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## Of counsel: Spring 2010

Northeastern University - Office of the University Counsel

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**OF COUNSEL – SPRING 2010**  
the newsletter of

**NORTHEASTERN UNIVERSITY**  
**OFFICE OF THE UNIVERSITY COUNSEL**  
**378 COLUMBUS PLACE**

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**Planning Summer Programs/Camps**

As the end of the academic year approaches, your area may be thinking of hosting a summer program or camp. Please be aware that planning for a summer program or camp must include advance consideration of applicable legal and insurance requirements.

The first step in determining what requirements may apply to your proposed summer camp or program is to complete the University's [Summer Program Information Form](#). Please note that no summer camp or program can be advertised or take place until the summer program has been approved through Risk Services. The Form can be found on the University's Risk Services webpage at [www.northeastern.edu/risk\\_services](http://www.northeastern.edu/risk_services). Once you have completed and submitted this Form to Risk Services at 122 St. Stephens Street, Risk Services will be in contact with you to review your proposal and advise you about any additional necessary steps you may need to take in order to get your camp activity up and running. For example, based upon the type of program you may wish to offer and/or the age of anticipated participants, one requirement may be that personnel working with the camp undergo a successful CORI (Criminal Offender Record Information) check.

Should you have any questions about summer programs, please contact Risk Services at x5997.

**Spotlight: Available Environmental Health and Safety Awareness Training**

The Environmental, Health, & Safety (EH&S) office provides a comprehensive occupational safety and health program to support the various work activities on campus. A key component of this program is safety awareness training. Although most training sessions are focused on work with hazardous materials in the laboratories or construction sites, EH&S staff can also provide customized training or job safety analysis consultation on any work activity at the University.

Department directors, chairs, and area supervisors need to be aware of any potential job safety risks for faculty, staff, and students who work or engage in any environment where chemicals, infectious agents or equipment may present health and/or safety risks. Each department must have a policy that ensures that everyone, including visitors to their department work areas, is properly authorized to be in such areas. Safety awareness training is a key part of the authorization process. It is University policy that all faculty, staff, and students who work in these areas receive the safety awareness training required by the Occupational Safety & Health Administration (OSHA) or other regulatory agencies for their assigned work activity.

Please contact the staff at EH&S (x2769) for additional information or visit their web site at [www.ehs.neu.edu](http://www.ehs.neu.edu) for links to scheduled classroom safety awareness sessions as well as to on-line training programs.

### **Safely Navigating the Co-op Waters: Reminders for International Students and their Advisors**

In order to be in compliance with applicable immigration laws, international students who engage in co-ops, internships, practicums or any other kind of off-campus research or training must have advance written authorization from the International Student & Scholar Institute (ISSI) and may work only within the dates and at the location specified on the documents that will be issued by ISSI. Working without first obtaining authorization from the ISSI may result in the student's loss of legal status in the United States. This applies to all positions, paid or unpaid. It is also very important to know that a student cannot extend the period of employment without first receiving amended authorization from the ISSI. Overstaying one's co-op job or other external placement will jeopardize the student's status and put the employer at risk for unauthorized employment. **If you have any questions or concerns about the required authorizations, please contact the ISSI at 617-373-2310.**

#### Hypothetical examples of unauthorized employment<sup>1</sup>:

"Nicolette," a graduate student from Tunisia, worked at a six month-long co-op for a Boston company having secured in advance approvals by both her co-op advisor and ISSI. At the end of her authorized co-op period she continued her employment at the company on a part-time basis without amended authorization from ISSI. Consistent with applicable immigration laws, working without authorization resulted in the termination of Nicolette's non-immigrant student status in SEVIS and she had to leave Northeastern and the United States in the middle of the semester.

**TAKEAWAY POINT:** Overstaying one's co-op assignment or continuing to work in any capacity at the end of the authorized co-op period will adversely affect the international student's status and put both the student and the employer at risk for violation of the law.

"Nigel," an undergraduate student from Belize, successfully completed his first co-op assignment with all proper authorizations, including that of the ISSI. He later went out on a second co-op assignment with the approval of his co-op advisor but without proper ISSI authorization. Again, consistent with applicable law, working without authorization for his second co-op resulted in the termination of Nigel's non-immigrant student status in SEVIS due to unauthorized employment. He had to leave Northeastern and the United States in the middle of the semester.

**TAKEAWAY POINT:** The ISSI is responsible for clearing all international students who wish to participate in co-ops, internships, practicums or any other kind of off-campus research or training. ISSI approval is required EACH TIME before any international student can engage in these types of opportunities. Lack of prior ISSI authorization will adversely affect the international student's visa status and put both the student and the employer at risk for violation of applicable law.

### **University Contract Review Policy and Procedure and Policy Regarding Approval of Contracts of More Than One Year**

Please be reminded that the University Contract Review Policy and Procedure is detailed on the Office of University Counsel's website at <http://www.northeastern.edu/legal>. Contracts must be reviewed by the

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<sup>1</sup> Note: The hypothetical examples are fictional and intended as illustrative explanations of applicable law only. Any resemblance to actual situations and/or persons is unintended and purely coincidental.

Office of the University Counsel prior to authorized signature and must be accompanied by a signed and completed Office of University Counsel Contract Cover Sheet, which can be found on our website. The Cover Sheet requires, among other things, that the submitting employee certify that he or she has read the agreement, understands its terms, and has followed University procedures in submitting the contract and seeking its approval.

Prior University policy has required that any agreement which makes a commitment on behalf of the University for a duration of more than one year must be approved by the Board of Trustees. This policy has recently been revised by the Board of Trustees to require that such agreements be approved by the Board only in the event that the commitment involves an expenditure by the University of more than one million dollars *in the aggregate for the life of the contract* as well as a commitment that is more than one year in duration. This policy change eliminated the need for Board approval of many contracts which had been previously required. If you have any questions or concerns regarding whether your particular agreement needs to be submitted for approval by the Board of Trustees, please call the Office of University Counsel at 617-373-2157.

#### SPECIAL NOTE REGARDING AUTOMATIC RENEWAL CLAUSES IN CONTRACTS

Contracts, particularly those for services or software licenses, often include “automatic renewal” language. (For example, “This agreement is for a term of one year and will be automatically renewed for successive one year periods unless either party notifies the other of termination in writing 90 days prior to the anniversary date of the agreement.”) In the past, if you wanted to retain the automatic renewal clause in your contract for business purposes, the contract would have to be approved by the Board of Trustees. Therefore, this clause was often deleted as a matter of course by the Counsel’s Office in its review. **It is now your responsibility when submitting a contract for review to determine whether or not you want to retain the automatic renewal language.** It is often a prudent practice to remove the automatic renewal language from a contract, so that you cannot accidentally miss the deadline by which you must notify the other party that you do not wish to renew and find yourself with an additional year’s commitment unintentionally. Please carefully consider what works best for your business situation, and note accordingly on the Contract Cover Sheet whether you want the automatic renewal language deleted.

#### Summer Brown Bag Workshops

The annual lineup of summer brown bag workshops will be announced shortly in a special edition of this newsletter. If your department would like a workshop specially tailored to your area’s needs/questions, please contact us at x2157 to discuss and arrange your seminar.

*If you have any questions you would like to see responded to in this space, please submit them to the Office of University Counsel at 378 Columbus Place. Depending upon the nature of your question, we’ll either answer you personally or address your issue in a future edition of this newsletter.*

*Of Counsel has been prepared as a general summary of important developments. It is not intended as individual legal advice. Should you have any questions or need information concerning a specific situation or any of the content of this advisory, please contact the Office of University Counsel, 378 Columbus Place, x2157.*

*Special thanks to Jack Price, Director of Environmental Health and Safety, for his contributions to this edition of Of Counsel.*

