



Compliance *Matters*

Office of the President / Office of Compliance and Risk Management / Office of Equal Opportunity



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Traveling with Technology: What's in Your Bag?

by Heather Stewart

Are you a faculty member traveling abroad to teach or conduct research? Or are you an administrator traveling internationally on NYU business? If so, you are probably carrying a laptop computer that may contain sensitive material. With NYU now operating in thirteen countries, it is more important than ever that our personnel understand how to comply with U.S. export laws in addition to laws for local sites.

Before you travel, you need to think about laptop security. Depending on your destination, you may need to remove Virtual Private Network (VPN) software and encryption software from your laptop. (For information, check <http://www.nyu.edu/its/nyunet/offcampus/vpn/#global>). It is also important to be aware of data privacy concerns.

If you carry information about students or personally identifiable information about employees on your laptop, traveling with this data could result in a breach of privacy. When you are planning for international travel, it is a good time to revisit basic data security housekeeping practices, which should already be in place. (Check <http://www.nyu.edu/its/security/isitsecurity/general-overview.html>)

Depending on where you are going and what type of technology or information you are bringing with you, you may need an export control license for your trip. As a starting point for figuring out whether you need a license, consider reviewing the Export Control Regulations Summary checklist on the [NYU Research Website](#).

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The New Americans with Disabilities Act

by Mary Signor

In the first issue of *Compliance Matters*, we wrote about the NYU process for providing reasonable accommodations to people with disabilities under the Americans with Disabilities Act ("ADA"). (See "Accommodating Disabilities at NYU",

Compliance Matters, Vol.1, Issue 1)

This issue's article offers an overview of the ADA Amendments Act ("ADA-AA"), which makes it easier for individuals seeking protection under the ADA to prove a disability.

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The New Americans with Disabilities Act (continued from page 1)

Background

The U.S. Congress passed the ADA-AA in 2008, in response to several Supreme Court decisions that interpreted the definition of a “disability” narrowly, resulting in the denial of ADA protections for individuals with chronic impairments such as cancer and diabetes. As a result of the ADA-AA, more impairments will qualify for protection under the ADA. The U.S. Equal Employment Opportunity Commission (“EEOC”) issued revised regulations in May 2011 to reflect the changes made by Congress to the ADA-AA.

The regulations did not change the ADA’s definition of a person with a “disability” as someone with physical or mental impairment that “substantially limits one or more major life activities; a record (or past history) of such an impairment; or being regarded as having a disability.” However, they did incorporate the significant changes that Congress made in how to interpret the word “disability.”

In the past, people seeking to establish that they were “substantially limited” and entitled to an accommodation had to show that they were *severely or significantly restricted* in a major life activity as compared to others in the general population. Under the ADA-AA and revised EEOC regulations, the term “substantially limited” is to be “construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA.”

Whether an impairment substantially limits a major life activity will be determined during an individualized assessment. Not all impairments will constitute a disability. However, it is important to be aware that the amendments now include coverage of chronic conditions even if those conditions are in remission, if such condition would substantially limit a major life activity when active.

Impact of the Amendment

The EEOC’s regulations change the primary focus for employers and educational institutions from verifying whether an employee or student has an ADA qualifying disability to one utilizing the interactive process – a collaborative effort between the employer and employee or student – to determine whether there is an effective accommodation that will allow an employee with a disability to perform the essential functions of his or her job, or for students to participate fully in all aspects of university life including academics.

This creates a heightened awareness for members of the University community to respond quickly to requests by employees and students for disability accommodations.

At NYU, employees’ requests for accommodations may be referred to the OEO by the affected employee, the employee’s manager, or a third party.

The OEO will then engage in the interactive process referred to above. Requests for accommodations for students enrolled in an NYU school or program may be referred to the Henry and Lucy Moses Center for Students with Disabilities (“Moses Center”).

For more information on the University’s ADA accommodation process for employees, or to schedule an ADA workshop for your department, please contact the Office of Equal Opportunity at 212/998-2375, or visit our website at: www.nyu.edu/eo.

For issues related to accommodations for students, you may contact the Moses Center at 212/998-4980, or visit <http://www.nyu.edu/life/safety-health-andwellness/students-with-disabilities.html>.

Mary Signor is the Executive Director, Office of Equal Opportunity.



Coming Soon! NYU's First Ever Post Award Policies and Procedures Handbook

by José M. Román

Over the next months, Sponsored Programs Administration ("SPA") will issue NYU's first *Post Award Policies and Procedures Handbook*. This web-based *Handbook* promises to be an excellent tool for Principal Investigators (PIs), Departmental Administrators, Research Managers, and just about anyone involved in managing grants and contracts supporting organized research. The *Handbook* is one of the major improvement projects being undertaken by SPA, which is housed within the University's Finance Department.

The *Handbook* is coming at a perfect time for the University. In 2011 NYU - Washington Square received nearly \$160,000, 000 in sponsored research funds, and this figure promises to increase significantly in the future.

Indeed, the University has undertaken numerous efforts to ensure the continued expansion and development of its global research efforts.

From the new Genomics Center to the proposed Center for Urban Science and Progress (CUSP), NYU envisions a rich, complex, and multifaceted research infrastructure supporting some of the world's most gifted and promising scientists, faculty, and students.

With an NYU portal campus already operating in Abu Dhabi and one opening soon in Shanghai, plus various programs and research projects scattered throughout the world, the management of research related grants and contracts has the added challenge of achieving compliance in a global environment.

The *Handbook* is the product of a large team effort including PIs, Departmental Administrators, the Office of Sponsored Programs (which is responsible for pre-award matters at NYU), and various other stakeholders representing Finance, the Provost's Office, schools, departments, and administration.

The *Handbook* will become a major resource for the entire University, ensuring both clarity and consistency in our stewardship of resources supporting the University's global research efforts.

It is expected that the *Handbook* will act as the post-award complement to the existing policies and guidance offered by the Office of Sponsored Programs. (See <http://www.nyu.edu/research/resources-and-support-offices/getting-started-withyourresearch/office-of-sponsored-programs/policies.html>)

The *Handbook* website is being designed to be user-friendly and intuitive; over time it will include learning tools and tutorials. SPA also has plans to use the *Handbook* as the basis for on-going trainings for research administrators throughout the University.

The idea behind these initiatives is simple, to help facilitate the growth and preeminence of NYU as a global research university.

José M. Román is the Assistant Vice President, Sponsored Programs Administration.

The *Handbook* will provide policies and procedures for implementation that will be consistent with federal requirements. Some of the major areas covered will include:

- Opening and Closing Grant Sponsored Accounts
- Managing Grants Internationally
- Re-budgeting
- Managing Grant Expenditures, including Personnel Expenses, Travel, Membership Dues, Equipment, Computers, etc.
- Dealing with Cost Share
- The NIH Salary Cap
- Processing Cost Transfers
- Program Income
- Recharge Centers
- Capital Equipment
- Managing Sub-awards
- Financial Reporting on a Grant
- Program Reporting on a Grant
- Handling Audits

The *Handbook* will also contain a comprehensive Glossary of Terms.

The Office of General Counsel Launches Expanded Website by Tom Kozak

The Office of General Counsel (“OGC”) provides legal services to New York University, including all of NYU's schools and administrative offices, the NYU Langone Medical Center and other NYU affiliates, NYU's portal campuses in Abu Dhabi and Shanghai, and all of NYU's global academic sites.

The OGC serves as a strategic partner to its University clients, providing timely and expert legal advice and guidance to the University in support of NYU's educational goals and objectives. Only the OGC is authorized to engage the services of outside legal counsel on behalf of the University.

The OGC recently launched a revised and expanded website, located at: <http://www.nyu.edu/about/leadership-university-administration/office-of-the-president/general-counsel.html>.

The website provides members of the NYU community with an overview of OGC, the services it provides, and other resources that may be of use to faculty, staff or students, such as links to important University policies and procedures. The website currently includes general information about the

OGC, including: its Mission Statement; OGC attorneys’ names, pictures, bios, practice areas and contact information; information about using outside counsel, including the OGC’s Guidelines for Outside Counsel; and general legal resources.

The OGC will periodically update the General Legal Resources page with additional memoranda and other resources. These memoranda are general in nature and may not apply to the facts of a specific matter. If you would like to discuss a specific legal matter, please refer to the Practice Areas section of the website to find an attorney in the relevant area with whom to speak.

The OGC website does not purport to provide legal advice regarding specific legal problems, but rather is a general reference for the NYU community. The OGC also does not provide legal advice to individuals in the NYU community, but rather to the University and University personnel in their official capacity.

Please feel free to contact the OGC at 212/998-2240 regarding legal advice concerning University matters.

Tom Kozak is an Associate General Counsel, Office of General Counsel.

In the General Legal Resources section of the OGC website, you will find recent legal memoranda written by OGC attorneys regarding areas of law impacting University operations, including:

- The Clery Act and Public Safety
- Considerations in Leasing or Licensing University Facilities for Non-University (Third Party) Use
- Corporate Sponsorship Arrangements
- Family Educational Rights and Privacy Act (“FERPA”) of 1974
- Lease of Space, Global
- Confidentiality Agreements: Pitfalls to Consider
- U.S. and International Anti-Bribery Laws, Including the U.S. Foreign Corrupt Practices Act
- U.S. Export Control Regulations
- U.S., New York State and New York City Employment and Labor Laws
- Unrelated Business Income Tax
- Use of NYU Offices for Outside Business Activities.

Visit the NYU Policy Website

The NYU [Policies and Guidelines website](#) is an online database for University policies, guidelines and procedures. As a central repository for existing, new and revised policies, the Policy Website makes it easier for you to find the information you need. Faculty, staff, administration and students are encouraged to visit the Policy Website. Policies and guidelines are categorized, and a keyword search function assists in helping you find what you need.

Can’t find what you are looking for? Have a question about policies in general? Diane Delaney in the Office of Compliance and Risk Management can help you with your policy questions, assist you with locating a policy, and upload your policy into the Policy Website. Diane can be reached at diane.delaney@nyu.edu, or 212/998-2265.

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Export control regulations are enforced by three federal agencies: the Department of Commerce, through the Export Administration Regulations (EAR); the Department of State through the International Traffic in Arms Regulations (ITAR); and the Treasury Department through its Office of Foreign Assets Control (OFAC). If you will be carrying certain equipment, materials, technology, software or information that requires an export license to be taken out of the U.S., the nature of the technology you will be carrying will determine the agency from which you will need to be licensed.

Fortunately, most of the research and teaching activity at NYU falls within one or more exemptions to the EAR and ITAR regulations. Check out the Export Control section of the NYU Research website to be safe.

The export control regulations can be a little daunting. To help the University community navigate global IT compliance, a working group was recently formed. The working group members can provide guidance on these issues as the NYU global academic, learning, and living map continues to evolve. If you have questions, please send an email inquiry to Global.IT.Compliance@nyu.edu.

Heather Stewart is the Associate Vice President for Global Technology.

NYU Reporting Line

If you observe conduct at NYU that you believe is inconsistent with NYU's ethical expectations, or have questions regarding ethics or compliance at the University, you may call the Compliance Reporting Line by calling **877-360-7626** or going online to: <http://www.nyu.edu/about/policies-guidelines-compliance/compliance/compliance-reportingline.html>.

The Compliance Reporting line accepts reports of conflicts of interest, financial and business integrity issues, misuse of University property or assets, wage claims, research related issues, and other compliance concerns.

*Reports of alleged sexual, disability, or discriminatory harassment should be directed to the [Office of Equal Opportunity](#) at **212/998-2375** or by email at equal.opportunity@nyu.edu.*

Compliance Matters is a newsletter published by the Office the President. **Compliance Matters** is issued three times a year and provides updates about important compliance, risk management, equal employment opportunity, and disability issues.

The editors of **Compliance Matters** welcome ideas for articles in future issues. Please send your ideas or submissions to Deputy Chief Compliance Officer Rebecca Holland at rebecca.holland@nyu.edu, or to Compliance Manager Diane Delaney at diane.delaney@nyu.edu. Previous issues can be found by visiting the [Office of Compliance and Risk Management Services](#) page or by clicking [here](#).