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. Contact us early so we can help inform your decision-making and avoid later complications.

Sincerely,

The NC State Office of General Counsel
We are NC STATE’S law firm
A MESSAGE FROM PROVOST ARDEN

Dear faculty members:

Welcome to the 2016-2017 academic year! It is my pleasure to introduce you to the Howling Counsel newsletter’s special Faculty Issue. In our pursuit of excellence in teaching, research, outreach, and service, and more, certain issues (including legal ones) may arise. That’s why the university’s General Counsel wants to focus on you, the faculty, in this newsletter.

Warm regards,

Warwick A. Arden
Provost & Executive Vice Chancellor

A MESSAGE FROM THE CHAIR OF THE FACULTY

Dear Faculty Colleagues:

This newsletter is filled with resources and guidance to serve as a reference for faculty in all areas of expertise. There is information to help us as we conduct research, teach and mentor undergraduate and graduate students, and work through outreach with our community and the world.

I would like to thank the attorneys and staff in the Office of General Counsel (OGC) and all other campus personnel who contributed to this publication. The folks in the OGC are very helpful and are always willing to answer questions to help clarify things for us. University Policies, Rules, and Regulations (PRR) along with state and federal laws can sometimes seem confusing or overwhelming as we conduct scholarly activity. The university's attorneys work with faculty to help us understand the legal aspects of our environment in order to smooth the pathway as we effectively achieve our goals.

Best wishes for a productive and enjoyable academic year.

Jeannette A. Moore
Chair of the Faculty 2016-2017
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 or make a referral. 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.
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 or well-being?

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. You may also confer with DASA’s Faculty Resources.

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 University Police at (919) 515-3000, the Office of Student Conduct at (919) 513-2963 (if assaulted by another student) or to the Office for Institutional Equity and Diversity at (919) 513-3148 (if assaulted by a employee/third-party). In addition, students may contact the Women’s Center at (919) 515-2015 or GLBT Center at (919) 513-9742. NC State’s Counseling Center at (919) 515-2423 or Student Health Services at (919) 515-2563 are confidential 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 information the student authorizes you to release. Contact the University Records Officer for assistance.

Other Resources for Faculty

Please consult the following:

- Faculty Ombuds Office
  (919) 935-0922

- Faculty Staff and Assistance Program (FASAP)
  (866) 467-0467

- Faculty Senate Office
  (919) 515-2279

- Office of Faculty Development
  (919) 513-3634

- Violence Prevention and Threat Management
  (919) 513-4224

- Students of Concern
  (919) 515-2963

- University Policies, Regulations and Rules (PRRs)

- Emergency Information
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 safety plans, laboratory training, chemical hygiene plan training, biological safety, radiation safety, waste disposal, and more shipping of hazardous materials.

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

Yes, NC State encourages these activities so long as a) they are pre-approved by the dean of the faculty member’s college, and b) any conflicts of interest (COI) and commitment are properly disclosed and managed. However, foreign national employees on H-1B, E-3, O-1 or TN visas are not allowed to work for anyone other than the petitioning employer (NC State) or perform any professional services for compensation unless such specific activity was already foreseen and included in the immigration petition to the government. Please contact International Employment Office for further assistance in this area. 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.
WHAT HAPPENS WHEN . . .? ADVICE FOR COMMON SCENARIOS

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 and FAQs 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.

Please send any comments or feedback to howlingcounsel@ncsu.edu