

OF COUNSEL – SUMMER 2004
the newsletter of

NORTHEASTERN UNIVERSITY
OFFICE OF THE UNIVERSITY COUNSEL

The Basic Rules of Contract Processing at Northeastern University

1. Only three officers of Northeastern University are authorized to sign contracts on behalf of the University.
2. Those officers authorized by the Board of Trustees to approve and sign contracts on behalf of the University are: President Richard M. Freeland; Senior Vice President Lawrence F. Mucciolo; and Treasurer William Kneeland. Signatures by unauthorized parties will call into question the validity of a contract, and may raise issues of personal liability should a problem arise. **Do not sign contracts on your own!**
3. All contracts must be reviewed by the **Office of the University Counsel** *before* being directed to the appropriate University officer for authorization. Contracts for greater than one year also must be approved by the Board of Trustees.
4. The Office of University has a variety of template/draft agreements available, with pre-approved language. Please contact Janet Faulkner to secure an appropriate document for your use.
5. Contracts to be reviewed should be either hand delivered or sent through the campus mail system addressed to Karen Brown, Office of the University Counsel, 115 Churchill Hall.
6. **Do not send contracts via e-mail, since they must be logged into a tracking system.** Contracts cannot be reviewed until a hard copy has been received and logged into the tracking system.
7. Contracts must be submitted for review well in advance of an event or the anticipated effective date of the agreement.
8. Although we make every attempt to complete the review process as soon as possible, you must allow **two weeks for processing**. The complexity of some contractual relationships, the workload of this office, and other issues associated with a specific contract may extend the review period significantly, however.
9. Failure to timely submit a contract for review or to submit a contract at all may result in the cancellation of the event, arrangement or may result in personal responsibility in the event of a claim of liability is asserted.
10. The Office of University Counsel is available to answer your questions concerning the contract process Mon. - Fri. 8:30-4:30, or by dialing x2157.

Summertime Brown Bag Lunch Series

The Office of University Counsel's summer lunchtime roundtables will be back for the summer of '04. This year's topics, generated from your requests, will be:

Liability - contracts, records and documentation. What's required and why?
Thursday, July 22, 2004 – Clifford Lounge

Internal Investigations of Alleged Misconduct: Why, who, what, when, where and how?
Thursday, August 5, 2004 – Clifford Lounge

Hot Issues in Employment-based Immigration.
Thursday, August 19, 2004 – Clifford Lounge

All of the roundtables begin promptly at noon. Bring your lunch and your questions.

If you would like to attend any one or all of our roundtables, please contact Karen Brown at x2157. Your advance reservation is requested so that we may make appropriate arrangements. In addition, if you would

like to schedule a workshop on a particular subject for your department, please contact Karen and we will be happy to accommodate your request.

Hot Topic: FERPA Final Regulations Relating to Electronic Consent and Signature, 43 CFR Part 99

Effective May 21, 2004, the signed and dated prior written consent necessary for release of FERPA protected records to third parties may include a record and signature in electronic form. The electronic form permitted must identify and authenticate the particular student as the source of electronic consent and must indicate approval of the information contained in the electronic consent.

The Department of Education has explained its rationale for this change as follows: "Electronic signatures are an area of rapidly evolving technology. These modified regulations provide more fluid and flexible standards for schools that choose to implement a process for accepting electronic signatures. These modified regulations permit schools to take advantage of changing technology as it may become available, whether the change concerns additional security provisions or enhanced customer service."

For information about the University's FERPA policy, refer to the Student Handbook/Planner. The "Guidelines for the Release and Disclosure of Information from Student Records" are found at page 81 of the 2003-2004 edition of the Undergraduate Student Handbook/Planner.

Hot Topic: Immigration Issues

Employers are required to complete I-9 verification forms for all employees, including casual employees and students. By law, the verification must be completed by the third day of employment or the employee must be terminated. Under no circumstances will employees who have not complied with the I-9 requirements be allowed to continue.

Student employees whose work authorization is based upon visa status cannot work more than 20 hours/week during the academic year. NO EXCEPTIONS!

The "cap" on H1B visas and H2 visas does not apply to colleges and universities. Northeastern can still petition for H1B status for appropriate categories and employees.

The Bureau of Citizenship and Immigration services has raised fees on all transactions. Petitions for employment authorization cost more as of April 30. University Counsel will provide departments with the new fee schedule as petitions are requested.

New Faces

Question: Who is the new attorney in the Office of the University Counsel?

Answer: Janet Faulkner joined the University Counsel team on February 2, 2004, as Senior Assistant University Counsel. Janet brings a wealth of legal experience with her to Northeastern. Before arriving at 115 Churchill, Janet was the College Counsel for Emerson College. She is a graduate of Cornell University and Boston College Law School.

If you have not yet had the opportunity to meet Janet, please feel free stop by and introduce yourself. We are confident that you will enjoy working with our new colleague as much as we do!

'Of Counsel' has been prepared as a general summary of important developments. It is not intended as individual legal advice. This edition of 'Of Counsel' was prepared with the assistance of NU Law School student Daniel Garcia. 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, 115 Churchill Hall, x2157.

