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Northeastern University

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OF COUNSEL – SUMMER 2011
the newsletter of

NORTHEASTERN UNIVERSITY
OFFICE OF THE UNIVERSITY COUNSEL
378 COLUMBUS PLACE

Welcome to our new attorney!
Summer brown bags
Contract processing; Green card self-petitioning
Intellectual property: Stanford v. Roche (*Case Update)*
Electronic communications and personal information
Immigration update: H1B processing; E-verify

Please join us in welcoming Nicholas Bradley to the University Counsel staff. Nick will be handling a wide variety of legal matters, including contracts. He received his bachelor's degree in political science from College of the Holy Cross and his law degree from Northeastern School of Law. Nick's prior legal experience includes private practice and in-house counsel in both the private and non-profit sectors. Nick is pleased to be a member of the Northeastern community and is looking forward to working with you.

Summer Brown Bags

Bring your lunch and learn. Advance registration is requested so that appropriate seating arrangements can be made. Rooms will be confirmed with all participates post-registration. Check out "who should attend" and contact Karen Brown at extension 2157 or k.brown@neu.edu to register.

1. ***Step by Step: How to Speed Up the Contract Review Process***
   Tuesday, July 26, 2011 at 12:00 noon. Location TBD.

The Office of University Counsel reviews thousands of proposed agreements annually. While Counsel's Office continually updates and enhances its review process, there are a number of steps **you** can and should take first to speed up the review of your document.

Who should attend? Any faculty or staff member who is involved with any sort of contract, agreement or business transaction with an entity outside the University should plan to attend. Agreements may include arrangements with consultants, search firms, vendors, licensing agreements, hotels, and anyone else who may provide services, products, or facilities. If you are not sure if what you do qualifies, sign up and see!

Come and learn what these steps are so that you can get your agreement reviewed and approved as quickly as possible! Seminar materials will be available at the seminar.

2. ***Self-Petitioning for Permanent Residency/Green Cards: Options for Researchers***
Tuesday, August 9, 2011 from 12-2 p.m. at the Alumni Center, 6th floor, Columbus Place.

Who should attend: Research staff at all levels, post-docs to principal scientists; faculty who oversee research staff; academic departmental administrators who are responsible for personnel matters

University Counsel is delighted to invite Immigration Attorney Richard Iandoli, Northeastern School of Law Class of 1976, to discuss the variety of options available to researchers who wish to seek permanent residency on their own, without employer sponsorship. Learn the basic requirements for self-petitioning and the realities of the path to permanent residency. After the presentation, the speaker will be available to answer general questions.

If you would like to attend, please contact k.brown@neu.edu (extension 2157) with your name, position title and department/area of employment at the University. This information will assist us in preparing the seminar materials that will be most useful to you.

3. ***Upcoming Opportunities***

Our office is also preparing customized training and resource sessions on topics such as *Stanford v. Roche* and ownership of inventions (see below), copyright and "fair use" policies, guidance on multimedia academic projects, HIPAA for researchers, and the legal claim of retaliation which is on the rise. If you are interested in these topics or others, please call the Office to discuss an individualized session for your department.

Intellectual Property Update: Important Case Involving Federally-funded Research – Stanford v. Roche; Current Copyright Issues

• If you are an inventor, supervise an inventor or are involved in Federally-funded researched related discoveries, read this!

Last issue, we reported that the U. S. Supreme Court had heard oral arguments in Stanford University v. Roche Molecular Systems. The case involved ownership of intellectual property rights of faculty inventors, colleges and universities and outside companies. The central question was the inventor's right and/or obligation to assign his/her interest in future inventions stemming from federally-funded research under the Bayh-Dole Act to the university which employed the inventor and received the federal funds. .

On June 6, 2011, the Court ruled on behalf of Roche Molecular Systems. The Court rejected Stanford University's arguments that provisions of the Act created university ownership rights to inventions made by university employees with federal funding. Universities must now be pro-active in obtaining actual assignments of intellectual property from their employees with respect to potential inventions. An employer university's statement of policy with respect to IP created during employment through the utilization of university resources was insufficient to transfer ownership where an ambiguous assignment agreement also existed.

If you have any questions regarding the case or its potential applicability to you or your department, please call the Office of University Counsel at 617-373-2157.

Electronic communications and personal information

All members of the University community should read this.

• ***If you send or want to send personal information by electronic communication, read this:***

Northeastern University strives to maintain the security and privacy of the personal information of its students, faculty and staff. Non-public personal information such as that described below must not be sent through e-mail, tweet, social media, instant-messaging or another similar electronic communication system. Similarly, non-public personal information must not be included in any attachment to any email or other electronic communication system

BEST PRACTICE: do not electronically transmit any of the following information:

- ***Protected Health Information (PHI)***: information that is created or received by a health care provider or a health plan that relates to one's past, present or future physical or mental health or condition and related health care services, including payment for those services.
- ***Social Security Numbers and Dates of Birth***: If the social security number must be sent, send only the last four digits.
- ***Identification numbers:*** Driver's license number, state-issued identification card numbers, and passport or visa information.n
- ***Financial account numbers***, or credit or debit card numbers, with or without any required security code, access code, personal identification number or password, that would permit access to a one's financial account

<u>If you must transmit this information, pick up the phone, mail via hard copy, or hand deliver.</u>

N. B. For individuals on campus who prepare materials for hiring packets and immigration packets, please do not email the above information. Either mail via interoffice mail in a confidential envelope or hand deliver hard copies of the necessary documents.

Immigration/Administration update: E-verify

<u>E-Verify reminder</u>

Northeastern University is a Federal Contract/E-Verify employer. This means that work authorization for all <u>new</u> hires to the University, foreign **<u>AND</u>** domestic, must be certified through the Federal E-Verify system upon the completion of the I-9 Form. (It also means that Northeastern must adhere to the special rules governing employees working under Federal Contracts.)

The University has designated E-Verify users throughout the campus who have been provided access and training in E-Verify. If you or someone in your department is now responsible for I-9

processing and have not been trained or do not have access to E-Verify, please contact Elizabeth Mace in Human Resources Management, e.mace@neu.edu.

If your department would like an I-9 or E-Verify refresher, please contact your Human Resources representative.

If you have any questions you would like to see answered 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.