

A hand in a dark suit jacket is shown from the wrist up, pointing upwards with the index finger. The years 2021, 2022, 2023, 2024, and 2025 are overlaid on the hand, with 2024 being the largest and most prominent. The background is a blurred outdoor scene with trees and a bright sky.

BUSINESS IN 2024

WEEKLY WEBINAR SERIES

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Your Host



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TODAY'S AGENDA

Gabe Oberfield – (12:00PM-12:05PM)

- Agenda
- Primary Day in NYS
- SCOTUS

Seth Gilbertson – (12:05PM-12:15PM)

- OCR Resolves Title VI Complaints Against Two High-Profile Universities

Devin Karas – (12:15PM-12:25PM)

- Important Reminders: Competing Beneficiary Claims and 5500 Remittance Reporting and Correction

Nicole Macris – (12:25PM-12:35PM)

- Third Department's recent decision in *Cuomo v. New York State Commission on Ethics and Lobbying in Government*

Cecily Capo – (12:35PM-12:45PM)

- Introduction of the Proposed Federal American Privacy Rights Act

G. Oberfield – (12:45PM)

- Wrap Up

Primary Day in New York State

- Contested primaries across New York State
- Key Democratic Congressional Primaries
 - 1st Congressional District –Goroff vs. Avlon
 - 16th Congressional District – Bowman vs. Latimer
 - 22nd Congressional District – Mannion vs. Hood
- Key Assembly Primaries
 - Seats currently held by:
 - AM Gibbs (Harlem)
 - AM Kim (Queens)
 - AM O'Donnell (retiring – Upper West Side of Manhattan)
 - AM Zinerman (Brooklyn)



Jamaal Bowman
Photo Credit: House.gov



George Latimer
Photo Credit: Westchester County Association

Supreme Court of the United States

- Major decisions of the Supreme Court are pending as June 2024 closes...
 - More expected before week's end and the commencement of the Court's traditional summer recess
 - Updates will be shared during future Business in 2024 programs

[In-Chambers Opinions](#)

[U. S. Reports](#)

[Online Sources Cited in Opinions](#)

[Media Files Cited in Opinions](#)

[Case Citation Finder](#)

The opinions collected here are those issued during October Term 2023 (October 2, 2023, through October 6, 2024). Opinions are posted on the website upon release in slip opinion format. Slip opinions remain posted until replaced with opinions edited to reflect the usual publication style of the United States Reports, including final pagination that will carry forward unchanged in the corresponding preliminary prints and the bound volumes of the United States Reports.

[2023](#) [2022](#) [2021](#) [2020](#) [2019](#) [2018](#) [2017](#) [See Earlier Opinions](#)

Term Year: 2023 [Table Information](#)

R-	Date	Docket	Name	J.	Citation
47	6/21/24	141, Orig.	Texas v. New Mexico	KJ	602/1
46	6/21/24	23-334	Department of State v. Munoz Revisions: 6/21/24	AB	602/1
45	6/21/24	23-370	Erlinger v. United States	NG	602/1
44	6/21/24	22-899	Smith v. Arizona	EK	602/1
43	6/21/24	22-915	United States v. Rahimi Revisions: 6/25/24	R	602/1
42	6/20/24	22-1025	Gonzalez v. Trevino	PC	602/1
41	6/20/24	22-800	Moore v. United States	BK	602/1
40	6/20/24	23-50	Chiaverini v. City of Napoleon Revisions: 6/20/24	EK	602/1
39	6/20/24	23-14	Diaz v. United States	T	602/1
38	6/14/24	22-1238	United States Trustee v. John Q. Hammons Fall 2006, LLC	KJ	602/1

Credit: Website of the Supreme Court of the United States

Developments in Title VI Enforcement



Seth F. Gilbertson

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Title VI - Civil Rights Act of 1964

Purpose: Prohibits discrimination on the basis of *race, color, or national origin* in programs and activities receiving federal financial assistance.

- Includes discrimination based on shared ancestry (e.g., Jewish, Israeli, Palestinian, Arab, Muslim, and/or South Asian ancestry and/or the association with these national origins/ancestries).

Scope: Applies to all entities receiving federal funds, including schools, hospitals, and government agencies.

Enforcement: Overseen by various federal agencies, primarily the U.S. Department of Education's Office for Civil Rights (OCR).

Title VI Compliance

Policy Development: Institutions must develop and implement policies to ensure non-discrimination.

Training and Education: Regular training for staff and students on Title VI requirements and anti-discrimination practices.

Complaint Procedures: Establish procedures for handling discrimination complaints and conducting investigations.

Uncertainty & Tension

Recent OCR Investigations and Resolutions have emphasized the college or university's obligation to respond promptly and effectively to harassment (including hostile environment).

- What is harassment vs. protected speech?
 - How to respond to speech that looks like both?
 - How to allow speech and debate while responding to and preventing a hostile environment?

Practical Advice

- Adopt robust complaint handling mechanisms
 - Time to review your policy
 - Consider Title IX process as a model
- Have a process for distinguishing free speech from harassment
- Conduct proactive campus climate assessments
- Implement comprehensive training programs and ensure consistent and transparent procedures

Important Reminders: Competing Beneficiary Claims and 5500 Remittance Reporting and Correction



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Third Department's recent decision in *Cuomo v. New York State Commission on Ethics and Lobbying in Government*



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Introduction of the Proposed Federal American Privacy Rights Act



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What Is Being Proposed:



ENHANCED CONSUMER
PROTECTION



INCREASED
TRANSPARENCY



DATA MINIMIZATION

Who It Applies To

Most individuals, entities, and non-profits who:

- collect, process, retain, or transfer covered data

Covered data:

- any information that identifies or is reasonably linked to an individual or device



Enhanced Personal Data Protection

- Greater control over personal data – examples
 - Affirmative consent to transfer sensitive information
 - Option to access, correct, export, or delete data



Increased Transparency

- Public policy requirements –
 - Category of data being collected, processed, or retained
 - Length of time each category will be retained
 - Purpose each category is retained for
 - Notice of material changes



Data Minimization

- Restriction of data collection outside of a specific purpose – only store what you need

Key Takeaways



THIS IS NOT IN PLACE YET



180-DAY EFFECTIVE DATE



DETERMINE WHETHER YOU FALL
UNDER A COVERED ENTITY

Your Questions



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Primary Day in NYS SCOTUS

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New York Employment Law: The Essential Guide

NYS Bar Association Members can buy the book from the bar [here](#).

Non-NYS Bar Association Members can purchase through Amazon [here](#).

Thank You

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It is not to be considered as legal advice.
Laws can change often, and information may become outdated.

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