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## Traveling Abroad — Gifts, Grub, and Other Goodies

We are often asked about ethical rules concerning accepting or giving anything of value while traveling abroad on University business, or when conducting University business with foreign officials. This may include offering or accepting meals, gifts, lodging and other costs of travel, and entertainment.

Generally, the state ethics rules govern what we as state employees can receive, and the Foreign Corrupt Practices Act (“FCPA”) is more focused on what can be given to “foreign officials” — who are quite broadly defined, to include such folks as faculty members at public universities abroad. The links below take you to: (1) guidance provided to state employees by the Kansas Governmental Ethics Commission; and (2) guidance published by Carnegie Mellon concerning the FCPA.

(1) Accepting or requesting gifts, meals, entertainment and travel offered because of your official position is generally prohibited, with several very limited exceptions. The [State Governmental Ethics Commission's guidelines](#) have different rules for each of those categories. All State of Kansas employees are subject to these rules, and violations can result in a civil fine of up to \$5,000 and/or removal from state service. So it is prudent to be familiar with the rules, to know where to find answers, and to adopt a practice of asking questions when in doubt. The Office of General Counsel has published information pertaining to state ethics

rules on its [website](#) and is available to help answer questions.

(2) The FCPA is a quite expansive law (no *de minimis* level for gifts) and violations are penalized criminally. Violations also can lead to liability for the University. See our [newsletter article on the FCPA](#) from August 2014, entitled “Avoiding a Bribery Charge: The Importance of FCPA Awareness.” See also [Carnegie Mellon's FCPA guidance](#) and [FAQ](#). Finally, the National Association of College and University Attorneys published a NACUANOTE on May 18, 2017 with a detailed discussion of the FCPA. Copies are available to University personnel upon request to the [Office of General Counsel](#).

## Student Trip Guidelines Updated

The Office of General Counsel has updated the [Student Trip Guidelines](#) found under [FAQ #6](#) on its webpage. The guidelines provide recommendations for University administrators to address liability issues in a variety of student trips, such as class field trips, education abroad, and student organization trips. The recent updates include edits to reflect the new student organization classifications — Departmental Student Organizations and Independent Student Organizations — set out in the [Student Organization Policy](#).





## Featured FAQ

**Q: May a department or other unit allow an unpaid volunteer to perform work?**

**A:** Yes, in some situations.

Whenever volunteer status for anyone is being considered, the following questions should be asked first:

### Preliminary Questions

1. Is the volunteer work of the same nature as the paid work the person is going to start doing or has been doing?

2. Is the person currently unable to work legally in the U.S.?

If the answer to either question is yes, the person **MAY NOT** work as a volunteer. The Fair Labor Standards Act, the Kansas Wage and Hour Act, and immigration regulations forbid such a practice. In addition, the volunteer status should not be used to get someone's foot in the door as a volunteer performing duties in a position that will later become a paid position, such that equal opportunity recruitment policies are circumvented or there is an appearance of such circumvention.

In all cases, there should be a formal document setting forth the relationship between the volunteer and the University, including the terms and conditions of the volunteer appointment. Department heads/deans/directors ("unit heads") should use a volunteer appointment document or memorandum of understanding reviewed by the Office of General Counsel. It should be signed by the volunteer, the University employee who will be supervising the volunteer, and the unit head.

## Dear Atty

*"Atty" receives and answers legal questions you have about conducting business on behalf of the University. Please send your questions for publication to [attys@k-state.edu](mailto:attys@k-state.edu), including Dear Atty in the subject line. We may reword questions for conciseness or clarity, and we will always publish questions anonymously.*

**Dear Atty,**

**What is Title IX?**

— *Stella Wundren*

Dear Stella,

"Title IX" is a federal anti-discrimination law. It prohibits sex discrimination in all education programs and activities operated by recipients of federal funds, which includes nearly all colleges and universities. "Programs and activities" include employment, financial aid, athletics, admissions, grading, housing, student services, and so on. The entire text of Title IX of the Education Amendments of 1972 states:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

Federal regulations further detail how Title IX is to be enforced. The U.S. Department of Justice, Civil Rights Division, and the U.S. Department of Education, Office for Civil Rights (OCR) enforce the law. These federal agencies interpret Title IX to prohibit gender-

based harassment, sexual harassment, and sexual violence as forms of sex discrimination.

Title IX has been known for its impact on equal treatment of the sexes in high school and college athletics. More recently, it has come to be thought of as pertaining to sexual violence. But Title IX is more comprehensive than either of these — it is a law designed to ensure equal treatment of the sexes in all of a covered school's operations.

At K-State, Title IX requirements are encompassed in the Policy Prohibiting Discrimination, Harassment, Sexual Violence, Domestic and Dating Violence, and Stalking, and Procedure for Reviewing Complaints [k-state.edu/policies/ppm/3000/3010.html](https://k-state.edu/policies/ppm/3000/3010.html). Questions about Title IX or reports of suspected violations should be addressed to the Office of Institutional Equity, 103 Edwards Hall, 785-532-6220 [equity@k-state.edu](mailto:equity@k-state.edu).

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### Visit our website:

[k-state.edu/generalcounsel](https://k-state.edu/generalcounsel)

Our website gives an introduction to the services we provide and addresses frequently asked questions. It also houses a list of resources for easy access to laws and policies applicable to University operations.

### About this Publication:

This newsletter is designed to serve as a practical 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 General Counsel directly at 785-532-5730 or [attys@k-state.edu](mailto:attys@k-state.edu).