

Pending Legal Matters

Status	Last Reviewed	Initial Date	Summary	Case notes	Last Action	Potential issues beyond case	Campus Department
Active	9/12/2019	11/29/2017	\$250k IRF coverage slip & fall allstate chorus in Byrnes	unsure of actual event. Plaintiff in discovery but moving towards litigation. No complaint or case file in legal. Procurement (EO-SC) states no files in their office.	Mediation failed -moving towards litigation; 9-12-19 confirmed with outside counsel this is moving towards trial	Determining a method of centralizing campus events to ensure outside groups that are hosted by WU business areas also supply event insurance where applicable.	Music/Events
Active	9/13/2019	7/1/2018	\$33k PEBA alleges failure by Winthrop to notify that retired employees have returned to work. When this was corrected in April 2019, four notices were sent with balances due for overpayments on retirement benefits on returned employees that were paid over \$10k in a calendar year.	PEBA is requesting payment by WU for overpayment of retirement benefits to employees.	4/25/18 Information presented by HR 9-12-19 Notification from PEBA that appeal was denied. 7-2-19 recvd supplemental info from HR to submit by 7-5-19 to PEBA. 6-7-19 response from PEBA allowance of supplemental information. Passed along to HR. 5-8-19 letter sent to PEBA. Drafted a letter to PEBA with WU offer to remediate payments through October 2018. President to contact director 9-13-19 provided notice and copies to HR and President-also alerted CFO in person late 9-12-19	HR and Payroll need to determine what controls are in place to prevent re-occurrence.	HR/Payroll
Active	10/2/2019	8/9/2018	I-t lease of acreage to York County Disabilities Foundation for Miracle Park	4-15-19 edited the entire re-write and re-submitted to Norman. 4-16-19 Norman objects to state term allowing cancellation and notes we will not meet the SFAA/JBRC deadlines. 5-7-19 conference call with JO and RPS will draft changes and submit by 5-10-19 to RPS; JO to send latest draft to Norman-most recent version from Norman is a complete revision-will take to go back through completely but WU, City, & RPS; 3-18-19 Justin to talk to Warren re complete re-write vs 8 items we all covered in group meeting	10-2-19 JBRC approved changes to state lease 6-25-19 edits returned to joates. 6-28-19 updated board that there were just a few technical points that were with Justin. 5-24-19 lease agreement returned with edits to Oates 6-22 and 6-23-19 worked through final edits and received state approval. parties opted to go to JBRC for requested changed instead of executing agmt. Delayed until next round of state meetings. 9-10 returned site map issue to Norman. Waiting to hear from JOates re CHEand JBRC	SFAA on 10-15-19	executive team
Active	10/9/2019	8/21/2018	vendor caused fire on the roof of Byrnes during renovation work. All work is stopped pending insurance claim.	repair assessments and actual repairs will both have to be submitted to EBO and then go through JBRC and SFAA (two trips) which moved the timeline to fall for start of repair for damage caused by vendor. Insurance company 1 wants to pay in full and be released.	10-14-19 worked with SCAG for external counsel approval. insurance claim with vendor 4-9-19 reviewed letter to other side with state review time frames; A-1 was submitted for next JBRC and SFAA meetings in May; 8/28/19 working with IRF to bring in external counsel for release; 10-19-19 continuing to wait in f/b to release documents relevant to settlement since August meeting.	Delays could be problematic for any claim related to degradation or business impact.	f/B facilities
Active	8/28/2019	3/28/2019	Could close the facility until issues are resolved. Athletics coliseum	Several citations from March 2019 have not yet been corrected; reported to athletics again 8/28/19. Fire marshall visit requested for potential fire watch for October concert.	for seat lighting 9-3-19 confirmation that light seating is working again. However, new concerns regarding construction project which is running outside of facilities. That project is creating new fire hazards in hallways due to construction with wood in safety exit	8/28/19 forwarded citations to AD and UEvents and copied President for awareness. Citations could close facility if not corrected.	Athletics
Active	9/11/2019	4/5/2019	Campus Safety. Professor Emeritus continued erratic behavior toward former colleagues has reached a point of safety concern.	Respondent has appealed trespass order with VP-SA. VP modified order to allow farm access and to clarify that spouse was not a subject of the order. 8-28-19 respondent again appealed order with new provost. Routed through campus police and declined.	4-30-19 conference with respondent attorney-requested summary of allegations and use of Library. Meeting with CP and HR 5-1; subject in violation of no-trespass and arrested 5-2; 8-28-19 subject requested access to provost-Week of June 10th Hughes called department asking for staff breakdown. CP alerted. 5-20-19 Respondent failed to show in court for hearing on trespass and open container. Bond was forfeited. August 2019 Hughes contacted provost requesting access to libraryreferred to CP to respond on 9-3-19; 9-11-19 sent letter from cp to hughes' atty.	campus safety	HR/Campus Police/Academics
Active	10/9/2019	5/15/2019	Unknown \$. EPA requested a POC for WU regarding an issue with HazMat dumped in Chester in 2010.	Apparently, there was a fire at this HazMat storage site. WU is always liable for HazMat even after stored at a facility.	6-26-19 awaiting funding authorization from Joates to retain outside counsel before engaging SCAG. 5-16-19 initial notifications 6-18-19 Consulted with President, submitted action plan to JO and awaiting response from requests/have procurement.	6-28-19 updated BoT in Executive Session. Notes in file. 6-24-19 spoke with EPA. WU has upper thresholdof liability. Procurement notified IRF. 6-18-19 sent approval for tolling to EPA. 5-28-19 received official documentation from EPA and request to Toll statute of limitations; awaiting documentation from facilities	F/B Campus Wide
Active	10/3/2019	5/17/2019	Compliance Received reminder letter from US DOE to file under §117 any foreign gifts or contracts.	Appears WU has never filed since Dear Colleague letter in 2004. 6-18-19 transferred documentation to fin aid for fy19 report.	2018 completed, now Working with SFS/Cashiers and Fin Aid to determine prior years to submit. after certification need to submit prior years. Leaving in active status	5-22-19Conference with Fin Aid and review of federal laws and regs.5-29 meeting with SFS and IT (Banner) to determine how to pull reports. SFS to check with B/A to determine reporting options. Develop process map for IT	Admissions
Active	7/2/2019	7/1/2019	request of student fin aid data		fin aid to send in directly to requestor	need to get copy of what fin aid submitted for legal file	Admissions
Active	8/28/2019	7/3/2019	7-3-19 Parents of deceased student requested access to health records	access granted and health and counseling met with parents 7-31-19	close student accounts. acct access granted for 30 days. Renewed after new request...now due to terminate on 10-31-19		Health & Counseling/IT

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Active	5/24/2019	7/3/2019	subpoena Lyons	academic file	5-24-19 documents produced scan green cards for file		Registrar
Active	7/19/2019	7/18/2019	subpoena of full academic records	subpoena originally delivered to admissions in April 2019 and did not produce documentation. Law firm called in July 2019 to follow up.	documents sent via certified mail 7-19-19 need to scan green cards for file		Registrar
Active	9/12/2019	7/23/2019	Bankruptcy of vendor with a/p issues creating a block on WU buying names from ACT and College Board		purchase block. 9-6-19 wrote letter documenting issues for admissions for act; 9-12-19 spoke with Eduardo-he will provide contact info to mail letter. 10-8-19	Created campus awareness that future procurement issues could be created with 3rd party transactions	Admissions
Active	8/29/2019	8/6/2019	athletics	social to another two students. All devices had information purged. Infosec met with grad student and discussed protocols.	Infosec working to finalize incident reports	Student employees have no access to security awareness training. Unsure as to why anyone in athletics needs access to socials.	Athletics
Active	8/12/2019	8/12/2019	Potential long term lease of tennis court with City	AD is interested in mirroring Miracle Park arrangement with a long term lease to City in exchange for tennis court renovations.	aware that Winthrop should complete the Miracle Park project first to determine state interest in similar concepts.	no further discussions since August bot meeting	Athletics
Active	10/11/2019	9/10/2019	WU was notified by Census of new batch of surveys for Lee Wicker residents	meeting with Census representative rescheduled due to campus closing re water issue with city.	lvm for census 8-28-19: meeting set for 9-4-19; meet with res life staff and census agent.-students notified of interview session times.		Student Affairs
Active	10/14/2019	9/30/2019	Canceling concert due to lack of sales and no finalized contract	awaiting cancelation agreement from UE and FB	10-2-19 worked with UE and FB to finalize settlement terms		University Events
Closed	10/7/2019	10/1/2019	athletics and to state University Position to vendor that we are not placing any pressure to select suppliers.	issue reflecting preference of vendors related to alcohol sales at athletics	secretary, UE and Athletics to provide clarity to Sodexo that they have mgt authority over vendors to provide supplies under the terms of our agreement.	Issues with compliance with current contracts	Athletics
Closed	9/6/2019	7/31/2019	subpoena	subpoena for health and counseling records	9-6-19 denied request due to lack of properly issued subpoena...needs to be signed by judge		Health & Counseling
closed	8/19/2019	8/19/2019	free tuition for seniors	published code section was incorrect-tuition is free for age >60 regardless of employment status	corrected internally		Registrar
Closed	9/12/2019	8/28/2019	WU was notified by Census of new batch of surveys for Richardson residents	meeting with Census representative on 9-4-19	with res life staff and census agent.-students notified of interview session times. All students surveyed and file closed.		Student Affairs
Closed	4/23/2019	since 2011	Cease and Desist Notice-Copyright Infringement-IMSE alleges copyright infringement of educational materials.	all materials pulled from Blackboard: matter is now closed as of 4-16-19; Notice of compliance sent 4-5-19; 4-23-19 asked for limited use agmt	complied with request. Will follow up by 4-12 with MSE firm to talk about limited use.week of 5/27 reach back out to ISME attorney; no response from isme	4-23-19 waiting to hear back from ISME regarding limited use license	College of Education
Closed	9/6/2019	7/11/2019	subpoena	two separate requests under this subpoena	accessibility records without updated subpoena-updated President on denial. 9-6-19 last upload to secure ftp site		Multiple
Closed	8/8/2019	7/8/2019	Tillman Hall break in to HR and F/B		all privacy incident reports and security incident report filed with SC EPO and copied Campus Police		HR/FB
Closed	7/2/2019	7/2/2019	Subpoena from state of Michigan for student records including financial	Subpoena from another state has no authority in South Carolina. Responded to firm via email and certified mail to have student request, or find a SC authority to issue.	none	7-2-19 responded to firm issuing subpoena that we could not respond.	Registrar
Closed	5/30/2019	5/29/2019	subpoena for academic record including disciplinary	unable to locate student in Banner	5-30-19 meeting with Pub. Defender to be served and o	5-29-19 phone call with PD requesting CWID; 5/30/19 met with YCPD Melissa luzerillo and Barton O'Kelly-confirmed with records there was student in our system under this name. Gina Jones prepared a note indicating the same in response and hand delivered to YCPD.	Registrar
Closed	6/26/2019	5/28/2019	complaint by citizen that requested to be placed on Subpoena for physical and mental health records for deceased student	compliance with Do Not Call regulations	5-21-19 letter from OIG referred to legal on 5-28-19. 5-	6-17-19 received information from AAAS. 5-29-19 response drafted and reviewed internally. Mailed to complainant 5-29-19; mailed responded to OIG 6-26-19	College of Arts & Sciences
Closed	5/15/2019	5/13/2019		Exception to HIPAA.	All records gathered from H & C Services	Coroner staff picked up 5-16-19	H & Counseling
Closed	4/16/2019	4/16/2019	WU was notified by Census of noncompliance after repeated attempts to work directly with student and RLC	4-26-19 Deadline for Census-met with Census representative and provided pertinent data from registrar's office. Notified student, provost, president, dean of students.	continued to work with Dean of Students to get student to comply.	Information provided to census-student contacted Census rep after WU disclosed and complied-closed file	Student Affairs
Closed	6/18/2019	4/4/2019	complaint by faculty applicant of spam by university vendor	Complainant alleges Winthrop allows an unfair competitive advantage by allowing vendor to advertise other offers/services to applicants	4-9-19 Requested f/up by KJones with vendor to find a solution to respect applicant privacy and allow needed correspondence	2 follow ups with complainant, initial responded to SC OIG and Meeting with Provost and Asst Provost 4-23-19 Asst Provost will respond after budget process. 5-16-19 follow up email-no response. 5-29-19 KJones to draft something 6-18-19 recvd info from KJones to move forward. 6-26-19 updated OIG; 8-28-19 finalized investiagtion with OIG-closed	Provost

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Closed	4/9/2019	1/30/2019	A/R issue	4-5-19 email from customer hoping to remit payment by 4-12	4-5-19 email from customer hoping to remit payment by 4-12	4-23-19 remittance in full received by WU for \$27,500	College of Arts & Sciences
Closed	4/26/2019	2/29/2016	assault case in Margaret Nance Parking lot	4-24-19 Student Affairs has complied with 2-26-19 discovery request 4-26-19 delivered all to external counsel	All discovery turned over to counsel	6-12-19 case is settled. 4-10-19 waiting to determine if plaintiff wants WU to release hipaa info from h/counseling services per discovery request.	campus wide
Closed	10/3/2019	2/11/2016	slip & fall Byrnes-republican forum-3rd party facility rental	No complaint in file-all went through procurement and per Elizabeth Oswald Cease there is no file.	6-14-18 filed answer and 3rd party complaint against party who rented facility. 7-2-19 awaiting lighting final numbers and pictures from Wes to send to attorney 7-9-19 CCO took photos of lights and sent to external counsel 10-3-19 case settled	Informed University events, 3rd party rental had no insurance and created a liability for Winthrop.	campus wide
Ongoing	10/3/2019	3/29/2019	Borrower Defense Rule under Title IV requires new reporting requirements with an initial deadline of May 14	Worker's Comp claims/settlements were not reported in initial report	Perry settlement due on next report. Reporting for campus delivered to US DOE on 5-14-19 with the exception of worker's comp claims 10-3-19 DOE accepted last report with no further actions due until next trigger event.	Numerous ongoing trigger points with 10 day filing deadlines	Multiple
Open	4/23/2019	3/8/2019	Adj professor claiming discrimination in hiring practices in Theater Dept.	Spoke with HR on 3/11/19 and referred to J-L	J-L response 3-22-19	(1) The EEOC complaints were both dismissed as untimely and any Title VII claim appears time barred. Scarborough had an attorney, Eric Montgomery, send a demand letter dated March 8 asserting racial discrimination claims under 42 USC 1981. On March 22, Jackson Lewis responded on our behalf, providing a copy of my internal investigation report and stating it shows that any Section 1981 claims have no merit. There has been no further communication since that date;	HR OCR
Open	2/21/2019	1/7/2019	OCR complaint alleging title IX -west center	only notification letter in file. Need response from HR	referred to J-L by HR on 2-21-19	Haselden, I confirmed with Jackson-Lewis that upon filing our response in late February, they have had no further contact by OCR.	HR OCR
Potential	10/1/2019	8/19/2019	slip and fall during Rock the Hill when lights were out. Hip broken and face injured. Transported by EMS for medical treatment.	Requested that athletics document event	10-1-19 still waiting on documentation from athletics	Learned of incident from Chief of Staff, not athletics.	Athletics
Potential		7/2/2019	Wedding slip and fall	Rental party had event insurance			events
Potential	4/12/2019	3/30/2019	accident at club soccer where goal being carried above student's head came apart and caused a laceration on her head.	documenting all correspondence. Student continues to escalate.	West Center Staff has coordinated messaging and is acquiring statements from observers of incident.	4-12-19 meth with West Center Staff and VP SA. All parties have submitted stmts for file and to proceed as per their normal protocols. File is static until further action from the student.	West Center Student Affairs