Legal Issues
Workshop for Department Chairs

Fall 2017

Office of the General Counsel
Office of Equal Opportunity and Affirmative Action
Agenda

- Introductions
- Reoccurring Themes
- “Agents” of the University
- Employment Issues
- Student Issues
- Claims and Litigation
- Other Legal Issues to Escalate
Reoccurring Themes

• Don’t make promises you can’t keep.

• Ask for help. No one knows it all – and there are resources here to help.

• Don’t promise confidentiality.

• Document – Escalate – Follow Up
“Agents" of the University

• Technically no signatory authority

• However, viewed as a person of authority/agent of the University
  
  o Agent for purposes of certain legal claims & duty to report
Employment Issues

• Claims of Harassment & Discrimination & Retaliation

• Disability Accommodations/Leaves of Absence

• Faculty/Lecturers (in consultation with the Deans & Office of EVP of Arts & Sciences)
  • Input re possible Non-renewals
  • Importance of frank, honest & critical written feedback
  • Refrain from initiating conversations around retirement

• Staff/Officers of Administration
  • Progressive discipline/performance management
  • Nuances of dealing with bargaining unit employees
  • Separations
Student Issues

- Claims of Harassment & Discrimination & Retaliation
- Disability Accommodation Issues
- Dealing with issues of student misconduct
- Terminating students for failure to make academic progress and/or withdrawing funding
- Impact of Possible Unionization
  - Decision from NLRB pending
Faculty/Student: No faculty member shall have a consensual romantic or sexual relationship with a student over whom he or she exercises academic or professional authority.

Staff/Student: No staff member at Columbia should supervise, evaluate, advise, take employment actions or mentor any Columbia University student with whom s/he has or has had a consensual romantic or sexual relationship, except in unusual circumstances.

Staff/Staff: No staff member at Columbia should hire, supervise, evaluate, or take employment actions any Columbia University staff member with whom s/he has or has had a consensual romantic or sexual relationship, except in unusual circumstances.
Claims and Litigation

• Letters from Lawyers
• Administrative Charges
• Lawsuits
• OCR Investigations
Other Legal Issues to Escalate

- Export Control Issues
- Copyright
- Lab Safety
- International Issues
- Potential Public Relations Issues
- Risk Management Issues
Resources

• Office of the General Counsel
  o Donna Fenn, Associate General Counsel
  o Jessica Fenton, Associate General Counsel
• Office of Equal Opportunity and Affirmative Action
  o Heather Parlier, Associate Provost
• Student Conduct & Community Standards Office (including Gender-Based Misconduct Office)
  o Jeri Henry, Associate Vice President
• Public Safety
  o Call (212) 854-5555
• Counseling and Psychological Services
  o Call (212) 854-4357
• Sexual Violence Response
  o Call (212) 854-4357 (HELP)
Questions?