Academic Administrators Leadership Seminar: Legal Issue Spotting for Chairs and Directors

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Legal Issues Commonly Confronted by Chairs and Directors

Introduction to General Counsel’s Office
Public Records
Outside Activities and Conflicts of Interest
Reporting Obligations
Legal Issues Commonly Confronted by Chairs and Directors

- Research Misconduct
- Intellectual Property Policy
- Tenure Procedures
- Signing Authority
Records Issues

Sunshine Law and Public Records
Education (Student) Records
Medical Records (HIPAA)

http://privacy.ufl.edu
Public Records Law

Applies to all materials made or received by an agency that are used to perpetuate, communicate or formalize knowledge.

Includes business related texts, IMs and emails sent over Gmail and other non-UF email systems.
• A request for public records does not need to be in writing.
• The requestor need not identify himself or herself.
• A reason for the request need not be given.
• Public records must be retained pursuant to the applicable Records Retention Schedule.

• The Public Records Law does not require the release of information (only records) and does not require the creation of new records.

• If a public records request is received, contact University Relations or the General Counsel’s Office.
Exemptions from disclosure

Examples:

• Education (student) records
• Limited access records
• Medical records
• Social security numbers
• Certain research records
How to Handle Public Records Requests

• Do not hold onto them
• Do not attempt to make decisions regarding exemptions
• Forward them to Florida Bridgewater-Alford in University Relations
• General Counsel’s Office reviews requests and records before distribution
Outside Activities and Conflict of Interest

What is an activity or financial interest that may create a conflict of interest and needs to be reported?

Guidelines, Policies, and Procedures on Conflict of Interest and Outside Activities, including financial Interests

www.gencounsel.ufl.edu/downloads/COI.pdf
• Use of University facilities, equipment or services
• Involves student or University employee who is directly or indirectly supervised or evaluated
• Doing business with the University or competing with the University
• Candidacy or holding public office
• Instructional resources authored or published by a faculty member
• Professional compensated activity
• Business activity in same field or discipline
• An outside activity or financial interest in an entity that supports the faculty member’s research
• An outside activity or financial interest in an entity that licenses technology invented by the faculty member
• Any service on a board of directors or board of trustees or as an officer of an entity
• Any other outside employment
• Conflicts are not the end of the world!

• However, failing to report them can be.

• Chairs can help faculty ensure they are reporting everything.
Additional Assistance Available:

• Research – UF Division of Research Compliance

• Non-Research – Provost’s Office

• General Counsel’s Office – Ana Spiguel and Ryan Fuller
Reporting Obligations

• Sexual Harassment

• Title IX

• Foreign Nationals
Sexual Harassment Policy

- What is sexual harassment?
- What are the reporting obligations?

http://www.hr.ufl.edu/eeo/sexharassment.com

- UF Human Resources Available to Assist
Title IX

- Does more than require gender equality in athletics
- Prohibits discrimination based on sex in any educational program or activity that receives federal financial support
- This includes sexual harassment, sexual violence and sexual assault. Also prohibits retaliation against someone who complains of discrimination or harassment.
• Chairs are Responsible Individuals under Title IX
• You must report observations or reports of sexual harassment, sexual violence, domestic violence, dating violence, sexual assault or stalking
• You must report! Notify victim up front.
• Confidential resources: e.g. victim advocates, counselors, clergy
• Report to UF’s Title IX Coordinator: Kimberly Baxley, eeo@ufl.edu
Website: www.hr.ufl.edu/prevent

• In addition to reporting to Title IX Coordinator, refer victim to UPD victim advocate and provide assistance with contacting resources and academic support

• UF is finalizing more detailed training for Responsible Persons
Research Misconduct and Compliance

Examples:

• Institutional Review Boards
  http://irb.ufl.edu/

• Effort Reporting
  http://www.research.ufl.edu/research/handbook/researcher_handbook/section7.html
Research Misconduct and Compliance

• Misconduct - Contact Director of Research Compliance

• Compliance – Chairs have an important role

http://research.ufl.edu/faculty-and-staff/research-compliance.html
Intellectual Property Policy

- Who owns inventions?
- Who owns works?

- CBA: [www.hr.ufl.edu/labor-relations/union.asp](http://www.hr.ufl.edu/labor-relations/union.asp)
- UF Office of Technology Licensing
  - [www.research.ufl.edu/otl/](http://www.research.ufl.edu/otl/)
Tenure Procedures

• Chairs have an important role

• http://www.aa.ufl.edu/tenure/

• http://regulations.ufl.edu/chapter7/7019.pdf

• http://www.hr.ufl.edu/labor-relations/union.asp

• College and Provost’s Office
Signing Authority

• Simple!

• Chairs do not have signing authority.

• College or OGC can assist.
General Counsel website

http://www.generalcounsel.ufl.edu/