



Northern Illinois University

Your Future. Our Focus.

The Office of General Counsel for Northern Illinois University

Research and Innovation, Legal and Legislative Affairs Committee Meeting

November 12, 2020

Our Mission



To provide the highest quality legal services to the university in a responsible, constructive and timely manner; to protect and promote the mission and values of the university, including compliance with its obligations and protection and promotion of its interests; to minimize legal risks and costs; and to address and resolve legal disputes.

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Our Mission (Cont.)



The attorneys and staff of the Office of General Counsel (OGC) strive:

- to be problem solvers;
- to engage in strategic thinking with university decision makers;
- to defend the interests of the university and its constituents;
- to protect and promote integrity and ethical conduct;
- to practice preventive law; and
- to assist the Board of Trustees, the president, officers, faculty and staff to accomplish their institutional objectives.

Our Team



OGC Administration

Bryan Perry, General Counsel

Greg Brady, Deputy General Counsel

OGC Contracts/Transactional Team Attorneys

Laura Sala, Senior Associate General Counsel

Tiffany Miller, Senior Associate General Counsel

OGC Litigation/Labor & Employment Team Attorneys

James Guagliardo, Special Counsel

Tom O'Grady, Assistant General Counsel

Our Team (Cont.)



- **Carrie Weeks Kinowski, Paralegal**
 - Supports the OGC Litigation/Labor & Employment Team
- **Kari Larkin, Senior Contracts Administrator**
 - Supports the OGC Contracts/Transactional Team
- **Gigi Beard, Business Administrative Assoc.**
 - Shared with the Office of the President and the Division of Enrollment Management & Marketing and Communications
- **Crystal Doyle, Administrative Assistant**
 - Shared with the Office of the President and Board of Trustees
- **Legal Intern**

The Attorney-Client Relationship



- Our sole client is the University as an entity.
- As such, the General Counsel reports both to the Board and to the President.
- The Office of General Counsel provides legal services to the Board, Administration, faculty and staff on University business and interests.
- The Office of General Counsel does not provide legal services on the private/personal affairs of employees or matters that are averse to the interests of the University.

Our Legal Services



- The General Counsel Provides Counsel and Serves as Parliamentarian to the Board of Trustees
- OGC Provides Legal Advice and Counsel to the University Administration, Faculty, and Staff on the Business and Operations of the University
- Contracts Legal Review, Interpretation, and Processing (including procurement, affiliations, research, real estate, intellectual property, etc.)

Our Legal Services (Cont.)



- **Litigation – OGC Provides Direct Representation in State and Federal Court and Agency Litigation; as well as Case Management for Court Cases that are handled by the Illinois Attorney General’s Office or Outside Counsel**
 - The Illinois Attorney General’s Office currently will only represent individual employees in federal and State court cases.
- **Collections Actions for the Office of the Bursar; Processes Bankruptcy Notices and Filings; and Processes Payroll Garnishments**
- **Support Services for many of the processes, procedures, administrative mechanisms, and committees/work groups of the University, when needed and appropriate**

Additional Services



- **Supervision of the Freedom of Information (FOIA) Office**
 - Joan Laurino, Assistant to the Vice President, EMMC
 - Matt Cabrera, Administrative Aide
- **Supervision of Labor Relations for Non-Academic Unions**
 - The University has 15 Collective Bargaining Agreements (CBAs) with such Unions.
 - Labor Relations Team for Non-Academic Unions in Human Resource Services (HRS):
 - Jesse Perez, Director, Employee and Labor Relations, HRS
 - Darek Williams, Labor Relations Specialist, HRS
- **Coordination with Labor Relations for Academic Unions**
 - The University has two Collective Bargaining Agreements with such Academic Unions.
 - Labor Relations Team for Academic Unions in the Office of the Provost and HRS:
 - Chad McEvoy, Vice Provost for Faculty Affairs, Office of the Provost
 - Kevin Reynolds, Director, Academic Employee & Labor Relations, HRS
 - Marlene Bryant, Human Resources Liaison, HRS
- **Designated Employer Representative (DER) to the State Universities Civil Service System (SUCSS)**
 - Greg Brady, Deputy General Counsel

Complicated Legal Landscape



The Office of General Counsel Assists the University in Navigating the Complex Legal and Regulatory Landscape for a Public Institution of Higher Education:

- **Federal Laws and Regulations**
- **State Laws and Regulations**
 - Northern Illinois University Law
- **Board of Trustees**
 - Bylaws
 - Regulations
 - Policies
- **NIU Constitution and Bylaws**
- **Institutional Policies, including but not limited to:**
 - NIU University Policy Library
 - NIU Academic Policies and Procedures Manual
 - NIU Business Procedures Manual
 - NIU Student Code of Conduct

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Achievements/Accomplishments



OGC has supported the University through the current pandemic, including but not limited to:

- Provided legal advice and counsel on new laws, regulations and guidance issued to address the pandemic, including new benefits provided to employees.
- Provided contracts support for Affiliation Agreements/Student Teaching Agreements and the complications that COVID-19 has raised for these practical experiences.
- Provided legal advice and counsel to the University's Return to Work Task Force.
- Provided advice and counsel on issues related to the re-opening of services and facilities to support students, and the complications that the pandemic has added to those situations.

Achievements/Accomplishments



Reliance on outside counsel has been minimal and the lowest in years. All litigation needs have been done either in-house or through the Illinois Attorney General's Office. Successes include:

- After being successful at the circuit court and appellate court levels, the Illinois Supreme Court recently denied an appeal filed by a former student after OGC argued that the Plaintiff's claims were not timely, not recognized under applicable law, and that the court lacked jurisdiction.
- The Circuit Court of DeKalb County dismissed the University from a personal injury claim because OGC successfully argued that the Court lacked proper jurisdiction over the matter.
- The Illinois Educational Labor Relations Board dismissed an unfair labor practice (ULP) claim by a former employee after OGC successfully argued that the complainant failed to properly state a claim.
- The United States District Court granted OGC's Motion to Dismiss a lawsuit filed by a former student after OGC successfully argued that the plaintiff failed to follow proper court procedures and protocol.

CONCLUSION



Thank You!

OGC Webpage:

<https://www.niu.edu/general-counsel/index.shtml>

For any comments or questions, please feel free to contact the Office of General Counsel.

Due to the pandemic, the Office of General Counsel is primarily working off-site. As such, please e-mail appropriate members of the Office staff for assistance.

Questions?

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