



The
UNIVERSITY 19TH ANNUAL CONFERENCE
of **VERMONT** SHERATON, BURLINGTON, VERMONT

Legal Issues in Higher Education

Join the nation's leading experts for this year's Legal Issues in Higher Education Conference. In its 19th year, the conference draws student affairs professionals from across the country. This extraordinary professional development opportunity offers practical, hands-on advice from attorneys and other higher education professionals on best practices when faced with the many legal issues that may arise on campus.

Conference Registration is open online at learn.uvm.edu/legal

Many conference attendees come early, or extend their stay to experience what *National Geographic Traveler* calls one of the 50 "Places of a Lifetime." October is one of the best months to enjoy Vermont's unique beauty. Burlington, Vermont, a small city on Lake Champlain, offers excellent shopping and dining at the Church Street Marketplace and spectacular views of New York's Adirondacks and Vermont's Green Mountains. For more information about fall events in Burlington and throughout Vermont, visit learn.uvm.edu/legal and click on "Vermont Links."

Conference rate is \$685 per person.
Special Group rate for 3 or more from the same institution is \$595 per person. All three must register on the same registration form.

Refunds, less a \$50 cancellation fee, will be made only if a WRITTEN NOTICE is received by September 18, 2009. No refunds shall be made thereafter.

Conference Sponsors

University of Vermont College of Education and Social Services
University of Vermont Division of Student and Campus Life

Co-Sponsors:

American College Personnel Association
Association for Student Conduct Administration
University Risk Management and Insurance Association

Pre-Conference Workshop
Sunday October 18, 2009 8:30 am - 11:30 am
\$135, includes continental breakfast

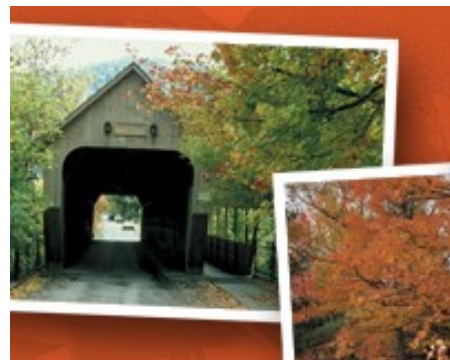
*PROACTIVE STRATEGIES FOR SUCCESS:
STRATEGICALLY USING LEGAL ISSUES
KNOWLEDGE TO MAKE YOUR STUDENT
AFFAIRS WORK MATTER*

Presented by:
Kimberly Novak, M.P.A., Student Risk Management Specialist and former Director for Student and Campus Community Development at Arizona State University

This workshop is designed to help you find solutions and address problems on campus or within organizations. The strategic problem solving model taught will have useful application for task forces, work teams, standing committees, departments, and individuals faced with addressing behaviors, social concerns, and shifting campus cultures. Participants will actively engage in applying frameworks, identifying the "real problem," designing strategies that address what really needs to change, and developing tactics and activities that will move communities toward solutions.

Who should attend?

Student Affairs Managers; Administrators; Public Safety Officials; Deans; Directors; Department Heads; Counsel; Affirmative Action Managers; Risk Management Administrators; Graduate and Doctoral Students; and other student affairs professionals!



CONFERENCE SCHEDULE

Sunday, October 18, 2009

7:30 am—1:00 pm **Conference Check –In**

11:30 am—12:00 pm **Newcomer's Orientation**

- A welcome and overview of the program
- Making the best use of your conference manual
- Highlights of extracurricular events and questions and answers about the conference

Charles Carletta, J.D., Secretary of the Institute and General Counsel, Rensselaer Polytechnic Institute and

12:00 pm – 1:00 pm **Lunch on your own**

1:00 pm – 2:15 pm **General Opening Session**

Restructuring, Retrenchment and Reduction in Force in an Economic Downturn

- State of the economy: what we have endured; why it happened; and where we may be headed
- Special considerations related to staff and faculty members
- Lessons learned and ideas to consider in the current crisis
- Looking toward the future

Larry White, J.D., Vice President and General Counsel, University of Delaware and **Jonathan Alger, J.D.**, Senior Vice President and General Counsel, Rutgers University

2:30 pm – 3:45 pm **Concurrent sessions**

1A. Hazing Prevention Strategies: Acting Before Our Students or Campuses Become Victims

- Design and implement prevention strategies that have the potential to stop hazing from occurring by reducing risk factors and promoting protective factors
- How to use national and local data/research to inform your work
- Review of a public health model that will support efforts to eliminate or minimize incidents of hazing in your community
- How to find resources and information that will guide you to sustain a conversation on your campus utilizing a coalition of partners

Kimberly Novak, M.P.A., Student Risk Management Specialist and **Linda Langford, Sc.D.**, Associate Center Director, Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention

1B. Current Employment Law Issues

- H1N1/Pandemic Preparedness: Recent EEOC Guidance
- Recent Supreme Court Decisions
- Genetic Information Nondiscrimination Act
- Lilly Ledbetter Fair Pay Act and Employee Free Choice Act

Jeff Nolan, J.D., Attorney at Law, Dinse, Knapp & McAndrew, P.C. and **Amy M. McLaughlin, J.D.**, Attorney at Law, Dinse, Knapp & McAndrew, P.C.

1C. Legal Issues for Community College Professionals and Partners

- Round table discussion covering the special issues facing community colleges and their collaborators

Corinne Kowpak, Ed.D., Dean of Students, York County Community College

CONFERENCE SCHEDULE

Sunday, October 18, 2009 cont.

- 5:15 pm — 5:45 pm Cash bar on the Promenade
5:45 pm — 7:45 pm Reception with food stations of creative New England fare and Entertainment by jazz singer Jenny Johnson

Monday, October 19, 2009

- 7:30 am - 8:30 am Continental Breakfast
8:30 am - 9:45 am Concurrent Sessions

2A. Leadership for a Crisis Session I - Prevention: Designing a Risk and Harm Reduction Conduct Model

- How to utilize student conduct programs as a prevention and intervention tool on campus
- Reframing student conduct programs to focus more on the developmental/educational side of the conduct continuum
- Expanding educational aspects of the conduct system to include principles of proactive risk management
- Shifting focus beyond the procedural aspects of the campus conduct system
- Applying Counsel for the Advancement of Standards in Higher Education (CAS) standards and guidelines for Student Conduct Programs

Kimberly Novak, M.P.A., Student Risk Management Specialist and **Brent G. Paterson, Ph.D.**, Senior Associate Vice President for Student Affairs, Illinois State University

2B. How to Sleep Better at Night: What You Need to Know About the Recent Amendments to FERPA and the Clery Act

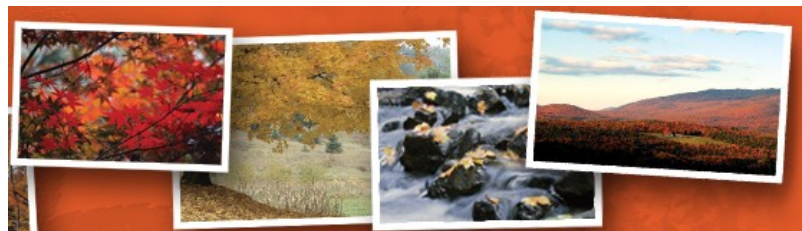
- "Health and Safety Emergency" Disclosures
- Disclosures to Parents
- Outsourcing E-Mail and Other Education Records
- "Timely" and "Immediate" Warnings, and Other New Clery Requirements

Steven McDonald, J.D., General Counsel, Rhode Island School of Design

2C. Higher Education Opportunity Act Updates

- Updates to legislation and regulations
- Current trends on campus

Lawrence White, J.D., Vice President and General Counsel, University of Delaware



"The presenters...were informed, conscious of their audience, and resourceful. Thank you."

2008 Conference Participant

CONFERENCE SCHEDULE

Monday, October 19, 2009, 10:00 am—11:15 am Concurrent Sessions cont.

10:00 am—11:15 am Concurrent Sessions

3A. Leadership for a Crisis Session II - Managing: Effectively Handling a Health Crisis on Your Campus

- What is the role of the college or university administration?
- What is the basis for decision-making?
- Who needs to be involved?
- How best to communicate

Wendy White, J.D., Senior Vice President and General Counsel, University of Pennsylvania and Penn Medicine

3B. Americans with Disabilities Act Updates

- Legal issues related to disabled students
- Students with psychiatric disorders
- ADA amendments act

Barbara Lee, J.D., Ph.D., Counsel to the law firm of Edwards Angell Palmer & Dodge, LLP and Professor and former Dean of Human Resource Management at the School of Management and Labor Relations, Rutgers University

3C. Perks, Incentives, and Special Deals Involving Academic Program, Student Service and Consumer Marketing Related Arrangements: Conflict of Interest & Consumer Protection Issues and Concerns, and What to do About Them

- Institutional vs. individual incentives and conflicts
- Practices under scrutiny
- Legislative & law enforcement responses
- Institutional approaches and best practices

Peter J. Harrington, J.D., Partner, Higher Education Practice, Bowditch & Dewey, LLP

11:15 am—1:00 pm Lunch on your own

1:00 pm—2:15 pm Concurrent Sessions

4A. Alcohol, Substance Abuse and Violence on Campus

- Best practices for avoiding institutional liability
- Legal requirements and practical applications
- Proactive approaches to addressing students at risk

Amy Parsons, J.D., Deputy General Counsel, Colorado State University; **Charles Carletta, J.D.**, Secretary of the Institute and General Counsel, Rensselaer Polytechnic Institute

4B. Current Challenges to Academic Freedom

- Latest trends and cases on faculty and student academic speech
- Distinguishing free speech and academic freedom
- Practical tips to help administrators and lawyers defend academic freedom

Ann Franke, J.D., President, Wise Results, LLC

CONFERENCE SCHEDULE

Monday, October 19, 2009, 1:00 pm–2:15 pm Concurrent Sessions cont.

4C. Fourth Amendment Search and Seizure Issues on Campus

- Best practices for drafting policies and occupancy agreements to address searches
- When are administrative searches state action?
- Public vs. private institutions

Jeff Nolan, J.D., Attorney at Law, Dinse, Knapp & McAndrew, P.C. and **Gary Margolis, Ed.D.**, Partner, Margolis Healy Associates and Faculty, National

2:15 pm – 2:30 pm **Break**

2:30 pm – 3:45 pm **Concurrent Sessions**

5A. Leadership for a Crisis III - Learning: Student Mental Health and Conduct Investigations

- Balancing student conduct investigations when the conduct is caused by mental health issues
- Legal requirements and best practices

Denzil Suite, Ph.D., Associate Vice President for Student Affairs, University of Southern California and **Charles Carletta, J.D.**, Secretary of the Institute and General Counsel, Rensselaer Polytechnic Institute

5B. Sexual Harassment Accusations and Disciplinary Actions for Faculty

- "Training" faculty regarding sexual harassment
- Investigating allegations of sexual harassment made against faculty
- Responding to academic freedom challenges by faculty
- Applying disciplinary policies and procedures
- Assessing the impact on tenure/promotion

Scott Warner, J.D., Partner, Babbitt, Land, Silverstein & Warner LLP

5C. Diversity on Campus: New Directions and Developments in Law and Policy

- The evolving definition of diversity
- Assessing and debating the efficacy of diversity initiatives
- Emerging legal, political and academic freedom issues
- Cross-institutional approaches to diversity

Jonathan Alger, J.D., Senior Vice President and General Counsel, Rutgers University and **Barbara Lee, J.D., Ph.D.**, Counsel to the law firm of Edwards Angell Palmer & Dodge, LLP and Professor and former Dean of Human Resource Management at the School of Management and Labor Relations, Rutgers University

“I was impressed with wide range of issues addressed and the ‘where the rubber meets the road’ focus of them. I learned a lot and enjoyed the interaction with both the presenters and other attendees.”

2008 Conference Participant

CONFERENCE SCHEDULE

Monday, October 19, 2009 cont.

4:30 - 9:30pm

Dine Around Burlington

Dine on your own - bus transportation provided from the Sheraton to downtown Burlington

Tuesday, October 20, 2009

7:30 am – 8:30 pm

Continental Breakfast

8:30 am – 9:45 am

Closing General Session: Weapons on Campus

- Understanding the laws addressing concealed carry
- Complex policy considerations simplified
- Campus safety and the power of appropriate policy

Amy Parsons, J.D., Deputy General Counsel, Colorado State University; **Ann Franke, J.D.**, President, Wise Results, LLC; **Gary Margolis, Ed.D.**, Partner, Margolis Healy Associates and Faculty, National Campus Safety Institute at the University of Vermont

9:45 am – 10:00 am

Break

10:00 am – 11:15 am

Concurrent Sessions

6A. Managing Student Groups: Case Reviews

- Managing religious groups - what does the First Amendment provide?
- Managing political groups - what does the IRS allow?
- Managing controversial groups - what does Free Speech require?

Wendy White, J.D. Senior Vice President and General Counsel, University of Pennsylvania and Penn Medicine and **Denzil Suite, Ph.D.**, Associate Vice President for Student Affairs, University of Southern California College

6B. Minimizing the Risks And Potential Harms Of Virtual Communities

- Overview of student involvement in virtual communities
- Legal parameters: Individual rights versus institutional responsibilities
- Practical and educational approaches

Steven McDonald, J.D., General Counsel, Rhode Island School of Design

6C. Enterprise Risk Management Is Coming: How Administrators and Lawyers Can Prepare

- Why business and higher education are embracing ERM
- Risk as uncertainty, not just potential harm
- Incorporating risk into all decision making
- Legal concerns over identifying priority risks

Ann Franke, J.D., President, Wise Results, LLC

“The presenters are experienced and are professionals who know their business well and who articulate it well. There is no way to attend this conference and not learn something from the sessions.”

2008 Conference Participant

CONFERENCE SCHEDULE

Tuesday, October 20, 2009, cont.

1:00 pm Conference Adjourns

1:00 pm — 4:00 pm Post Conference Workshop: Emerging Issues in Campus Safety

(Fee: \$135 (fee is in addition to the conference fee). Lunch will be on your own.)

- Best practices to ensure your campus is safe
- Campus security assessments
- Behavioral threat assessment systems
- Emergency preparedness and crisis response

Gary Margolis, Ed.D., Managing Partner, Margolis Healy Associates and Faculty, National Campus Safety Institute at the University of Vermont; **Steven Healy**, Managing Partner, Margolis Healy Associates and Faculty, National Campus Safety Institute at the University of Vermont; and **Jeff Nolan, J.D.**, Attorney at Law, Dinse, Knapp & McAndrew, P.C.

Vermont CLE

This conference has been approved for Continuing Legal Education credits by the Vermont Bar. This conference has been approved for 16.0 general credits and 0 ethics credits of continuing legal education. Attorneys should only claim credit commensurate with the extent of their participation in the activity.

Online Conference Resource Manual

The 2009 Online Conference Manual contains valuable resource materials that cover legal issues in Higher Education in the areas of Administration, Student Affairs and Academic Affairs. Along with original articles by some of the leading professionals and academics in higher education law and policy implementation, the manual includes:

- extensive case studies,
- detailed session outlines,
- and bibliographies

The 2009 online conference manual is included with your registration for the 2009 Legal Issues in Higher Education Conference.

WHAT TO BRING:

- Sweater (seminar rooms at the conference facility are typically cool)
- Comfortable walking shoes
- Refillable water bottle
- Lip balm
- Sunglasses
- Outerwear (jacket, hat, gloves)
- A watch or cell phone clock
- Business cards
- Clothes for warm, cool, or rainy weather
- Umbrella
- Swimsuit if you plan to use the hotel pool or spa

“Excellent conference as always. The sessions that worked best seemed to be those that had a combination of lawyers and practitioners/faculty. The combination of law and policy/practice was the strength of the program. The lawyers do a great job of telling us the law but the senior practitioners and faculty tell us how to apply it. Loved the panels.”

2007 Conference Participant

UVM Legal Issues in Higher Education Conference

Special sessions:

Pre Conference Workshop

Sunday, October 18, 2009 8:30 am - 11:30 am

Proactive Strategies For Success: Strategically Using Legal Issues Knowledge to Make your Student Affairs Work Matter

Cost: \$135

Post-Conference Workshop

Tuesday, October 20, 2009 1:00 pm - 4:00 pm

The Blueprint for Safer Campuses

Cost: \$135

See the inside this brochure for more information or visit our web site at learn.uvm.edu/legal/



The
UNIVERSITY
of
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CONTINUING EDUCATION

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To register by phone,
please call 802-656-4085