

Administrative Activities Review (AAR) Guidelines

The review is an opportunity for your unit to reflect on its mission, the services you provide, your strengths and challenges, and your future plans. It will be used to inform decisions about resource allocations across the campus. This document should be used as a guideline and you should address only the sections that are applicable to your unit.

Office of General Counsel

I. Basic Facts and Description of the Unit.

- a. **Mission and goals.** Describe your unit's mission/role on campus and its near-term/long-term goals.

Response:

Role:

The Vice President and General Counsel has the responsibility within the University's administration for the management and supervision of all legal matters of the University. The Vice President and General Counsel serves as the chief legal advisor to the Board of Trustees, the President and university officers and administrators, and is responsible to the Board and the President for the direction and supervision of all legal matters of the university, including the provision of legal counsel and advice and services in all matters pertaining to the practice of law on behalf of The University of Akron.

Goals:

- Maintain a comprehensive as well as targeted practice of preventative law.
 - Strong working relationships with members of the Board of Trustees, and regular legal advice and counsel to key administrative leaders, faculty and staff.
 - Utilize meetings with groups of administrators, faculty, or staff, as well as develop web pages, as opportunities to provide current legal advice and counsel, information and resources to the campus community.
 - Ethics law advice, counsel and training for campus administrators.
 - Provide assistance to training and compliance officers to help instill high levels of ethical standards and practices.
- Provide review, advice and assistance with legal documents, contracts, policies, procedures, practices, actions, or any other matter having legal significance to the management, operations, or government of the University, including but not limited to academic, governance, Title IX, student conduct and other student related matters.
 - Respond directly with advice and counsel to administrators, deans, directors, chairs and faculty.
 - Maintain an appropriate level of turn-around time on regular contract matters.

- Work with academic and administrative units on updating University Rules, help process through the Board of Trustees review and approval process so Rules are current, and file rules with the Legislative Service Commission.
- Provide ongoing review of judicial decisions, legislative or governmental regulatory developments and assist impacted units to prepare strategies for compliance or other response.
 - Monitor, on a daily basis, to the extent practical, noteworthy judicial decisions, as well as state or federal enactments or regulatory developments.
 - Monitor College and University list-serves on a daily basis, including the NACUA Case Highlights and OPCUANET, review current NACUBO and NACUA publications, and review a variety of publications that are daily, weekly, monthly or quarterly, such as the *Gongwer News Service*, *University Business*, *The Chronicle of Higher Education*, *College and University Professional Association*, etc.
 - Advise, meet and confer with various institutional offices that may be affected to review legal requirements and implications and assist with implementation strategies.
 - Confer with counterparts at other state universities in Ohio and nationally, and with the Ohio Attorney General's office to assure that matters of state-wide or national concern or effect are appropriately evaluated and responded to, in order to provide effective advice and counsel to the university.
- Provide advice and assistance with property acquisitions, leases, labor relations and collective bargaining, immigration, personnel and insurance matters, intellectual property matters, technology transfer initiatives, Ohio's Sunshine Laws, etc.
 - Assist with all matters pertaining to property acquisitions, including appraisal and assessment, negotiation strategies, preparation of offers, document preparation, approval strategies, and conferences with the Board of Regents and Controlling Board.
 - Assist with collective bargaining negotiations, including as a member of the negotiating team when appropriate, and including document preparation, research, strategy development and implementation, with a view to maintain both management rights and the integrity of the institution's primary missions of teaching, research and service.
 - Meet and confer with legal counsel at other state universities to assess and address institutional risk management issues, through insurance and other best practice strategies, and to provide advice regarding institutional insurance coverage and, when necessary, communicate with the institution's insurance companies.
 - Assist with intellectual property matters and improve coordination with both institutional research and technology transfer efforts and Research Foundation efforts.

- Provide aggressive legal support with respect to workers' compensation and unemployment claims, with a view to achieve maximum institutional savings in premium costs and "return-to-work" issues.
- Evaluate and stress the need for management to continue to focus on employment-related issues related to compliance with federal and state laws and regulations.
- Provide advice and counsel to individual colleges and to foreign nationals regarding non-immigrant and immigrant status.
- Advise and assist with compliance reviews by governmental agencies and higher education regulatory agencies (i.e., DOL, DOE, IRS, NCAA, etc.) and with internal reviews, regular and special audits, and compliance reviews.
 - Maintain preparedness to advise and assist with external and internal reviews by a variety of approaches, including the assessment of reports related to similar reviews conducted at other institutions of higher education.
 - Work closely with the Internal Auditor.
- Effectively direct, coordinate, and respond to diversified litigation and coordinate the provision of legal counsel, advice, and services for The University of Akron with the Ohio Attorney General or special counsel appointed by the Ohio Attorney General, and as necessary, provide appropriate liaison with the bench, bar, inspector general(s), prosecutor's office, and law enforcement authorities at all levels..
 - Anticipate those matters/disputes that have a high probability of resulting in litigation and identify strategies with trial counsel in advance to seek to avoid litigation or best position the institution in the event of litigation.
 - Review internal Equal Employment Opportunity/Affirmative Action decisions for procedural compliance.
 - Utilize special counsel assignments in litigation matters with a view to take advantage of their specific expertise and experience and thereby achieve both cost savings and increase likelihood of favorable results.
 - Monitor, and challenge when appropriate, special counsel fees.
 - Meet and confer regularly with the Chief of the Education Section of the Attorney General's office on litigation matters with significant financial or other exposure, to either the institution or the State of Ohio.
 - Conduct status reviews and make recommendations for the conduct of all outstanding litigation matters on a regular basis, not less than once per month, and on individual matters as necessary.
 - Encourage litigation counsel to provide status reports, motions and other data and information electronically to achieve highest efficiency
 - Monitor and make recommendations with respect to all pleadings, strategies, investigations, expert testimony, and related matters in advance of submissions.

- Meet and confer as necessary with the staff of the Inspector General, including the General Counsel and other Deputy Inspector Generals.
- Meet and confer as necessary with the staff of the Ohio Board of Regents, including the General Counsel.
- Meet and confer as necessary with law enforcement authorities, including the FBI, Ohio State Highway Patrol, Summit County Sheriff, City and County Prosecutor, and City Law Director.
- Manage the collection and maintenance of legal records.
 - Ensure university compliance with public records requests.
 - Respond to public records requests and prepare necessary FERPA responses.
 - Assist the university records manager with the development of, and compliance with, the university records retention policy and manual.
- Provide advice and assist with sensitive media issues.
 - Maintain close working relationships with University Communications and Marketing personnel so that the process and manner to respond to various matters can be reasonably anticipated.
- Serve as police legal advisor, provide advice on environmental and safety matters.
 - Be available 24/7 to provide advice and counsel to police and safety personnel.
 - Work with UAPD to keep Rules and operations manuals current and update Mutual Aid Agreements.
- Continue professional development through regular attendance at continuing legal education programs especially designed for college and university attorneys, including emphasis on legal ethics in a corporate setting; require complete adherence to the Code of Professional Responsibility.
 - Require and provide support for each attorney to attend broad national CLE programs designed for college and university attorneys.
 - Require and provide support for each attorney to attend quarterly meetings of the Ohio Attorney General that include both broad CLE materials as well as current developments in higher education practice areas in Ohio.
 - Provide regular opportunities for in-house counsel and external counsel to attend and participate in virtual seminars and webcast programs focused on current or novel areas of law impacting higher education.
 - Request all professional staff to make professional presentations and actively participate in professional development at national and state meetings of attorneys.

- Be active participants in the National Association of College and University Attorneys and Ohio Campus Counsel.
 - Encourage and provide the opportunity for each attorney to attend NACUA and Ohio Campus Counsel meetings; participate on committees; present at annual, state, and regional meetings; publish; and serve in leadership roles in each organization.
- Manage all legal business relationships between the University and the Attorney General's Office with the Chief of the Education Section of the Attorney General's Office, keep the Chief of the Education Section fully informed of all pending legal matters at the University, and as necessary, provide the Chief of the Education Section as requested case status reports and copies of significant legal memoranda prepared by or on behalf of the University.
- Appear in legal forums on behalf of the University, when such appearance would not be disruptive of normal representational relationships and when doing so would be beneficial to the University.
- Provide advisory opinions as well as opinions of counsel as may be required in connection with audit requirements, debt instruments, etc.
- As officers of the Board of Trustees and in dual roles as elected secretary and assistant secretary, the General Counsel and the Deputy General Counsel, with significant assistance from the remainder of the Office of General Counsel, advise and assist the Board in the daily management and operations.
 - Attendance at all meetings of the full board, committees of the board, and individual members as requested.
 - Maintain accurate and complete records of minutes consistent with the requirements of Ohio law.
 - Maintain a filing system of university rules in compliance with Chapter 111 of the Revised Code.
 - Provide daily management of the board office, including direct oversight of Board communications, coordination of trustee development and strategic planning initiatives as directed by the chairperson or committee chairs.
 - Serve as Board liaison in connection with major university initiatives and with campus, community, governmental, or other constituencies as directed by the chairperson of the Board.
 - Coordinate the Board and committee meeting agendas and develop the materials necessary for the meetings, including resolutions and supporting materials, special presentations and the scripts.

- b. Services.** Describe the primary services provided by your unit, organizing them into major categories. Indicate how your unit prioritizes its services in terms of importance or effort. Describe the relative magnitude of the major categories (e.g., by department workload, students or customers served, revenue generated, etc.).

Response:

Specific duties of the Vice President and General Counsel are broad and complex, and are set forth in both the Rules of the Board of Trustees at O.A.C. [3359-7-01](#) and in the [Memorandum of Understanding](#) between the Board of Trustees and the Ohio Attorney General.

Also, see answer to 1 a. above.

- For each primary service, describe the following:
 - **Critical partners.** List your key partnerships with other units inside and outside of the University. Note if there is overlap or duplication of services with other units at UA.

Response:

- Board of Trustees.
- Cabinet.
- Administration.
- Faculty.
- Staff.
- Students.
- Higher Learning Commission.
- Ohio Attorney General / Asst. Attorney Generals.
- Ohio Inspector General.
- Ohio Board of Regents.
- Ohio Department of Education.
- Ohio Ethics Commission.
- Appointed special counsel.
- Federal Bureau of Investigation.
- Ohio State Highway Patrol.
- Summit County Sheriff.
- Local Law Enforcement.
- City/County Prosecutor.
- City Law Director.

- **Customers or end-users of your services.** List your customers (e.g., departments, divisions, organizations/groups inside and outside of UA, etc.) or types of students served and include some indication of the relative volume of service provided to each.

Response:

- Members, Board of Trustees.
 - President.
 - Cabinet.
 - Administration.
 - Faculty.
 - Staff.
 - All departments.
- **Key performance analysis.** Present the most important metrics (in charts, tables, etc.) you track to measure performance. Provide the most recent three-to-five years of results, targets, and comparisons to peer institutions, as available. For every metric, provide the corresponding analysis, including a comment on important trends, conclusions, or insights drawn from the data.

Response:

- Preventative law – Fiscal year review of litigation and adverse judgments.
 - Special counsel appointments – Fiscal year review of time and expense.
 - Patents – Cost vs. benefits.
 - Employee performance management – Quality, quantity, efficiency, organizational performance.
 - Students indirectly (Student Conduct & Community Standards).
- **Brief assessment.** Highlight (in a couple of sentences) any noteworthy strengths, challenges, or opportunities.

Response:

Strength in diverse practice areas of law (i.e. Title IX; Immigration; Employment; Public Records; Contracts; Research; etc.).

Strength and challenges in dual roles as Board Secretary and Asst. Secretary.

- Authority on interpretation of rules, bylaws, etc.
- Increases assurance of notice and other requirements under applicable state and federal laws, rules, and bylaws are met.
- Significantly increased workload to the Office of General Counsel (resulting from the departure of the former Board Professional) because of dual roles, particularly in connection with the preparation of materials immediately in advance of Board meetings.

Operational challenges:

- Keeping apprised of the institution's diverse activities that may have legal implications.
- Staying apprised of changes in the law that impact the university and its operations.
- Keeping senior management and the Board of Trustees apprised of legal developments.
- Oversee compliance with public records requests.
- Budget restraints.
- Increased workload.

c. **Resources.** Describe your resources as outlined below. Highlight (in a couple of sentence) any noteworthy strengths, challenges, or opportunities related to your resource allocation.

Response:

- The University's general fund provides funding for the Vice President & General Counsel's personnel and operating budget.
- Special counsel fees and legal settlements are funded by the University's general fund and utilized upon approval of the Ohio Attorney General.
- Patents are funded by the University's general fund.

- **Personnel.** Include an organizational chart of your unit, supplemented with a table that includes titles, a short description of the key functions of each position-type, and the number of people in each position-type (including number of FTEs, if applicable). (The appendix should include an org chart showing how your unit fits into the larger University structure.)

Response:

See attached.

- **Financials.** Provide a line-item summary of the unit’s budgeted and actual expenses (and revenues, if applicable) over the past five years. Briefly explain key takeaways (e.g., causes of budget deficits, trends in expenditures).

Response:

	OGC Personnel Budgeted	OGC Personnel Actual	OGC Operating Budgeted	OGC Operating Actual
FY2012-13	935,892	1,177,015 ¹	108,288	74,225
FY2013-14	877,098	1,124,796 ²	108,288	57,438
FY2014-15	846,970	1,109,719 ³	105,288	82,284
FY2015-16	853,495	1,052,568 ⁴	102,288	53,640
FY2016-17	627,272	1,056,700 ⁵	102,288	69,120

¹ Increase in personnel budget due to reduction in administration salary; addition of PT CP; salary adjustment FT staff; addition of PT staff; staff overtime; fringe benefits

² Increase in personnel budget due to administration salary adjustment; reduction in FT staff; PT staff adjustment; staff overtime; fringe benefits

³ Increase in personnel budget due to administration salary adjustment; addition of PT CP; reduction in FT staff; reduction in FT staff; staff overtime; fringe benefits

⁴ Increase in personnel budget due to decrease in administration salary; savings in CP salary; decrease in FT staff; staff overtime; fringe benefits

⁵ Increase in personnel budget due to increase in administration salary; increase in FT staff; staff overtime; fringe benefits

- **Equipment and technology.** If applicable, describe the equipment and technology critical to your unit’s operations.

Response:

- Rule Authoring Software “RAS” - Rule filing system with the Ohio Legislative Service Commission.
- College and University Professional Association for Human Resources (“CUPA”) – Salary surveys created for higher education HR and institutional research professionals.

- Gongwer News Service – Accurate and timely coverage of issues in and around state government and politics.
 - LawLogix Immigration software.
 - PACER – U.S. District Court filing system.
 - TyMetrix 360 – Special counsel legal spend and matter management.
 - Ohio Unemployment Compensation account services.
 - Microsoft Office.
 - Adobe Acrobat.
 - Computers/laptops/printers.
 - Smartphones.
- **Space.** If relevant to your unit's operations, describe your unit's location(s) and space allocation.

Response:

- Buchtel Hall, garden level, Suite 63 – 6 occupied offices, 1 conference room and 1 copier management room.
- Buchtel Hall, garden level, Suite 51 – 3 offices (two occupied) and 1 closet.

II. Future Plans. This section should provide insight into the future of your unit, based on your mission and goals, opportunities you intend to pursue, and/or emerging trends that will likely impact your operations.

- a. **Potential changes.** Are there specific suggestions for ways for your unit to evolve (e.g., new/discontinuation of services, changes in strategies for how you operate) in the next 3-5 years? If so, what are you planning? Why do you believe these changes will be necessary?

Response:

- Hiring of Board Professional and additional support staff due to extreme increase in workload of Board operations resulting from the departure of a key personnel member in 2016. Currently, the workload is performed by both the Vice President & General Counsel and the Associate Vice President & Deputy General Counsel in dual roles as Board Secretary and Assistant Board Secretary, in addition to the Board Coordinator and support staff of the Office of General Counsel.

- b. Trends.** As you think about factors external to your unit (at UA, in your field/industry, or nationally/globally), are there emerging trends that will significantly impact your unit (and are not addressed above)? How do you plan to respond?

Response:

- Search for President.
- Search for Executive Vice President & Chief Academic Officer.
- Ongoing departmental cuts due to budgetary constraints.
- Budget cuts impacting special counsel assignments.
- Direct impact as a result of potential layoffs (unemployment claims).
- Title IX litigation may continue to grow due to current federal administration.
- Immigration law and guidance continues to significantly change.
- Increase in grievances.
- Increased volume in services to research and technology transfer.