



LEGAL ISSUES IN HIGHER ED

SASFAA 2019 SYMPOSIUM

Oct 6 - 8 | Renaissance
Charlotte Suites Hotel |
Charlotte, NC



Welcome from SASFAA President

Welcome to the Legal Issues in Higher Education Symposium!

Financial aid administrators are faced with increasingly complex issues we are expected to address, and most have significant legal ramifications for the institutions we serve. One of my goals as SASFAA Presidents was to have a symposium that addressed the intricate, and often confusing, legal issues and provide some clarity for our membership.



With the excellent work of our Vice President for Training, Joan Bailey, and under the direct coordination of Brenda Brown who was assisted by Brad Barnett and Jenny Cun, this symposium has arrived. Over the next few days you will have the opportunity to work with some of the most outstanding attorneys in the country who specialize in higher education issues. The opportunity to hear these noted legal scholars tackle financial aid and higher education issues will indeed strengthen your ability to provide the right guidance to your institution and students.

Thank you for attending, and enjoy this time of learning and collaboration. I am confident we will all leave here with new insight and will be better equipped to communicate our legal responsibilities.

Have a great symposium.

Bill Spiers
SASFAA President



Welcome from SASFAA Vice President

As the Vice President of SASFAA, with responsibility for all training activities of the association, it gives me great pleasure to welcome everyone to this event. Our purpose at SASFAA is to support financial aid professionals, agencies and other associations related to student aid in the nine southern states; while maintaining strong ties and partnerships with other regions and with NASFAA. With this purpose in mind, SASFAA seeks to provide a variety of training opportunities. The 2019 SASFAA Symposium is one such opportunity.



This event would not occur without the support of the SASFAA membership, so thank you for attending. It takes a village... Thank you to President Spiers for his vision of this training. Thanks to Brenda Brown, SASFAA Legal Issue Taskforce Chair, for taking the lead in planning this training event; she and committee members Jenny Cun and Brad Barnett are to be commended. What would a training event be without presenters? A tremendous wealth of gratitude to our esteemed panel of presenters. Thanks also to the Executive Board members who worked in the background providing support with logistics, advertisement, sponsorship, registration and web support.

At the conclusion of this training, it is my hope that participants will leave with a wealth of knowledge and a reaffirmation of the importance of the work we do. We will continue the commitment to work even more diligently to support the achievement of each student's educational goals with courage, compassion and collegiality.

Joan Bailey
SASFAA Vice President



Welcome From SASFAA Legal Issues Task Force Chair

Dear SASFAA Colleagues,

Welcome to the SASFAA 2019 Symposium: Legal Issues in Higher Education!

SASFAA 2019-20 President, William “Bill” Spiers’s theme this year is **Courage, Compassion, Collegiality: A Survivors Guide to Uncharted Waters**. This symposium is a unique training opportunity that he envisioned for the SASFAA membership. For the next few days, we will take a deep dive into the uncharted waters of “Legal issues in Higher Education.”



This symposium is a training opportunity to embrace as you take a deep dive into uncharted waters. Please take the opportunity to review the Final Agenda, Session Details and Speaker Bios before we start so you can see what’s ahead. After the symposium, you will have the knowledge to serve as your “life jackets” for your future encounters with “Legal issues in Higher Education.”

I would like to acknowledge and thank, William “Bill” Mallowney, VP, Policy and General Counsel at Valencia College. Based on his expertise and involvement with the National Association of College and University Attorneys (NACUA) he helped shape the agenda and symposium by tapping into many of his colleagues who will share their expertise. Finally, I would also like to thank Vice President Joan Bailey, Site Selection Chair Nathan Basford, and the Legal Issues Task Force Committee members Brad Barnett and Jenny Cun. I am grateful for their willingness to volunteer and their contributions toward the planning and success of the SASFAA 2019 Symposium.

Brenda M. Brown
SASFAA Legal Issues Task Force Chair



Agenda

Registration Desk will open on Sunday, October 6, 2019 at 1:00pm

Sunday, October 6, 2019

2:00 PM – 2:30 PM	Welcome and Introductions <i>Tuscany Meeting Room</i>	Bill Spiers – SASFAA <i>President</i> Joan Bailey – SASFAA <i>Vice President</i> Brenda Brown – SASFAA <i>Legal Issues Task Force Chair</i>
2:30 PM – 4:00 PM	Opening Session New Developments in Federal Rulemaking: What You Need to Know <i>Tuscany Meeting Room</i>	Dennis Cariello <i>Hogan Marren Babbo & Rose, Ltd.</i>
4:00 PM – 4:45 PM	Restricted Scholarships and the Law <i>Tuscany Meeting Room</i>	Murphie Chappell <i>Title IX Coordinator UNC - Greensboro</i>
5:00 PM – 6 PM	Opening Reception <i>Atrium A</i>	
6:00 PM - ???	Dinner On Your Own	

Monday, October 7, 2019

8:00 AM – 8:45 AM	Breakfast <i>Tuscany Meeting Room</i>	
8:45 AM – 10:15 AM	Navigating Title IX in a Sea of Changes: Understanding the Intersections of Title IX, Interim Measures, Sanctions, and Procedural Protections <i>Tuscany Meeting Room</i>	Peter Lim & Maureen Holland <i>Cozen O'Connor</i>
10:15 AM – 10:30 AM	Break	
10:30 AM – 11:45 AM	Practical HR: Evaluations, Documentation, and Other Lessons Learned <i>Tuscany Meeting Room</i>	Bill Mullaney VP/ General Counsel <i>Valencia College</i>
11:45 AM – 1:00 PM	LUNCH <i>Tuscany Meeting Room</i>	





Agenda

Monday, October 7, 2019 (cont'd)

1:00 PM – 2:30 PM	Data Sharing and Cybersecurity <i>Tuscany Meeting Room</i>	Rebecca Flake Cooley, LLC
2:30 PM – 2:45 PM	Break	
2:45 PM – 4:15 PM	Compliance Enforcement Trends <i>Tuscany Meeting Room</i>	Rebecca Flake Cooley, LLC
4:15 PM – 5:00 PM	Group Discussion: Financial Aid Issues <i>Tuscany Meeting Room</i>	Rebecca Flake Cooley, LLC
5:00 PM – 6:00 PM	Dinner On Your Own	

Tuesday, October 8, 2019

Venice III Meeting Room

8:00 AM – 8:45 AM	Breakfast	
8:45 AM – 10:15 AM	Key Issues in Student Affairs: What's Happening?	Christi Hurt Margolis Healy
10:15 AM – 10:30 AM	Break	
10:30 AM – 11:45 AM	Distance Learning Issues	Rebecca Flake Cooley, LLC
11:45 AM – 12:00 PM	Closing	Brenda Brown SASFAA Legal Issues Task Force Chair





Session Details

Session Title	Description	Presenter(s)
<p>New Developments in Federal Rulemaking: What You Need to Know</p>	<p>This session will provide an overview of the status of federal rule making and highlight new developments.</p>	<p>Dennis Cariello, <i>Hogan Marren Babbo & Rose, Ltd</i></p>
<p>Restricted Scholarships and the Law</p>	<p>“I can’t remember the last time we ran that report.” “We might not want to know those answers.” “Well, we don’t have it written down, but we...” Do these phrases sound too familiar? Managing the ever-changing environments of Title VI and Title IX can cause frustration, anxiety, and procrastination. The Restricted Scholarships and the Law session will review recent outcomes, findings, and threats to existing practices. Participants will leave with practical tips for campus application to improve existing practices.</p>	<p>Murphie Chappell, <i>University of North Carolina - Greensboro</i></p>
<p>Navigating Title IX in a Sea of Changes: Understanding the Intersections of Title IX, Interim Measures, Sanctions, and Procedural Protections</p>	<p>Together, Title IX and the Clery Act provide a complex legal framework governing how schools prevent and respond to sexual and gender-based harassment and violence. This session will explore how Title IX and Clery intersect with the work of Student Financial Aid Administrators. Our presenters, from Cozen O’Connor’s Institutional Response Group, dedicate their practice to the issues attendant to effective, compassionate and legally compliant implementation of Title IX and Clery. This presentation will provide an overview of Title IX and Clery procedural requirements, discuss the importance of communication and coordination through multi-disciplinary and integrated systems, and explore how interim measures, sanctioning decisions, leaves of absence, withdrawals, and other impacts on grades and scholarships may affect student financial aid for complainants and respondents in Title IX cases.</p>	<p>Peter Lim & Maureen Holland, <i>Cozen O’Connor</i></p>



Session Details

Session Title	Description	Presenter(s)
<p>Practical HR: Evaluations, Documentation, and Other Lessons Learned</p>	<p>This session will cover the legal and organizational significance of employee performance evaluations and related documentation , practical tips for success and random observations and lessons learned from the General Counsel's office.</p>	<p>Bill Mallowney, <i>Valencia College</i></p>
<p>Data Sharing and Cybersecurity</p>	<p>We will discuss the federal laws that govern the release of various types of student data and the protection of electronic records held by an institution and compliance strategies.</p>	<p>Rebecca Flake, <i>Cooley, LLC</i></p>
<p>Compliance Enforcement Trends</p>	<p>This session will focus on the current trends in program review, compliance audit, and EDOIG enforcement activities. The presenter will offer insights and advice on how to get ahead of the compliance curve.</p>	<p>Rebecca Flake, <i>Cooley, LLC</i></p>
<p>Group Discussion: Financial Aid Issues</p>	<p>Question and answer session on financial aid compliance issues.</p>	<p>Rebecca Flake, <i>Cooley, LLC</i></p>
<p>Key Issues in Student Affairs: What's Happening?</p>	<p>In this session, participants will learn about trends in student affairs and how universities are meeting emerging challenges.</p>	<p>Christi Hurt, <i>Margolis Healy</i></p>
<p>Distance Learning Issues</p>	<p>During the first half of this session, the presenter will discuss some of the key distance education compliance matters and best practices to develop effective compliance strategies. The second half of this session will be a question and answer on topics related to distance education.</p>	<p>Rebecca Flake, <i>Cooley, LLC</i></p>



Speaker Spotlights

William J. Mallowney serves as Vice President for Policy and General Counsel for Valencia College in Orlando, Florida. He serves as Valencia's chief legal officer and as its lobbyist and legislative counsel to the executive and legislative branches of the State of Florida. He also serves as Program Chair for the biannual Community College Conference on Legal Issues. He earned his B.B.A. degree from the University of Miami School of Business, and his J.D. and LL.M. degrees from the University of Miami School of Law. Prior to his position at Valencia, Dr. Mallowney served as the College Attorney at Whittier College in California and before that as University Ombudsman at the University of Miami. He is an active member of the National Association of College and University Attorneys (NACUA), and has completed three elected terms of service on its Board of Directors, serving as a member-at-large, then as Secretary, and most recently as the Chair of the Board.



Murphie Chappell, J.D., Title IX Coordinator for UNCG, is responsible for ensuring institutional compliance through policies and procedures, coordinating the investigation and response of all sexual and gender-based harassment complaints, and developing University training and education around prohibited conduct. In addition to her role with UNCG, Murphie worked as an Attorney with Smith Moore Leatherwood defending institutions of higher education against Office for Civil Rights investigations, employment litigation, and Title IX audits. Prior to joining UNCG, Murphie was the Staff Attorney for the North Carolina Coalition Against Sexual Assault. There, Murphie focused her practice on representing victims of sexual assault in civil, criminal, and campus misconduct proceedings throughout the state and counseling institutions on policies, procedures, collaboration, and institutional compliance.





Speaker Spotlights

Maureen Holland is a member of the Cozen O'Connor law firm. Maureen's practice is focused on education law and civil rights investigations. Institutions frequently call upon Maureen to investigate reports of sexual assault, harassment, stalking, interpersonal violence, discrimination, and other forms of prohibited conduct. Maureen delivers training modules on Title IX-related federal compliance, best practices in conducting investigations, and the use of trauma-informed investigative methods.



Peter Lim is the former Deputy Sexual Violence Investigative Officer at the University of Pennsylvania. Peter has substantial experience managing and investigating allegations of sexual assault, harassment, stalking, relationship violence, and other forms of prohibited conduct. He has a comprehensive understanding of Title IX, the Clery Act, FERPA and other laws that apply in the higher education context. While at Penn, Peter provided administrative and organizational support for hearing panels and he assisted the institution in its recordkeeping and annual reporting requirements. He also designed and delivered trainings, created an internal manual on best practices and trauma informed methods for fellow investigators, and found ways to reduce the time that it took to complete investigations without compromising the quality or equity of the process. Peter helped develop Penn's eight-part educational program for students who violated its sexual misconduct policy and he helped establish similar programs at other institutions.





Speaker Spotlights

Christi Hurt serves as the Vice President for Strategic Initiatives at Margolis Healy. Prior to assuming this role, she served in a number of leadership capacities at the University of North Carolina at Chapel Hill, including the Interim Vice Chancellor for Student Affairs, the Assistant Vice Chancellor/Chief of Staff for Student Affairs, the Interim Title IX Coordinator, and the Director of the Carolina Women's Center.

Christi has a depth of experience in building pan-university efforts to foster student success, ensure campus safety, and promote equity and access for all students. Additionally, Christi brings more than 20 years of experience working on local, state, and national levels to eliminate interpersonal violence and develop responsive support systems. She is a national trainer on building comprehensive solutions to prevent and address sexual violence, including childhood sexual abuse.



Dennis Cariello is a shareholder at Hogan Marren Babbo & Rose, Ltd. and the co-chairman of the firm's Education Practice. With more than 15 years of experience, he has created a diverse national law practice that allows him to provide a wide range of services to colleges and universities, student lenders, education investors and education technology and service providers. He counsels clients on matters that include education law and policy, corporate transactions, government and regulatory affairs, Title IX and civil rights matters, privacy law and litigation.

Mr. Cariello served at the U.S. Department of Education as Deputy General Counsel for Postsecondary Education and Regulatory Services. In this position, he played a key role in the development, implementation and oversight of education compliance and reform initiatives.

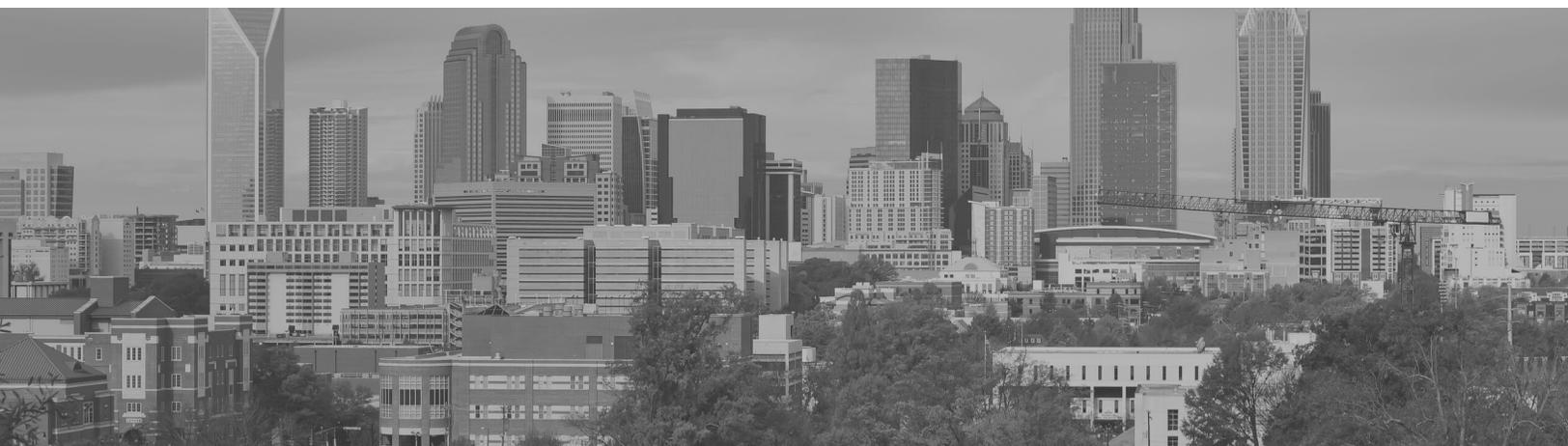




Speaker Spotlights

Rebecca Flake started her career on campus serving as both a Financial Aid Officer and as a Director of Financial Aid. She spent the next 14 years of her career with a CPA firm performing Title IV compliance audits, conducting training, and providing consulting services to many colleges and universities across the country.

Rebecca has been in her current position at Cooley, LLP as Senior Advisor of Higher Education Services since 2011. She works with a team of attorneys and higher education professionals to assist public, non-profit, and for-profit colleges and universities, and educational technology companies across the country with a vast range of legal and compliance matters. Rebecca is a frequent presenter at the annual NASFAA Conference and various state and regional conferences.





Support Recognition

This year the SASFAA theme is ***“Courage, Compassion, Collegiality: A Survivors Guide to Uncharted Waters”***.

The SASFAA 2019 Symposium is our first chance to embark on those uncharted waters, ***“Legal Issues in Higher Education.”*** Professional development opportunities such as this symposium, would not be possible without the continued support of our business partners who support SASFAA training.

We would like to recognize the following organizations that have provided support to ensure that SASFAA continues to provide training opportunities to the membership:



Education
and Research



Their combined support contributes to SASFAA's voyage in uncharted waters.

THANKS TO ALL FOR SUPPORTING SASFAA!

Let's make it happenSM



Local Dining

ONSITE:

Clock Tower Restaurant

Revel in the modern American cuisine at Clock Tower Restaurant. Located in the bustling heart of Charlotte, NC, our fashionable eatery serves a delightful array of elevated dishes, ranging from crab cakes to fresh peach cobbler, in a refined setting. Open for breakfast, lunch and dinner Dress code: Casual Phone: +1 704-423-0001

Atrium Lounge

After your flight lands at Charlotte Airport, make a beeline to our effortlessly cool hotel bar, Atrium Lounge. Unwind at the high-top bar with your chosen drink from our playful menu of draft beers, fine wines and cocktails, paired with light bites. Open for dinner Dress code: Casual Phone: +1 704-522-6227

AMERICAN:

7.3 MILES

BrickTop's Restaurant

Head to BrickTop's for an upscale-casual American bistro with an eclectic menu that ranges from Cobb salad to sushi. Open for lunch and dinner Dress code: Dress Jeans Phone: +1 704-364-6255

0.9 MILES

Jock and Jills Sports Bar

Kick back with bar food & beer with multiple televisions spread throughout the restaurant, bar & outdoor patio near Charlotte Airport. Open for lunch and dinner Dress code: Casual Phone: +1 704-423-0001

7.4 MILES

Carpe Diem

For over 15 years, Charlotte's Carpe Diem has been serving high-quality New American Cuisine with an impeccable attention to detail. Open for dinner Dress code: No Jeans Phone: +1 704-377-7976

5 MILES

Price's Chicken Coop

Hailed as the "best fried chicken in the south, therefore the best fried chicken in the world" by Bon Appetit. No frills southern fried chicken to go. No sit down dining. A Must try for serious foodies. CASH ONLY Open for lunch Dress code: Casual Phone: +1 704-333-9866

6.3 MILES

Bad Daddy's Burger Bar

Check out this chef-driven burger joint that uses a mix of local and artisanal ingredients to make the some of our favorite burgers in Charlotte. Open for lunch and dinner Dress code: Casual Phone: +1 704-714-4888

7 MILES

Harper's Restaurant SouthPark

Since 1987, Harper's has been committed to cooking honest American food and delivering exceptional service in a setting of timeless elegance. Open for lunch and dinner Dress code: Casual Phone: +1 704-366-6688





Local Dining

BAR-B-Q:

5 MILES

Mac's Speed Shop

BBQ at its finest with large portions of ribs, pulled pork, and chicken. Be sure to try the green bean casserole and the mac & cheese.

Open for lunch and dinner Dress code: Casual Phone: +1 704-522-6227

STEAKHOUSE:

5 MILES

Sullivan's Steakhouse

Sullivan's Steakhouse is a 1940's Chicago-style steakhouse offering the finest certified Angus beef, select seafood, veal, pork, lamb, and chicken entrees, plus amazing side dishes like Sullivan's renowned horseradish mashed potatoes.

Open for lunch and dinner Dress code: Dress Jeans Phone: +1 704-335-8228

INDIAN:

5.1 MILES

Copper

You will come to know Indian food in a new and extraordinary way. Without losing a single spice from ancient Indian traditions, Copper delivers a dining experience is distinctly modern and delightfully upscale.

Open for lunch and dinner Dress code: Dress Jeans Phone: +1 704-333-0063

TAPAS:

5.3 MILES

Good Food on Montford

For creative small plates using extensively local and organic products in a comfortably humble decor, don't miss Charlotte's beloved Good Food on Montford!

Open for dinner Dress code: Dress Jeans Phone: +1 704-525-0881

FRENCH:

6.3 MILES

Bentley's Restaurant on 27

Jim's vision includes classic French dishes prepared and presented at the table with the use of a gueridon: a mobile cooking cart used in French table side service rarely seen in dining rooms today.

Open for lunch and dinner Dress code: Dress Jeans Phone: +1 704-343-9201

AMERICAN,

ITALIAN:

6.6 MILES

BRIO Coastal Bar and Kitchen

From small plates to sandwiches to salads, this relaxed Tuscan-inspired spot serves up amazing wines and seafood-centric fare.

Open for lunch and dinner Dress code: Dress Jeans Phone: +1 704-571-4214

MEXICAN:

7 MILES

Cantina 1511

Order a margarita, unwind, and enjoy authentic Mexican dishes in a lively and inviting space.

Open for lunch and dinner Dress code: Casual Phone: +1 704-331-9222

