

A. General

Who does the Office of General Counsel represent?

The Office of the General Counsel provides legal advice and representation to the Board of Trustees and the President as its primary clients and various departments, divisions, and components of Cleveland State University in relation to University business. Faculty and staff may be represented in legal matters involving action taken during the course and in the scope of their employment.

Does the Office of General Counsel provide personal legal advice to employees or students?

No. The Office of the General Counsel provides legal advice and representation related to Cleveland State University business only, and does not provide personal legal advice and representation to employees or students.

What type of legal services does the Office of General Counsel provide?

The Office of the General Counsel provides a full range of legal services to Cleveland State University. The Office of General Counsel works closely with our University constituents to develop and execute well-crafted legal strategies across a wide range of areas, including: labor and employment, immigration, patent, copyright, trademark, real estate, litigation, student and student organization issues, as well as education record privacy issues, constitutional law, and contract law matters. The Office of General Counsel also assists with responding to subpoenas, public records requests, education records requests, and provides training and related resources to the University community.

Can the Office of General Counsel notarize documents?

Yes. The Office of the General Counsel has staff members who are notaries and who can notarize documents for Cleveland State-related business. We recommend that you make an appointment to ensure the availability of a notary.

Must a contract be reviewed by the Office of General Counsel?

Yes, if the contract is not a pre-approved [template](#), CSU's purchasing policy requires all contracts to be reviewed by the Office of General Counsel for approval as to legal form before it can be signed.

What do I do if I need a contract reviewed or prepared?

Refer to the Contracting at CSU [link](#) on the General Counsel's webpage. Please complete the [Contract Routing Form](#) and submit it, along with a copy of the contract in Microsoft Word format, for review.

How long does it take for the Office of General Counsel to review a contract once I submit it?

Please allow 10 University working days for review of a contract. If you have a shorter time frame, please call the Office of General Counsel at 687-3543 to discuss.

What is the process for purchasing goods and services on behalf of the University?

The process for purchasing goods and services on behalf of the University is set forth in the [Purchasing Policy](#).

Who can sign a contract on behalf of the University?

Please see the policy for [Execution of Documents](#) and the related [Delegation of Signature Authority](#).

B. Compliance/Ethics

You can contact the [Office of University Compliance](#) or the Office of General Counsel with questions about compliance and ethics if they are not answered below. You can also contact the [Ohio Ethics Commission](#).

To whom shall I report fraudulent, illegal, or unethical activity?

You may report fraudulent, illegal or unethical activity to your supervisor, the University administrator responsible for the program area in which you have a concern, [the Office of General Counsel](#), the [Office of University Compliance](#), [the Department of Audits](#); [the Office for Institutional Equity](#), if the wrongful conduct involves harassment or discrimination, or [the CSU Police Department](#), if the wrongful conduct is potentially criminal conduct. You may also make an [anonymous report](#) of wrongful conduct. Additional guidance on reporting misconduct is available [here](#).

The University's [Whistleblower Protection Policy](#) prohibits retaliation against anyone making a good faith report of wrong doing.

Can a potential or current vendor of the University pay for my lunch or dinner?

Ohio law and the University's [Conflict of Interest Statement](#), prohibit Cleveland State University Trustees, officers and employees from soliciting or accepting anything of "substantial value" from a vendor or an entity/individual that does or seeks to do business with the University. Depending on the nature of the lunch or dinner, the payment could be considered something of "substantial value." Please call the Office of University Compliance or the Office of General Counsel with questions regarding Ohio Ethics Law.

Can a potential or current vendor give me a gift during the holidays?

Cleveland State University employees are prohibited from receiving or agreeing to receive, directly or indirectly, anything (e.g., gifts, entertainment, and travel) as compensation or as a "thank you" for service, in addition to that paid by the University for their duties. Please call the Office of University Compliance or the Office of General Counsel with questions regarding Ohio Ethics Law.

C. Employment/Human Resources

Who do I call to report discrimination or harassment? What do I do if my employee complains of discrimination or harassment?

The Office for Institutional Equity (OIE) is charged with administering the University's affirmative action plan and anti-discrimination policies. Please contact OIE if you wish to make a complaint of discrimination or if you receive such a complaint.

<https://www.csuohio.edu/sites/default/files/Complaint.Procedures.7.1.15.pdf>

What do I do if I receive a request for a reference for a former employee?

All requests for references for former employees should be forwarded to the Human Resources Department for response.

What do I need to do to discipline or terminate an employee?

Please contact a Human Resources Department representative for assistance.

What do I do if an employee wants to see a copy of his or her employee file?

Please contact the Human Resources Department representative to discuss. Generally, current employees are allowed to review their personnel file upon request to the Department of a Human Resources at a mutually convenient time.

D. Intellectual Property

How do I get permission to use the Cleveland State University name and logo?

Please contact [University Marketing](#).

Does the University have a policy on the use of copyrightable materials?

Yes. Please see the Use of [Copyrightable Materials Policy](#).

E. Litigation

What do I do if a lawyer calls and wants me to talk about a case or give a deposition in a case involving CSU or my job?

You should notify the Office of General Counsel immediately. Do not give any information to an attorney without first contacting the Office of General Counsel. All other requests from or communications with attorneys, legal representatives, or outside agencies should be reported to the Office of the General Counsel for appropriate handling. No written or verbal reply should be made to such requesting parties on behalf of any department without prior consultation with the Office of the General Counsel.

Who may accept service of process for Cleveland State University?

The only authorized agent to accept service of legal process (such as a summons and complaint) for Cleveland State University is in the Office of the General Counsel. Accordingly, please direct the sheriff (or other process server) to the Office of General Counsel. No one else should accept service on behalf Cleveland State University. If you are being named individually in a lawsuit as a defendant or respondent you can accept service on your own behalf. If the lawsuit involves Cleveland State University (for example, if the claim is related to your employment duties), even if the University was not named as a defendant or respondent -- please send a copy of the complaint and summons to the Office of the General Counsel immediately.

May I retain outside counsel for a matter involving Cleveland State University, my department, or student organization?

No. With few limited exceptions, only the Office of General Counsel is authorized to retain counsel on behalf of Cleveland State University.

What do I do if I'm contacted by the press and asked to comment on Cleveland State University issues or about an officer or Trustee of the University?

Contact John Soeder, Manager of Executive Communications, at 523-7226.

What do I do if I have been sued?

If you have been sued because of your work at Cleveland State University you should immediately contact the Office of the General Counsel.

What do I do if I have been subpoenaed as a witness in connection with activities at Cleveland State University?

Please promptly forward any subpoena you receive related to Cleveland State University to the Office of General Counsel. You should not turn over documents relating to Cleveland State University without consulting first with the Office of the General Counsel. You should, however, ensure that no documents described in the subpoena are destroyed and are kept for possible production.

F. Student Issues

What rules govern the privacy of student records?

The privacy of student records is governed by the Federal Education Rights and Privacy Act of 1974 as amended (“FERPA”). The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Please review the FERPA for Faculty and Staff document on the Office of the General Counsel website. Students should refer to the FERPA information on the Registrar’s webpage. If you have additional questions, please contact the Office of the General Counsel.

G. Public Records and Records Retention

What is Cleveland State University's policy on document retention?

Cleveland State's policy on record retention is located on the Office of General Counsel website at www.csuohio.edu/office/generalcounsel/. If you have additional questions, please contact Lee Larkin, Records Retention Manager in the Office of the General Counsel or visit the [Record Retention](#) webpage.

What is a “public record”?

A public record includes any document, device, or item, regardless of physical form or characteristic created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions; which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

What types of documents at the University can be considered a public record?

Public records generally include, but are not limited to, personnel files; salary and compensation documentation; search records of personnel, meeting minutes, documents created and provided to parties outside the university, such as contracts and textbook lists for the upcoming quarter; and certain correspondence, in whatever medium or format including email, which documents University operations.

Is all information that is contained in a record disclosable?

Not all information contained in a record (or for that matter the record itself) is subject to release under the public records law. For example, Social Security numbers should always be removed from a document before it is released. Moreover, certain personally identifiable information of enrolled students and records containing intellectual property or trade secrets are exceptions to the public records law. For these reasons, all public records request shall be forwarded to the Office of General Counsel for handling. See [Public Record Policy](#).

Can an individual inspect a public record in person?

Yes. An individual may inspect records at a mutually convenient time arranged during business hours. However, if the person also would like copies of records and such records cannot be readily copied due to the volume or the need to remove certain information, it is proper to ask the requestor return at a later date to collect copies or make arrangements for copies to be mailed to the requestor. For these reasons, all public records request shall be forwarded to the Office of General counsel for handling.

Are there fees for retrieving and copying records?

The law allows CSU to require prepayment of costs associated with producing copies, including copying and mailing expenses. Generally, the University may charge five cents (\$.05) for producing copies of the records and \$.25 for DVD/CDs.

What if my office or department receives a public records request?

As a public office, the University is required to provide records to a requestor within a reasonable period of time which depends on the nature, amount, and location of the requested records. Requests that are overly broad or ambiguous may not be able to be filled. While an individual is not required to submit a request in writing to inspect or receive a copy of a public record, the university encourages the requestor to submit a written request as an effort to minimize any confusion and to prevent any misunderstanding on either part as to the records the requestor is seeking. A written request also assists the University in maintaining an accurate record of the request and response. For these reasons, all public records request should be forwarded to the Office of General Counsel for handling.

H. Immigration

Does the Office of General Counsel provide legal services for immigration matters?

Yes. When Cleveland State University hires foreign national employees who do not already have work authorization for employment in the United States, the Office of General Counsel assists with obtaining necessary documentation. As with other legal services, the Office of General Counsel represents only the University in immigration cases. International Students requiring assistance with student (F-1) or visiting scholar (J-1) visa matters should contact the Center for International Services and Programs.

Who may request immigration services from the Office of General Counsel?

Generally, a request for assistance with work authorization should originate with the individual having hiring authority over the new foreign national employee. For faculty positions, this would usually be the Department Chair; for administrative positions this would usually be the manager or supervisor.

What type of work authorization is available?

For most new employees, Cleveland State University will attempt to obtain a visa in class H1B. In cases where the employee may be eligible for work authorization in another category, the Office of General Counsel will advise the hiring department regarding which category would be most effective for meeting the needs of the University and the employee.

How long will it take to obtain work authorization for a new employee?

Processing times vary depending on factors beyond the control of Cleveland State University. Over the past several years, average processing has required approximately two months from the date of filing.

Who is responsible for immigration fees?

For H1B and most other employment based immigration categories, the employer is responsible for all fees related to obtaining work authorization. Cleveland State University departments are responsible for the filing fees for their new foreign national employees. A University department may not require the employee to pay or reimburse the department for these fees.

Does Cleveland State University sponsor employees for permanent resident status?

The University may choose to sponsor a permanent employee for permanent resident status (the so-called “green card”). As a practical matter, this is usually limited to tenure-track faculty positions.

I. Policies

Where can I find current University Policies?

All current University policies are available on [Policy website](#). Procedures, standards and other guidance may be found at the [Guidelines and Procedures](#) website. If you have questions about how to develop a policy, please contact the [Office of University Compliance](#).

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