Office of General Counsel

ANNUAL REPORT 2017-18

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 Solutions
- Representing our Clients Zealously
- Being our Clients’ Trusted Counselors

Being Our Clients’ Trusted Counselors

The Office of General Counsel (OGC) initiated and assisted with the revisions to the space reservation processes on campus, created content for the newly required Free Speech webpage and training at New Student Orientation.
The Office of General Counsel continues to lead the **Organizational Compliance and Integrity Program** and made progress in developing our research compliance training efforts. Further efforts also lead to administering NC State’s first self-assessment and reporting cycle for compliance owners. The results of the assessment will provide the University Compliance Steering Committee and the Board of Trustees with metrics to better inform our strategies, initiatives and resource allocations. Completed our first year utilizing Ethics Point hotline with twelve complaints received.

Data and privacy have been recurring issues this year. With the **European Union’s General Data Protection Regulation** (GDPR), we have worked with our campus partners to assess the effectiveness of our compliance efforts and make adjustments. Areas that are affected include international admissions, international employment and NC State’s European Center in Prague. We have also initiated a campus wide review of **HIPAA** compliance with Sports Medicine, Human Resources, Disability Services, Student Health Services and Counseling Center. We have advised the **HR Search Process and Recruitment Work Group** on a weekly basis and conducted a thorough examination of search, recruitment and hiring processes and procedures in order to assess areas for improvements and efficiencies. We continue to work with the EHRA Administration Unit in HR and Faculty Affairs in the Provost’s Office to revise and improve offer letters and other templates.

**Facilitating Client-Centered Solutions**

OGC collaborated substantially with OIED, OSC, HR, BAT, UPD and the Counseling Center on violence prevention processes and protocols, best practices and communications. We collaborated with Foundations Accounting and Investments and outside counsel on the court-approved petitions to modify nine **endowments** on behalf of the NCSU Foundation, various college foundations and the Endowment Fund, worth a total of $3.2 million. The result of this project provides additional funds being available for student scholarships. OGC worked with the Treasurer’s Office to refinance the **Wolfpack Club debt**.
Structuring Strategic Partnerships

Our transactional success has been unprecedented this year. We advised Finance and Administration and worked closely with University Real Estate & Development on the strategy for development of the Innovation District on thirty-two (32) acres of Centennial Campus, which includes a utilities plan, a storm water plan, a transportation plan and development guidelines. This next phase of a planned development will be an historic transformation for NC State, the City and the State. We worked with Athletics to negotiate a favorable Amendment to the Learfield multi-media rights agreement. The State View Hotel opened after it was initially conceived over twenty years ago, and legal efforts culminated in a viable hotel on Centennial Campus. A partnership with REI was realized to rent kayaks, canoes, bicycles and the hosting of outdoor recreation courses such as Introduction to Kayaking and Backcountry Skills at Lake Raleigh beginning in the Spring 2018.

We handled a significant number of complex business transactions, the most impactful being the PNC Bank Retail Services Agreement which provides for sponsorship as the “official bank” of NC State. The agreement is worth nine million dollars over fifteen years. The Trinity Road Tunnel interagency agreement, the July 4th Fireworks move from downtown to the Carter-Finley parking lots, and negotiations for the endangered dwarf wedge mussel and the threatened yellow lance mussel aquafarm hatchery due to environmental impacts of the I-540 route near the Historic Yates Mill County Park were some of the major contractual efforts.
We collaborated with University Real Estate & Development to achieve a strategy satisfying multiple parties with varying interests and agendas related to the I-440 Expansion including impacts to the University Club and the Short Game Practice Facility. OGC handled and negotiated the Kannapolis agreement, the Dan Allen Drive tripartite agreement with the City and a private developer to construct and install new storm water and sanitary sewer lines, and the Hofmann Solar Option and Ground Lease with Duke Energy. Each of these agreements have favorable terms for the University. Also assisted in negotiating a series of agreements to provide property management, space listing and tenant-side brokerage and consultation/advisory services.

Handled research and intellectual property matters. Created the VF Memorandum of Understanding, the Hanesbrand Master Research Agreement, and the IBM Q Hub Agreement as part of the global IBM Q Network, a collaboration of top Fortune 500 companies, universities and research labs working with tech powerhouse IBM to advance quantum computing. Continue to handle international matters relating to SKEMA Business School and the European Center in Prague.

**Representing Our Clients Zealously**

OGC was instrumental in defending the University and resolving several OSHA complaints: 1) the Facilities Division power systems unit and 2) the other involving the Nonwovens Institute.

We have managed the response to the grand jury subpoena in United States v. Gatto, et al., requesting voluminous records.
We continue to partner 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.

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. 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
- Sexual Assault Response Team

We continue to field the Legal Superheroes team in the annual *Krispy Kreme Challenge* and, we support the *Feed the Pack Pantry*. 
OGC by the Numbers

Innovation & Economic Prosperity (Transactions)

- Real Estate & Construction: 59
- Technology Transfer & Sponsored Research: 52
- Global Engagement: 41
- Purchasing & Contracts: 162
- Academic Research & Internship Engagement: 72

Litigation Cases by Type

- Residency: 1
- Employment: 2
- Tort/Liability: 5
Administrative Proceedings

Public Records Requests

<table>
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<tr>
<th>Year</th>
<th># of Requests</th>
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<tr>
<td>2017</td>
<td>308</td>
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2017-2018 SBI Reporting

- IT/Computer Theft: $3,423
- Property Damage: $340,725
- Theft: $119,366
- Misuse of State Property: $1,978

Grand Total: $465,492
# of Incidents: 79
Recovered: $64,350

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

- 1st Amendment: 169
- Clery Act: 120
- Contracts/Signature Authority: 102
- Compliance: 55
- FERPA: 416
- Free Speech: 253
- GDPR/Privacy: 191
- HR and the Law: 15
- HIPAA: 78
- NCAA/Athletic Issues: 82
- Open Meetings: 84
- Public Records: 39
- Record Retention: 20

1624 Total Participants Reached
Improvement in Administrative Processes

- **Revised PRRs**: 33
- **New PRRs**: 2
- **Repealed PRRs**: 11

- **2 New PRRs**
  - 1 Regulation and 1 Rule

- **11 PRRs Repealed**
  - 11 Regulations

- **33 PRRs Revised**
  - 11 Policies and 22 Regulations