



Manual of Policy and Procedures

Title USE OF EXTERNAL LEGAL COUNSEL	Number 409	Page 1 of 2
	Date 1/29/07	

PURPOSE

The use of external legal counsel by a Vermont State College institution must support a coordinated, system-wide approach to addressing specific legal issues in a cost-effective manner. Therefore, guidelines for use of external legal counsel are required.

STATEMENT OF POLICY

The following general principals shall govern the use of legal counsel by a VSC institution:

- A. Approval for contracting the services of legal counsel must be obtained from the VSC General Counsel and the Chancellor in advance of any commitments.
- B. Where decision-making authority for legal services is given by the Chancellor to a college or other VSC official, the official shall regularly update the VSC General Counsel as to developments.
- C. Contact and direct working relationships with external legal counsel in the conduct of an approved assignment will be determined by the Chancellor on the basis of the most effective arrangements for the particular matter.
 - 1) The essential considerations are the development and proper conduct of working relationships between legal counsel and the party with the most knowledge of the matter at issue, the timely sharing of information between the colleges and the Chancellor, and the limits of and/or options for action.
 - 2) These considerations can be handled effectively by prompt communications on all aspects of these matters between the colleges and the Chancellor and by maintaining clear, written records which are shared with the affected parties as they are generated.
- D. Decisions as to courses of action, exercise of options, and settlements must be approved or made by the Chancellor unless such authority has been specifically delegated by the Chancellor to others in writing.
- E. The financial responsibilities of the Vermont State Colleges collectively and/or the college involved in the dispute for the legal expenses, settlement costs, or other

associated costs will be established for cases depending on special circumstances. In general:

- 1) The VSC is responsible for legal expenses associated with collective bargaining, grievances and suits brought against the college.
- 2) In general the colleges are responsible for expenses for matters which require the services of external legal counsel for the primary interest of a college, (e.g., construction contracts, property transactions, etc.)
- 3) Any question regarding the assignment of expenses for legal services shall be resolved by the Chancellor in advance of any commitment to retain counsel.

Signed by: Robert G. Clarke Chancellor
