

Howling Counsel

NC STATE UNIVERSITY
OFFICE OF GENERAL COUNSEL

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WHO IS THE OGC?

Our Mission: We are a dedicated team of legal advisors, counselors, and professional staff committed to serving our clients by facilitating creative, collaborative solutions. We offer

high quality advice to help our clients incorporate relevant legal principles into their daily decision making and further the university's goals and initiatives. We counsel the university com-

munity on legal and risk management matters in a collegial, responsive manner.

Our passion is service; our standard is excellence.

LEGAL BRIEFS

Knock, Knock. . .Who's There?

Scene #1: It's a normal Thursday morning, and on the way to get more coffee, you notice an ominous looking document in your office mailbox. Upon closer inspection, you see that it's a charge of discrimination filed with the Equal Employment Opportunity Commission (EEOC) by a former university employee. **Scene #2:** You are sitting at your desk when a man in a dark blue suit approaches, shows you his Immigration Service credentials, asks to see every employment file on a particular faculty member, and says not to tell anyone about his visit.

How do you react to these unexpected developments? First, take a deep breath and don't

panic. Second, call (919) 515-3071 to speak to one of your attorneys in the Office of General Counsel (OGC).

Many federal and state regulators visit or contact NC State seeking information for appropriate purposes, such as investigating claims of discrimination, conducting background checks for security clearances, or inquiring about the university's compliance with applicable laws. In addition to the EEOC and the Immigration Service, the university may over the course of a year, be visited or contacted by representatives of, among others, the Department of Agriculture, the Nuclear Regulatory Commission, the Environmental Protection Agency, the Department of Edu-

cation, the Department of Labor, or the Office of Inspector General from multiple agencies.

Because proper handling of these inquiries may require interpretation of laws and knowledge of legal procedures, and mishandling may subject the university to fines, penalties, or other potential liabilities, it is important to contact the OGC as soon as possible after an inquiry is received. An OGC attorney with appropriate expertise will work with you to insure the university's response is timely and appropriate, and that the university's interests are protected.

When you hear an unfamiliar "knock, knock" at your door, call OGC. We are your law firm, and are here to support you!

Did you know? Music, movies, videos, games and other online media are protected or subject to copyright law and are usually illegal to share through peer-to-peer (P2P) file applications. In the file-sharing context, downloading or uploading even small portions of a copyrighted work without permission in most situations constitutes a copyright infringement, which

could subject you to great personal financial risks and legal consequences, including six figure monetary fines, loss of employment and/or jail time. NC State seeks to deter the use of P2P file transfers for illegal purposes up to and including implementation of technology-deterrent applications that can monitor online traffic content. To read the university's regula-

tion on copyright infringement, see [REG 01.25.02](#). To learn more about P2P file sharing and for a list of legal alternatives, visit <http://oit.ncsu.edu/p2p> or call the NC State Help Desk at (919) 515-4357. To learn about copyright, visit the [U.S. Copyright Office](#) website or contact Assistant General Counsel, Shawn Troxler at (919) 515-1527.

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We make house calls!

Send your inquiries to:
howlingcounsel@ncsu.edu
or call (919) 515-3071

Related Links:

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Howling Counsel

Political Campaign Related Activities

Being an active citizen means being engaged in the political process. As state employees, we do not lose our rights as private citizens to be involved in supporting or opposing candidates or issues. However, state law prohibits employees from using work time and university resources (e.g. computers, e-mail, letterhead, copy/fax machines, telephones, and vehicles) to support or oppose political candidates and issues.

Under federal law, the university is permitted to conduct broad voter education, public opinion polls on issues, and voter registration drives provided they are conducted in a non-partisan way. Providing opportunities to speak on an equal basis

for all registered candidates for public office is also allowed. Candidate appearances, speeches and debates for partisan political purposes are allowed in university facilities only if a registered student organization sponsors the candidate and the facilities use regulation ([REG07.25.11](#)) is followed.

For guidelines on the “do’s and don’ts” of permissible political campaign related activities at NC State, please read our legal topic on [Political Activities](#). For questions relating to specific situations, please contact Assistant General Counsel Shawn Troxler at (919) 515-1527 or General Counsel Eileen Goldgeier at (919) 515-3932.

In addition, the [Board of Governors](#) has designated the President as the UNC System’s representative to all governmental bodies. Chancellor Woodson speaks on behalf of NC State and Assistant to the Chancellor for External Affairs, Kevin Howell, is NC State’s designated, primary liaison with state and local agencies and elected/appointed officials. Lobbying limitations and restrictions are governed both by [state](#) and [federal](#) law.

For questions related to lobbying, please contact Kevin Howell or Director of Federal Research Affairs Matt Peterson at (919) 515-9340.

OGC Adds Increased Public Records Support to Campus

Records custodians on campus now have more help when dealing with public records requests, record retention and destruction questions, and other records issues. “The need for more public records support [for campus] is a priority,” said Vice Chancellor and General Counsel Eileen Goldgeier. “Now, I feel the campus community is better served with an array of tools to assist them, such as in-person and on-line training as well as OGC staff specifically trained in this area.”

While not the most glamorous issue, public records management and compliance can really catch departments by surprise if unprepared, said Clifton Williams, university records officer. Williams cited one recent example of an unannounced federal compliance inspection at an NC State research facility which required administrators to produce research records. “Fortunately, the [research] folks generally understood their records retention obligations, and were also able to call me to get real-time,

immediate assistance on how to handle the situation.”

OGC’s [public records reference material](#), including its first 9-minute online tutorial dedicated to public records law, can be found at the OGC’s legal topics webpage.

For more guidance on public records law or to schedule live training, please contact University Records Officer Clifton Williams at (919) 515-1526 or Clifton_williams@ncsu.edu.

QUESTION OF THE MONTH

“Where do I get permission to use the university’s trademarks?”

Commercial use of the university’s name, logos, nicknames, or other trademarks requires advance permission from the university’s trademark licensing director. University departments are permitted to

use the trademarks and service marks for official university business purposes without prior approval. To learn more about the use of the university’s trademarks, please read the trademark regula-

tion ([REG 01.25.06](#)) and visit the university’s [trademark licensing](#) website or contact Gregg Zarnstorff, Trademark Licensing Director, at (919) 515-2146.

NEWS & NOTABLES

Eileen Goldgeier and **Terry White** are serving as mentors to two student-athletes on the Wolfpack Women’s basketball team. Go Pack!

OGC staffer **Clifton Williams** has volunteered as Cary High School’s mock trial

team attorney advisor. In this role, Clifton will provide the team technical assistance on issues such as opening/closing statements, evidence presentation, and witness examination. Cary High’s scheduled competition is in February, 2012.

Game On! Bocce’ Ball match between OGC and Environmental Health & Safety. October 27, 2011 at the Court of North Carolina, 12 noon. Bring your lunch, size up the competition and challenge us if you dare!