

Office of General Counsel

ANNUAL REPORT 2019-2020

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



As the unit responsible for providing legal services to the University community, OGC has a broad portfolio of work across the University. Below are examples of significant and important legal matters that OGC handled over the past fiscal year. They are grouped according to goals of the OGC strategic plan, below.

Goal 1: Cultivating Organizational Excellence

We enhance organizational excellence by creating a culture of constant improvement within OGC. These efforts include focus on staffing, professional development, and efficient and competent management of all functional areas and responsibilities within OGC.

OGC Staff Updates

OGC strives to maintain a premier staff with innovative expertise and high levels of professional satisfaction.

- Mike Jung was hired as Associate General Counsel effective December 1, 2019, to specialize on matters relating to data privacy, security information, sponsored research, technology transfer, intellectual property, copyright, and trademark, along with other areas as assigned.
- Katrina Chapman was hired as Associate General Counsel effective December 31, 2019, to specialize in general litigation matters, administrative agency complaints, public records law, employment law, FERPA, HIPAA; as well as Athletics and faculty/student affairs matters.
- Lynda Mottershead was hired as the University Records Officer.
- Kristen Meeks was hired as the University Compliance, Ethics and Enterprise Risk Management Officer effective June 8, 2020.

Goal 2: Being Our Clients' Trusted Counselors

- **Venture/Alliance portfolio, the Stateview Hotel, and the Keystone Buildings:** OGC worked with sellers, purchasers and lenders to agree to terms and to provide necessary ground lessor consents, estoppels and agreements permitting the sale of the Venture/Alliance portfolio, the Stateview Hotel, and the Keystone Buildings (Keystone Sciences Center and the Center for Technology and Innovation) on Centennial Campus and the Biomedical Partnership Center on Centennial Biomedical Campus.
- **Public-Private Partnership:** OGC is working with the Endowment Fund and URED to structure public private partnerships that leverage the University's knowledge economy to further the University's mission.
- **HQ Raleigh:** OGC worked with URED and the Entrepreneurship Garage to finalize the membership and license agreement with HQ Raleigh governing the use of space by the Entrepreneurship Garage in the new HQ at Centennial space.

Goal 3: Facilitating Client-Centered Solutions

- **Stadium Alcohol Legislation:** OGC advised on issues and processes relating to new legislation allowing the sale of alcohol in athletic facilities.
- **Formation of Research LLC:** OGC assisted the Office of Research and Innovation to shepherd the formation of a Research LLC through the various University approvals and processes.
- **Corporate Gift Agreements:** OGC worked with Advancement Services, the Office of Partnerships and Economic Development, Purchasing, Foundations Accounting and Investments, SPARCS, and Strategic Brand Management to develop and clarify the process for handling and processing gift agreements from corporations.
- **Wolfpack Club Operating Agreement:** In December 2019, the University and the Wolfpack Club entered a new 5-year operating agreement formally extending the Wolfpack Club's status as an associated entity. OGC assisted in negotiating and drafting the agreement in collaboration with multiple campus administrators and units.
- **Information Security:** OGC advised several Office of Information Technology working groups, including the Information Security Advisory Group (ISAG), on policies and processes related to a number of issues, including information security, classification of data, onboarding and training of employees and students.

- **Student Complaint Policy:** OGC worked with various campus units to develop a written complaint policy and lead a multi-disciplinary team through the strategic issues to assist with putting a process in place to handle written student complaints.
- **Minors on Campus:** OGC worked with the Youth Programs and Compliance group to revise the minors on campus regulation in order to meet the new system requirements, protect minors involved in NCSU programs, and to best train our personnel to work with minors.

Goal 4: Structuring Strategic Partnerships

- **New Belgium Agreements:** This arrangement was a first for the University, in that it was the first time the University licensed out one of its prominent trademarks for an outside party's commercial use, and the first time in the alcoholic beverage context. OGC helped to structure an innovative and creative arrangement, including an educational sponsorship component and a trademark licensing component.
- **NC State IBM Q-Hub:** OGC worked on the membership agreements for the IBM Q-Hub's first paying members.
- **Science Olympiad:** This year, the University, and the North Carolina Science Olympiad (NCSO) identified a need to modify their relationship. OGC worked closely with Foundations Accounting and Investments and the College of Sciences to help facilitate a creative solution whereby NCSO dissolved and became a University program within the College of Sciences.
- **Stadium Series Contract with National Hockey League:** In March, NC State and the NHL announced that Carter-Finley Stadium will host an outdoor hockey game in February 2021 as part of the NHL's "Stadium Series." While COVID-19 resulted in the temporary suspension of the NHL season, OGC worked closely with Athletics, Campus Enterprises, and Environmental Health & Safety, among others to prepare a draft contract for the parties to finalize once the NHL's operations resume.
- **Right to Erasure Request:** OGC worked on the development of a process for responding to "right to erasure requests" under the European Union General Data Protection Regulation (GDPR) and various US state laws.

Goal 5: Representing Our Clients Zealously

OGC was instrumental in defending the University and resolving several employment related matters, tort claims, and litigation actions.

OGC Support for University Response to COVID-19 Pandemic

OGC has played, and continues to play, an integral role in supporting units across the University in responding to the COVID-19 pandemic and in planning for the post-COVID-19 return. OGC will continue to provide legal and strategic advice during this unprecedented time.

COVID-19 impacted various University contracts, including NC State's housing and dining contracts, facility use agreements, purchasing contracts, and service agreements. In the aftermath of the Governor's stay-at-home order, OGC advised units all over campus regarding their contractual obligations and liabilities and the best way to approach their contractual partners. These included providing advice on force majeure clauses and cancellation terms.

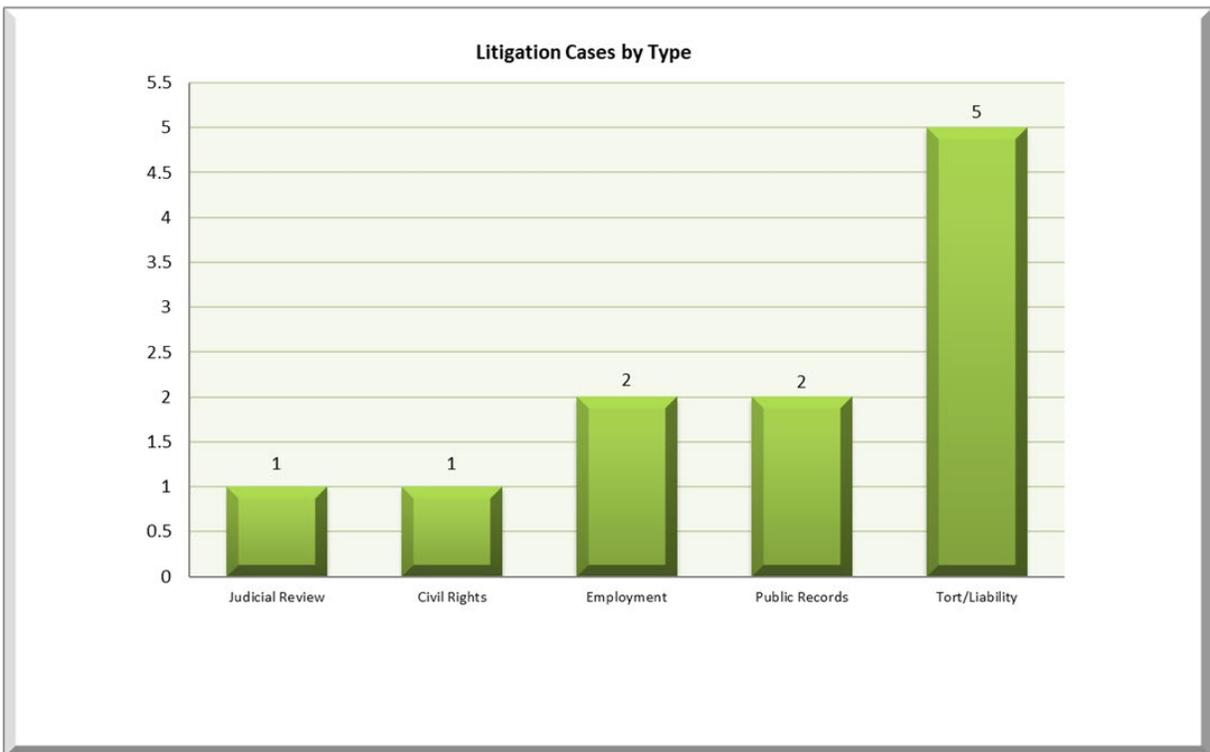
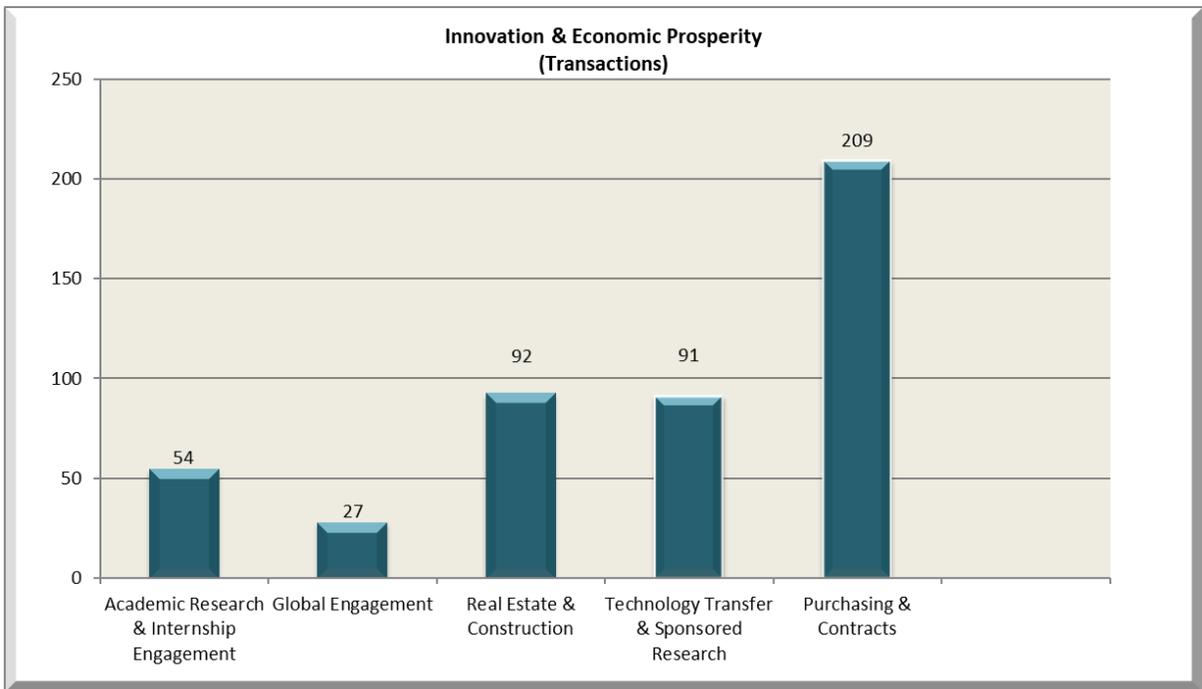
OGC has also contributed to the various groups and committees that have been convened to deal with the pandemic response. Specifically, OGC attorneys are making the following contributions:

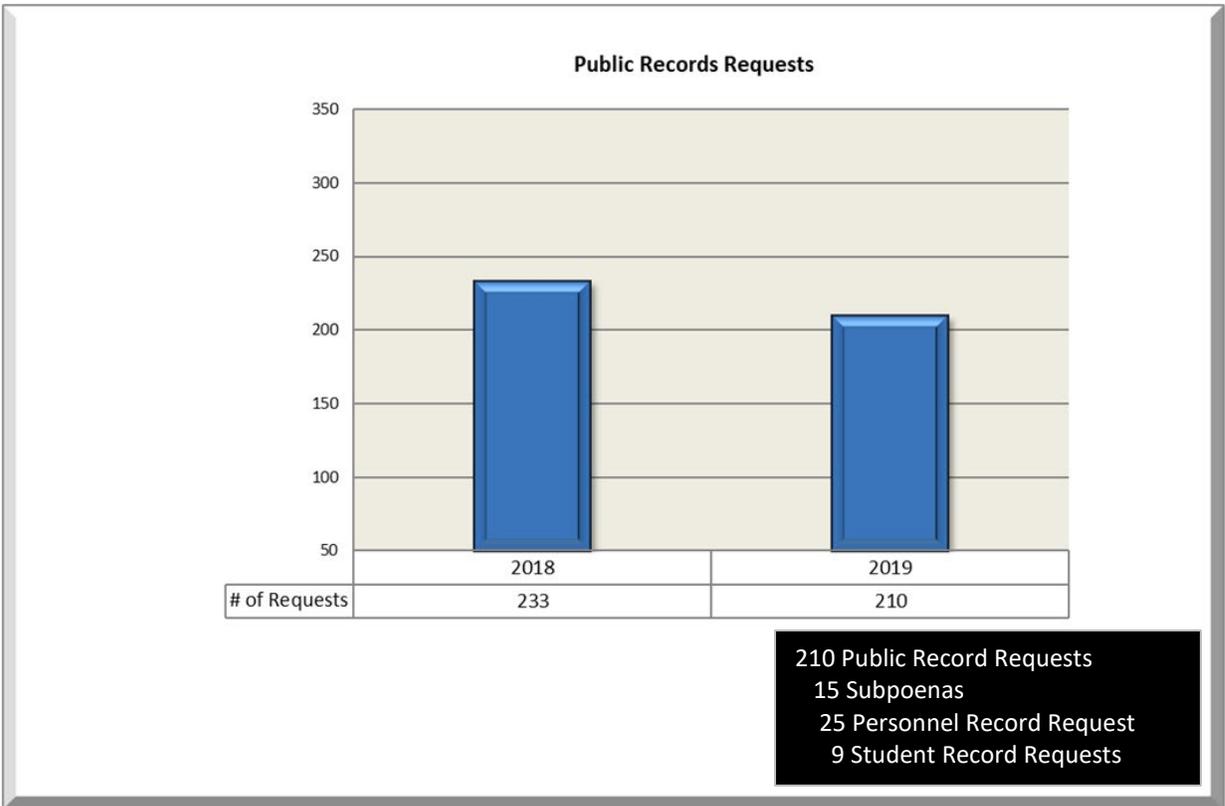
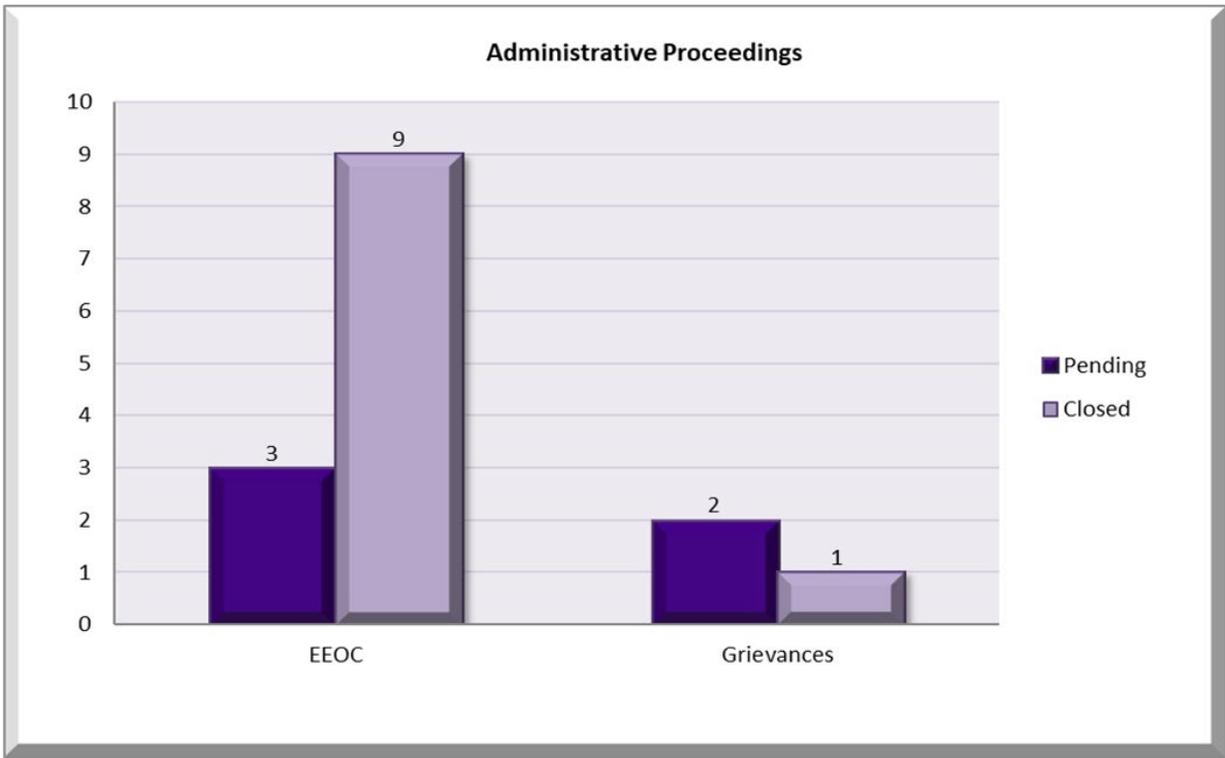
- Attending Coronavirus Executive Team meetings.
- Regularly participated in Research unit groups involving exceptions to the research shutdown and the research restart.
- Regularly attended and participated in the daily Emergency Operations group meetings.
- Serving as regular ongoing members of HR's operations group as needed.
- Serving on and working with the Student Activities, Housing, Research, and Extension Task Forces.
- Participating in a working group organized by the System Office, which looked specifically at housing and dining contracts and made recommendations for those contracts going forward.
- Participating in Research Operations Council meetings to advise on issues relating to the effect of the pandemic on NC State research operations.

In furtherance of our objective to provide mission-oriented advice and counsel, we advise many campus committees and working groups including, but not limited to:

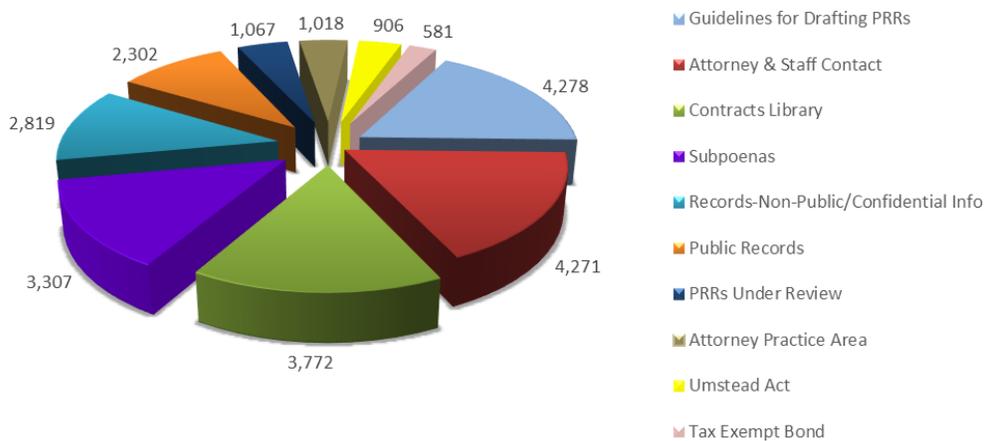
Behavior Assessment Team	Institutional Review Board
Compliance Officials Working Group	Institutional Animal Care and Use Committee
Council on Athletics	Research Operations Council
Engagement Partnership Council	Research and Extension Task Forces
Emergency Operations group	Sexual Assault Response Team
Professional Sports Counseling Panel	Study Abroad Emergency Response Team
Information Technology Committees	Strategic Planning Diversity, Inclusion & Well-Being Committee
Innovation District Work Group	Trademark Advisory Committee

OGC by the Numbers

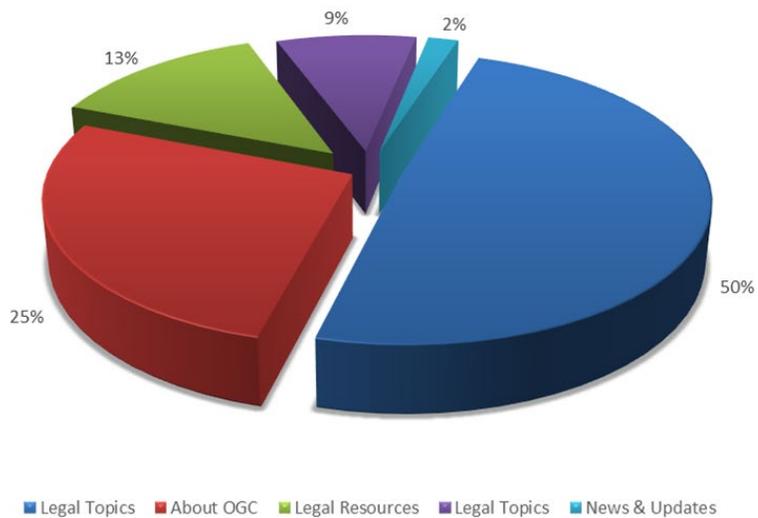




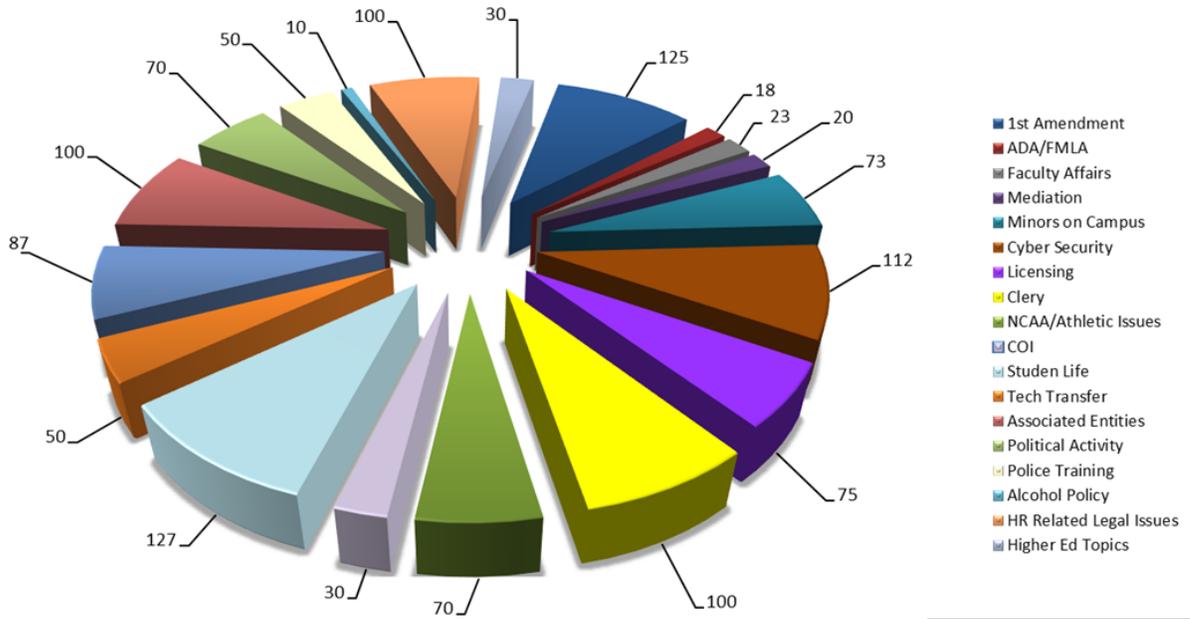
OGC Website - Top 10 Most Viewed Pages



OGC Website - Most Popular Navigational Sections

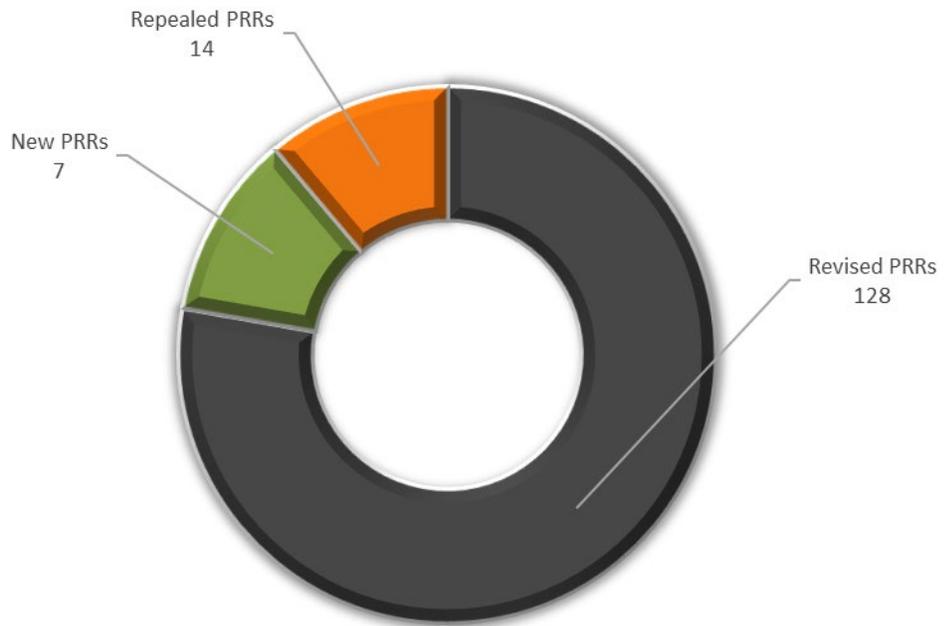


Creating a Culture of Continuing Professional Development and Compliance Training
(by Participation)



1270 Total Participants Reached

Improvement in Administrative Processes



7 New PRRs
2 Regulations and 5 Rules

14 PRRs Repealed
14 Regulations

128 PRRs Revised
8 Policies, 25 Regulations and 95 Rules