

 To some extent, we function as "generalists," handling matters in multiple areas of law. While some of us are "specialists" and primarily focus on specific areas of law, and work primarily with one or two departments on campus.

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### 8/4/22

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### Issues

As in-house counsel, we are involved with issues such as

- Governance
- Employment and human resources
- Student affairs
- Campus security
- Athletics
- · Financial and business affairs
- Risk management
- · Government and community relations
- Procurement and contracts
- Intellectual property
- Various forms of dispute resolution

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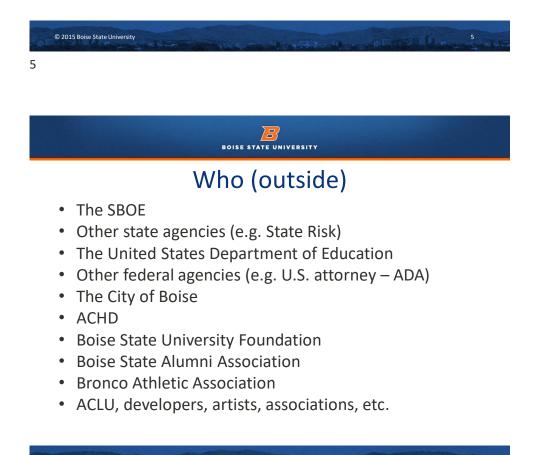
18 BOISE STATE UNIVERSITY Areas of Law Business, Finance, and Contracts **First Amendment** Second Amendment . Privacy Law • **Constitutional Law** • **Development and Fundraising** • **Employment and Labor Relations** • **Environmental Law** • Governance - SBOE, internal policy development Intellectual Property (creation/licensing; use of others') • Research & Technology Transfer • Lobbying and Legislative Affairs (advisory) • Litigation Real Property Acquisition, Development & Zoning • Statutory & Regulatory Compliance • • Taxation

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### Who

We work with a variety of constituencies outside and at the institution – both governmental and non-governmental



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Arena, Morrison Center)

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- Contract with BPD
- Team Chaplain



Court storming





### Update – Title IX

### • NPRM – June

- 700 pages
- Expands coverage to behavior that occurs in education programs off campus, including out of country. (The Trump administration required discrimination to be shown on campus.)
- Expands mandatory reporting requirements to all employees at colleges that operate an
  educational program who have knowledge of an instance of sex discrimination.
- Created new eligibility for retroactive complaints after a student leaves an educational program due to an instance of discrimination.
- Requires "prompt time frames" for investigating cases of discrimination.
- Elimination of cross-examination and live hearing requirement from the rules for campus hearings.
- Requires colleges to allow students who participate in a live hearing to do so remotely if they choose.
- Allows informal resolution of an incident without the submission of a formal complaint. (The Trump administration required a formal complaint.)
- Requires protections for pregnant students and employees.
- Separate NPRM for student athletes forthcoming







### Update – Discrimination

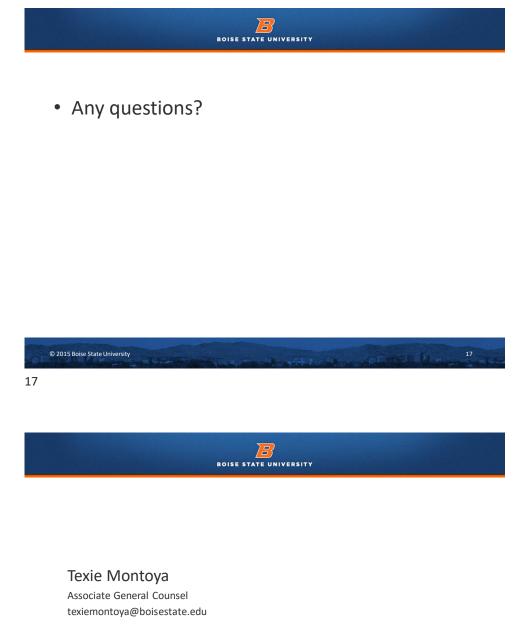
- Students for Fair Admissions, Inc. v. President and Fellows of Harvard College and Students for Fair Admissions v. University of North Carolina, et al.
- Cummings v. Premier Rehab Keller P.L.L.C
- Bostock v. Clayton County

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# Update – Athletics

- National Collegiate Athletic Association v. Alston (2021)
  - NIL (Name, Image, and Likeness)
- Conference Realignment

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	Additional notes
	<ul> <li>Outside counsel</li> <li>Specialty areas, for example <ul> <li>Immigration</li> <li>Environmental Law</li> </ul> </li> <li>Unplanned resource allocations, like litigation</li> <li>Required to use outside counsel <ul> <li>e.g., for torts because of our participation in State Risk</li> </ul> </li> <li>Other JDs on campus <ul> <li>Institutional Compliance</li> <li>Research Compliance</li> <li>Technology Licensing</li> <li>NCAA Compliance</li> <li>And of course, many as faculty</li> </ul> </li> </ul>



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## THANK YOU