

2013-2014 Unit Report

Office of University Counsel

Mission: Serving as Kean University's chief legal officers with the general charge of handling all legal matters, the Office of University Counsel ("OUC") provides professional legal advice and support to the President, the Board of Trustees, and all academic and administrative officers on a broad range of higher education law, governance issues, and all other legal matters pertaining to the University.

Vision: Employing best practices for the efficient and expeditious handling of all legal matters by and on behalf of Kean University and avoiding and deterring litigation.

Goals and Objectives aligned with:

A) **2013-2020 Strategic Plan Goal 2- Recruitment and Retention:** To attract and retain more full-time, first-time undergraduate, transfer, and graduate students.

1) **"Objective A.1.** OUC greatly streamlined its contracts administration procedures to facilitate the execution of clinical affiliation agreements, internship agreements, vendor agreements, and other University contracts. These efforts have provided provide students with greater opportunities for internships and other experiential learning situations, have led to practical on-the-job experiences, and enhance students' resumes, all of which will result in greater career opportunities. Kean University shall be able to attract and retain more full-time, first-time undergraduate, transfer, and graduate students by demonstrating the experiential and career opportunities that will be an integral part of the students' education. We have enhanced our understanding of the clinical/scholastic needs of the allied health professional schools of the University through individual and monthly meetings and as follows:

1. Continually updated our database to show all new, pending, and closed contracts for the year 2013-2014 (including those that are pending from previous years);
2. Ensured that all contracts were completed in a timely manner by anticipating any legal or additional requirements or issues that caused delays, revising existing alternative language to minimize those delays, and regularly followed up with external facilities for feedback on pending agreements
3. Utilizing a timeline that shows students placements start dates in each academic department to ensure that agreements were in place well before such clinical placements begin;
4. Shared lists of existing hospital/clinic/school affiliations with Kean academic departments so that students were able to be placed without any further delay;
5. Assessing and prepared a number of new contracts for the addition of new programs such as Physical Therapy and Physician's Assistant;
6. Opened up new healthcare facilities options to develop a larger pool of agreements across various disciplines;
7. Initiated and ran monthly meetings regarding affiliation agreements to help academic departments share student placement information and improved communication between OUC and academic departments through monthly meetings.

- a) **Responsible Individuals:** Geri Benedetto will be responsible for overseeing the achievement of this objective with the help of Maryam Raja, Contracts Administrator and Lesley Dimor, Managing Administrative Assistant, shall work to accomplish this strategic plan goal.
- b) **Measures:**
1. Through tracking the beginning and end dates for all contracts, OUC measures the time it takes to resolve the contracts. Several contracts are still pending from Fall 2012 due to lack of follow up or disagreement on the terms and conditions of the contracts between the parties. This delay will be minimized by continual follow up between the subject facilities, relevant academic/administrative department, and the OUC. Also, we anticipate any legal or additional requirements and issues that may cause delays, and are prepared to adjust alternative language to minimize delays. Through these measures, OUC closes the gap between start and end dates of the contracts.
 2. Assessing the number of new affiliations that have been created will enable us to enhance the pool of existing affiliations, thus providing greater options for our students. Also, we will be reinitiating and executing contracts with facilities where previous negotiations were unsuccessful.
- c) **Timeline with milestones:** The OUC shall:
1. Review the assessment plan for 2013-2014 and compare it to the achieved goals;
 2. Determine whether the measures defined in the assessment plan need to be reevaluated;
 3. Review problem areas and/or new legal requirements that OUC has to incorporate in its agreements;
 4. Assess/predict the number of new contracts being created due to the addition of new programs such as physical therapy and physician's assistant;
 5. With the support of Kean academic departments, approach new facilities to develop a larger pool of agreements
- d) **Implementation plan for the objective:** OUC now has a full-time Contracts Administrator who ensures prompt completion of affiliation, internship, and other agreements. OUC is actively working with various University representatives on a regular basis to foster greater numbers of clinical and internship experiences for students, including seeking such opportunities in settings and facilities that previously may have been unavailable for Kean University students.
- e) **Data Collected:** OUC increased its ability to finalize and execute clinical affiliation agreements and internship agreements by having a full-time Contracts Administrator who maintains a spreadsheet and database and follows up on all contracts issues. This has resulted in enhanced, superior customer service and the elimination of delay in negotiating and executing agreements. OUC successfully executed all (100%) pending agreements that had not been resolved for over a period of one year or more by re-initiating contact with external facilities. According to the timelines established for all agreements, OUC is now able to execute an agreement on average within 30 days of its initiation. Since November 2013, OUC has successfully executed 95-100 new agreements that included:
- Clinical Affiliation Agreements

- Library Agreements
- Waivers and Release for summer camps, use of Kean Trolleys and for participation in any Kean event
- Student Confidentiality Forms
- International Student Exchange Agreement
- Student's Course credit transfer agreement
- State Grants
- Articulation Agreements between High Schools and Kean University
- Contracts for Conferences and Events
- Use and exchange of Kean equipment at STEM
- Understanding and preparing agreements for Business Incubators
- Invitation to Bid
- Farming Agreement for Liberty Hall Farm
- Other Business contracts

Regular meetings are being conducted with Academic Coordinators to discuss all pending affiliation agreements; how to gain access to a wider clinical placement pool for Kean students; and address new policies and procedures related to student internships.

- f) **Action taken based on the data:** Progress is not ascertainable through quantitative measurements. OUC has been able to achieve significant success in its contract management unit. However, there is a need to develop a system that measures the number of students requiring placement in a given semester so that OUC can negotiate those agreements in advance. A system will be created with the help of the academic departments to obtain up-to-date student placement information. The OUC also has reached out to Office of Computer Information Services for an expanded electronic storage system to ensure that OUC has the capacity to store its expanding affiliation agreements.

B) 2013-2020 Strategic Plan Goal 10 – Safety and Security: To develop, operationalize and sustain, a forward-thinking culture of public health and safety awareness rooted in adherence to all external and internal standards (fire, safety, etc.) and reaching out to every aspect of Kean University life (personal, institutional, educational).

- 1) **Objective A.1.** OUC shall present and facilitate various training sessions in ethics, discrimination, contracts administration, and other legal areas to enhance the understanding of the Kean University community in relevant legal issues.

- a) **Responsible Individuals:** Geri Benedetto will be responsible for overseeing the achievement of this objective, but the entire OUC staff consisting of Maryam Raja and Lesley Dimor shall work to accomplish this strategic plan goal.

b) Measures: OUC will keep records on the number of campus community members who participate and benefit from OUC training sessions. Also, an assessment tool will be utilized at each session to evaluate community members' understanding of the substantive training.

c) Timeline with milestones: By June 2014, OUC sponsored two Senior Administration and Student Affairs Office trainings on the New Jersey State Policy Prohibiting Discrimination in the Workplace. By June 14, 2014, OUC members also had training in the University's Assessment Institute. OUC is in the process of:

1. Scheduling University-wide trainings on the New Jersey State Policy Prohibiting Discrimination in the Workplace;
2. Scheduling Contracts Administration training for academic departments regarding OUC's contract management process;
3. Providing necessary information and one-on-one trainings for Ethics issues.

d) Implementation plan for this objective: OUC staff members will design and present various training modules for the campus community.

e) Data Collected: OUC arranged training for the Student Affairs Department on New Jersey State Policy Prohibiting Discrimination in the Workplace. OUC also held training with academic coordinators regarding the clinical affiliation policies and procedures. The OUC has also provided counsel to Kean's academic and administrative offices. Through ongoing meetings, OUC staff is assessing the need for creating a comprehensive website where all Kean procedures and policies related to various issues are available for Kean employees to review and follow on the OUC website.

f) Action taken based on the data collected: OUC will create its own presentation format for the New Jersey State Policy Prohibiting Discrimination in the Workplace training so that it can provide the training to all Kean departments. OUC will also create assessment forms to measure the effectiveness of these trainings. Also by collaborating with Human Resources, OUC will create a comprehensive list of current Kean policy and procedure manuals on various issues for all Kean staff.

C) 2013-2020 Strategic Plan Goal 7 – University Finances: To establish a revenue flow and financial planning and resource allocation processes that are sufficient, dependable, and consistent to support Kean University's ongoing financial obligations and future ambitions in light of ongoing reductions in public funding.

1) **Objective A.1.** The addition of Associate Vice President and Chief University Counsel Geri Benedetto and Contracts Administrator Maryam Raja has enabled the OUC to provide enhanced and increased in-house legal services to all administrative and academic agencies. This has resulted in better resource allocation processes. Moreover, the additional personnel in the OUC better supports Kean University's ongoing financial obligations and increasingly complex future projects. The additional staff results in:

1. Increased and enhanced guidance and legal advice to Deans, Vice Presidents, departmental directors, and University representatives regarding a plethora of legal issues which leads to reduced litigation claims and settlements;
2. Inventorying Workers' Compensation matters to lower costs of payouts;
3. Reducing outside legal services by approximately 20 percent by providing in-house legal support;
4. Remaining prepared for any legal issues that may affect the University;

5. Aggressively targeting issues to avoid litigation.

- a) **Responsible Individuals:** Geri Benedetto will be responsible for overseeing the achievement of this objective, but the entire OUC staff consisting of Maryam Raja and Lesley Dimor shall work to accomplish this strategic plan goal.
- b) **Measures:** OUC shall provide general and specialized legal services across every facet of the University. Targets cannot be set with respect to incoming litigation because it cannot often be anticipated. OUC also shall maintain an internal database that will demonstrate the scope of legal services and the efficiencies in providing such services.
- c) **Timeline with milestones:** OUC shall be prepared to demonstrate its progress in ongoing reports. .
- d) **Implementation plan for this objective:** OUC will track the provision of legal services that support the University's ongoing matters through internal records.
- e) **Data Collected:** The OUC successfully resolved four (4) severance agreements that helped the University avoid costly employment litigation. OUC is also referring more matters to the Attorney General's Office that costs less than outside private law firm. With staff support, OUC is also conducting internal investigations in-house on certain cases.
- f) **Action taken based on data collected:** The OUC will continue its efforts to serve Kean University efficiently.