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"OF COUNSEL"

Summer 2002 Newsletter

Northeastern University Office of the University Counsel

Question: What is the Professional Standards and Business Conduct Policy I've been hearing about?

Answer: Increasingly complex relationships have evolved in recent years between universities and the numerous individuals, companies, governmental agencies, community groups and others with whom we interact. The nature and complexity of relationships is fraught with the potential for financial or other conflicts.

It is the position of the University that it is essential that all parties be aware of the potential for conflicts of interest and conduct themselves with the highest degree of integrity, judgment and personal responsibility in their professional endeavors.

Northeastern University's Office of Internal Audit (OIA) has compiled the Professional Standards and Business Conduct Policy, effective February 15, 2002. This contains collected guidelines and policies concerning use of University resources, conflict of interest and commitment, and disclosure issues.

A signed conflict of interest and commitment annual disclosure statement will be required of all benefits-eligible employees. You should have already received a copy of the Professional Standards and Business Conduct Policy. Informational sessions have already been held, and were well attended. If you were not able to attend any of the sessions and have any questions, you may address them to the attention of Utibe Offiong, Director of Internal Audit, 378 Richards Hall.

Question: Who is the new attorney in the Office of University Counsel?

Answer: Pamela A. Smith joined us on May 6, 2002, as Senior Assistant University Counsel. Pam may be new to Northeastern but she's not to the practice of law! Pam comes to Northeastern from Verizon, by way of the Department of Navy, the U.S. Attorney's Office and private practice with Frank A. Smith and Associates.

If you haven't met Pam yet, please take time to stop by and say "hi". We're sure you'll enjoy working with our new colleague!

Question: How do I obtain assistance from the Office of University Counsel in reviewing a contract?

Answer: Please allow at least TWO weeks! Our firm policy is to require a minimum of two weeks notice of your need for contract review. MORE time may be required, depending on the complexity, length or type of clauses.

Contract review and processing involves at a minimum:

- (1) Initial review by the Office of University Counsel;
- (2) Review and signature by an authorized University official. There are four authorized signatories for the University: the President; the Senior Vice President for Administration and Finance; the Treasurer and the Vice President of Business.

Please be advised that signatures by unauthorized parties will call into question the viability of your contract. Also, signature by unauthorized parties may raise an issue of personal liability should the contract go awry.

Question: I heard that there have been some recent case decisions in Massachusetts involving discrimination against transsexuals. How do those decisions affect Northeastern's anti-discrimination policy?

Answer: In essence, they don't. Northeastern University does not discriminate on the basis of race, color, religion, religious creed, sex, sexual orientation, age, national origin, ancestry, veteran or disability status.

In two recent Massachusetts Commission Against Discrimination (MCAD) cases, discriminatory behavior towards transsexuals was interpreted to be a form of sex discrimination, in one case, and handicap discrimination in the second case. In Massachusetts, discriminating against individuals on the basis of sex or handicap is prohibited by law. The MCAD is the state administrative agency charged with "receiving, investigating and passing upon" complaints of unlawful discrimination. (M.G.L. Chapter 151B)

As noted above, discrimination on the basis of sex or disability is prohibited at Northeastern University.

Should you have any questions about the University's anti-discrimination policy, please contact the Office of Affirmative Action at x2133.

Question: Don't those club postcards and advertisements posted and dropped all over campus violate the University's non-solicitation policy?

Answer: Yes! The postings, advertisements and postcards littered across campus are "general solicitation", which is prohibited. They may also violate the University's public access policy, which prohibits the distribution of certain "free literature" on campus without approval from Student Activities.

Some clubs have recruited students as "promoters" for their venues. This, however, does not permit either the venue or the student to violate University policy. Violation of

University policies will subject students to disciplinary action.

The Sales and Solicitations Policy and the Public Access Policy can be found at page 117 of the current edition of the Undergraduate and Graduate Student Handbook.

Question: Some of the venue postcards have the Northeastern logo on them. Is that okay?

Answer: Absolutely not! The logo is the property of the University and cannot be modified or utilized for promotional purposes without the University's approval. Again, students who make inappropriate use of the University's logo will be referred for disciplinary action.

Summertime Brown Bag Lunch Series Returns

Due to popular demand, the summer lunch time round tables will return! This year the Office of University Counsel will facilitate three legal forums. The topics will be workplace liability, employment issues and an open question and answer forum. The dates and times will be as follows:

*Thursday, July 25, 12:00 – 1:00 Liability
Thursday, August 1, 12:00 – 1:00 Employment
Thursday, August 15, 12:00 – 1:00 Open Forum*

If you'd like to attend any one or all of the roundtables, please contact our assistant, Karen Brown, at x2157. Your "reservation" will be appreciated so we can schedule appropriate space.

In addition, if you'd like us to conduct a particular workshop for your department or area, please contact Karen and we'll be happy to accommodate your request.

"Of Counsel" has been prepared as a summary of recent legal developments in higher education. It is not intended as individual legal advice. Questions about the content or about other specific situations may be directed to the Office of University Counsel, 115 Churchill Hall, ext. 2157.

