

**MINNESOTA STATE
BOARD OF TRUSTEES
Agenda Item Summary Sheet**

Name: Workforce and Organizational Effectiveness Committee

Date: May 18, 2022

Title: Appointment for Interim General Counsel

Purpose (*check one*):

Proposed New Policy or
Amendment to Existing Policy

Approvals Required
by Policy

Other Approvals

Monitoring/Compliance

Information

Brief Description:

It is anticipated that Chancellor Malhotra will recommend the appointment of Scott Goings as Interim General Counsel.

Scheduled Presenter(s):

Devinder Malhotra, Chancellor

**MINNESOTA STATE
BOARD OF TRUSTEES**

BOARD ACTION

Appointment for Interim General Counsel

BACKGROUND

It is anticipated that Chancellor Malhotra will recommend Scott Goings as Interim General Counsel.

RECOMMENDED COMMITTEE MOTION

The Workforce and Organizational Effectiveness Committee recommends that the Board of Trustees adopt the following motion.

RECOMMENDED BOARD MOTION

The Board of Trustees, upon the recommendation of Chancellor Malhotra, appoints Scott Goings as Interim General Counsel, with the anticipated effective date of May 18, 2022. The terms and conditions of the appointment shall be governed by the Minnesota State Colleges and Universities Personnel Plan for Administrators.

Date Presented to the Workforce and Organizational Effectiveness Committee: 05/18/22

Date Presented to the Board of Trustees: 05/18/22

Date of Implementation: 05/18/22

SCOTT GOINGS

I. Assistant General Counsel, Office of General Counsel, Minnesota State, St. Paul, Minnesota (January 2008-Present)

Represent Minnesota State and its 37 institutions with 340,000 students and 14,800 faculty and staff.

Office of General Counsel lead for all academic and student affairs issues. Supervise student-related litigation conducted on Minnesota State's behalf by the Minnesota Attorney General's Office for quality, value, efficiency, consistency and results. Lead projects and provide preventative legal advice, problem solving, training, and policy development and review on a full range of legal issues including student conduct, Title IX (student sexual misconduct), student speech and the First Amendment, behavioral intervention teams, bias response teams, student organizations and liability for student activities, intercollegiate athletics, student accommodations (disability, religion, pregnant and parenting), student affairs policy, academic dismissals, academic policy, financial aid, FERPA and charter schools. Advise on internal discrimination, harassment, retaliation, and sexual violence investigations involving students.

Office of General Counsel lead on the Clery Act and campus security issues. Significant experience advising campuses in student crisis and emergency situations. Office of General Counsel lead on related-foundation issues (the standard foundation contract, compliance with Board policy and related issues). Experience with employment law, intellectual property, and contracts.

Frequent presenter at Minnesota State conferences and campuses on legal topics. Representative examples include:

Standing "Legal Update" session at the Fall Academic and Student Affairs Conference and Spring Joint ASA/OEI Conference.

Spring 2022 Bias Incident Response Conference.

Office of General Counsel Second Thursday Webinar Series (student issues; speech and election issues).

Minnesota State Investigator and Decision-Maker training.

Sessions at retreats or conferences for Minnesota State Equity and Inclusion officers, student conduct officers, Title IX coordinators, nursing and allied health educators, disability services officers, campus security officials, campus behavioral interventions teams, athletic directors and to athletic conferences.

II. Assistant Attorney General, Minnesota Attorney General's Office, St. Paul, Minnesota (December 2000-January 2008)

Defend Minnesota State in litigation before federal and state courts, United State Department of Education Office for Civil Rights, the Minnesota Department of Human Rights, the United States Equal Employment Opportunity Commission, and state administrative judges. Claims include protected class discrimination, harassment and retaliation, torts, including defamation and liability for activities of students and student organizations, student contract, student dismissal, student conduct, and First Amendment speech and forum.

Representative cases as first chair include:

Family of Patrick Kycia v. Minnesota State Univ. Moorhead, et al., Clay County Dist. Ct. 2007 (successfully obtained dismissal of wrongful death action brought against Minnesota State University Moorhead by the family of a student who drowned in the Red River after drinking at a fraternity party).

Eric Swanbeck v. Minnesota State Univ. Moorhead, Clay County Dist. Ct. 2007 (successful court trial verdict for the University in a Title IX retaliation and whistleblower case brought by the former women's soccer coach).

Lewis v. St Cloud State Univ., 467 F.3d 1133 (8th Cir. 2006) (successfully obtained dismissal of age discrimination and retaliation claims brought by a former dean).

Lewis v. St. Cloud State Univ., 693 N.W.2d 466 (Minn. Ct. App. 2005) (successfully obtained dismissal of a libel claim against the University for content in the student newspaper).

III. Leonard, Street and Deinard, P.A., Minneapolis, Minnesota
(August 1998-November 2000)

Construction and real estate litigation. Represented architects, engineers, owners, contractors, and manufacturers in construction, real estate, and insurance related disputes.

IV. Hon. Harold D. Victor, United States District Judge, Des Moines, Iowa (July 1996-1998)

Law Clerk.

EDUCATION

University of Iowa College of Law, Iowa City, Iowa

J.D., With High Distinction

Publication: Comment, *Ambiguous or Equivocal Requests for Counsel in Custodial Interrogations After Davis v. United States*, 81 Iowa L.Rev. 161

Member, Iowa Law Review

Emory University, Atlanta, Georgia

Graduate work in Philosophy,

Grinnell College, Grinnell, Iowa

BA., Philosophy Major,

Honors: Phi Beta Kappa

Graduation with Honors in Philosophy

Activities: Grinnell-in-London Overseas Study Program

Three Year Varsity Letterman -- Football

TEACHING

Adjunct Faculty, Higher Education Law (HIED 806) for EdD candidates in St. Cloud State University's Higher Education Administration Program. (Taught nine summer sessions – July 2010-August 2019).

MEMBERSHIPS

National Association of College and University Attorneys.
Completed Luoma Leadership Academy.

INTERESTS

Youth Hockey and Lacrosse, Fly Fishing, Running and Reading.