Office of General Counsel
ANNUAL REPORT 2016-17

Vision:
To be our client’s first call to collaborate in developing creative solutions in response to challenges or barriers. To be recognized and utilized by those we serve as valued counselors in formulating, evaluating, and dispensing sound situational judgment and preventative legal and risk advice.

Mission:
We are a dedicated legal team committed to facilitating creative, effective and collaborative solutions for our clients. Our passion is service; our standard is excellence.

Office of General Counsel, Strategic Goals

- Cultivating Organizational Excellence
- Structuring Strategic Partnerships
- Facilitating Client-Centered Legal Solutions
- Representing our Clients Zealously
- Being our Clients’ Trusted Counselors

Key Accomplishments (at least the ones we can disclose)
Collaborated with the Centennial Campus Partnership Office to negotiate and open the LexisNexis Experience Innovation Studio. The lab is jointly run by LexisNexis and NC State and provides opportunities for students and employees to work together on new innovations.

The Office worked with ORIED and OFA on the development of the Wolfpack Investor Network (WIN), creating both a program opportunity involving Poole College of Management undergraduates, as well as an associated
entity to manage and showcase the network of startups to WIN members. WIN continues to build new affinity relationships with member investors and friends of NC State University. In less than a year’s time, WIN has exceeded expectations, signing 62 members and completing several funding opportunities for listed startups and member investors. WIN has also successfully negotiated for the addition of up to $5.4M in new investment dollars available to the three triangle related investor networks (NC State, Chapel Hill and Duke).

Collaborated with the Vice Chancellor for Finance and Administration (OFA) and the Real Estate and Development Office on launching a new model for the innovation ecosystem which will enhance economic development in Raleigh.

Led negotiations on the Biomedical Partnership Center (BPC) lease amendment. The BPC will soon open for occupancy on the Centennial Biomedical Campus.

Continued to collaborate with OFA and the CNR Foundation on monetization of Hofmann Forest. Those efforts are still in process and upon completion will provide additional revenue to the College. Advised the Endowment Fund Board on the obligations under the EPA Administrative Order on Consent regarding the Water Management Plan.

Worked tirelessly on the Gregg Museum Funding Agreement with Wake County’s attorney and manager to negotiate the deal. We reached agreement and executed a funding agreement in May. This $650,000 commitment for capital costs represents a significant portion of the overall project budget.

Supported PowerAmerica’s efforts and growth. The future seems bright.

Negotiated and drafted a collaboration agreement with VF Corporation and its Foundation that will create research, education and training initiatives with the Colleges of Textiles and Poole College of Management.
Worked closely with Human Resources (HR) for the first part of the fiscal year in anticipation of the implementation for the new FLSA regulations. While a court enjoined the U.S. Department of Labor from implementing the new overtime rules, we developed closer working relationships with HR and its new leadership. We collaborated with both HR and OIED on issues dealing with Family and Medical Leave, the ADA reasonable accommodation process, the search, recruitment and hiring processes, and Title IX. We advised the campus leadership on House Bill 2 and transgender issues.

During the 2016 election cycle, we prepared and negotiated facility use agreements for political campaign activities on campus and provided advice regarding these events. These events were typically urgent, time sensitive and required extraordinary teamwork among many units on campus from Athletics to Communications and Police and External Affairs. First Lady Michelle Obama spoke in Reynolds Coliseum on October 4.

The Office continues to work with University Real Estate, CALS, Facilities, the University Club, the NC State Foundation, University Advancement, outside consultants, State Property Office, Council of State, and NCDOT on the complexity of impacts and solutions related to the I-440 Widening Project on university people, programs and facilities.

Worked closely with DASA to revise the Code of Student Conduct and assisted the Cashier’s Office with a data breach response.

Worked with Foundations Accounting and Investments to identify and modify 25 endowments requiring revisions. With the establishment of the Innovation Roundtable, we expect to assist and support emerging entrepreneurial and innovation initiatives.
Along with Cabinet, we maintain and develop both a strategic risk management process and an effective organizational compliance and integrity program. Major initiatives accomplished this year were: 1) establishment of a third party hotline through EthicsPoint™ for reporting compliance concerns; 2) working with the electronic research administration (eRA) steering committee; 3) working with campus partners on the development and implementation of REPORTER, the registration tracking platform for non-credit activity and required training; 4) refreshing the top ten strategic risks; 5) supporting the University Compliance Steering Committee and chairing the Compliance Officials Working Group; 6) partnering with ORIED on the development of 15 professional quality training modules and the communications and implementation strategy necessary to inform and involve the college associate deans for research and ensure access to the module content as ‘just in time’ training to affected faculty researchers and PI’s, graduate students and staff; and 7) completion of the Compliance Matrix indexing subject matter, black letter law, responsible official and point of contact information for each of the university’s compliance related subject matter areas.

OGC continues to work on operational and compliance efforts for the European Center in Prague (formerly known as the Prague Institute) involving leases, employment and financial matters.

We worked closely and advised the Office of International Scholar and Student Services and the International Employment Office on numerous issues relating to visas, the Trump travel ban, and DACA students. In addition, we collaborated with the Study Abroad Office to create a new PRR and travel registry to better manage risk.
We produced two Howling Counsel Newsletters, one on the Fair Labor Standards Act’s overtime regulations and the other on Advocacy and Political Activities. Presented two “lunch and learns” for the deans on various topics unique to North Carolina and the UNC System. We started a new initiative this year called OGC cubed (“counsel, conversation and coffee”). This initiative is intended to highlight discrete areas of the law for immediate conversation on trending legal issues such as HB2. We continue to provide training across campus to over 1000 employees on topics including Clery, Title IX, public records, open meetings, First Amendment, compliance and ethics, DACA, and political activities.

We have partnered with Athletics to lead the Professional Sports Counseling Panel. This Panel assists and guides student athletes who are interested in having a professional athletic career. We have provided educational information and met with student athletes. We have also handled numerous inquiries from agents. The Panel assisted in the review of several professional contracts in women and men’s basketball, football, and baseball.

OGC assisted in contract negotiations for the new Head Men’s Basketball Coach Kevin Keatts. Go Pack!
We are mindful that supporting the business of our clients is our primary focus. In order to accomplish this goal, we seek to understand the university’s business, its needs, challenges, opportunities, goals, workflows, processes, people and the environment in which they operate. Our Run with the Pack initiative took us to the new Gregg Museum building and the Center for Geospatial Analytics/Visualization Laboratory. We advised many campus committees and working groups including, but not limited to:

Behavior Assessment Team
Centennial Campus Task Force
Professional Sports Counseling Panel
Council on Athletics
Engagement Partnership Council
Human Resources Advisory Council
Innovation Roundtable
Trademark Advisory Committee

Institutional Animal Care and Use Committee
Institutional Review Board
Compliance Officials Working Group
Research Operations Council
Study Abroad Emergency Response Team
IT Strategic Advisory Committee
Title IX Team
ORIED Leadership Committee

From a service perspective, we supported Diversity Week by sponsoring “Take Back the Night”. We also continue to field the Legal Superheroes team in the annual Krispy Kreme Challenge. Finally, we support the Feed the Pack Pantry.
OGC By the Numbers

Innovation & Economic Prosperity (Transactions)

- Real Estate & Construction: 20
- Technology Transfer & Sponsored Research: 22
- Global Engagement: 31
- Purchasing & Contracts: 105
- Academic Research & Internship Engagement: 118

Litigation Cases by Type

- Criminal: 1
- Breach of Contract: 1
- Residency: 1
- General: 1
- Tort/Liability: 1
- Civil Rights: 3
2016-2017 SBI Reporting

- Property Damage: $176,509
- Theft: $198,570
- Embezzlement: $7,329
- IT/Computer Theft: $4,159
- Misuse of State Property: $5,144

Grand Total: $391,712

# of Incidents: 118
Recovered: $0

Creating a Culture of Continuing Professional Development and Compliance Training (by Participation)

- Clergy/Title IX: 374
- Records: 214
- Human Resources: 75
- Compliance: 80
- Legal 101: 90
- NACUA Webinars: 98
- 1st Amendment: 129
- Campus Safety: 30
- Immigration/Student Privacy: 98
**Improvement in Administrative Processes**

- **Repealed PRRs**: 16
- **New PRRs**: 4
- **Revised PRRs**: 23

**4 New PRRs**
1 Policy, 4 Regulations and 4 Rules

**16 PRRs Repealed**
1 Regulations and 2 Rules

**23 PRRs Revised**
1 Policy, 18 Regulations and 8 Rules