



Howling Counsel Presents...

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THE FACULTY EDITION

HAVE YOU EVER HAD TO:

- Decide whether you could make “fair use” of a movie clip in one of your classes?
- Travel internationally with sensitive data on a laptop or flash drive?
- Evaluate the merits of forming a start-up company around your invention?
- Comply with “FERPA” without really knowing what “FERPA” is?

Dealing with situations that require specialized legal knowledge or resources can be challenging. Fortunately, many NC State departments are available to help faculty members navigate these and similar situations.

This special Faculty Edition of the *Howling Counsel* newsletter presents FAQs related to **teaching, supporting students, conducting research, and other common scenarios**, and provides hotlinks to offices that can provide assistance and to relevant web-based information.

Our goal is to make it easy for you to locate information and obtain assistance that will support you in your work as a faculty member at NC State. We welcome your comments, suggestions and questions at howlingcounsel@ncsu.edu.

Have a great school year! We look forward to working with you.

Sincerely,

The NC State Office of General Counsel

A MESSAGE FROM PROVOST ARDEN

Dear Members of the Faculty:

As we begin a new academic year, it is my pleasure to introduce this special Faculty Issue of the *Howling Counsel* newsletter.

When we pursue our teaching, research, outreach and service, issues may arise (including those with legal implications) for which experienced guidance and support can be helpful or necessary. This newsletter seeks to provide access to relevant information and administrative support to help you pursue your scholarly activities efficiently and effectively. We are fortunate to have a number of units and colleagues available and eager to help us, and I encourage you to take advantage of their expertise and collegiality.



Warwick A. Arden, Provost and Executive Vice Chancellor

I extend my thanks to all of the campus offices who have contributed to this newsletter, and wish all of you the best during this academic year.

Warm regards,

Warwick A. Arden
Provost & Executive Vice Chancellor

A MESSAGE FROM THE CHAIR OF THE FACULTY

Dear Faculty Colleagues:

Welcome, or welcome back, to NC State for the start of a new academic year. I join with Provost Warwick Arden in introducing this special faculty issue of the *Howling Counsel* newsletter. I want to thank the attorneys and staff in the Office of General Counsel (OGC), and all the other campus offices who contributed to this publication.

This newsletter is filled with resources and guidance for the work you do as researchers, scholars, teachers, and engaged members of the university community. Everyone in the OGC stands ready to answer your questions, or help you find the answers, so that you can be as productive, creative, and innovative as possible. University policies, rules and regulations (PRR)—not to mention state and federal laws—may seem daunting at times. But remember that the university's attorneys strive to work with faculty so we all understand the legal environment and achieve our goals.

With best wishes for a successful academic year,

David A. Zonderman
Chair of the Faculty



Dr. David A. Zonderman, Chair of the Faculty

FAQs: TEACHING

When and how can I use third party materials (print, web, or video) in my class?

Contact the [Copyright and Digital Scholarship Center](#) for assistance.

How do I create an online course/conduct distance education?

Contact the [Distance Education & Learning Technology Applications \(DELTA\) Help Desk](#) at (919) 513-7094 for assistance.

What procedures apply to choosing textbooks?

See this [3D memorandum](#) and contact the [NC State Bookstores](#) for assistance.

How do I make technologies accessible to students with disabilities?

See [REG 04.25.05](#) and the related [ICT Accessibility Regulation FAQs](#). Contact accessibility@ncsu.edu for assistance.

Do I have to allow an animal accompanying a student into my classroom or office?

Yes, if it is a service animal. See [REG 04.20.05](#) for more information and contact the [Disability Services Office \(DSO\)](#) for assistance.

Am I required to accommodate student religious observances?

Yes, under the [Attendance Regulations](#), students are allowed a minimum of two excused absences per academic year for religious observances. Contact the [Office for Institutional Equity and Diversity](#) with questions or for assistance. See a [list of major religious holidays](#) with work restrictions.

Are there special considerations for teaching or interacting with student athletes?

See the [Faculty and Staff NCAA Compliance Info Sheet](#) prepared by the [Council on Athletics](#) for detailed guidance. To discuss academic issues, contact [Dr. Roby Sawyers](#), Faculty Athletics Representative, or the [Academic Support Program for Student Athletes](#). Contact the [Athletics Compliance Office](#) with questions about NCAA rules interpretation and compliance.

How are cheating, plagiarism, and other forms of academic misconduct addressed?

Contact the [Office of Student Conduct](#) for assistance. The [Code of Student Conduct](#) and a series of [Academic Integrity Resources](#) also provide guidance.

What can I do to address disruptive classroom behavior?

Contact the [Office of Student Conduct](#) for assistance. Section 6 of the [Code of Student Conduct](#) sets forth classroom behavior standards.

How are grade disputes handled?

See [REG 11.40.01](#) for grievances filed by undergraduate students, and [REG 11.40.02](#) for grievances filed by graduate students. Students may only grieve final grades; test or partial grades cannot be grieved.



Marine Earth and Atmospheric Sciences Research Assistant Professor Dan Ksepka works with paleontology students at the NC Museum of Life Sciences.



PAMS Professor Kay Sandberg in Scale-Up class.

IDENTIFYING AND MANAGING CONFLICTS OF INTEREST: How to Continue Building Career Success the Right Way

Designed for high performing faculty and their college administrators, the Office of General Counsel will present a valuable “how-to” 90 minute Interactive discussion on identifying and strategically managing common conflicts of interest in the context of university research and entrepreneurial activity.

Working in small groups of three colleagues, you will learn how to identify potential conflicts and to develop the plans needed to successfully manage each scenario to keep your career on solid footing.

The Scale-Up classroom is being used for maximum effectiveness.

Choose from one of several program sessions offered.

Available Sessions

- Sept 22nd 11:00-12:30 (2115 Textiles)
- Sept 23rd 1:30-3:00 (G100 Harrelson)
- Sept 24th 9:00-10:30 (G100 Harrelson)
- Sept 25th 1:30-3:00 (G100 Harrelson)
- Sept 26th 1:00-2:30 (2115 Textiles)

No Food/Drink Allowed

Seating is limited

Please register by September 12th
To Register Contact: Irma Rose at ilrose@ncsu.edu or 919-515-3071

FAQs: SUPPORTING STUDENTS

What must I do to keep student information private?

Do not release a student’s records (e.g. grades, coursework, course schedule, etc.) outside the university, even to a parent or other family member, without first getting the student’s [written consent](#). See [REG 11.00.01](#) for information on the Family Educational Rights and Privacy Act (FERPA), and contact the [Office of General Counsel](#) for assistance.

What should I do if I see a person who may be a threat to themselves or others?

Contact [University Police](#) at either 911 or (919) 515-3000 for emergencies or other imminent situations. For non-emergencies, contact [Violence Prevention & Threat Management](#) at (919) 513-4224.

What can I do if I am concerned about a student’s health?

If the concern is about physical health, refer the student to [Student Health Services](#). If the concern is about mental health, refer the student to the [Counseling Center](#).

How can I assist a student who reports being subjected to discrimination or harassment?

Students who believe they have been subjected to harassment based on race, color, religion, national origin, age (over 40), sex, national origin, disability, veteran’s status, genetic information, sexual orientation or gender identity should be referred to the [Office of Institutional Equity and Diversity](#) for assistance. In addition, for information about Title IX, see the [Title IX website](#) or contact one of the [Title IX Coordinators](#).

What should I do if a student reports to me (or I become aware) that he/she has been sexually assaulted?

Students within the NC State community who have experienced sexual violence are encouraged to report incidents to the Office of Student Conduct at (919) 515-2963 (if assaulted by another student) or to the Office for Institutional Equity and Diversity at (919) 513-3148 (if assaulted by a staff member/third-party affiliate). In addition, students may contact the [Women’s Center](#) at (919) 515-2015 or [University Police](#) at (919) 515-3000. NC State’s [Counseling Center](#) at (919) 515-2423 or [Student Health Services](#) at (919) 515-2563 are also resources available for students.

What resources are available to me for accommodating students with disabilities?

Contact the [Disability Services Office](#) (DSO) for assistance and see the [roles of the student, instructor, and the DSO](#) in the accommodation process.

Should I obtain a written consent from a student who has asked me to write a recommendation?

Yes. Even if the student has made a verbal request, getting a student’s [written consent](#) helps insure compliance with [FERPA](#) and confirms what the student authorizes you to release. Contact the [Office of General Counsel](#) for assistance.

FAQs: RESEARCH

Where can I get assistance in developing a proposal for research funding?

Contact your college research office for assistance with standard projects, and see [proposal development guidance](#). Contact the [Proposal Development Unit](#) for large-scale or multidisciplinary projects.

Can someone help me address issues involving copyright, authorship, or other publication issues?

Contact the [Copyright and Digital Scholarship Center](#) for assistance. See [REG 01.25.03](#) for further information.

Where can I get assistance for my invention or in seeking patent protection?

Contact the [Office of Technology Transfer \(OTT\)](#) for assistance, and see the [Patent and Tangible Research Policy](#) for more information.

Where can I get assistance in forming a startup company?

Contact the [Venture Development staff](#) in the [Office of Technology Transfer](#).

What guidelines and support exist for research involving animals?

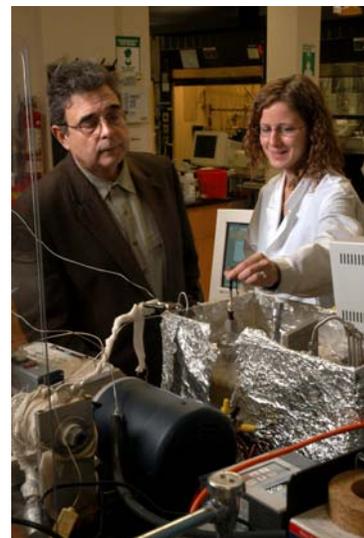
Contact the [Institutional Animal Care and Use Committee \(IACUC\)](#) for assistance. See applicable [policies](#) and [regulations](#), and review related [FAQs](#).

What guidelines and support exist for research involving human subjects?

Contact the [Institutional Review Board \(IRB\)](#) for assistance, and review [applicable policies and regulations](#).

What guidelines and support exist for maintaining laboratory safety?

Contact the [Office of Environmental Health & Safety \(EHS\)](#) for assistance, and see detailed information regarding [chemical hygiene plan training](#), [biological safety](#), [radiation safety](#), [waste disposal](#), and [shipping of hazardous materials](#).



Dr. Ruben Carbonell (left) and chemical engineering student work on the Utilization of Carbon Dioxide in Manufacturing project in the Partners II lab on Centennial Campus.



College of Natural Resources Wood Machine & Tooling Research Program director Dr. Richard Lemaster (left) and founder, Dr. John Stewart look over product manufactured in the woodworking shop.

What do I need to know about export controls?

If you create or work with novel technologies or other regulated items, your activities may be subject to export control regulations. Illegally exposing regulated items to non-US citizens without a required government license can lead to fines and imprisonment. Consult the [export controls website](#), and contact [Sponsored Programs and Regulatory Compliance \(SPARCS\)](#) for assistance.

How should I report possible research misconduct?

Contact the [Research Integrity Office](#) for assistance. See [REG 10.00.02](#) for further information.

WHAT HAPPENS WHEN . . .? ADVICE FOR COMMON SCENARIOS



Anne Stomp (left) Associate Professor, Forestry & Environmental Resources Academic Research and Jay Cheng, Professor, Biological & Agricultural Engineering with some duckweed.

Can I consult or engage in other outside professional activities for pay?

Yes, NC State encourages these activities so long as a) they are first approved by the dean of the faculty member’s college, and b) any conflicts of interest (COI) and commitment are properly disclosed and managed. See the [COI/NOI page](#) maintained by SPARCS, including FAQs on [COI](#) and [Consulting](#). See the Office of General Counsel’s [Consulting FAQs](#) for further information.

Do I have authority to sign a nondisclosure agreement or a material transfer agreement?

NO! If your work requires that NC State enter into such an agreement, contact the [Office of Technology Transfer](#) for assistance.

Do I have authority to sign any other contracts?

NO! The Chancellor has delegated contractual signature authority to only select campus officials as described in [REG 01.20.02](#) and summarized in this [Chart](#). Contact the [Office of General Counsel](#) for assistance.

Is it permissible for me to download “free” software to use in my work at NC State?

It may be, but to be sure, please check first with your unit’s IT professional. This will help insure a) that the software is compatible with existing NC State hardware and software, avoiding unexpected and costly “fixes”, and b) that problematic terms in the online “clickwrap” agreement (just like any other contract) are avoided. Check out [software@NCState](#) to see if your desired software is already licensed for your use, and contact the [Software Licensing Management Staff](#) for assistance. Please see OIT’s [clickwrap site](#) regarding approved, conditionally approved and denied clickwrap agreements.

What guidelines exist for the use of NC State’s name and trademarks?

Consult the [brand guidelines](#) maintained by [University Communications](#). Also see [REG 01.25.06](#) and [RUL 01.25.01](#), and contact the [Trademark Licensing Office](#) for assistance.

Does the university have liability insurance that covers me while working?

Yes, see this [3D memorandum](#) or the OGC’s website on this [topic](#).

Does the university have insurance for when I travel on business?

Yes, contact the [Office of Insurance and Risk Management](#) to learn about and apply for [Business Traveler Insurance](#) required to travel internationally.



John Blondin, Department Head, Physics and part of the national program to stimulate a supernova explosion.

WHAT HAPPENS WHEN . . .? ADVICE FOR COMMON SCENARIOS



Dr. Behnam Pourdeyhimi, Associate Dean for Industry Research & Extension, and Distinguished Professor



Dr. Steven Peretti, Chemical & Biomolecular Engineering Associate Professor



Dr. Mary Higby Schweitzer, Professor, Marine Earth and Atmospheric Sciences

Does international business travel require any special preparation?

Yes, please contact [SPARCS](#) for assistance and review [related materials](#) well before you are required to travel internationally.

What should I do if I am sued for something that occurred during my work at NC State?

Contact your supervisor and the [Office of General Counsel](#) immediately.

Will NC State defend me if I am sued?

Generally speaking, yes, subject to the NC Attorney General's discretion, if you were acting within the course and scope of your assigned duties. See additional information on the [Defense of State Employees Act](#) and contact the [Office of General Counsel](#) for assistance.

What should I do if I receive a court order or a subpoena, or if I am contacted by an outside attorney regarding my work at NC State?

Contact the [Office of General Counsel](#) immediately. See additional information on [subpoenas, court orders and search warrants](#).

What should I do if I see or suspect misuse of or damage to State property?

You should report any information or evidence to your immediate supervisor, University Police, or Internal Auditor within three (3) days as required by state law. See [REG 07.40.02](#) for further information.

Are there guidelines to follow if I want to engage in political activity?

Yes, state law generally prohibits state employees from engaging in [political activities](#) during any time they are expected to perform work for the state, and prohibits the use of state property to support or oppose a candidate or an issue.

When should I consult with the Office of General Counsel?

For a representative list of situations, see the [November 2011](#) edition of the [Howling Counsel](#) newsletter.

Still have questions?
Please contact OGC at 919-515-3071 for assistance.
We are NC STATE'S law firm.
We would like to hear from you.
Please send any comments or feedback to howlingcounsel@ncsu.edu