

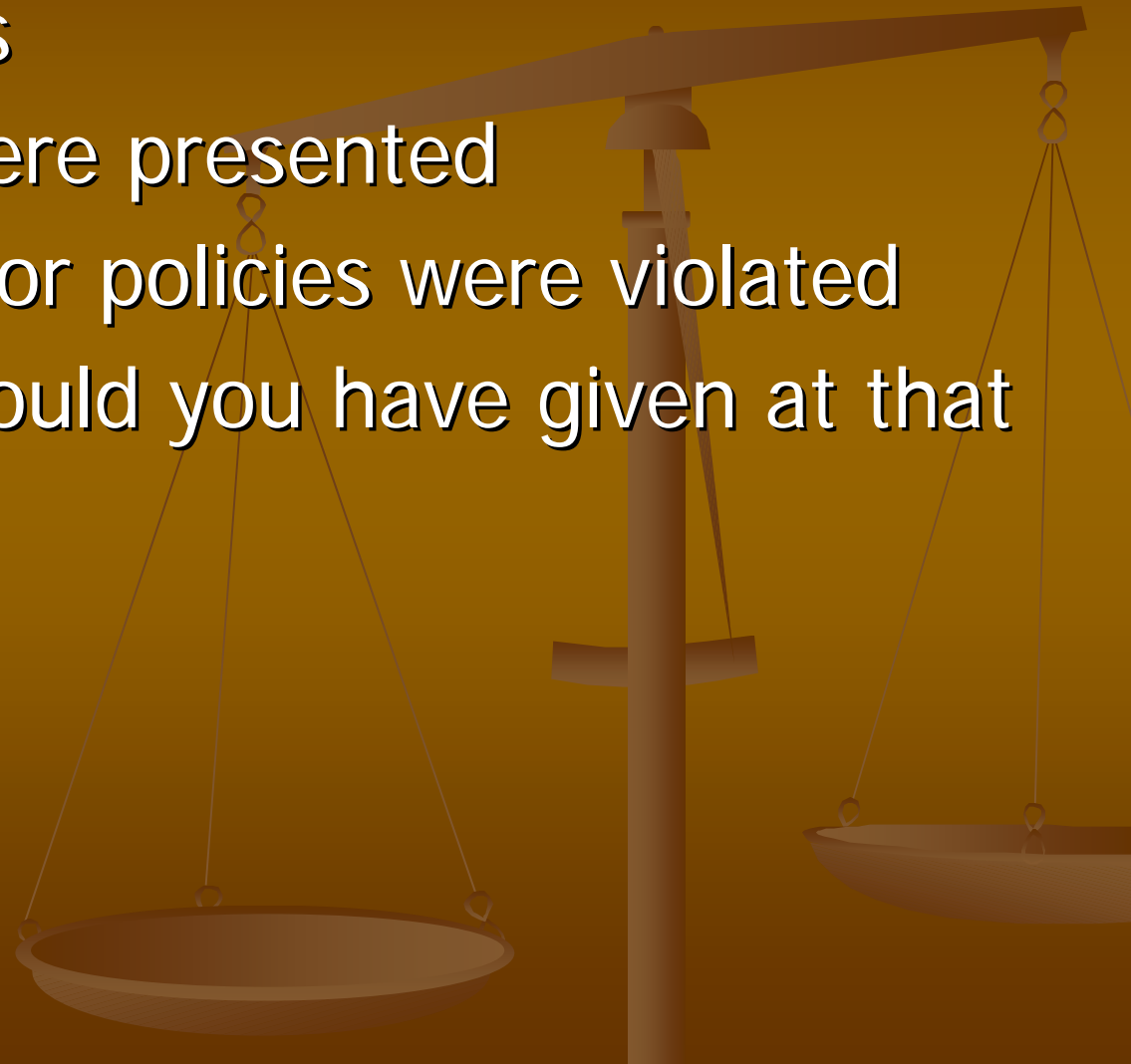


Legal Matters for Leaders of Institutions of Higher Education

Or How to Stay Out of the
Newspaper and Evening News as
the Lead Story

What do you know?

- Share Headlines
- Which issues were presented
- What laws and/or policies were violated
- What advice should you have given at that time



Which Laws Matter

■ Employment Laws

■ FLSA

- Exempt v. Non-exempt
- Volunteers
- Contractors

■ EEO/AA

- Discrimination
- Recruitment
- Compensation

■ ADA

- Students
- Employees

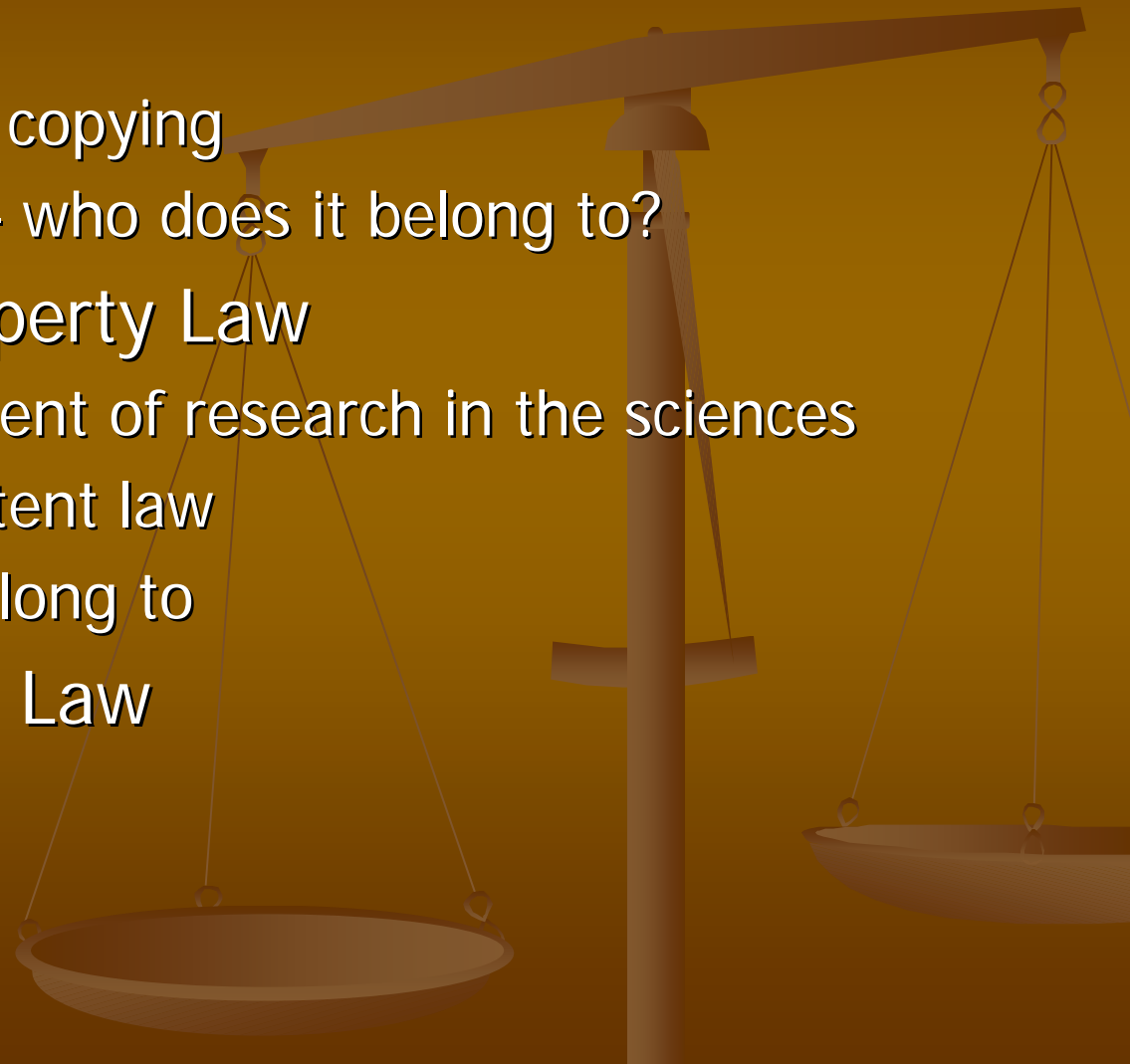
■ FMLA/Worker's Compensation

- Mandated Benefits – Federally established and specific rules



Which Other Laws Matter?

- Copyright Law
 - Textbooks and copying
 - Original work – who does it belong to?
- Intellectual Property Law
 - Mostly an element of research in the sciences
 - Can involve patent law
 - Who does it belong to
- State and Local Law



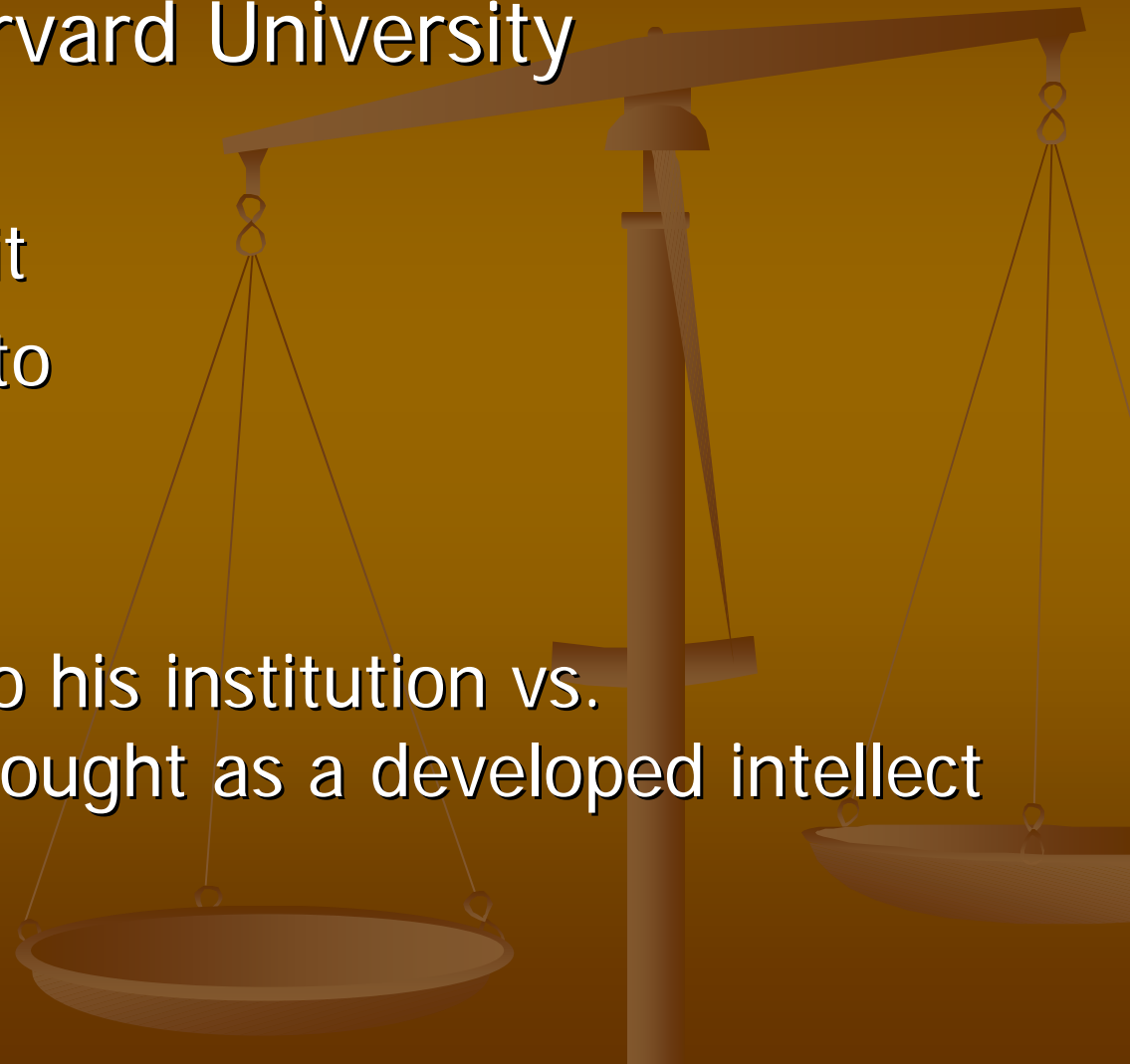
Do Ethics Matter?

- Is there a relationship between ethical and legal behavior
 - Honesty
 - Integrity
 - Respect
 - Trust
 - Responsibility
 - Citizenship



Ethical Dilemmas

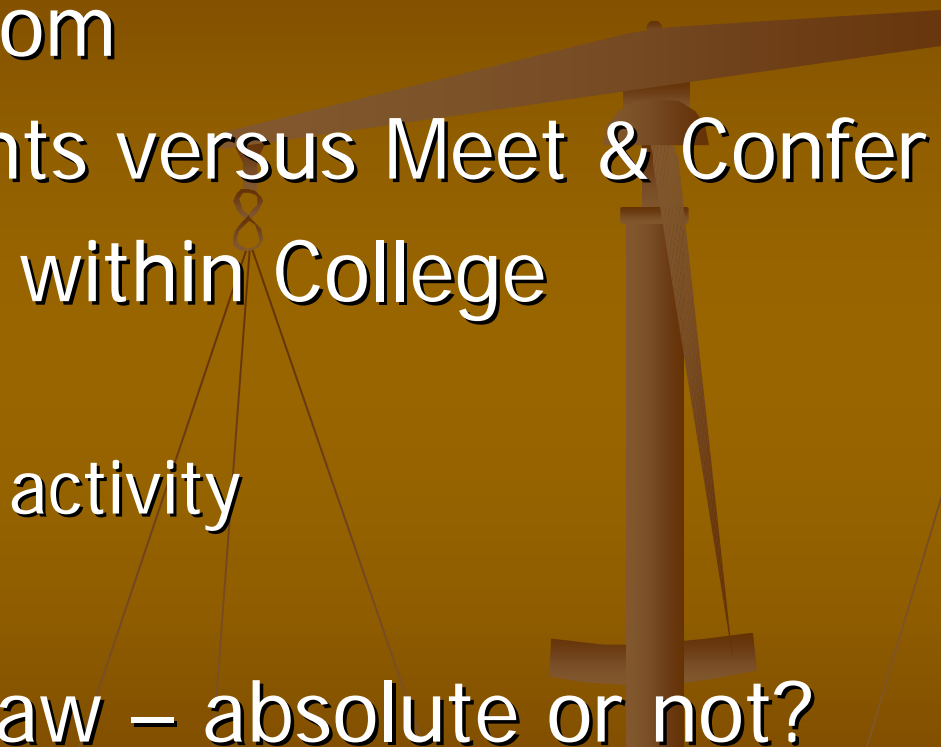
- President of Harvard University
 - What he said
 - Where he said it
 - Who he said it to
 - Perception
 - Reality
 - Responsibility to his institution vs. Independent thought as a developed intellect



Myths About Law

or

What is Not Law At All?

- Academic Freedom
 - Union agreements versus Meet & Confer
 - Right to Privacy within College Environment
 - E-mail/Internet activity
 - Telephones
 - Public Records law – absolute or not?
- 

Fraud and Theft

- Is it or isn't it?
 - Time
 - Resources
 - Tangible
 - Intangible



Hierarchy of Law

- Statutory Law
- Case Law
- Federal, State, Local
- Agency Regulations
- Administrative Directives
- Policies
 - Internal
 - External



You Be The Judge

- Test



Policies vs. Laws



- Policies based on law
- Policies based on accepted practice
- Policies versus Administrative Regulations
- Accessing Guidance
 - *Read all policies and manuals*
 - Use internal resources EEO/AA, legal, HR
 - Federal resources: web pages, Dept. of Ed., DOJ, EEO/AA

What is your reward for knowing and following the law?

- Good outcomes rarely make the news
- When you know and follow the law, leadership quality increases, employees trust you as fair, your constituency has confidence you are an ethical steward of public trust and funds

