



WELCOME!

Allison B. Newhart, Vice Chancellor and General
Counsel

The NC State Office of General Counsel is made up of an experienced team of attorneys and professional staff who provide mission-oriented legal, compliance, and risk management advice to members of the university community. We are guided by the University's land grant mission, and we focus on supporting and advancing that mission in all we do. We prioritize strong partnerships with clients across campus, and work collaboratively across those partnerships to reach creative, mission-focused solutions. Although we are primarily advisers and not decision-makers, we aim to help make our campus partners' decisions better.

We take great pride in our work. As you will see in this report, OGC has supported the mission in many different ways through our work. The highlights and accomplishments from the past year are described in more detail throughout this report. They include: handling complex cases, obtaining significant and positive results for our clients, providing comprehensive advice and counsel, providing training, education and proactive advice, and staying on top of the trends in the higher education industry. In addition, significant projects for OGC included leading the comprehensive Policy, Regulation, and Rules review, advising on the impact of some very significant Supreme Court cases and regulatory changes, enhancing the governance and work of the Compliance and ERM programs, and managing a substantial uptick in litigation matters.

If you are interested in learning more about our office, please visit the Office of [General Counsel's website](#).

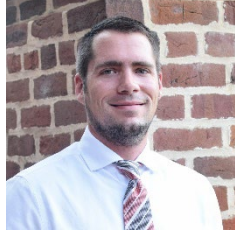
Thank you for taking the time to learn more about our office and our work. We look forward to assisting you in 2024-2025.

Warm regards,

A handwritten signature in blue ink that reads "Allison B. Newhart".

Allison B. Newhart
Vice Chancellor and General Counsel

OGC STAFF AND PROFESSIONAL DEVELOPMENT



John Waldrop began as OGC's Paralegal on July 28, 2023.



Charlotte Clevenger was hired on June 17 as a University Records Officer. She is the second Records Officer serving the university.

- OGC is currently recruiting for a Senior Associate General Counsel position.

Professional development and enrichment continues to be a high priority in the Office of General Counsel. OGC personnel attended NACUA and other higher education conferences, CLE webinars, ethics training, and locally sponsored conferences and training. OGC attorneys make a conscious effort to attend training and workshops to stay informed of the latest trends and issues.











The Office of General Counsel held two team building events over the last year. The office participated in a cooking lesson at Sur la Table on September 13 as well as an NC State themed scavenger hunt on the university campus on April 10.

OGC's Annual Open House was held in Fall 2023 to invite campus partners to visit the OGC office and meet the staff. OGC collected Feed the Pack pantry donations at this event and continues to do so throughout the year.

TRAINING/CONFERENCE PRESENTATIONS

OGC attorneys and staff presented specialized training to many campus units this year. Campus training has included topics such as records retention and disposition, FERPA, faculty grievances and mediation, information security, minors on campus, privacy in cyberspace, political activities, computer use as well as first amendment, freedom of speech and the Clery Act to name a few. Attorneys attend and present at national conferences such as the National Association of College and University Attorneys (NACUA).

Conference and University Presentations by OGC Personnel	
	Allison Newhart co-presented “Student Athletes as Employees and Name, Image, and Likeness,” NACUA General Counsel Institute, March 20, 2024; Led discussion group at NACUA Annual Conference General Counsel Roundtables, June 2023, Presented at NC State New Trustee Orientation in July 2023; Presented on “Students for Fair Admissions SCOTUS decision” to Faculty Senate and Dean’s Council
	Shawn Troxler presented on the “Research Visitor Process” at the Research Operations Counsel meeting in September 2023; Presented “Major Pending Litigation in College Athletics” at the Council on Athletics on September 29, 2023; Presented an “Update on College Athletics Litigation” at the Provost’s Roundtable on April 24, 2023
	Mike Jung presented to the SPARCS office on Confidentiality Obligations on April 26, 2024; Presented to the University Research Committee on Diversity, Equity and Inclusion in Research on March 20, 2024; Presented to IRB members on “Parents Bill of Rights: What you need to know for IRB protocols” (October 6, 2023)
	Sarah Lannom presented a Legal Update on BAT Training on October 19, 2023

	<p>Betsy Lanzen presented FERPA training at the New TA Workshop on August 11, 2023; Presented SCOTUS Opinion Review at the Undergraduate Admissions Retreat on August 14, 2023; Presented SCOTUS Opinion Review to Undergraduate Admissions Personnel on July 25, 2023; Presented Impact of SCOTUS decision on graduate admissions at NC State to Directors of Graduate Programs/Graduate Student Coordinators (August 15, 2023).</p>
	<p>Leslie Mize presented to University Admissions on Students for Fair Admissions on July 13, 2023; Presented at the Associate Deans meeting on transportation of students and other field trip issues on August 3, 2023; Presented at Quickstart sessions on August 24, 2023 and October 26, 2023</p>
	<p>Lynda Mottershead presented on the revised state budget's impact on NC public records law at an OGC staff meeting (November 2023)</p>
	<p>Anna Szamosi presented quarterly OGC Quickstart webinars and EthicsPoint reporting tool workshops to campus groups; Hosted virtual question and answer sessions on the compliance risk assessment process</p>

**OGC SUPPORTS THE GOALS SET FORTH IN THE
WOLFPACK 2030: POWERING THE EXTRAORDINARY**

As the unit responsible for providing legal services to the University community, OGC has a broad portfolio of work across the University. Below are some examples of the significant and important legal matters that OGC has handled over the past fiscal year. They are organized according to the University's goals set forth in the new strategic plan: "Wolfpack 2030: Powering the Extraordinary."

Due to the confidential nature of our work, the below are representative descriptions of some of the matters that OGC handled during 2023-2024.

Goal 1: Empower students for a lifetime of success and impact.

- Worked with academic unit and third party to wind down the Professional Golf Management program.
- Coordinated with various units University-wide to formulate the university's compliance with recent amendments to Title IV regulations related to gainful employment, certification of academic programs for Title IV funding, and professional licensure.
- Provided legal advice and guidance to various units and academic departments University-wide on multiple issues related to student mental health, threat assessment, and disability discrimination.
- Closely monitored the significant litigation matters involving the NCAA and ACC and how those matters could impact NC State and the college athletics landscape.
- Followed the recent court decisions regarding Name, Image and Likeness and advised on impact on NC State.



Goal 2: Ensure preeminence in research, scholarship, innovation and collaboration.

- Provided advice and guidance which aided in the establishment of the new [Peter A. Pappas Real Estate Development Program](#).
- Provided review and counsel on the revision of the University's Visiting Research Process.
- Attendance at Institutional Animal Care and Use Committee (IACUC) meetings and assistance in drafting responses to various requests.

Goal 3: Expand and advance our engagement with and service to North Carolina and beyond, defining the standard for a 21st-century land-grant university.

- Ongoing work with University administration regarding the potential development of PNC arena and its surrounding property.

- Assisted University Real Estate and Development with review and finalization documents to enable a developer to exercise remaining options to ground lease parcels for condominium development on Centennial Campus.

Goal 4: Champion a culture of equality, diversity, inclusion, belonging and well-being in all we do.

- Provided advice, training and counsel to campus clients on the Supreme Court decision on the use of race in admissions.
- Achieved successful negotiation to modify an endowment agreement to establish the Elizabeth P. Cockrell Scholarship which resulted in updates to over 25 gift agreements.
- Review and follow the Department of Education's proposed Title IX regulations and work with University partners to prepare to respond to the regulatory changes.
- Advise and counsel on free expression issues and events throughout campus.



Goal 5: Improve university effectiveness through transformative technologies, cutting edge processes and actionable data.

- Oversee the continuing comprehensive review and updating of the University's Policies, Regulations and Rules.
- Ongoing review and feedback for proposed updates to the UNC System Office Policy revisions.
- Provided advice and counsel on employee contract agreements and employment arrangements.
- Ongoing counsel and training to the directors of the Industry Negotiations and Federal and Nonprofit Negotiations teams in SPARCS.
- Review and revision of the Litigation Hold Process in an effort to gain a better understanding of the process and establish a central point of contact for the University.
- Complete review and revision of the tort claim process to include the assumption of a new software program (Origami) to ensure more accurate tracking and efficiency during the process.
- Updated the [OGC website](#) to correctly reflect processes and personnel and create a more functional website for the unit. This site was activated in February and allows for easy updating going forward, metrics, and better functionality for university stakeholders seeking information. OGC plans to review and revise the PRR website in FY 24/25.



Goal 6: Lead in developing innovative partnerships, entrepreneurial thinking and applied problem-solving.

- Achieved successful negotiation for a contract that would help in the development of the [Commercial Leap Ahead for Wide Bandgap Semiconductors \(CLAWS\)](#) for which NC State is the lead university.
- Review and negotiation of a \$30MM grant for the creation of the [Bezos Center for Sustainable Proteins](#) at NC State.
- Drafted and negotiated the option agreement to secure the purchase of new real estate assets.
- Successfully drafted and negotiated Trademark and Production licenses for NC State's various wines.



Goal 7: Elevate the national and global reputation and visibility of NC State.

- Allison Newhart continues to be active in the National Association of College and University Attorneys (NACUA). She has served on NACUA's Committee on Finance and Audit, and the Subcommittee on Audit. This upcoming year, Allison expects to serve in a leadership role on a committee that is tasked with designing a new program for leadership development for NACUA members.
- Allison was invited to join a small General Counsel advisory group convened and run by the Association of Public and Land-Grant Universities (APLU).
- Allison continues to be an active participant among the group of General Counsels in the Atlantic Coast Conference (ACC).
- Mike Jung serves on the Esports Steering Committee to provide guidance and counsel on the esports curriculum, research, facilities, competition, recreation, and community and industry engagement.
- Mike Jung served on the external partnerships & facility use subcommittee to explore potential strategic partnerships with external and community groups, information/resource sharing alliances (through NC State Extension, NC State Science Olympiad, 4-H, High schools, etc.), and connections to local, state, regional, national and international esports organizations and activities.



COMPLIANCE AND ENTERPRISE RISK MANAGEMENT

OGC is responsible for the University's Compliance and Integrity Program. Anna Szamosi serves as the University Compliance and Ethics Officer. She joined the Office of General Counsel on June 14, 2023.

Please visit the [NC State University Compliance and Integrity Program Annual Report](#) for more information.

OGC is also responsible for overseeing and coordinating the University's Enterprise Risk Management (ERM) Initiative. The Chancellor's Cabinet is responsible for the oversight of the ERM process. Information gathered from university leaders and units about existing and emerging risks. These are then placed on a risk register, which lists key themes and summaries of each risk. The Vice Chancellor and General Counsel leads the Chancellor's Cabinet in a survey of the ranking and prioritization of university-level risks, which leads to the creation of a list of the top 10 enterprise risks. Cabinet members are assigned as the "owners" of the identified top risks. The risks are constantly evaluated for prioritization, mitigation, and follow up. Per UNC Policy 1300.7, the list of top risks is shared with the Board of Trustees and Board of Governors.

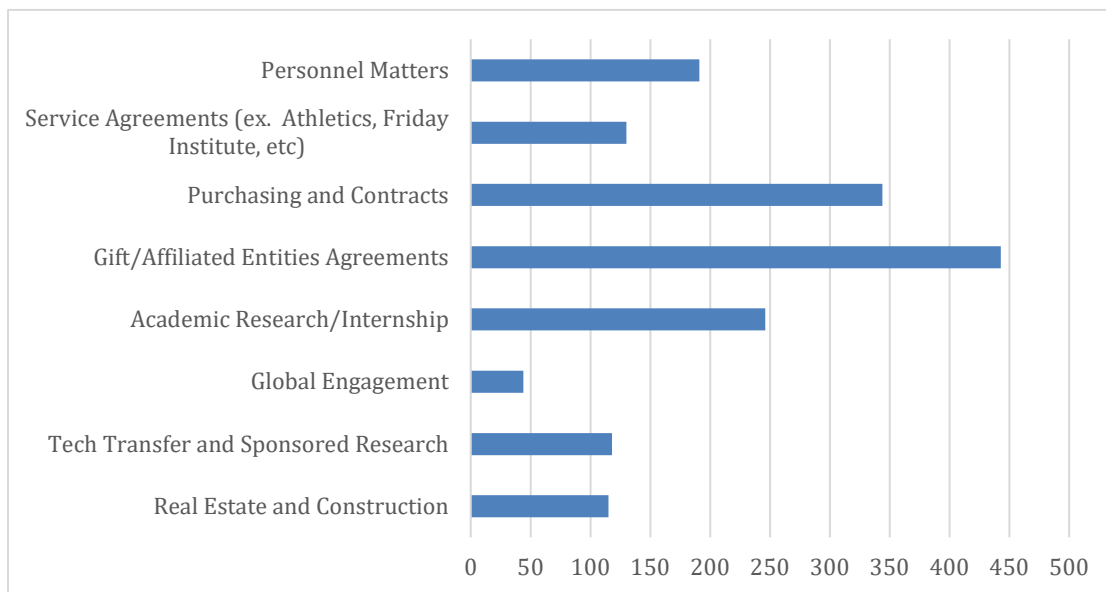
LEGAL TOPICS ON THE HORIZON

- Artificial Intelligence Regulations/Issues will come into play over the next year and will be debated in federal and state legislatures.
- Changes to Gainful Employment program requirements and other federal rules and requirements impacting Title IV funding
- As we approach the November elections, OGC expects to see a resurgence of campaign events on campus and political activities involving our students, faculty and staff.
- Legal challenges to the new Title IX amendments.
- Continued developments on free speech and expression related to campus protests and encampments
- Higher education public private partnerships and financing trends applicable to the development of the Innovation District as well as other long term strategic projects.
- Continued legal developments in college athletics, including in Name, Image Likeness, antitrust cases, and student athlete employment issues.

OGC BY THE NUMBERS

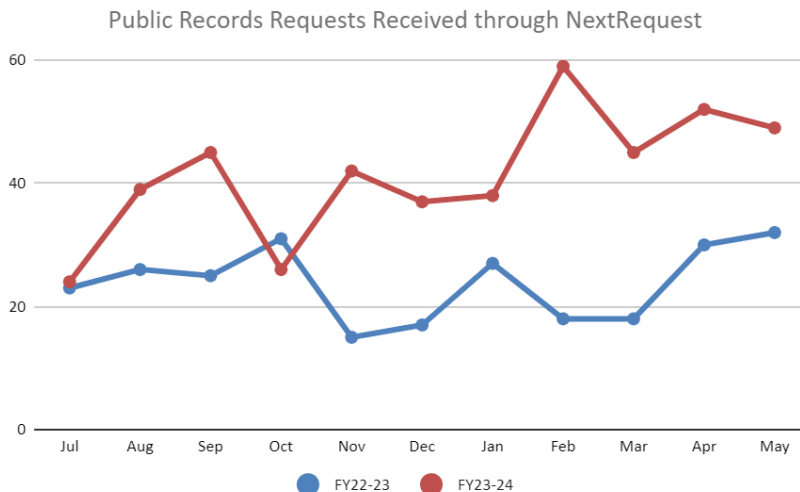
Contracts/Agreements Review

OGC continues to play a significant role in reviewing and providing guidance on University contracts and agreements. OGC attorneys review all manner of agreements in support of Procurement & Business Services, Advancement Services, University Real Estate and Development, the Provost’s Office, Athletics, Technology Transfer and Sponsored Research, Employment/Personnel Matters, Global Engagement, SPARCS, Facilities, Fraternity and Sorority Life, the Office of Research Commercialization, the Endowment Fund, various affiliated foundations and other associated entities, and service agreements performed by our centers, institutes, and College and non-College service centers. Given the varying degrees of contract and agreement consultation it is difficult to obtain a precise number but OGC estimates that it has collectively reviewed 1,000+ contracts in the 2023-2024 fiscal year. The chart below provides a breakdown of contracts by transaction type.



Public Records

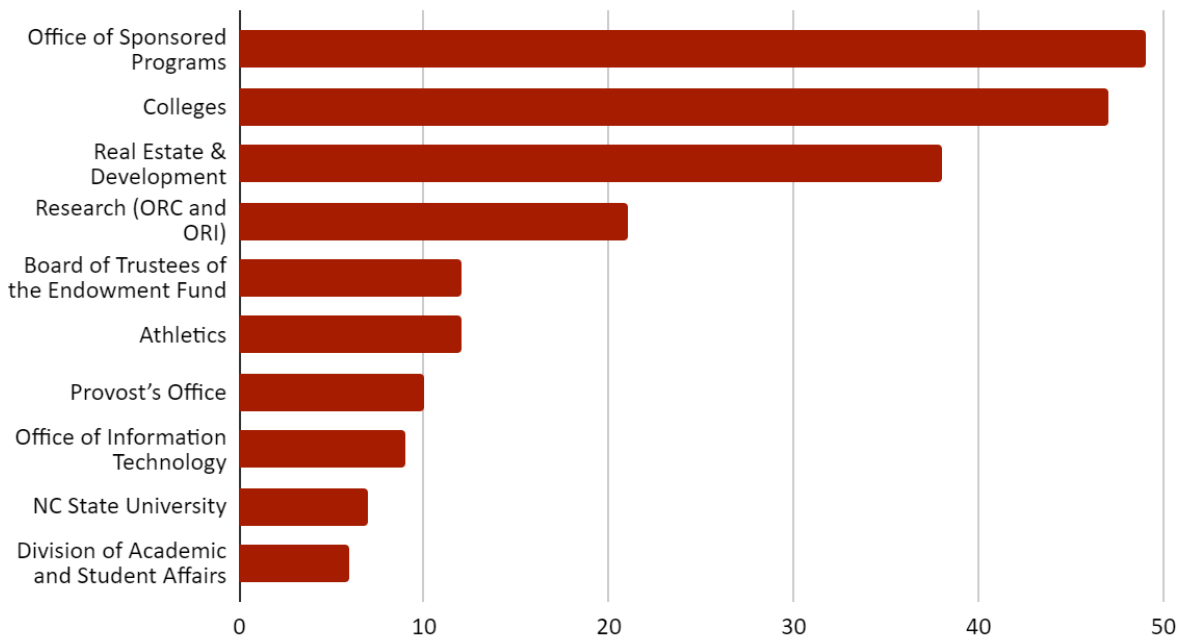
As a state agency, NC State University is subject to the Public Records Act. Another key function of OGC is the advice and management of the University's responses to requests for public records. During fiscal year 2023-2024, OGC received a total of 502 public records requests and averaged approximately 40-45 records requests per month.



Tort Claims

In accordance with state law, OGC handles tort claims and state property incident reports involving claims of damage or injury on University property. Leslie Mize oversees the process, working closely with the Director of Insurance and Risk Management and the NC Department of Justice. OGC worked with Insurance and Risk Management to train on the Origami online portal in order to more efficiently capture and track tort claims. This year OGC processed 10 tort claims and 1 motor vehicle complaint. No state property incidents were reported.

Top Clients Served by OGC



Colleges Served by the OGC

- College of Veterinary Medicine
- College of Engineering
- College of Sciences
- College of Agriculture & Life Sciences
- College of Textiles
- College of Education
- College of Management
- College of Humanities and Social Sciences
- College of Natural Resources
- Center for Marine Sciences and Technology (CMAST)

