

THURSDAY, AUGUST 19, 2021
LEGAL, RISK AND COMPLIANCE COMMITTEE MEETING

Elizabeth P. Kessler
Alan A. Stockmeister
Jeff M.S. Kaplan
Michael Kiggin
Elizabeth A. Harsh
Tom B. Mitevski
Tanner R. Hunt
Gary R. Heminger (*ex officio*)

Location: Public Session available via Livestream 1:30-3:00pm

Public Session

ITEMS FOR DISCUSSION

1. *Annual Government Affairs Update – Ms. Stacy Rastauskas* 1:30-1:40pm
2. *Ohio State Public Records Office: Program Overview and Update –
Mr. Gates Garrity-Rokous, Mr. Scott Hainer* 1:40-1:50pm

ITEM FOR ACTION

3. Approval of May 2021 Committee Meeting Minutes – Ms. Elizabeth Kessler

Executive Session

1:50-3:00pm



THE OHIO STATE UNIVERSITY

Office of Government Affairs Annual Update

Stacy Rastauskas

Vice President for Government Affairs

August 2021



About Government Affairs

- Federal, State, Local and Community, Advocacy
- Offices located in Columbus, Ohio and Washington, D.C.
- Focus on legislative and executive branches
- Team includes Wexner Medical Center, the College of Food, Agriculture, and Environmental Sciences, and Alumni Association
- Annual federal, state, and local government investment into the university is \$1.48 billion
- Depth and breadth in policy development
- Build and steward relationships with public officials





FY 21 Highlights



Pandemic Response & Relief



State FY22-23 Biennial Budget



Support for the Innovation District



Transition in Washington



Name, Image & Likeness



State



- FY22-23 Biennial Operating Budget
 - State Share of Instruction
 - OCOG
 - New line for Vet Med
- Jobs Ohio Investment in Innovation District
- Name, Image, Likeness



Federal

- Presidential Transition
- Appropriations
- Research and Security
- Immigration
- Student Aid
- Name, Image, Likeness





Local



- Investments in innovation district
- City/County Recovery and Resiliency Task Force
- Support for Glenn College, Public Health engagement with local officials



Key Relationships

- 49% turnover in the Ohio legislature since 2018
- Gubernatorial and Ohio House and Senate leadership transition
- 3 new members of City Council (of 7) since 2018, and two new members will join in 2022 after retirements of longstanding council members
- 3 new Members of Ohio Congressional Delegation
- More than 90 meetings scheduled for President Johnson in FY21





OSU Public Records Office *Program Overview and Update*



Scott Hainer
Director of Public Records
Office of University Compliance and Integrity

Ohio Public Records Law

Overview

History and intent

- **Enacted in 1963** for state government
- **Foundation:** government records are “the people’s records”
- **Requires** that records be maintained and access facilitated
- **Exemptions** must also be protected

Aligns with University values

- **Advancing Integrity and Respect:**
Building trust through transparency and authentic engagement

Balancing transparency and privacy

- **Increasingly challenging** across diverse University operations





Requirements

Definition of “Records”

- Any document, device, or item created or received by or under the jurisdiction of the University
- Documents the organization, functions, policies, decisions, procedures, operations, or other activities of Ohio State
- Can be in any medium or format – does not matter where the documents are if they are “records” under Ohio law

“Public Records” can include:

- Personnel files and related records (e.g., salary and compensation information); meeting minutes and agendas; emails
- Documents exchanged or between the University and third-parties (e.g., non-privileged contracts)
- Correspondence detailing University operations
- Records must already exist – the creation of records or provision of information is not required



Exemptions

Key Exemptions

- **Federal:** student records (FERPA); health care records (HIPAA); other privacy restrictions on financial and personal information
- **Ohio:** intellectual property, trade secrets

Reliance on University Partners

- **University Libraries:** sets University records retention schedules; coordinates retention of unit-specific records; assists in analyzing evolving types of records created by the University
- **Office of Legal Affairs:** Ohio Public Records Law interpretations; contract review; application of exemptions; gathering of records
- **University Communications:** coordination of responses to media requests and communications to leadership; creation of websites; gathering of records

Ohio State's Public Records Office

Overview

- Established in 2013
- Provides central resource to requesters and University personnel
- Manages complex requests and reviews
- Coordinates key units and sets University-wide procedures

Key Units

- Medical Center, Office of Human Resources, Public Safety, Purchasing
- Training to key units



Key Metrics



— = Total number of requests

Overall Trends

Expected Increases:

- Anonymous requests, attorney requests
- Number, complexity, and expansiveness of requests
- Complexity of legal analysis
- Expectations of privacy
- Changes in technology affecting operations (e.g., Workday)
- Complexity of University operations and external partnerships



SUMMARY OF ACTIONS TAKEN

May 20, 2021 – Legal, Risk and Compliance Committee Meeting

Members Present:

Elizabeth P. Kessler
Alan A. Stockmeister
Jeff M.S. Kaplan

Michael Kiggin
Elizabeth A. Harsh
Carly G. Sobol

Gary R. Heminger (ex officio)

Members Absent:

N/A

PUBLIC SESSION

The Legal, Risk and Compliance Committee of The Ohio State University Board of Trustees convened for its meeting on Thursday, May 20, 2021, in person in Pfahl Hall on the Columbus campus and virtually over Zoom. Committee Chair Elizabeth Kessler called the meeting to order at 1:30 p.m.

Items for Discussion

1. Wexner Medical Center Compliance Program Overview: Kathleen Ojala, Compliance Director for the Wexner Medical Center, gave the committee its annual update on the medical center’s compliance program. She discussed the compliance landscape for all academic medical centers amid the COVID-19 pandemic. Regulators and providers had to adapt quickly to respond to the pandemic. Throughout her presentation, Ms. Ojala discussed how the medical center adapted to COVID-19, including operational changes and prioritization, telehealth and Section 1115 waivers; regulatory changes, including Medicare, the Stark Act, Value-Based Purchasing and HIPAA; and increased enforcement, specifically related to telehealth fraud, COVID-19 relief funding and Health Care Consumer Protection.

(See Attachment X for background information, page XX)

2. Government Affairs Update: Stacy Rastauskas, VP for Government Affairs, shared a brief Government Affairs Update. She talked about U.S. President Joseph Biden’s first 100 days in office, during which he visited the James Cancer Hospital. In addition to issues related to expanding access to health care and recovery from the pandemic, the Biden Administration has announced proposals to make higher education more affordable; to incentivize research and development with a focus on health care, AI, agriculture and climate science; and to update federal regulations related to Title IX and immigration policies. Plans have been advanced to Congress in the following key areas – the American Rescue Plan, the American Jobs Plan, the American Families Plan and the U.S. Citizenship Act. Each of these plans would impact higher education and its students in various ways.

(See Attachment X for background information, page XX)

Items for Action

3. Approval of Minutes: No changes were requested to the February 25, 2021, meeting minutes; therefore, a formal vote was not required, and the minutes were considered approved.



4. Resolution No: 2021-160, Approval of the Legal, Risk and Compliance Committee Charter

Synopsis: Approval of the Legal, Risk and Compliance Committee charter is proposed.

WHEREAS the Board of Trustees may adopt individual committee charters, consistent with committee descriptions, that set forth further information and definition regarding the committee's charge, committee composition, or the delegated authority and responsibilities of each committee; and

WHEREAS the delineation and description of each committee function will enable the board to be more effective in the execution of its duties and responsibilities; and

WHEREAS the Board of Trustees created its Legal, Risk and Compliance Committee effective February 25, 2021; and

WHEREAS section 3335-1-02(C)(1)(e) of the Bylaws of The Ohio State University Board of Trustees sets forth the description of the Board of Trustees' Legal, Risk and Compliance Committee; and

WHEREAS the Legal, Risk and Compliance Committee has developed a proposed charter, consistent with that description, that reflects its status as a standing committee of the Board of Trustees, and that charter has been fully reviewed by the committee; and

WHEREAS the Legal, Risk and Compliance Committee shall be governed by the rules set forth in this Legal, Risk and Compliance Committee charter:

NOW THEREFORE

BE IT RESOLVED, That the Board of Trustees hereby approves the attached Legal, Risk and Compliance Committee charter.

(See Appendix X for background information, page XX)

Action: Upon the motion of Ms. Kessler, seconded by Mr. Stockmeister, the committee adopted the foregoing motion by unanimous voice vote with the following members present and voting: Ms. Kessler, Mr. Stockmeister, Mr. Kaplan, Mr. Kiggin, Mrs. Harsh, Ms. Sobol and Mr. Heminger.

EXECUTIVE SESSION

It was moved by Ms. Kessler, and seconded by Mrs. Harsh, that the committee recess into executive session to consult with legal counsel regarding pending or imminent litigation, and to consider business-sensitive trade secrets that are required to be kept confidential by federal and state statutes.

A roll call vote was taken, and the committee voted to go into executive session with the following members present and voting: Ms. Kessler, Mr. Stockmeister, Mr. Kaplan, Mr. Kiggin, Mrs. Harsh, Ms. Sobol and Mr. Heminger.

The committee entered executive session at 1: 46 p.m. and the meeting adjourned at 3:10 p.m.