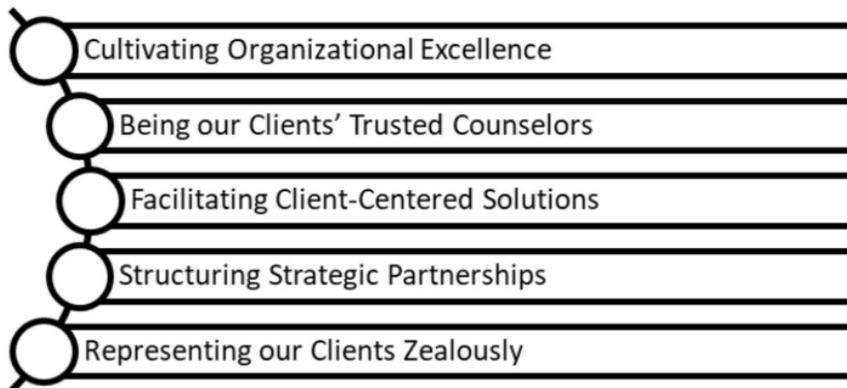


OFFICE OF GENERAL COUNSEL ANNUAL REPORT 2020-2021

MISSION

The Office of General Counsel is a team of attorneys and professionals who are committed to providing mission-oriented advice, counsel, and representation. We are a dedicated 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



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.

- Kathryn Bogle was hired as Paralegal on December 21, 2020.
- Katie Price was hired as Executive Assistant to the Vice Chancellor and General Counsel on February 1, 2021.
- Shawn Troxler was promoted to Deputy General Counsel as of July 1, 2021.
- OGC is actively recruiting to fill two open attorney positions.

SPECIAL RECOGNITION -- CHANCELLOR'S UNIT EMPLOYEE AWARD FOR EXCELLENCE

Shawn Troxler won the Chancellor's Unit Employee Award for Excellence in the "State Government" category. Shawn was recognized for his work in coordinating and providing legal support for the university's response to the Covid-19 pandemic, which included helping to structure collaborations between campus partners and industry to help manufacture and supply face masks to the university and healthcare organizations through the state.

GOAL 2: BEING OUR CLIENTS' TRUSTED COUNSELORS

- **Study Abroad Travel:** OGC counseled the Study Abroad Office (SA) and the Study Abroad Emergency Response Team (SAERT) on a myriad of issues relating to potential international travel during a pandemic.
- **Written Student Complaints Process:** OGC provided legal advice related to the newly developed Written Student Complaints process, assisted in developing training for the associate deans and department heads conducting the complaint reviews and appeals, and advised faculty members on several appeals in the complaint process.
- **Centennial Campus Rezoning and North Oval Innovation District:** In preparation for the innovation district, OGC worked closely with URED to update the zoning on Centennial Campus to facilitate anticipated development. Furthermore, OGC has been dedicated to assisting with structuring, negotiating, and drafting the Master Development and Option Agreement, Ground Lease Form, Master Declaration, and other ancillary documents that will serve as the framework for a public-private partnership to develop an expanded innovation district on approximately 30 acres north of the oval on Centennial Campus.

- **Wine Licensing Advisory Group:** OGC provided advice and counsel on ABC laws and licensing dynamics to the Wine Licensing Advisory Group, a group looking at the possibilities of licensing our marks for the creation of an NC State wine.

GOAL 3: FACILITATING CLIENT-CENTERED SOLUTIONS

- **Title IX:** OGC worked extensively with the Office for Institutional Equity and Diversity (OIED), the Office of Student Conduct (OSC), and other stakeholders to develop new policies, regulations, and processes to implement complicated new federal regulations and compliance requirements related to Title IX.
- **Tammy Lynn:** OGC finalized a long-term extension of an existing ground lease to allow the Tammy Lynn Center for Developmental Disabilities to continue its important work on Centennial Campus.
- **Power America Cooperative Agreement Amendment and Extension:** OGC assisted with the negotiation of an amendment to the University's Cooperative Agreement with the U.S. Department of Energy, for the continuation of the Power America Institute.
- **Service Agreement with American Coatings Association:** OGC counseled and negotiated a unique service and licensing agreement for the use of certain search engine and data analytics software developed by the Poole College of Management.

GOAL 4: STRUCTURING STRATEGIC PARTNERSHIPS

- **Research Data Security Compliance:** OGC provided ongoing assistance to the Research Data Security Compliance Steering Committee on NC State's approach for achieving compliance with the new Department of Defense (DoD) Cybersecurity Maturity Model Certification (CMMC) framework, requiring all DoD contractors and researchers to obtain third-party certification for NIST 800-171 security levels that apply to the type of work they perform for DoD.
- **I-440 Expansion / U-Club Impacts:** OGC worked closely with URED and the University Treasurer to negotiate multiple agreements with the NC Department of Transportation and the NC State

University Club relating to impacts associated with the widening of I-440 on property owned by the NC State Partnership Corporation and leased to the University Club.

- **University Contracts Review:** OGC reviewed and advised on agreements in support of Procurement & Business Services, Advancement Services, University Real Estate & Development, the Provost's Office, Athletics, SPARCS, Facilities, Fraternity & Sorority Life, the Office of Research Commercialization, the Endowment Fund, various foundations and other associated entities, and service agreements performed by our centers, institutes, and College and non-College service centers.

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.

COVID-19 LEGAL RESPONSE TEAM

The COVID-19 pandemic affected every aspect of the University's operations, from class instruction, extension, athletics, research, to dining and even the bookstore. The pandemic also created novel legal issues never encountered before not only by NC State, but likely every other university or college in the nation. To respond to these operational and legal issues, the Office of General Counsel this year created a legal practice group, deemed the COVID Legal Response Team (CLRT). This team was responsible for coordinating, researching, assessing, assisting, and responding to issues created by the COVID-19 pandemic. Some examples include:

- Guidance on Governor's Executive Orders and directives, local stay-at-home orders, and ordinances.
- Interpreting state COVID liability limitations laws and drafting appropriate compliance language.

- Providing advice and counsel on federal statutes and regulations, including those related to the PREP Act and FDA regulation of medical devices.
- Drafting Clery COVID-19 cluster notifications.
- Providing guidance on the use and restrictions on federal funds provided to universities in response to the pandemic.
- Drafting and revising policies and rules to help protect the health and safety of campus, such as the Protect the Pack Community Standards and Rule on Personal Safety Requirements Related to COVID-19.
- Providing guidance and helping draft guidance on employee leave provisions, safety training, volunteer activities, and remote work.
- Conducting research and providing advice on the use of and/or requiring face coverings, flu vaccinations, COVID-19 vaccinations, and free speech.
- Providing advice on contract termination and force majeure terms, amending University contracts, negotiating, and drafting complex agreements related to the use and sale of nonwovens fabric, face-covering production machines, and procuring face covering supplies for NC State.
- Drafting waivers and “assumption of the risk” language specifically related to COVID-19, and participating in University meetings on operations, event activities, and research restart.
- Ongoing advice on issues related to travel, study abroad, and special events.

In furtherance of our objective to provide mission-oriented advice and counsel, we continue to 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

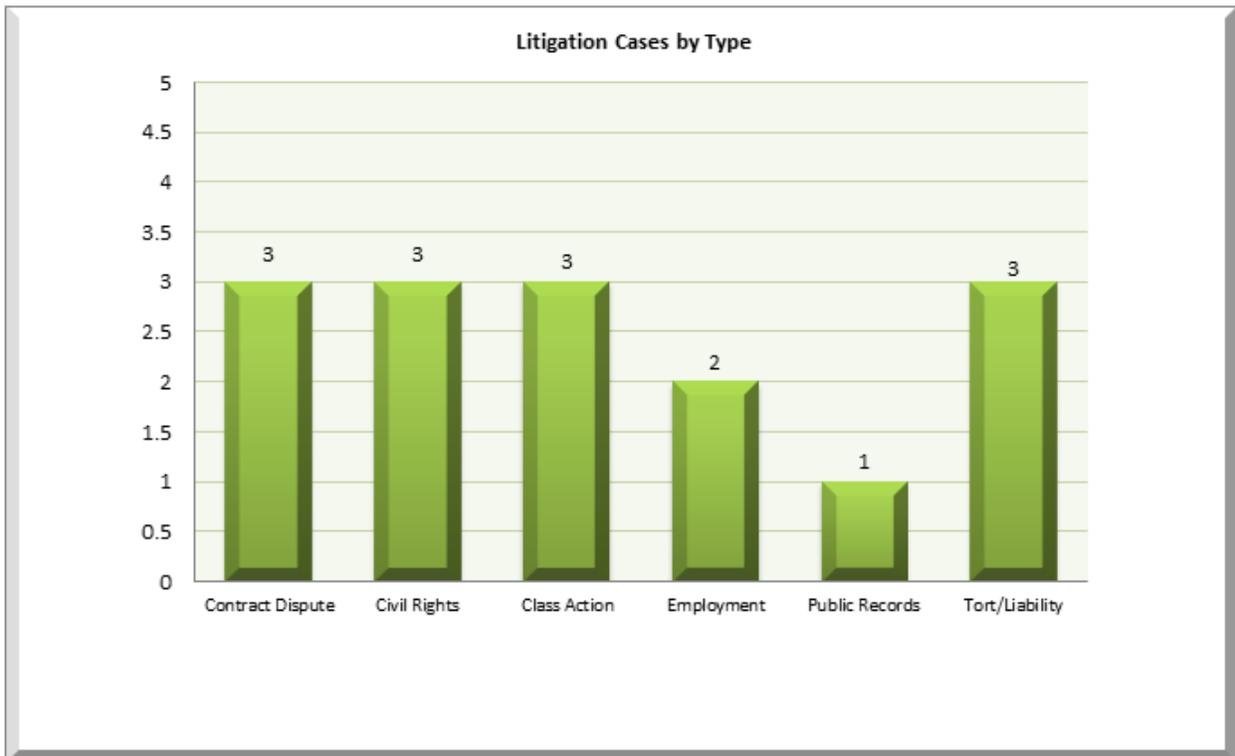
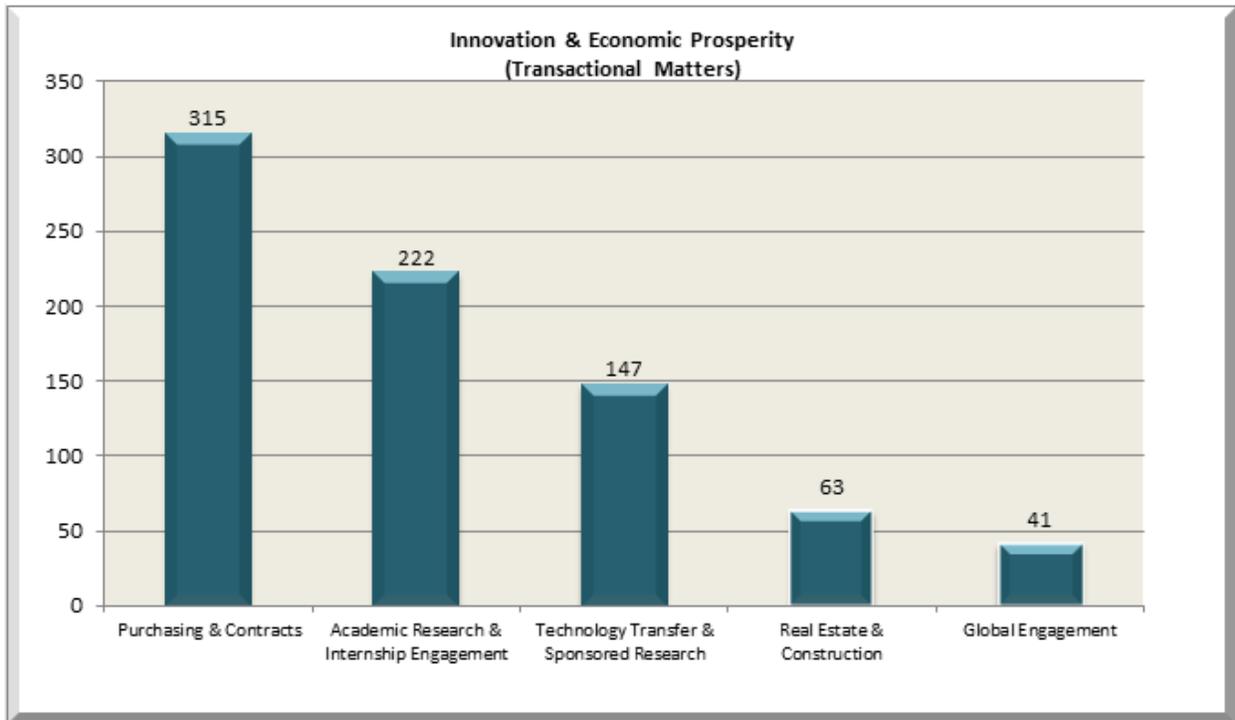
COMPLIANCE AND ENTERPRISE RISK MANAGEMENT

OGC is also responsible for the University's Compliance and Integrity Program and Strategic Risk

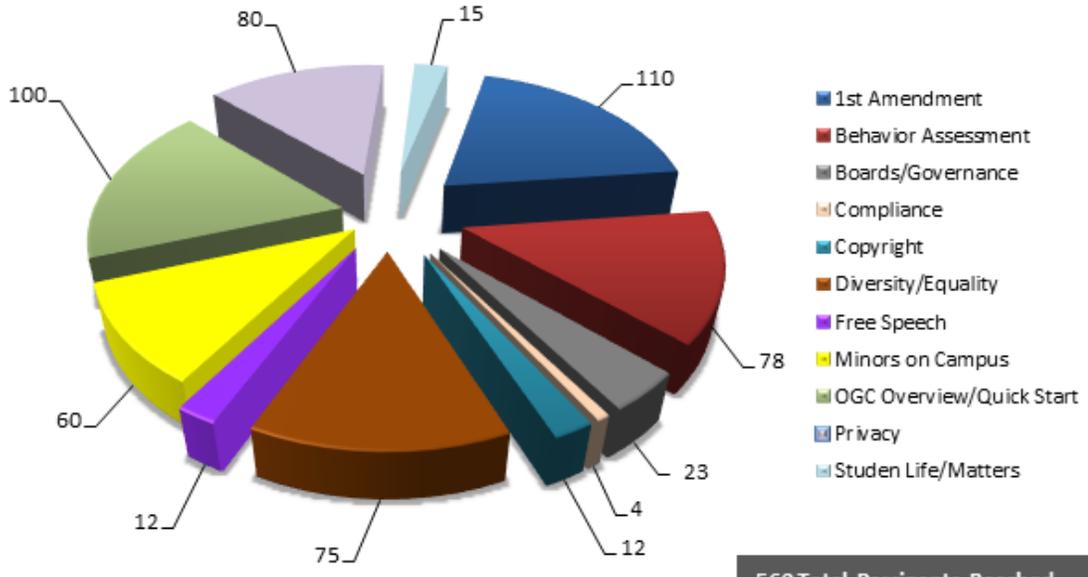
Management Initiative. On June 8, 2020, Kristen Meeks was hired as the University Compliance, Ethics, and Risk Management Officer. The following are some of the critical projects Kristen has been working on this year:

- Coordinating the process for reviewing, benchmarking, and updating the university's compliance matrix as well as the annual Periodic Review of Compliance Programs.
- Assuming primary responsibility for the EthicsPoint Hotline. Since July 1, 2020, Kristen managed 47 reports received to the hotline in coordination with Internal Audit. Coordinating responses to reports received to the EthicsPoint hotline, including referring matters to subject matter experts for further inquiry or investigations, if needed.
- Coordinating the Compliance Steering Committee and the Compliance Officials Working Group.
- Working with students in the Poole College of Management's ERM Practicum to develop root cause (bowtie) analyses of key strategic risks.
- Coordinating the refresh of the university's enterprise risk management watch list.
- Providing consultation and assistance to the Office of Institutional Equity and Diversity and Sponsored Programs on responding to Civil Rights Compliance forms from federal agencies such as the Department of Homeland Security.
- Overseeing and coordinating the University's compliance program.

OGC By Numbers

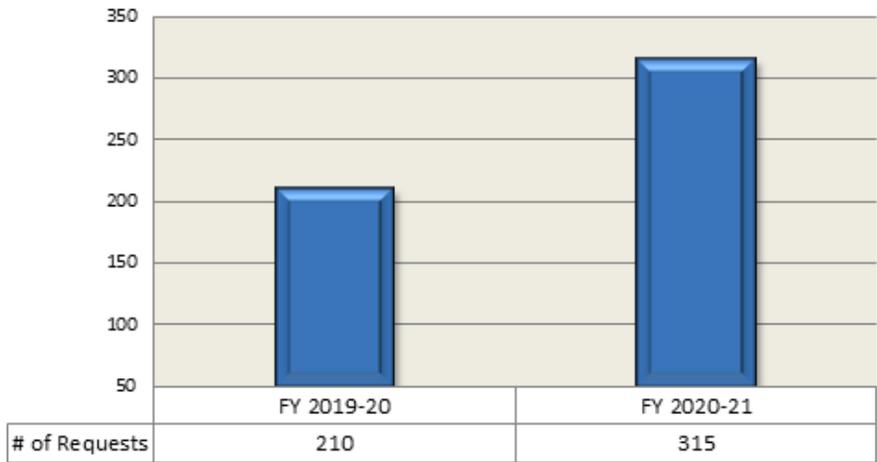


Creating a Culture of Continuing Professional Development and Compliance Training
(by Participation)



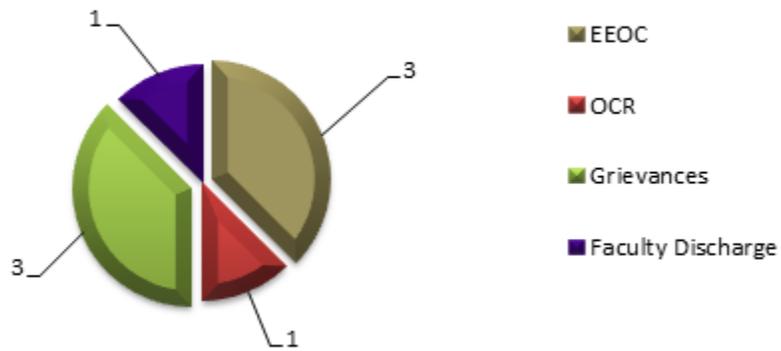
569 Total Parcipants Reached

Public Records Requests

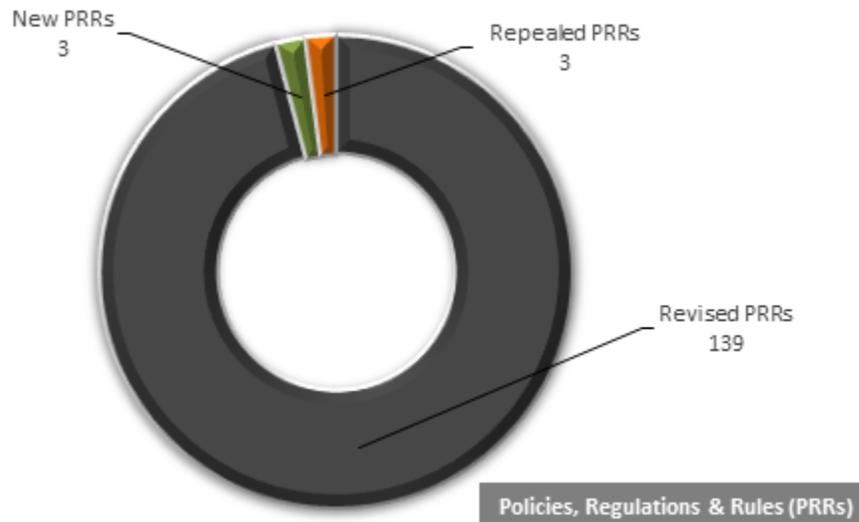


276 Public Record Requests
23 Subpoenas
16 Personnel File Requests

Administrative Proceedings by Plaintiff



Improvement in Administrative Processes



3 New PRRs
2 Regulations and 1 Policy

3 PRRs Repealed
3 Regulations

139 PRRs Revised
9 Policies, 24 Regulations and 106 Rules

OGC Website - Top 10 Most Viewed Pages

