of any udayton.edu webpage.
9. **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.
10. **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.
11. **Lawyers and Government Officials.** If contacted by an outside attorney, contact Legal Affairs. If contacted by an outside investigatory entity (*e.g.*, a government agency), graciously collect some information but provide nothing substantive, and contact Legal Affairs. Note that media requests should be referred to News & Communications.
12. **When in doubt, reach out!** If you ever have a question about whether something raises legal concerns for the University, please err on the side of reaching out to the Office of Legal Affairs, and we would be happy to assist.

## QUESTIONS?

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



[www.udayton.edu/legalaffairs](http://www.udayton.edu/legalaffairs)



[legalaffairs@udayton.edu](mailto:legalaffairs@udayton.edu)



937.229.4333