

Agenda

8:30 – 9:00 a.m. **Registration and Continental Breakfast**

9:00 – 9:10 a.m. **Introductory Remarks**

9:10 – 9:50 a.m. **Preparing for a Reduction in Force**
Michael Norton

In today's economy, every employer is examining its workforce to try and account for budgetary shortfalls. Many colleges and universities will be forced to make major cuts to their faculty and staff. But cutting workforces the wrong way can result in protracted litigation that costs more than the savings generated by the reduction itself. This session will address how to plan for and carry out a reduction in force while minimizing legal exposure.

9:50 – 10:35 a.m. **Privacy, Please....**
Hayley Hanson

The new Family Educational Rights and Privacy Act regulations went into effect on January 8, 2009. As a result of these changes, all colleges and universities should revamp their policies and procedures. This session will help you make sense of the new FERPA regulations and explain what the changes to these regulations mean for you and your university.

10:35 – 10:55 a.m. **Break**

10:55 – 11:35 a.m. **Your Mascot for Sale at Times Square: A University's Rights Under the Lanham Act to Control the Use of Counterfeit Logos**
Derek Teeter

With the proliferation of athletic merchandise and university and college gifts, apparel, and other items, it is important for universities to prevent unauthorized manufacturers and producers from selling unauthorized goods bearing counterfeit logos. The federal Lanham Act has powerful remedies to stop trademark counterfeiting, including the right to obtain a private search warrant, to collect treble damages, and to obtain attorney's fees. Learn how these tools can help your institution preserve its valuable intellectual property.

11:35 a.m. – 12:15 p.m. **Endowment? What Endowment?**
Christine DeMarea

As the economy has declined, many 501(c)(3)s are faced with an unprecedented financial crisis. With the tremendous losses in many university and college endowments, it is more important now than ever to understand the legal landscape affecting endowments. This session will discuss the law affecting endowments and the significant risks universities face by spending down their endowments in times of economic trouble.

12:15 – 1:15 p.m. **Lunch**

1:15 – 1:45 p.m. **American Recovery and Revitalization Act: What's in it for Higher Education?**
Elizabeth Souder

Increased funding for Pell grants and other financial aid subsidies, technology grants for community colleges, direct grants from the individual state's allocation as well as opportunities to fund curriculum development and education for new programs—welcome to the education portion of the federal Stimulus Bill. Details continue to emerge about what, how and when funds will be allocated. This presentation will give an overview of the opportunities created for higher education and highlight several examples of programs that may be of particular interest to certain types of institutions.

1:45 – 2:30 p.m. **Title IX and 42 U.S.C. § 1983: A Statutory "Double-Whammy" for Gender Discrimination Claims**
Maurice Watson

In *Fitzgerald v. Barnstable*, the Supreme Court held that a plaintiff can bring claims for gender discrimination under both Title IX and § 1983. *Fitzgerald* is likely to have a significant impact on municipal and state institutions and their individual employees who are accused of gender discrimination. This session will discuss important distinctions between Title IX and § 1983 claims and discuss how institutions should deal with this "double-whammy" of two statutory causes of action.

2:30 – 2:45 p.m. **Break**

2:45 – 3:25 p.m. **Case Law Update**
Hayley Hanson and McClain Bryant

This session will focus on recent federal and state case law involving higher education institutions. Participants are encouraged to raise issues that they encounter in practice for discussion by the group.

3:25 – 3:30 p.m. **Closing Remarks**

3:30 p.m. **Adjourn**

REGISTRATION DEADLINE:

Kindly RSVP by April 9, 2009, to Meredith Freedman at rsvp-ke@huschblackwell.com or 816.983.8780, Option 4.

CLE CREDIT:

This seminar is approved for 5.6 hours of general Missouri CLE credit. 5.5 hours of general Kansas CLE credit is pending approval.

