



LEGAL QUICK FACTS

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University of Memphis Office of Legal Counsel

WHAT IS THE OFFICE OF LEGAL COUNSEL?

The Office of Legal Counsel (OLC) represents the interests of the University of Memphis. OLC provides advice and counsel on matters involving or affecting the University. The University is OLC's client, and, therefore, our role is always to act in the best interests of the University.

Some things to know:

- The Tennessee Attorney General represents the University when it is sued in court. If you receive a lawsuit or a subpoena that names the University or involves action taken in your role as a University employee, notify OLC immediately.
- Claims of negligence against the University (i.e. slip and falls, parking arm falling on a car) can be made by filing a claim with the TN Claims Commission. A form for making a claim is available on the OLC website.

USE YOUR RESOURCES

- Policies can be found by typing "PolicyTech" in the Memphis.edu search engine.
- The Office of Legal Counsel website has helpful information relating to contracts and immigration, as well as forms.
- Disability Resources for Students should be contacted for assistance with students with disabilities. NEVER attempt to make an accommodation on your own.
- The Office of Student Accountability, Outreach, & Support (SAOS) can assist with academic integrity issues and student misconduct issues.
- The Office of Sponsored Programs is your one stop shop for research or sponsored projects.

THE MODIFIED MIRANDA WARNING

"Everything you say can and will be used against you in any forum."

- As an employee of a public entity, this includes everything you write.
- The University is subject to the Tennessee Public Records Act which means that all "state records" are open for personal inspection by any citizen of Tennessee. "State records" is any document made or received in connection with the transaction of official University business. It can include emails, text messages, photographs, sound recordings, letters, etc.
- All public records requests must be submitted to OLC. OLC is the only office that can determine whether a requested document is excepted from disclosure.

WHAT IF I'M SUED?

The State can provide representation for employees subject to the following conditions:

1. The lawsuit must be based on acts or omissions within the scope of the employee's employment;
2. The acts or omissions cannot be willful, malicious or criminal; and
3. The acts or omissions were not done for personal gain.

POLITICAL ACTIVITY

As a state employee there are some restrictions on political activity.

- You may only engage in political activity while on leave or during hours when not conducting business of the state.
- You may not campaign on state property.
- You may place stickers on personal vehicle(s).

MEDIA

The President is the official spokesperson of the University of Memphis.

Any media requests should be referred to Marketing and Communications.

UNIVERSITY VOLUNTEERS

All volunteers utilized in any University program must be registered with the Tennessee Board of Claims. Registration protects the University from liability arising out of volunteers' service and helps ensure the volunteer and the University are reimbursed for defense costs. Volunteers may include, but are not limited to: members of the community serving on University committees; students who provide services for various departments or programs; student leaders (i.e., SGA president); or unpaid persons in athletics and other areas. The registration form can be found on HR's website.

CONTRACTS

- Purchase of goods or services must be routed through Procurement for proper review, even if they are free. Other "non-procurement" agreements should come directly to OLC.
- Form contracts should be used whenever possible; look on Procurement's website.
- Signatory authority (BF4008) – very few people have it! If you sign a contract on behalf of the University and do not have authority, you may be personally liable.
- See OLC's website under Resources for more information about contracting at UofM.

CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT

- Conflict of Interest – occurs when the personal interests, financial or otherwise, of a person who owes a duty to the University actually or potentially diverge from the person's professional obligations to, and from the best interests of, the University (GE2021).
- Outside employment may create a conflict of interest.
- Conflict of Commitment – occurs when the personal or other non-University related activities of an employee of the University impair the ability of the employee to meet their commitments of time and energy to the University (GE2021).
- If you believe either or both of the above may exist with respect to you or another person, you must make a written disclosure of the facts and circumstances around the situation; submit to OLC.

MINORS ON CAMPUS

There are special rules for events and activities involving children under the age of 18. These rules include mandatory training, background checks and sex offender registry checks for individuals working directly with minors. Please visit the Educational Initiatives website for more information, including forms to be used.

WE ARE HERE TO HELP. IF YOU ARE UNSURE, JUST ASK!