CONFERENCE PROGRAM

January 22 – 24, 2018

ROSEN PLAZA HOTEL
9700 INTERNATIONAL DR.
ORLANDO, FL

valenciacollege.edu/legal-issues

THE COMMUNITY COLLEGE
CONFERENCE ON LEGAL ISSUES
UNDERSTANDING THE LAWS THAT SHAPE OUR INSTITUTIONS

Cooperating Organizations:
A MESSAGE FROM BILL MULLOWNEY

Conference Host and Program Chair
Vice President, Policy and General Counsel
Valencia College

On behalf of Valencia College and our cooperating organizations, the American Council on Education (ACE), the Association of Community College Trustees (ACCT), the Association of Florida Colleges (AFC) and the National Association of College and University Attorneys (NACUA), I am pleased to welcome you to the 10th Community College Conference on Legal Issues. This conference, designed by and for people who serve in various capacities at and for community colleges across the country, offers an opportunity for both lawyers and non-lawyers to receive important updates on legal and policy issues that affect their institutions. Conference attendees are sure to gather pertinent information that will assist them in better understanding and complying with the laws that shape the way we achieve our respective community college missions.

Over the next three days, you will have many opportunities to meet colleagues from around the country and share ideas, exchange best practices and gain insight from a diverse group of respected national legal experts on topics, including: emerging federal regulations, academic freedom, labor and employment law, risk management, diversity and civil rights, student affairs, and intellectual property issues. I encourage you to take advantage of the many networking opportunities provided by the conference to enable you to continue the productive discussions and professional relationships with colleagues initiated at the conference.

Please note that this year’s program will also feature special consideration of the myriad new developments in federal regulations and related compliance obligations that impact our colleges. Through concurrent sessions, town hall meetings and general sessions designed to answer your questions and enhance your expertise, you will gain new insights that will improve your performance and the learning environment on your campus.

Thank you for joining us for this exciting conference.

Welcome to Orlando.
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Thank You to Our Cooperating Organizations

Cooperating Organizations are associations whose work supports legal issues in higher education. They serve as essential partners of The Community College Conference on Legal Issues.
On-Site Restaurants

Ricoh Business Center
9700 International Drive
Orlando, FL 32819
Toll Free: 1-800-627-8258
Local: 407-996-9700

Guest Services
The concierge desk is located in the hotel lobby and offers an extensive array of guest services to handle any of your additional needs, including the following:

- Baggage Claim Services (BAGS) – Transportation Security Administration-approved remote skycap service that allows guests to receive their airline boarding passes and check their luggage directly from the hotel.
- Complimentary shuttle service to SeaWorld Orlando and Universal Studios Orlando, by reservation.
- Regular transportation to Orlando International Airport – check for rates and reservations.
- Complimentary shuttle service to SeaWorld Orlando and Universal Studios Orlando, by reservation.
- Complimentary valet parking for the disabled.
- Regular transportation to Orlando International Airport – check for rates and reservations.
- Complimentary valet parking for the disabled.
- Attraction ticket sales and scheduled transportation arrangements.

Rosen Plaza Hotel
9700 International Drive
Orlando, FL 32819
Toll Free: 1-800-9700
Local: 407-354-5775

On-Site Restaurants
The meals provided in your conference registration fee include the Monday Welcome Reception (heavy hors d’oeuvres), Tuesday continental breakfast and Tuesday lunch. Guest meal tickets are available for purchase at the Conference Registration Desk. The following on-site restaurants provide multiple options for meals on your own:

- Jack’s Place: multiple year recipient of Orlando Magazine’s “Best Restaurant on International Drive” award, offers superb dining while surrounding its guests with the world’s largest collection of autographed caricatures. Aged steaks and fresh seafood are served in this casual fine dining establishment.
- Café Matisse: offers bountiful buffets, as well as full-service meals for breakfast, lunch and dinner.
- The Lite Bite Express: offers deli sandwiches, snacks and convenience items 24 hours a day.
- Smooth Java: coffee bar located in the main lobby serving Starbucks, as well as an assortment of coffees, fresh-fruit smoothies, pastries and snacks.
- Lobby Bar: centrally located meeting and networking place offering a complete selection of beer, spirits and wine by the glass. Open daily at 4:00 p.m.
- ’39 Poolside Bar & Grill: offers starters, burgers, sandwiches and salads as you lounge poolside.
- Room Service: available 6:30 a.m. – 11:00 p.m.

Monday, January 22

11:00 a.m. – 5:30 p.m.
Registration and Information .............................................................. Registration Desk A/B
1:00 p.m. – 2:30 p.m.
Opening General Session and Keynote Presentation I .................................. Ballroom A
#Can You Hear Me Now? Scenarios in Communication and Reputation Management Before, During, and After the Campus Crisis
2:30 p.m. – 3:00 p.m.
Beverage Break .................................................................................. Ballroom A Foyer
3:00 p.m. – 4:15 p.m.
Concurrent Session I
A1. Data and Social Media Mistakes to Avoid for Faculty, Administrators and Counsel ................ Salon 10
A2. Issues, Risks and Best Practices for I-9 and E-Verify ................................................. Salon 11
A3. Freedom of Expression in the Classroom: Resolving the Tension Between the ........................................... Salon 12
A4. Academic Freedom of Faculty Members and the Civil Rights of Students When Classroom Discussion is Deemed Offensive to Women and Minorities A5. Electronic Information Technology Accessibility: What You Need to Know ................................................................. Salon 13
A6. Service Animals on Campus: Central Piedmont’s Experience ............................................. Salon 9
Moving from Policy Creation to Practice
3:30 p.m.
Concurrent Session II
A9. Aftermath of a Shooting on Campus: Next Steps and Lessons Learned ......................... Salon 13
A10. The Evolving Landscape of Title IX: Understanding the Impacts of the Department of ..................................................................... Salon 9
Education’s Office for Civil Rights (OCR) Interim Guidance
6:00 p.m. – 8:00 p.m.
Welcome Reception ......................................................................... Club 39
Tuesday, January 23

7:30 a.m. – 5:00 p.m.
Registration and Information .............................................................. Registration Desk A/B
8:00 a.m. – 9:00 a.m.
Continental Breakfast ........................................................................ Ballroom A Foyer
9:15 a.m. – 10:30 a.m.
General Session and Keynote Presentation II ............................................. Ballroom A
Presidential Legal and Policy Perspectives: What is Keeping Your CEO Up at Night?
10:30 a.m. – 11:00 a.m.
Beverage Break .................................................................................. Ballroom A Foyer
# Schedule-at-a-Glance

## Tuesday, January 23

<table>
<thead>
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| 11:00 a.m. – 12:15 p.m. | Concurrent Session III  
B1. Everything You Ever Wanted (or Needed) to Know About FERPA  
Salon 10  
B2. Viewing the “Big Picture” on Current Campus Liability Risks and Developments  
Salon 11  
B3. What’s New and What’s Hot in the Courts and Congress  
Salon 12  
B4. When Controversy Comes to Campus: Planning and Managing Major Events  
Salon 13  
B5. Discrimination and Harassment in Employment  
Salon 9 |
| 12:30 p.m. – 1:45 p.m. | Networking Luncheon  
Ballroom A |
| 2:00 p.m. – 3:15 p.m. | Concurrent Session IV  
B6. Copyright Essentials for Educators  
Salon 10  
B7. Strategic Planning in the Era of Dis-Integrated Education  
Salon 11  
B8. Litigation Unveiled, Special Issues When Litigating with Students  
Salon 12  
B9. The New Face of Academic Labor: Adjunct Unionization on Your Campus—From Organizing to Negotiations  
Salon 13  
B10. At-Risk Students and Leave Options: How to Place Students Permissibly on Leave and Welcome Them Back  
Salon 9 |
| 3:15 p.m. – 4:30 p.m. |  
3:15 p.m. – 4:30 p.m.  
Beverage Break  
Ballroom A Foyer |
| 4:30 p.m. – 5:45 p.m. | Concurrent Session V  
B11. Records Management, Records Retention and Records Storage  
Salon 10  
B12. Performance Evaluations: Their Impact on Employee Discipline and Legal Risk  
Salon 11  
Salon 12  
B14. Lessons from a Cyber Breach  
Salon 13  
B15. Breaking Up is Now Harder to Do!  
Salon 9 |
| 6:00 p.m. – 8:00 p.m. | Networking Luncheon  
Ballroom A |

## Wednesday, January 24

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| 8:00 a.m. – 12:00 p.m. | Registration and Information  
Registration Desk A/B |
| 8:00 a.m. – 8:45 a.m. | Coffee and Networking  
Ballroom A Foyer |
| 8:45 a.m. – 10:30 a.m. | General Session and Keynote Presentation III  
Congress and the Colleges: An Update from Washington, D.C.  
Ballroom A |
| 10:30 a.m. – 10:45 a.m. | Beverage Break  
Ballroom A Foyer |
| 10:45 a.m. – 12:00 p.m. | Closing Town Hall Meeting  
Hard Questions, Good Answers and Lively Discussion  
Ballroom A |

## Exhibitor and Continuing Education

### Exhibitor

Be sure to visit our conference exhibitor located in the Ballroom A Foyer.

**Association of Title IX Administrators (ATIXA)**  
Contact: Megan Birster, Director of Marketing Outreach & Business Development  
Phone: (610) 993-0229  
Email: megan@atixa.org

The Association of Title IX Administrators (ATIXA) provides a professional organization for school and college Title IX coordinators and administrators who are interested in serving their districts and campuses more effectively. Since 1972, Title IX has proved to be an increasingly powerful leveling tool, helping to advance gender equity in schools and colleges. Title IX’s benefits can be found in promoting equity in academic and athletics programs, preventing hostile environments on the basis of sex, prohibiting sexual harassment and sexual violence, protecting from retaliation, and remedying the effects of other gender-based forms of discrimination. ATIXA brings campus and district Title IX coordinators and administrators into professional collaboration to explore best practices, share resources, and advance the worthy goal of gender equity in education.

### Continuing Education

#### Continuing Legal Education (CLE) Credit

To ensure that lawyers receive quality legal education, state bars approve Mandatory Continuing Legal Education providers and activities. The Community College Conference on Legal Issues has been approved for CLE credits in Colorado, Florida and Texas. If you are an attorney seeking CLE credit, please pick up a CLE packet at the registration desk that includes instructions and a CLE credit tracker. To receive credits, you must sign in at the sessions you attend and return your credit tracker to the registration desk at the conclusion of the conference.

#### Continuing HR Education Credit – HRCI

Thirteen concurrent sessions have been individually approved for 1.0 (general) recertification credit hours toward PHR, SPHR and GPHR recertification. Please be sure to sign your name on each concurrent sessions sign-in sheet at the conclusion of each workshop to be mailed a certificate of completion following the conference. (Subject to change. Please check at conference registration desk for final list.)

**A2. Issues, Risks, and Best Practices for I-9 and E-Verify**

**A4. Electronic Information Technology: Accessibility; What You Need to Know**

**A5. Service Animals on Campus: Central Piedmont’s Experience Moving from Policy Creation to Practice**

**A6. BIT: Managing Student Mental Health Issues**

**A7. Practical Guidance on Employee Misconduct Investigations**

**A8. Legal Issues and You: What Do You Want From Your Lawyer?**

**A10. The Evolving Landscape of Title IX: Understanding the Impacts of the Department of Education’s Office for Civil Rights (OCR) Interim Guidance**

**B5. Discrimination and Harassment in Employment**

**B6. Litigation Unveiled, Special Issues When Litigating With Students**

**B9. The New Face of Academic Labor: Adjunct Unionization on Your Campus—From Organizing to Negotiations**


**B12. Performance Evaluations: Their Impact On Employee Discipline and Legal Risk**

**B15. Breaking Up is Now Harder to Do!**

*The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute’s criteria to be pre-approved for recertification credit.*
KEYNOTE PRESENTATIONS MONDAY, JANUARY 22

Opening General Session and Keynote Presentation I
1:00 p.m. – 2:30 p.m. ■ Room: Ballroom A

#Can You Hear Me Now?
Scenarios in Communication and Reputation Management Before, During, and After the Campus Crisis

Do you have the social media tools and skills in place to manage a high-stakes crisis? Do you have established channels of communication available when multiple crises hit? Whose voice gets heard? Crisis simulation is critical to developing and enhancing your skills when dealing with unfolding situations, whether it be a campus protest, data breach or violent shooter attack. Don’t miss this special session to hear a panel representing some of the diverse internal college and external community interests from the areas of media relations, the press, campus leadership and employees, college students, campus security, local law enforcement, and legal counsel. Additionally, they will partake in an exercise dealing with surprise scenarios that combine to make for a very, very bad week on campus. Join us for this engaging conversation to see what happens next.

Keynote Presenter
Bill Coletti, CEO and Founder, Kith

Bill Coletti is a reputation management, crisis communications and professional development expert, keynote speaker, Wall Street Journal Risk & Compliance panelist, and best-selling author of Critical Moments: The New Mindset of Reputation Management. He has more than 25 years of global experience managing high-stakes crises, issues management, and media relations challenges for both Fortune 500 companies and winning global political campaigns. Bill previously co-led the Global Risk Management and Crisis Communications Practice for Hill+Knowlton Strategies. He held senior leadership positions in the firm’s Austin, Texas, Los Angeles, California and Orlando, Florida offices. Additionally, he provided senior counsel in crisis management, corporate communications, and reputation defense to numerous clients, such as AT&T, Target Corporation, American Airlines, The Home Depot, Xerox, Nuclear Energy Institute, and Freeport MacMoRan, as well as major universities and global NGOs.

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KEYNOTE PRESENTATIONS TUESDAY, JANUARY 23

General Session and Keynote Presentation II
9:15 a.m. – 10:30 a.m. ■ Room: Ballroom A

Presidential Legal and Policy Perspectives: What is Keeping Your CEO Up at Night?

Join us for a fast-paced and informative discussion centered on key legal and policy issues facing community colleges today, and perhaps coming our way in the future. What is the view from the President’s chair and how does it differ from our view? Which legal issues are the most critical from a college governance perspective? What current and emerging policy issues should demand our thought and attention? How can we address intensifying budgetary and regulatory constraints without losing focus on college strategy and mission? What vital leadership skills are needed to address the myriad issues, interests, and expectations confronting college presidents and their leadership teams?

Hear firsthand from three nationally respected and accomplished community college leaders, each with a unique perspective on the issues. The conversation will be moderated by a long-time leader of the premier organization in the field of higher education law and a primary source of information on legal developments facing colleges and universities.

Keynote Presenters
Walter Bumphus, President and CEO, American Association of Community Colleges (AACC)

Dr. Walter G. Bumphus is president and CEO of the American Association of Community Colleges. From 2007 to 2011, he served as a professor in the Community College Leadership Program and as chair of the Department of Educational Administration at the University of Texas at Austin. Walter previously served as president of the Louisiana Community and Technical College System (LCTCS) and was chancellor of Baton Rouge Community College (BRCC). He worked in the corporate world serving as president of the Higher Education Division of Voyager Expanded Learning, and also served as president of Brookhaven College in Dallas County Community College District. He earned his Ph.D. in higher education administration from the Community College Leadership Program at The University of Texas at Austin and holds the distinction of being one of the few leaders in the field of education to receive the ACCT Marie Y. Martin CEO of the Year Award, and the AACC Leadership Award.

Judy Miner, Chancellor, Foothill-De Anza Community College District and Chair of the Board, American Council on Education (ACE)

Dr. Judy C. Miner is chancellor of the Foothill-De Anza Community College District, which is headquartered in Los Altos Hills, California. She has worked in the California Community Colleges since 1979 and has held numerous administrative positions in instruction, student services, and human resources at the City College of San Francisco, the California Community Colleges Chancellor’s Office, De Anza College, and most recently at Foothill College where she served as president from 2007 to 2015. She serves on the Board of Directors for the League for Innovations in the Community College, Board of Directors of the American Council on Education (ACE), Board of Directors of the Council on Higher Education Accreditation (CHEA), and the CHEA International Quality Group (CIGQ). In 2011, under the auspices of the President’s Council of Advisors on Science and Technology (PCAST), Judy served on the WorkingGroup that produced Report to the President, Engage to Excel: Producing One Million Additional College Graduates with Degrees in Science, Technology, Engineering, and Mathematics. The White House published the report in 2012, and in the same year, Science magazine published her editorial “America’s Community Colleges” with an accompanying podcast highlighting science initiatives at Foothill College. She earned her Ed.D. in organization and leadership, with a concentration in education law, from the University of San Francisco.

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KEYNOTE PRESENTATIONS

Sanford Shugart, President, Valencia College

Dr. Sanford “Sandy” Shugart has served since 2000 as the fourth president of Valencia College in greater Orlando, Florida. As winner of the first Aspen Prize for Excellence, Valencia is one of the most celebrated community colleges in America. Serving some 70,000 students per year, Valencia is known for high rates of graduation, transfer and job placement, and has become something of a national laboratory for best practices in learning-centered education. Prior to Valencia, Sandy served as president of North Harris College and as vice president and chief academic officer of the North Carolina Community College System. He earned his Ph.D. in teaching and learning from the University of North Carolina at Chapel Hill. In addition to his career in education, Dr. Shugart is a published poet and songwriter and author of “Leadership in the Crucible of Work: Discovering the Interior Life of an Authentic Leader.”

Moderator
Kathleen Santora, President and CEO, National Association of College and University Attorneys (NACUA)

Dr. Kathleen Santora has been president and CEO of the National Association of College and University Attorneys (NACUA) since February 2001. Before coming to NACUA, she was vice president and chief operating officer of the American Association for Higher Education (AAHE). She previously served in various positions at Georgetown University— as secretary of the University, assistant to the president for External Relations, and assistant to the president/chief of staff for the President’s Office. She worked for the National Association of Independent Colleges and Universities (NAICU) in various senior-level positions where she handled tax policy and other legislative issues, state relations with state associations of independent colleges and universities, and management of association internal operations. She also served as the first Director for Public Policy and External Relations at the Association of Governing Boards of Universities and Colleges (AGB). Kathleen earned a Bachelor of Science degree in political science from the University of Scranton and a Juris Doctor from the Columbus School of Law, The Catholic University of America.

Wednesday, January 24

General Session and Keynote Presentation III
8:45 a.m. – 10:30 a.m. Room: Ballroom A

Congress and the Colleges: An Update from Washington, D.C.

Do you know about the most current community college-specific legislation and regulations being discussed in Washington D.C.? This up-to-the-minute overview will provide you with an insider’s view of federal higher education legislation and policies, giving you insights that will help you better prepare your college to respond to federal initiatives, understand the compliance and reporting environment, and take advantage of funding opportunities in 2018.

Keynote Presenters
David Baime, Senior Vice President, Government Relations and Research, American Association of Community Colleges (AACC)

David Baime serves as senior vice president for government relations and research for the American Association of Community Colleges (AACC). In this role, he directs the national advocacy efforts for the nation’s close to 1,200 community colleges and their students. Prior to joining AACC, he served as director of education funding for the National Association of Independent Colleges and Universities. He has also worked as assistant director of government relations for the Association of American Medical Colleges. David has made a number of radio, television, and Web appearances, including CNN, MSNBC, C-SPAN, and National Public Radio, and is frequently quoted in The Chronicle of Higher Education, Inside Higher Ed, and other education publications. He holds a bachelor’s degree from Haverford College and a master’s degree in economics from the London School of Economics.

Terry Hartle, Senior Vice President, Government Relations and Public Affairs, American Council on Education (ACE)

Terry W. Hartle is one of America’s most effective and experienced advocates for higher education. At ACE, where he has served for more than 20 years, he directs comprehensive efforts to engage federal policymakers on a broad range of issues including student aid, government regulation, scientific research and tax policy. Terry’s work involves representation before the U.S. Congress, administrative agencies and the federal courts. As an expert voice on behalf of colleges and universities, he is quoted widely in both the national and international media on higher education issues. Prior to joining the council in 1993, he served as education staff director for the Senate Committee on Labor and Human Resources, and was director of social policy studies and resident fellow at the American Enterprise Institute. Terry has authored or co-authored numerous articles, books, and national studies and contributes regular book reviews to The Christian Science Monitor. He received a doctorate in public policy from The George Washington University.
FEATURED SESSIONS

Monday, January 22

Welcome Reception
6:00 p.m. - 8:00 p.m. ■ Room: Club 39 (First floor near the lobby)

Join your colleagues for a warm and welcoming time of networking complete with plenty of food, drink, music and conversation. This event is included in the regular conference registration fee and guest tickets may be purchased at the Conference Registration Desk prior to 5:00 p.m. on Monday.

Wednesday, January 24

Closing Town Hall Meeting
10:45 a.m. – 12:00 p.m. ■ Room: Ballroom A

The Closing Town Hall Meeting provides an opportunity to review and reflect upon all that you've learned over the past few days. Dr. Sanford “Sandy” Shugart, president of Valencia College, will lead the audience in a conversation designed to elicit emergent topics and themes formulated during this conference. The audience will be encouraged to pose questions, and discuss relevant topics and ideas during this interactive forum.

Moderator: Sanford Shugart, President, Valencia College

CONCURRENT SESSION I

Monday, January 22
3:00 p.m. – 4:15 p.m.

A1. Data and Social Media Mistakes to Avoid for Faculty, Administrators and Counsel

Presenter: James Keller, Partner and Co-Chair, Higher Education Practice Group, Saul Ewing Arnstein & Lehr

Track: Academic Affairs, College Operations and Risk Management ■ Room: Salon 10

The use of data and social media platforms by colleges and universities is quickly redefining the relationships between higher education institutions and their audiences, which include faculty, administrators, counsel and students. Additionally, the use of these platforms has introduced colleges and universities, as well as their employees, to a wide range of new legal, ethical and privacy concerns and issues. This presentation will address, and provide recommended best practices, for a host of data and social media concerns facing non-students at higher education institutions including: texting, friending students via social media, sharing sensitive, private information on an institutional email server, and failing to secure your laptop or thumb drive.

A2. Issues, Risks and Best Practices for I-9 and E-Verify

Presenter: Giselle Carson, Shareholder, Marks Gray, P.A.

Track: Human Resources ■ Room: Salon 11

Immigration law is one of the most prominent legal issues in the United States at this time. More than ever, businesses are having a difficult time keeping up with the most current information concerning immigration regulations, including employment verification and Form I-9 changes.

A3. Freedom of Expression in the Classroom: Resolving the Tension Between the Academic Freedom of Faculty Members and the Civil Rights of Students When Classroom Discussion Is Deemed Offensive to Women and Minorities

Presenters: Lawrence White, Legal Consultant, Philadelphia, PA, and Senior Counsel, University System of New Hampshire Wendy White, Senior Vice President and General Counsel, University of Pennsylvania and Penn Medicine Ryan Kane, Assistant Vice President, Organizational Development and Inclusion, Valencia College

Track: Academic Affairs, College Operations and Risk Management ■ Room: Salon 12

The nation’s civil rights laws protect students from verbal conduct that creates a “hostile environment” in the classroom. Unions representing faculty argue that the “hostile environment” standard has been interpreted too broadly to abridge professors’ First Amendment free-expression rights and academic freedom. This session explores the elusive boundary between the free-speech rights of professors and the legal rights of students to learn in an environment free from harassment and intimidation. The session will explore the concept of academic freedom and will examine the latest developments in trigger warnings, safe spaces, and other current issues involving freedom of expression in the classroom.

A4. Electronic Information Technology Accessibility: What You Need to Know

Presenters: JP Sherry, General Counsel, Los Rios Community College District Mitchell McCrate, Deputy General Counsel, Miami University

Track: Academic Affairs, Human Resources, Student Affairs ■ Room: Salon 13

The disability challenge of this decade is making sure that electronic materials are accessible. Join one college counsel that has gone through the process with OCR and one attorney currently working with his college to ensure accessibility to discuss practical tips and ideas on how to reach this result.

A5. Service Animals on Campus: Central Piedmont’s Experience Moving from Policy Creation to Practice

Presenter: Kelly Natale, Executive Director, Employee Relations, Central Piedmont Community College

Track: Human Resources, Student Affairs ■ Room: Salon 9

This session will focus specifically on the rights of individuals with disabilities with service animals under the ADA and the responsibilities of community college campuses covered by the ADA. Learn about who can have a service animal, what service animals are allowed, what documentation can be required or requested, and when a service animal can be refused. It will also cover Central Piedmont Community College’s experience creating a sound Animals on Campus policy and discuss how the policy is now being implemented.

The National Association of College and University Attorneys (NACUA) is pleased to be a cooperating organization of The Community College Conference on Legal Issues.

NACUA is the premier organization in the field of higher education law and a primary source of information on legal developments facing colleges and universities. NACUA’s mission is to advance the effective practice of higher education attorneys for the benefit of the colleges and universities they serve.

Find out more at www.nacua.org.
A6. BIT: Managing Student Mental Health Issues

Presenters: Saundra Schuster, Partner, The NCHERM Group, LLC
W. Scott Lewis, Partner, The NCHERM Group, LLC

Track: Human Resources, Student Affairs  ■ Room: Salon 10

One of the most pressing challenges for a behavioral intervention team is managing a situation involving suicidal students and students with severe mental impairment issues. Oftentimes, these conductions impact a student’s ability to function effectively in the educational environment, and pose a significant concern to college faculty and administrators. There are significant expectations of the student, the faculty, the staff, the parents and other constituencies. How can situations like this be managed by the BIT? These students are protected by 504 and ADA, and these laws require application of a direct threat standard—when a student poses a risk of harm to others, but not a risk of harm to self. How does the BIT respond when they cannot act in a way that these parties expect? This program will draw on the administrative, legal and psychological expertise of the presenters to help better identify ways to manage expectations around response and how to most effectively address these troubling situations. They will discuss the challenges and best practices inherent in the competing welfare of frightened employees, and the protection of student rights.

A7. Practical Guidance on Employee Misconduct Investigations

Presenter: Susan Glover, Senior Counsel, Robbins Schwartz

Track: Human Resources  ■ Room: Salon 11

This session will explore the process for reviewing and assessing complaints relating to misconduct by college employees. The presentation will start with the receipt of the complaint, and go through the process for investigating and assessing that complaint up to its final disposition. It will explore due process concerns, collective bargaining agreement considerations, and ensuring the rights of both the complainant and the accused are protected.

A8. Legal Issues and You: What Do You Want from Your Lawyer?

Presenters: Peter McDonough, Vice President and General Counsel, American Council on Education (ACE)
Amy Basely, Vice President, Organizational Development and Human Resources, Valencia College

Track: College Operations and Risk Management, Human Resources  ■ Room: Salon 12

The challenges facing our colleges are increasingly complex, span organizational departments, and the resolution of these issues require early and close collaboration among senior leaders, including legal counsel. Join us for a conversation about being thoughtful regarding what you really want and need from your legal counsel, and whether you have the right lawyer to give it to you, as you seek to resolve immediate concerns and thoughtfully impact long-term organizational strategy.

A9. Aftermath of a Shooting on Campus: Next Steps and Lessons Learned

Presenters: JP Sherry, General Counsel, Los Rios Community College District
Paul Rooney, Assistant Vice President, Operations, Valencia College

Track: College Operations and Risk Management  ■ Room: Salon 13

Public safety, administration, and legal have key roles in preparing for and responding to a shooter on your campus. We will discuss the context of shootings and what you should be doing now to prepare, what you should do during, and how you should respond after including your college’s Clery obligations, communications challenge that follow, public records act requests, providing help to your students, and available external services and resources.

A10. The Evolving Landscape of Title IX: Understanding the Impacts of the Department of Education’s Office for Civil Rights (OCR) Interim Guidance

Presenters: Gina Maisto Smith, Chair, Institutional Response Group, Cozen O’Connor
Leslie Gomez, Vice Chair, Institutional Response Group, Cozen O’Connor

Track: Academic Affairs, Human Resources, Student Affairs  ■ Room: Salon 9

This session will provide a comprehensive overview of the September 22, 2017 “Dear Colleague Letter” and Q&A on sexual misconduct, provide an update on recent OCR enforcement actions, review the intersection of Title IX and Clery Act, and provide effective and promising practices in Title IX implementation.
Tuesday, January 23

B1. Everything You Ever Wanted (or Needed) to Know About FERPA

Presenter: Steven McDonald, General Counsel, Rhode Island School of Design

Track: Student Affairs  ■  Room: Salon 10

No statute is as fundamental to what we do in higher education—or as much misunderstood and ignored— as FERPA. This session will clear away the many myths that exist about FERPA and equip you with a practical, detailed understanding of the FERPA framework, its key definitions, and its important exceptions. We’ll also leave time for open discussion of your questions and hot topics.

B2. Viewing the “Big Picture” on Current Campus Liability Risks and Developments

Presenters: Chauncey Fagler, Board Member, University Risk Management and Insurance Association (URMIA)

K. Drewy, Enterprise Risk Manager, Florida College System Risk Management Consortium (FCSRMC)

Robb Jones, Senior Vice President and General Counsel for Claims Management, United Educators

Track: College Operations and Risk Management  ■  Room: Salon 11

In this session, join fellow attendees as we discuss the big picture view and national trends in college liability matters and risk management issues faced by colleges. Topics to be covered include Title IX regulatory and lawsuit developments, sharing your campus with the community, and updates on cyber liability and website access claims. This session will also cover recent claims experience with respect to campus disruptions, including controversial speakers, free expression, protests and more.

B3. What’s New and What’s Hot in the Courts and Congress

Presenters: Sondra Schuster, Partner, The NCHERM Group, LLC

W. Scott Lewis, Partner, The NCHERM Group, LLC

Track: Critical Updates and Hot Topics  ■  Room: Salon 12

This session will present a review of current legal issues facing college administrators. College administrators navigate within an environment where the impact of court decisions and legislation imposes greater compliance requirements for you and your institution. Additionally, administrators are facing an expanding potential for personal liability. Institutional liability exposure demands more knowledge of legal expectations in order to effectively perform your jobs. The target for compliance is a moving one, and changes rapidly each year. This session is designed to provide administrators with the knowledge of the most recent legal expectations and tools to ensure institutional compliance and engage in effective preventive practices.

B4. When Controversy Comes to Campus: Planning and Managing Major Events

Presenters: Amy Haas, Interim Vice President and General Counsel, University of Florida

Nancy Chvistal-Green, Executive Director of Student Engagement, University of Florida

Track: Critical Updates and Hot Topics  ■  Room: Salon 13

In this increasingly polarized era, colleges face serious risks from speakers or extremist groups that come to campus to create conflict, intimidate, or even incite violence. Join us for a real-life case study from the University of Florida that will cover strategic planning and coordination with campus and protest response teams, logistics with the police, community and physical security, and communication strategies with the speaker, protestors, campus, stakeholders and local community. We’ll also look at alternative event options that give students and employees a voice, and assess the impact and lessons learned.

B5. Discrimination and Harassment in Employment

Presenters: Michael Mattimore, Managing Partner, Allen, Norton & Blue, P.A.

Robert Larkin III, Partner, Allen, Norton & Blue, P.A.

Track: Human Resources  ■  Room: Salon 9

Learn about the latest legal developments in discrimination and retaliation in the employment setting. Topics will include investigations, prevention, responding to the fair employment practices agencies and limiting liability.

Tuesday, January 23

B6. Copyright Essentials for Educators

Presenter: Steven McDonald, General Counsel, Rhode Island School of Design

Track: Academic Affairs  ■  Room: Salon 10

Copyright law certainly can seem arcane, confusing, overly restrictive and frustrating. To be sure, there are a number of “gray areas” in copyright, but the law actually allows much more than you may think. This session will focus on educators’ copyright—the many things you can do without infringing copyright or risking liability, along with the basic principles governing ownership. You’ll leave equipped to make intelligent decisions about the use of copyrighted materials in your teaching.

B7. Strategic Planning in the Era of Dis-Integrated Education

Presenter: Mike Goldstein, Partner, Cooley LLP

Track: Academic Affairs, Critical Updates and Hot Topics  ■  Room: Salon 11

The factory model of higher education—where the student goes in the front door and emerges some time later clutching a degree—is increasingly being challenged by multiple pathways that involve combinations of traditional and non-traditional providers, alternative and conventional credentials and parallel learning models combining prior assessment, competencies, online and classroom instruction. Most significant, the once-bright line between public and private, for- and non-profit has become blurred as partnerships, joint ventures and collaborations are reshaping higher education finance. Managing this evolution will be a challenge to be faced by every community college. Understanding it is the first requirement.

B8. Litigation Unveiled, Special Issues When Litigating with Students

Presenter: Rick Mitchell, Shareholder and Chair, Higher Education Practice Group, GrayRobinson

Track: College Operations and Risk Management, Human Resources  ■  Room: Salon 12

Join fellow attendees for this insightful presentation providing a big-picture overview of the key phases of civil litigation, including pre-suit actions and communications, formal initiation of litigation, discovery, motion practice, settlement, trial and appeal. Be better prepared for successful litigation by knowing what to expect and when.

B9. The New Face of Academic Labor: Adjunct Unionization on Your Campus—from Organizing to Negotiations

Presenter: Nicholas DiGiovanni, Partner, Morgan, Brown & Joy

Track: Academic Affairs, Human Resources  ■  Room: Salon 13

In this session, attendees will review the tremendous growth in adjunct faculty unionization and its implications for administrators. Goals and strategies of organizing unions will be examined, along with a detailed review of what unions representing adjuncts are doing at bargaining tables, and how institutions are responding. Finally, a discussion on what institutions who do not yet have unions can do to better integrate adjunct faculty into the life of their institutions.

B10. At-Risk Students and Leave Options: How to Place Students Permissibly on Leave and Welcome Them Back

Presenter: Paul Lannon Jr., Partner, Holland & Knight LLP

Leslie Bissinger Golden, Associate General Counsel, Valencia College

Track: College Operations and Risk Management, Student Affairs  ■  Room: Salon 9

The presenters will discuss how to avoid disability discrimination and other pitfalls when applying risk assessment, medical leave, or other policies to students at risk for self-harm or harm to others. The discussion will include a review of federal disability laws, Office of Civil Rights guidance and real-life case studies, as well as offering practical tips on designing more student-friendly leave policies.

**Presenter:** Lawrence White, Legal Consultant, Philadelphia, PA, and Senior Counsel, University System of New Hampshire

**Track:** College Operations and Risk Management, Human Resources, Student Services  
**Room:** Salon 10

This session will explore legal and practical issues surrounding institutional record retention policies. Among the topics to be considered will be how to draft an appropriate policy on record retention and record storage for your institution, and how to comply with laws and regulations requiring reporting of unauthorized security breaches affecting electronic records.

B12. Performance Evaluations: Their Impact On Employee Discipline and Legal Risk

**Presenters:** Carmen Plaza de Jennings, Partner, Hirschfeld Kraemer, LLP  
Jayne Benz Chipman, Senior Associate, Hirschfeld Kraemer, LLP

**Track:** Human Resources  
**Room:** Salon 11

Let's face it. Evaluating employees, particularly the most difficult employees, can be one of a manager's biggest challenges. Done right, evaluations can help effectively managing employees and reduce legal risk for the manager and college. Done wrong, or not at all, performance evaluations can increase legal risk, prolong the administrative and/or litigation process, and even tip the balance toward liability. This workshop will provide a legal view of performance evaluations from outside the vacuum of the personnel file, and address the connection between what you write (or don't write), and its impact on future options for employee discipline and legal defense.


**Presenters:** Ira Shepard, General Counsel, Association of Community College Trustees (ACCT) and Of Counsel, Saul Eisinger, LLP  
Noah Brown, President and CEO, Association of Community College Trustees (ACCT)

**Track:** Critical Updates and Hot Topics  
**Room:** Salon 12

This session will cover the speaker's selection of the eight most important labor and employment cases of 2017 in higher education. The cases will include tricky decisions under the ADA, constitutional First Amendment issues, sexual harassment, religious discrimination and accommodation, retaliation, and Title VII. Speakers will provide analysis of the practical and best practice takeaways Community College Boards and Presidents should glean from the cases on a case by case basis. The format will be interactive and the audience will be given each case's facts and issues, and will vote on the outcome before the decision is disclosed.

B14. Lessons from a Cyber Breach

**Presenters:** Nathan Adams IV, Partner, Holland & Knight  
Brian Babb, Executive Vice President and General Counsel, Daytona State College

**Track:** College Operations and Risk Management  
**Room:** Salon 13

U.S. companies and government agencies suffered a record 1,093 data breaches last year—a 40 percent increase over the prior year. Academic institutions were hit hard as repositories of some of the most sensitive types of personal information, from personal identifying information and education records to financial and health records. This session will explore the nature of the cyber breach risk, the laws implicated and practical lessons learned from a cyber breach.

B15. Breaking Up is Now Harder to Do!

**Presenter:** Janet Goldberg McEnery, Shareholder, Stearns, Weaver Miller

**Track:** Critical Updates and Hot Topics, Human Resources  
**Room:** Salon 9

Terminating employees can pose a high risk to employers. In addition to the issues employers already face when terminating an employee, employers now must confront a host of new legal issues before handing an employee a separation agreement. We are definitely well past the one-size-fits-all framework.
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