

OFFICE OF LEGAL AFFAIRS

Newsletter

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The SUU Office of Legal Affairs: Who We Are and How We Help

The SUU Office of Legal Affairs acts as legal counsel to Southern Utah University. But what does that mean and what do we do?

First and foremost, we are a service department. As attorneys for the University, we provide legal advice to University employees who are making decisions on SUU's behalf. Most often, that means we are advising administrators that lead departments and other units. Importantly, we thought-partner with clients to help them accomplish their goals in sound, legally sustainable ways.

Much of our work is responsive—we respond to requests to review contracts, emails, and other documents. Or we give advice in response to questions about what actions an administrator should take, how they should interpret a policy, or what they should write in a contract or communication.

We are not limited to responsive work, though. We pride ourselves on keeping abreast of current developments, alerting clients of

forthcoming changes, and developing proactive educational resources.

The types of issues we advise on include legal risk management, policy review, employment matters, privacy, intellectual property, contracts and waivers, crisis communications, and compliance advice, among many others.

Every day is different in our Office. It is fast paced. We work with numerous offices on a variety of matters. We enjoy working with clients across campus and sharing our "birds eye view" of campus with clients as they consider decisions.

Please do not hesitate to contact us early and often when you are acting on behalf of the University, even when a legal challenge is not imminent or obvious at the beginning. We are here to help—we can do our best work when we can strategize proactively and think with you about options available before the problem or challenge arises.

RESOURCE REMINDER

Need Legal Advice?

Our Office is available to assist University employees on legal matters when they are acting on behalf of SUU.

We encourage you to use this link to [Ask for Legal Advice](#). This form helps us gather the relevant information to help you most effectively and efficiently.

You can also review our [FAQ](#) page, which may answer your question. FAQ topics include contracts, records requests, ethics and conflicts of interest, working with minor children, and more.

We want to help our client representatives efficiently access sound legal information. If you have ideas or topics you would like us to produce resources about, please email us at legal@suu.edu!

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What is the "Attorney-Client Privilege" and How Does it Work at SUU?

The attorney client privilege is held between the attorneys in the SUU Office of Legal Affairs and the University as the client. It protects the confidentiality of legal advice, and only the University--not an individual employee--can decide whether to waive the privilege.

The purpose of this privilege is to keep all types of communications (verbal and written) confidential. This encourages honest and open communications between client and attorney, so the attorney can give complete advice based on complete information. The confidentiality protection prevents disclosure of the legal advice communications to entities and persons who are not acting on behalf of the University. This applies, for example, if there are investigations or lawsuits that follow and ask for disclosure of advice communications.

If you are a client representative, to best protect the privilege, do not forward emails with advice from the Office of Legal Affairs. You also must not otherwise share other legal communications with third parties outside the University or even within the University to employees who do not have a need to know.

In the attorney-client relationship, attorneys *advise* administrators but the administrators *make* the decisions, even if the administrator follows or adopts advice. As a best practice, administrators' communications to third parties should reflect the decision is their own, not that it is the advice they receive from an attorney. In addition to being accurate, this approach in responding to third parties also helps protect against disclosing privileged communications.

If you are an administrator intending to seek advice, it is helpful to address your communication *to the attorney* and expressly state that you are *seeking legal advice*. This helps prevent any later confusion about whether you were actually seeking legal advice. Do *not* just cc an attorney on an email to someone else with an assumption that the confidentiality protection will apply.

In sum, the attorney-client privilege applies to (1) communications, (2) made between the attorney and client representative; (3) in confidence; and (4) for the primary purpose of seeking, obtaining, or providing legal advice to the University as client. If you have any questions about when confidentiality applies, how you can protect it, or how you should communicate with our Office, please reach out--we can give further guidance for your particular situation.

"An investment in knowledge pays the best interest."

~Benjamin Franklin~

About this Newsletter: This newsletter is designed to serve as an informational tool, bringing you topics of interest and practical tips. It should not be relied on as a substitute for legal advice. Laws, regulations and policies change frequently, and legal advice requires careful consideration and application of all relevant facts. If you have legal questions or need legal advice concerning any University matter, please contact the Office of Legal Affairs.



COMPLIANCE CORNER

REMINDER ABOUT REPORTING

In our last newsletter, we explained various reporting obligations for University employees. There also is a helpful infographic for quick reference when you have questions. With the start of the new school year, we encourage all employees to review that information and report relevant information when applicable. Please refer back to our [June 2022 Newsletter](#) for the quick reference Reporting Wheel. If you would like to use the wheel image for University purposes, please contact us for the file.



Contact Us

legal@suu.edu with legal questions, to provide feedback, or submit a topic idea for a future newsletter