

# **UNIVERSITY OF NORTH TEXAS NEW FACULTY ORIENTATION 2023**



## **LEGAL NEWS YOU CAN USE**

**Renaldo Stowers**

**Deputy General Counsel & Chief Compliance Officer**

**UNT** | SYSTEM<sup>™</sup>

Office of General Counsel

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# UNT System Office of General Counsel

Alan Stucky, Vice Chancellor and General Counsel	Denton
Renaldo Stowers, Deputy General Counsel & CCO	Denton
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# OGC Legal Advice and Services

## Legal Services

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

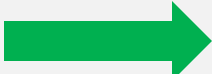
## Public Information Program

- OGC manages PIP for **UNT**, UNTHSC, UNT Dallas and UNT System Administration
  - Responds to public information requests
  - Provide Public Information Act training
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# Advice from Office of General Counsel

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

Read policies  Follow policies.

Good common sense often makes good legal sense.

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# 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 video 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 PII into internet-based plagiarism detection services w/o student's consent.
- **DON'T** upload FERPA protected information to your personal external cloud accounts.



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# 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.
- Faculty are obligated 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 member.
- Do not promise confidentiality.
- 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.



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# Carrying Handguns

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

## HOWEVER

- Individuals **may not openly** carry a handgun on sidewalks and other outdoor public places on campus.
- Individuals who have a **license to carry** a concealed handgun **may** carry a concealed handgun into campus buildings unless prohibited by law or UNT policy (UNT Policy 04.001 - Carrying of Concealed Handguns on Campus).
- Faculty members **may not** declare their classrooms or office space a “Gun Free” zone.
- UNT PD Campus Carry Webpage <https://www.unt.edu/campus-carry>



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# 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.





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# Access to Course Information

- State law requires each public university to post syllabi of all undergraduate courses and the instructor's curricula vita 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 accommodation)



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# 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.
- You and your department are responsible for ensuring all electronic content is accessible to students with disabilities, including documents, web pages, presentations, and other material.



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# Consensual Relationship Policy

- UNT strictly prohibits consensual relationships between:
  - faculty members in positions of authority and their subordinates, and
  - faculty members and their students

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# 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.



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# Managing Freedom of Expression In 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). Students do not have a right to do so in the classroom.
- Faculty have discretion and the responsibility to manage the exchange of information and discourse in the classroom.
- Disruptive students may be referred to the Dean of Students.
- Think about how you will manage tense situations before class begins.



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# Think About It Before It Happens

**Instructor:** During this course we're going to discuss things like how the NCAA is changing; challenges presented by the student-athlete empowerment movement; the short and long-term impact of Title IX...

**Student 1:** Hey prof. You mean like how the NCAA is corrupt; how the NIL movement is finally paying student-athletes what they deserve; and how Title IX is advancing women's sports?

**Instructor:** Well, we'll talk about...

**Student 2:** No, jacka\$\$\$. He means we're going to talk about how we won't have college football without the NCAA; how NIL is ruining the college game; and how Title IX is....

**Student 1:** Who are you calling a jacka\$\$\$, you .....

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# 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.”**



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## DE&I in Texas (Senate Bill 17)

- The DE&I law does not end supersede federal and state equal opportunity laws.
- The DE&I law does not prohibit a faculty member from highlighting the university's work in supporting first-generation, low-income, or underserved student populations in 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

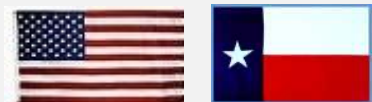




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# Political Activity

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



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# Contracts

- Only the President or his designee(s) may sign contracts on behalf of UNT.
- 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.
- You are not authorized to sign non-disclosure agreements in your capacity as a UNT faculty member, even if a colleague from another institution or agency asks you to sign one as part of a collaboration. Only the President or the President's designee can sign an NDA.



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# 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.
- Grants and donations **ARE PUBLIC FUNDS!**



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# 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).



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# 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** that is in a faculty member's discipline or area of expertise and that are performed as part of the individual's workload faculty responsibilities (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 in your capacity as a UNT faculty member, without prior approval, could result in you being personally liable if the external organization is sued (UNT System Regent's Rule 05.800).
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# 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.



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# Public Information Act

Information **OPEN** the Public:

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

Information **NOT OPEN** to the Public:

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



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# Protection from Personal Liability

- Office of the Attorney General provides **legal representation** for faculty and staff sued as a result of a decision made or action taken while performing their official responsibilities.
- Faculty have **strong** immunities from suit and liability when their acts are taken and decisions are made in good faith.
- State of Texas and UNT **indemnifies** faculty for liability resulting from decisions made and actions taken in 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.





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## Contact Us

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