Basic Principles for Dealing with Potential Legal Problems: The Seven C’s (AB)

#1 **Concern Yourself in the Activities of Your Department**
- It is critical that you become aware of and be involved in the activities of your department; in this way, you can identify potential legal problems at an early stage and try to prevent them from escalating.
- By doing so, you also alert personnel that you are a resource for problem-solving.

#2 **Conform to Policies and Practices**
- Our university policies are in effect mutual promises we make with our students, staff and our community; they create expectations about what all of the parties will and should do.
- They can also have the force of law.
- Therefore, it is essential that we conform to our written policies and that we are also aware of and conform, where appropriate, to our unwritten practices.
- Failure to do so could result in unfairness, confusion, and could result in legal challenges and potential legal liability.

#3 **Consistent Application of Policies and Practices**
- To promote fairness, it is crucial to apply policies and practices consistently.
- The touchstone is to treat similar situations in the same manner.
- Failure to do so could not only result in allegations of unfairness or preferential treatment, but also could form the basis of allegations of discrimination.

#4 **Consult Where Appropriate**
- With resources on campus, e.g. HR, AA, EAP.
- With legal (be sure to follow procedure for contacting legal office).

#5 **Commit Important Events to Paper**
- Poor documentation vs. quality documentation.
- Avoid loaded legal terms, e.g. "hostile environment" unless context is provided.
- Be careful with email.

#6 **Courts Defer to Educational Judgment of Administrators**
- Explain "academic deference" legal theory.
- Courts will punish procedural violations.

#7 **(You’re) Covered for Actions Taken Within the Scope of Your Employment**
- Generally, as long as you engage in acts within the scope of your employment, the AG’s office will provide you with legal representation in the event that you are sued and any liability will be paid out of state self-funded insurance program.