

NEW FACULTY ORIENTATION 2024



LEGAL NEWS YOU CAN USE

UNT | SYSTEM™

Office of General Counsel

Alan Stucky, Vice Chancellor and General Counsel

Renaldo Stowers, Deputy General Counsel	Denton
Michelle Williams, Associate General Counsel	Denton
Cari Jacoby, Associate General Counsel	Denton
Alyssa Kenyon-Cordero, Assistant General Counsel	Denton
Colleen Gallagher Assistant General Counsel & PIO	Denton
Suzy Flute, Operations Manager	Denton
Alicia Spencer, Paralegal	Denton
Alice Hawes, Paralegal & Public Information Coordinator	Denton
Courtney Finley, Legal Administrative Assistant	Denton
Dolly Garcia, Associate General Counsel	Dallas
Lindsey Bartula, Associate General Counsel	Dallas
Justin Foster, Assistant General Counsel	Dallas
Stephanie Zaleskin, Paralegal	Dallas
Roshelle Jones-Mitchell, Paralegal	Dallas
Randall Porter, Assistant General Counsel	Ft. Worth
Gayle Chaney, Legal Administrative Assistant	Ft. Worth

OGC Legal Advice and Services

Legal Services

- Copyright
- Trademark
- Technology Transfer
- Contracts & Nondisclosures
- Research Compliance
- Employment
- Student Matters
- Civil Rights
- Defend Lawsuits
- Insurance and Claims
- Health Care
- General Advice

Public Information Program

- OGC manages program for all components in UNT System
- Responds to public information requests
- Provides open records training

Advice from Office of General Counsel

Don't lie. Don't cheat. Don't steal.

Read policies  Follow policies (Charters).

Good common sense often makes good legal sense.

Family Education Rights & Privacy Act

- FERPA protects student educational records from disclosure without the student's **written** and **signed** consent.
- Be mindful of FERPA when conducting on-line courses and recording lectures.
- **DON'T** discuss grades in presence of other students (e.g. after-class discussion, post in an open on-line forum, etc.).
- **DON'T** scan assignments with student names or other Personally Identifiable Information (PII) into internet-based plagiarism detection services w/o student's consent.
- **DON'T** upload FERPA protected information to your personal accounts.



Federal & State Sexual Assault Laws

- Federal law (Clery Act) requires universities to report certain criminal activity that occurs on and around campus and at university-sponsored events.
- Texas law obligates faculty and staff to inform **Title IX Coordinator** or **Deputy Title IX Coordinator** of any report of sexual harassment or other sexual misconduct against a student, faculty, or staff.
- Failing to inform the Title IX Coordinator or police of sexual harassment, sexual assault, dating violence or stalking is a **crime**.
- Employees who fail to report **must be** terminated – it's State law.
- Do not promise confidentiality.



Religious Holy Day Accommodation

- Students **must be** excused from attending classes or other required activities, **including examinations**, to observe a religious holy day.
- The excused absence includes days needed to travel to and from the observation.
- Students cannot be penalized for absences.
- Students must be allowed to take an exam or complete an assignment within a reasonable time after the absence.
- **Encourage** students to let you know at the beginning of semester if they will be absent.



Parenting & Pregnant Students Rights

Title IX protects pregnant and parenting students against discrimination.

Texas law provides Pregnant Students:

- Excused absences related to pregnancy or child birth without a doctor's certification.
- Reasonable time to make up or complete assignments.
- Same accommodations as a student with a temporary medical condition; or that relate to the student's or child's health and safety.

Texas law provides Pregnant and Parenting Students:

- Right to a leave of absence without showing medical leave for a minimum of one semester.



Diversity, Equity & Inclusion in Texas (Senate Bill 17)

- The DE&I law **does not** supersede federal and state equal opportunity laws.
- The DE&I law **does not** prohibit faculty from highlighting the university's work in supporting first-generation, low-income, or underserved student populations when applying for a grant.
- The DE&I law **does not** apply to:
 - Academic course instruction/lecture
 - Faculty (or student) scholarly research or creative activity
 - Data collection
 - Guest speakers or performers on short-term engagements



Access to Course Information

- State law requires faculty to post syllabi of all undergraduate courses and their CVs on the university's website.
- Syllabi and CVs must contain certain information.
- Not all content in syllabus is copyright protected.
- Students do not have a right to record or keep recordings of lectures. (EXCEPTION – Disability and Pregnancy Accommodations).



Accommodating Students w/Disabilities

- The Americans with Disabilities Act (ADA) provides a level playing field for students with disabilities.
- Faculty are required to reasonably accommodate students – modify course requirements - in ways that do not alter a fundamental course requirement.
- Include department ADA policy on syllabus and inform students they must go through the Office of Disability Access (ODA) by a specific class date to receive a timely accommodation.
- All electronic course material must be accessible to students with disabilities, including documents, web pages, and presentations.



Carrying Firearms

- State law **generally** allows individuals to openly carry firearms in public without a license.

HOWEVER

- Individuals **may not openly** carry a firearm in any UNT building, structure or event.
- Individuals who have a **license to carry** a concealed handgun **may** carry a handgun into campus buildings unless prohibited by law or UNT policy (UNT Policy 04.001 - Carrying of Concealed Handguns on Campus).
- Faculty **may not** declare their classroom or office space a “Gun Free” zone.
- UNT PD Campus Carry Webpage <https://www.unt.edu/campus-carry> or call PD and ask for a supervisor.



Consensual Relationship Policy

- UNT strictly prohibits consensual relationships between:
 - Faculty in positions of authority and their subordinates; and
 - Faculty and their students.

Freedom of Expression – Outside the Classroom

- “The University of North Texas (UNT) recognizes that freedom of expression and public assembly are fundamental rights of all persons and are essential components of the education process. These activities promote debate and the sharing of ideas, which are the foundation of educational institutions.” (UNT Policy 07.006 - Free Speech & Public Assembly on Campus Grounds).
- Students and members of the public may exercise their rights to free speech at “outdoor areas” on campus, including sidewalks and malls.
- UNT does not restrict free expression to “free speech” zones.



Freedom of Expression - Inside the Classroom

- Classrooms are “marketplaces of ideas” - not public forums.
- Faculty have discretion to determine whether or when to give students the opportunity to express their opinions regarding the lecture topic(s).
- Faculty have discretion and the responsibility to manage the exchange of information and discourse in the classroom.
- Students do not have a First Amendment right to express their opinion in the classroom.
- Disruptive students may be referred to the Dean of Students.
- Think about how you will manage tense situations before class begins.



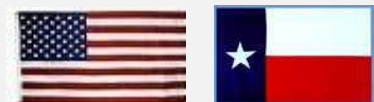
Academic Freedom, Free Expression & You

- **Academic freedom** is the right to teach, engage in scholarly and creative activity, publish and perform freely as appropriate to your faculty role and responsibilities.
- **Free expression** is the constitutional right to express your opinions as a private citizen, separate from the opinions you form using the pedagogic methods of your discipline and the opinions you express in carrying out your responsibilities as a UNT faculty member.
 - When you speak as a private citizen you are expected to clarify that you are not doing so as a spokespersons for UNT.
- Use social media wisely; students, parents and the general public may not see a distinction between U and UNT– **“think, think again, post it, own it.”**



Political Activity

- UNT faculty and staff have the right to participate in political activities as private individuals.
- Political activities (running for office) must not interfere with your university responsibilities.
- Faculty and staff cannot use the following when engaging in political activities:
 - University funds
 - Resources (time, computers, telephone, email)
 - Official position/title



Contracts

- Only the President or his designee(s) may sign contracts on behalf of UNT. A nondisclosure agreement (NDA) is a contract.
- President can delegate signature authority. The delegation must be in **WRITING**.
- You could be personally liable for honoring the terms and conditions of an agreement, including paying money, if you sign a contract on behalf of UNT without written authority from the President.



Don't Mess with Texas (or It's Money)

- Texas Constitution prohibits public universities and their faculty and staff from **giving, granting** or **lending** public funds for other than a valid **public purpose**.
- In other words, UNT must get something of measurable value in return for the money it spends.
- **All funds** that come to UNT, regardless of their source, are **public funds** and subject to this constitutional prohibition.
- **Cannot pay individuals retroactively.**
- Grants and donations **ARE PUBLIC FUNDS!**



Don't Mess with Texas (or It's Ethics)

- Ethics laws in Texas carry criminal penalties.
- **Do Not** accept or solicit gifts, favors or services that you **know or should know** is being offered with the intent to influence your official conduct.
- **Do Not** accept or solicit gifts, favors or services that **might** reasonably tend to influence decisions you make in the discharge of your faculty duties.
- **Do Not** solicit, accept, or agree to accept an **honorarium** for doing what UNT pays you to do.
- **Do Not** use university property to operate your own business (e.g. private consulting).



Outside Employment & Activities

- All UNT employees, including faculty, must formally request approval to engage in **Outside Activity**.
 - Outside employment, interests, and activities (including external marketing of intellectual property) must not create a conflict of interest or conflict of commitment with your faculty responsibilities.
 - **Professional Activity** in a faculty member's discipline or area of expertise and performed as part of the individual's workload (e.g. reviewing manuscripts, presenting at conferences, performing or showing creative work, etc.) may be pre-approved by the Provost and do not require a formal request.
 - Serving on an outside board as a UNT faculty member, without prior approval, could result in personal liability if the outside organization is sued (UNT System Regent's Rule 05.800).
-

Public Information Act

- Information is **presumed to be open** to the public.
- All information generated, collected or maintained by faculty member that relates to official UNT business is presumed to be open to the public.
- Must preserve all public information, including on personal devices - **“It’s the message; not the medium.”**
- Must send text and emails sent or received on personal devices to the appropriate UNT or UNT System official for preservation or release upon request.
- Only information that is confidential or protected by law can be withheld from disclosure.



Public Information Act

OPEN the Public:

- Student and committee performance evaluations
- Emails between colleagues regarding official UNT business
- Emails sent or received from personal devices/account
- Salary, appointment letter
- Notes on calendar (electronic or paper)

NOT OPEN to the Public:

- Student records and grades (FERPA)
- Scientific research with potential commercial value
- Home address, telephone number, emergency contact information (must opt out)



Protection from Personal Liability

- Office of the Attorney General provides **legal representation** for faculty and staff sued as a result of decisions and actions while performing official responsibilities.
- Texas has **strong** immunities from suit and liability when actions are taken and decisions are made in good faith.
- Texas and UNT **indemnifies** faculty for liability resulting from fulfilling job responsibilities.
- No indemnification for criminal conduct or actions taken outside the course and scope of employment.
- UNT System maintains insurance for potential liability.
- **Outside boards should have insurance. Check!**



Contact the OGC



Gateway Center – Suite 340
(940) 565-2717

www.untssystem.edu/generalcounsel
