



MINNESOTA STATE
Board of Trustees

AGENDA ITEM SUMMARY

NAME: Workforce and Organizational Effectiveness Committee

DATE: November 16, 2022

TITLE: Appointment of General Counsel

Proposed New Policy or
Amendment to Existing Policy

Approvals Required by
Policy

Other Approvals

Monitoring/Compliance

Information

PRESENTERS

Devinder Malhotra, Chancellor

PURPOSE

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

BACKGROUND INFORMATION

Following the announcement of the retirement of Gary Cunningham, Chancellor Malhotra initiated a national search for the next General Counsel. The executive search firm Heinze and Associates Executive Search was retained to assist with the recruitment and vetting process for the position.

Vice Chair George Soule served as search chair. A search advisory committee was appointed consisting of the following members:

Cheryl Tefer, Trustee

Dawn Erlandson, Trustee

Michael Vekich, Trustee

Jeffrey Boyd, President of Rochester Community and Technical College

Ginny Arthur, President of Metropolitan State University

Mary Al Balber, Assistant General Council

Andriel Dees, Vice Chancellor for Equity and Inclusion

William Maki, Vice Chancellor for Finance and Facilities

The following individuals provided support to the committee:

Deb Gehrke, System Office Human Resources Director

The position was advertised nationally in a variety of higher education and diversity publications. At the same time, the search consultants initiated an aggressive recruitment

campaign. There were a total of twenty-nine (29) applicants. From this pool the search advisory committee selected eight (8) individuals for initial interviews and forwarded its assessment of the candidates to the chancellor. In consultation with the board chair and vice chair, Chancellor Malhotra selected three (3) finalists for interviews. The interviews were conducted by Chancellor Malhotra, Board Chair Roger Moe, Vice Chair George Soule, members of the chancellor's cabinet, and Office of General Council Staff.

Reference and background checks were conducted.

After careful consideration and review and in consultation with the board chair and vice chair the chancellor selected one candidate to recommend to the Board of Trustees for approval.

At this time, Chancellor Malhotra recommends Scott Goings to be the General Counsel for Minnesota State.

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 recommendation of Chancellor Malhotra, appoints Scott Goings as General Counsel, with the anticipated effective date of November 16, 2022, subject to the completion of an employment agreement. The Board authorizes the chancellor, in consultation with the chair of the board and chair of the Workforce and Organizational Effectiveness Committee, to negotiate and execute an employment agreement in accordance with the terms and conditions of the Minnesota State Colleges and Universities Personnel Plan for Administrators.

Date Presented to the Workforce and Organizational Effectiveness Committee: 11/16/22

Date Presented to the Board of Trustees: 11/16/22

Date of Implementation: 11/16/22

SCOTT GOINGS

- I. Interim General Counsel, Office of General Counsel, Minnesota State,**
St. Paul, Minnesota (May 2022-Present)
Assistant General Counsel, Office of General Counsel, Minnesota State,
(January 2008-May 2022)

Represent Minnesota State and its 33 institutions with 300,000 students and 14,400 faculty and staff.

Office of General Counsel lead for all academic and student affairs issues. Supervise student and employment-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 and employees.

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. Vietor, 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

Emory University, Atlanta, Georgia
Graduate work in Philosophy,

Grinnell College, Grinnell, Iowa
BA., Philosophy Major,
Honors: Phi Beta Kappa
 Graduation with Honors in Philosophy

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.
Licensed to practice law in Minnesota.

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