Office of General Counsel
ANNUAL REPORT 2014-2015

Mission Statement

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 assist our clients in their daily decision making and to further the university’s goals and initiatives. We counsel the university community on legal and risk management matters in a collegial, responsive manner. 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

Accomplishments

Successful negotiation and closing on the terms and conditions for the $140 million DOE/Office of Energy Efficiency and Renewable Energy (EERE) assistance agreement to establish the Next Generation Power Electronics Manufacturing Innovation Institute (“PowerAmerica”), a consortium of industry, university and federal lab members led by NC State. To date, ten industry members, two federal labs and five universities have signed on.
Represented the University in the construction of the new $14 million Close-King Indoor Practice Facility. Prepared ground lease and debt service agreements with the Wolfpack Club to enable the funding and development of this facility.

Represented the Endowment Fund in the negotiation of the $150 million Purchase and Sale Agreement for the Hofmann Forest, which did not close due the failure of a contingency under the Agreement. Also related to Hofmann Forest, assisted the Attorney General’s Office with the appellate briefs and Supreme Court argument in Cubbage, et al. v. Board of Trustees of the Endowment Fund of NC State University, et al. The Supreme Court dismissed the case upon the termination of the Purchase and Sales Agreement.

Led the extensive, complex and lengthy effort to successfully close several agreements to accommodate the development of the Gregg Museum at the old chancellor’s residence.
Other notable matters for the year include the licensing of university technologies to twelve university startups, and license or license option agreements with Altria, Aseptia, MAA Labs, Google and GE Healthcare; the Rolling Stones Concert agreement; and the Parexel service agreement with the Department of Statistics’ L-CSI. Advised University Administration on a number of Greek Life issues and drafted the ground lease for Delta Gamma’s new sorority house in Greek Village; and leases in the private Venture buildings on Centennial.

We revised or amended the Athletic Director’s and five of head coaches’ employment agreements, in support of the continued success of Wolfpack Athletics and its highest Learfield Directors Cup finish.
Successfully closed and financed a four-star Marriott Autograph Collection Hotel, securing the most sophisticated tenant-partner (Noble Investment Group) and bringing them to Centennial Campus.

Facilitated the creation of the Faculty Ombuds Office. The faculty ombuds has two primary roles. First, the faculty ombuds is a confidential resource, a sounding board that also provides information, discusses University policies and procedures, and helps faculty resolve situations early. Second, the faculty ombuds serves as a listening post for systemic concerns and brings these to the attention of the University.

Identifying and Managing Conflicts of Interest: How to Continue Building Career Success the Right Way

Our newest training effort of the year was developing and presenting along with SPARCS, a creative and hands on training program designed for high performing faculty and their college administrators using the SCALE UP model: "Identifying and Managing Conflicts of Interest: How to Continue to Build Career Success the Right Way."

We also continued to present along with University Police our annual Clery training for Campus Security Authorities, which number over 1000.
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, goals, workflows, processes, people and the environment in which they operate. We gain this knowledge through our attendance at committee and task force meetings, regularly scheduled meetings with senior management and our own desire to learn about new initiatives on campus, such as the unmanned air systems (UAS). The office visited the NextGen Air Transportation Center and watched a UAS demonstration at the Lake Wheeler Research Farm.

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.

We advised many campus committees and working groups including:

- Behavior Assessment Team
- Centennial Campus Task Force
- Compliance Officials Working Group
- Council on Athletics
- Engagement Partnership Council
- Human Resources Advisory Council
- IT Strategic Advisory Committee
- Institutional Animal Care and Use Committee
- Institutional Review Board
- Professional Sports Counseling Panel
- Research Operations Council
- Study Abroad Advisory Board
- Title IX Team
- Trademark Advisory Committee
- University Compliance Steering Committee
OGC by the Numbers

Innovative & Economic Prosperity (Transactions)

- Global Engagement: 30
- Academic Research & Internship Engagement: 108
- Real Estate & Construction: 128
- Purchasing & Contracts: 128
- Technology Transfer & Sponsored Research: 245

Litigation Cases by Type

- Athletic: 1
- Environmental/Declaratory Judgment: 1
- Tort/Liability: 3
Administrative Proceedings

Year 2014

- US-DOE: 1 Total Cases, 1 Cases Closed
- OSP-OAH Hearings: 2 Total Cases, 2 Cases Closed
- EEOC: 3 Total Cases, 2 Cases Closed
- OAH-CRD: 5 Total Cases, 6 Cases Closed

Year 2015

- US-DOE: 1 Total Cases, 1 Cases Closed
- OSP-OAH Hearings: 2 Total Cases, 2 Cases Closed
- EEOC: 3 Total Cases, 2 Cases Closed
- OAH-CRD: 5 Total Cases, 6 Cases Closed

Public Records Requests

- Year 2014:
  - # of requests: 100
  - Total pages: 4,266
- Year 2015:
  - # of requests: 138
  - Total pages: 3,715
2014-2015 SBI Reporting

IT/Computer Theft $23,957
Property Damage $26,076
Theft $80,943

Grand Total: $205,289
# of Incidents: 85
Recovered: $214

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

Clery
Records
Misuse
Title IX
COI/NOI
FERPA
NACUA Webinars

[Graph showing participation counts for each category]
Improvement in Administrative Processes

- Revised PRRs: 28
- New PRRs: 4
- Repealed PRRs: 4

- 4 New PRRs
  1 Policy and 3 Regulations
- 4 PRRs Repealed
  2 Regulations and 2 Rules
- 28 PRRs Revised
  21 Regulations, 4 Policies, and 3 Rules