Maintaining A Safe and Ethical Workplace

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Office of the General Counsel

Administrative Management Institute
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How does the Office of the General Counsel (OGC) Factor In?

A "One-University" Office Providing Legal Support to:

• Lawrence campus
• Medical Center campuses in Kansas City, Wichita, and Salina
• Edwards Campus
• Kansas Law Enforcement Training Center in Hutchinson
Facts About The OGC

You can contact us at:

• **Lawrence campus:** 245 Strong Hall 1450 Jayhawk Blvd. Lawrence, KS 66045-7535 Tel: 785-864-3276 Fax: 785-864-4617

• **Medical Center:** 2 Murphy 3901 Rainbow Blvd. Kansas City, KS 66160-7101 Tel: 913-588-7281 Fax: 913-945-5866
Attorneys in the KUMC OGC

• James P. Pottorff, Jr., University General Counsel
• Lisa E. Hoebelheinrich, Associate General Counsel (healthcare, research and compliance)
• Chari J. Young, Associate General Counsel (employment, student issues, administrative services support)
• Amy Sokol, Associate General Counsel/Risk Manager (healthcare, research, contracts)
• Liz Welsh, Contracts Attorney
Support Staff in the KUMC OGC

• Patrick Phillips, Paralegal
• Billie Murphy, Administrative Assistant
Functions of the OGC

• Represent and defend the University in legal proceedings, e.g., lawsuits and administrative hearings

• Review and prepare legal documents including contracts

• Serve as a resource regarding legal requirements and risks
Functions of the OGC

• Our objective is to best support the mission of the University and its administrators in an ethical, client-centered, and lawful way.
What the OGC Does NOT Do

• Provide legal counsel to students
  – Students may contact KUMC Student Services if they are seeking legal advice, or visit [http://www.kumc.edu/student-services/vice-chancellor-of-student-services/student-legal-service.html](http://www.kumc.edu/student-services/vice-chancellor-of-student-services/student-legal-service.html)

• Provide legal counsel to staff regarding personal matters
  – E.g., faculty consulting contracts – except to the extent it impacts their faculty obligations to the institution
OGC Advice on Maintaining a Safe and Ethical Workplace

• Engage in ethical conduct
  – Individual responsibility and accountability
  – Honesty and integrity in all dealings
  – Be aware of your position of trust and duty of loyalty to the institution
  – Seek assistance when you are in doubt

• Have respect for others in all actions and communications
  – Basic, appropriate communication
  – Remember our nondiscrimination policies
OGC Advice on Maintaining a Safe and Ethical Workplace

• Recognize and report conflicts of interest
  – There is policy guidance – both University and Board of Regents
• Comply with applicable state and federal laws and regulations
  – There are many!
  – Employment, safety, compliance, healthcare, research-related…
OGC Advice on Maintaining a Safe and Ethical Workplace

• Comply with applicable department, School, University and Board of Regents Policies
  – Consider prior history when interpreting policy
  – You may be setting precedent
OGC Advice on Maintaining a Safe and Ethical Workplace

• Comply with contractual and grant obligations
  – Not all are legal requirements
  – There are business and reputational considerations
  – Federal agency rules (NIH, DEA, DOL, EEOC; the acronyms are plentiful)
OGC Advice on Maintaining a Safe and Ethical Workplace

• Financial stewardship
  – Property and funds
  – Avoid waste and improper use
  – Not to be used for personal or non-university benefit without proper approval
  – Implement sound business and operational practices and controls
  – Avoid gifts, gratuities or other payment from vendors and business partners
OGC Advice on Maintaining a Safe and Ethical Workplace

• Handle confidential information appropriately
  – Many kinds on our campus:
    • Personnel-related
    • Research/technology-related
    • Patient-related
OGC Advice on Maintaining a Safe and Ethical Workplace

• Report suspected violations
  – Whether of policy, law, regulations…
  – Where to report depends on the issue:
    • Equal Employment
    • Human Resources
    • General Counsel
    • Academic Offices
    • Compliance
    • IACUC
    • IRB
    • Research Administration
    • Ask if you don’t know!
Areas Specific to the OGC

• Liz Welsh covered contract review and delegated authority with you.
Responding to a Subpoena:

• A Subpoena may include a request for the appearance of a witness or a request for information/records for purposes of a court or administrative proceeding.

• A subpoena is an official court document. Deadlines apply for responding with the records or for appearance at trial.

• Contact the Office of the General Counsel upon receipt at 8-7281.
Areas Specific to the OGC

Litigation: Service of Process

• An attempt, in person or by mail, to serve a lawsuit via a summons, complaint or subpoena, should be directed to the Office of the General Counsel.

• If a University employee unknowingly or erroneously accepts service of legal documents, he or she should immediately contact the General Counsel’s Office at 8-7281.
Areas Specific to the OGC

Litigation: Employee Protection Against Liability

• If an employee is sued for a non-criminal act that is within the scope of his or her employment, then the Kansas Tort Claims Act provides for legal representation, without cost, upon request to the Kansas Attorney General.

• If there is a judgment against the University or its employees or settlement of the claim, there is a state fund to pay such claims, or the University may pay the claim.
Areas Specific to the OGC

Litigation Holds:

• Legal obligation to immediately preserve the documents wherever located and in whatever form (e.g., paper, electronic files, emails).
• Deletion or other destruction must be immediately suspended, even if it would normally have been destroyed in accordance with the University’s Records Retention Schedule.
• If you receive knowledge of potential, threatened, or actual litigation, promptly notify the Office of the General Counsel.
Areas Specific to the OGC

Litigation Holds (continued):

• When the University receives knowledge of potential or actual litigation, OGC will send a Litigation Hold Notice to all employees who may be in possession of potentially relevant information.

• The Notice will inform employees of the nature of the threatened or actual lawsuit and instruct employees to preserve documents relating to the claim(s).
Areas Specific to the OGC

Investigative Contact by Law Enforcement:

• Contact General Counsel immediately to assist with review of paperwork, e.g., search warrant or other court order.

• If the agent delivering search warrant or other court order refuses to wait, contact University General Counsel immediately.
Areas Specific to the OGC

Supervisor’s Responsibility when Someone Provides Information about Harassment and/or Discrimination:

• Don’t ignore it. Be receptive, but don’t promise absolute confidentiality.

• Even if no one is willing to make a written complaint, you must take action. Ask us questions about how best to proceed (8-7281).

• Consult and work with HR/EEO on the investigation.
Areas Specific to the OGC

Disability Accommodations for Students:

• Under the ADA and Section 504 of the Rehabilitation Act, all qualified students with a disability (as defined under the law) are eligible for reasonable accommodations or modifications in the academic environment that enables the qualified individual to enjoy equal access to the university's programs, services or activities.

• Accommodations are determined by Disability Resources in consultation with the student and with input from the faculty and staff, as needed.
Areas Specific to the OGC

- Disability accommodations for employees are similarly handled by Human Resources.
Contact Information

For answers to other questions please call us at 588-7281 or e-mail us at:

- Jim Pottorff:  jpottorff@ku.edu
- Lisa Hoebelheinrich: lhoebel@ku.edu
- Chari Young:  cyoung8@kumc.edu
- Amy Sokol:  asokol@kumc.edu
- Liz Welsh:  ewelsh2@kumc.edu