

Office of General Counsel

ANNUAL REPORT 2018-19

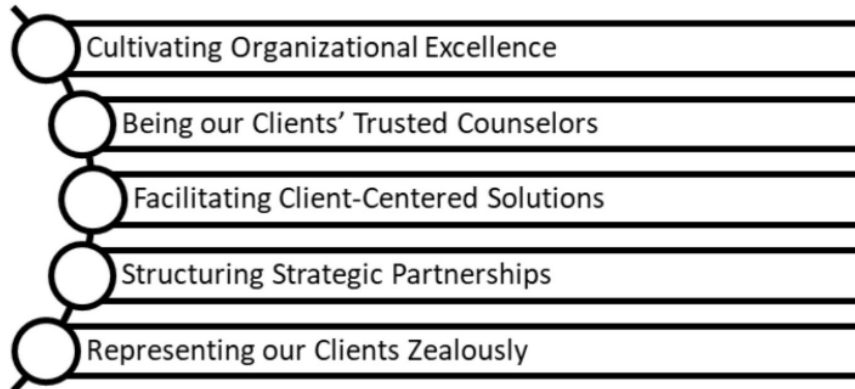
Vision:

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



Goal 1: Cultivating Organizational Excellence

We enhance organizational excellence by creating a culture of constant improvement within the Office of General Counsel (OGC) by maintaining a premier staff with innovative expertise and high levels of professional satisfaction. OGC is currently recruiting to fill the vacant University Records Officer position and two new Associate General Counsel positions. One of the highest priorities for OGC is **professional development and enrichment**. attorneys attended the National Association of College & University Attorney (NACUA) and other higher education conferences, CLE webinars, ethics training, and local conferences.

In addition, as part of preventative law efforts, we present specialized training to many campus units on topics such as FERPA, NCAA do's and don'ts, board member responsibilities as well as first amendment, free speech. OGC assisted in planning and developing the content for the NC State Alumni Association's Annual CLE Program in October on the campus judicial system. Total number of attendees to OGC presentations this fiscal year was 1458.

In addition, the Vice Chancellor and General Counsel has been elected by the membership of NACUA to serve on the organization's Board of Directors for a three year term (FY 2019-2020 through FY 2021-2022). The Vice Chancellor and General Counsel also serve as NACUA's Vice Chair for the Committee on Legal Education and Chair of the planning group for NACUA's upcoming compliance workshop.

Goal 2: Being Our Clients' Trusted Counselors

- **Eastman MOU:** OGC was successful in coordinating with several different units in Research and Advancement to negotiate and finalize the Eastman MOU and Master Research Agreement which is a key partnership agreement for the University.
- **NC State Prague Institute:** OGC provided counsel and assisted in transitioning an interim director to work for the NC State Prague institute through gaining the visa and work permit requirements as well as an Intra Company Transfer (ICT) card which is a relatively new process in Europe.
- **IBM Q Hub:** OGC created the template membership agreement and collaborative research agreement for the IBM Q Hub. Counseled on new arrangements and projects using the Hub and provided input on key business aspects, including value proposition relating to the Hub.
- **PowerAmerica Bylaws:** Collaborated with PowerAmerican staff and the Department of Energy (DOE) representative and counsel to revise the PowerAmerica Bylaws. Considerable revisions were made to these bylaws in planning for PowerAmerica to be self-sustaining at the end of the DOE funding. These revisions included developing a new IP licensing and membership scheme.

Goal 3: Facilitating Client-Centered Solutions

- **Bright Horizons Daycare:** OGC worked internally with Finance and Administration, University Real Estate, Human Resources and externally with the City of Raleigh and Bright Horizons to prepare for the transition of the university daycare center off the Dorothea Dix property when the lease expires in July 2019.
- **Voter ID:** OGC led the effort for our University student and employee IDs to be approved for use for Voter ID purposes. OGC helped coordinate the meetings and gather information regarding our process here for student enrollment, employee

hiring, and individuals ultimately obtaining IDs; followed by drafting the application/statement that conveyed this information to the State Board of Elections.

- **StateView Hotel Ground Lease:** The ground lease revenue for the StateView Hotel for the first year of operation was five times the minimum ground rent, because the ground rent model negotiated with counsel for the developer required additional rent payments upon achievement of a certain net operating income threshold. In addition, the hotel achieved--in the ninth month of its first year--an occupancy threshold that absolved the University of its Room Night Commitment.

Goal 4: Structuring Strategic Partnerships

- **New Belgium Brewing:** On June 7, 2019 NC State finalized agreements with New Belgium Brewing regarding an academic collaboration and development of a co-branded craft beer product. The academic collaboration involves commitments to support educational activities such as student internships, job placement activities, senior design projects, and an executive level speaker series.
- **Agreements regarding use of NC State Facilities:** As is the case every year, this past fiscal year OGC worked closely with various campus partners to complete several notable agreements involving outside parties' use of NC State facilities. Notably these agreements included use of the Vaughn Tower kitchen facilities by **Rex Hospital** during construction activities occurring on the hospital campus; use of Carter-Finley's parking areas for events by the City of Raleigh and the North Carolina Department of Agriculture and Consumer Services; use of portions of Centennial Campus by **REI** for recreational classes; use of Centennial Campus for parking in connection with the inaugural **Dreamville Festival**; and the potential use of Carter-Finley Stadium by the Carolina Panthers for its annual Panthers Fan Fest.
- **HQ Raleigh:** OGC worked countless hours with Finance and Administration, Internal Audit and University Real Estate on developing the University's partnership with HQ Raleigh to take over management of the office component of NC State's Technology Incubator that will bring a new level of sophistication to the existing co-working and incubation space on Centennial Campus. In addition, the partnership with the University's **Entrepreneurship Garage** will allow student entrepreneurs to realize the benefits of working side-by-side and networking with other innovators and owners of start-ups in a first-class innovation space.
- **Real Estate Entity:** OGC worked collaboratively with Finance and Administration and University Real Estate to establish an affiliated real estate entity to serve as a conduit through which the University could effectively manage public-private partnership opportunities. This LLC can solicit and accept sponsorship dollars for programming to

leverage private resources and increase engagement.

- **Endowment Real Estate Transactions:** With the sale of The **Venture and Alliance** buildings, and refinancing of the **Keystone** buildings last year, OGC has worked closely with University Real Estate on these highly sophisticated and complex transactions to ensure tenant/purchaser expectations and interests were protected while still satisfying lender needs and preserving good relationships with our tenants on Centennial Campus.
- **Innovation District Strategy:** For the advancement of the **Innovation District** development, OGC worked with senior administration to craft the internal and external strategy, sequencing and negotiation of what will be the largest public/private partnership at any public university in the country. The deal contemplates the development of 3,000,000-5,000,000 sf as an innovation district on Centennial Campus.
- **Title IX:** OGC worked with Office for Institutional Equity and Diversity (OIED) to finalize the “culture investigation” and advised OIED, Athletics and DASA on preparing the resulting Action Plan. In collaboration with OIED, OGC also participated in an open forum on campus in connection with the proposed federal Title IX regulations. This open forum panel discussion attracted over 100 attendees and included representatives from Student Conduct, OIED, and the Women’s Center.

Goal 5: Representing Our Clients Zealously

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



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.

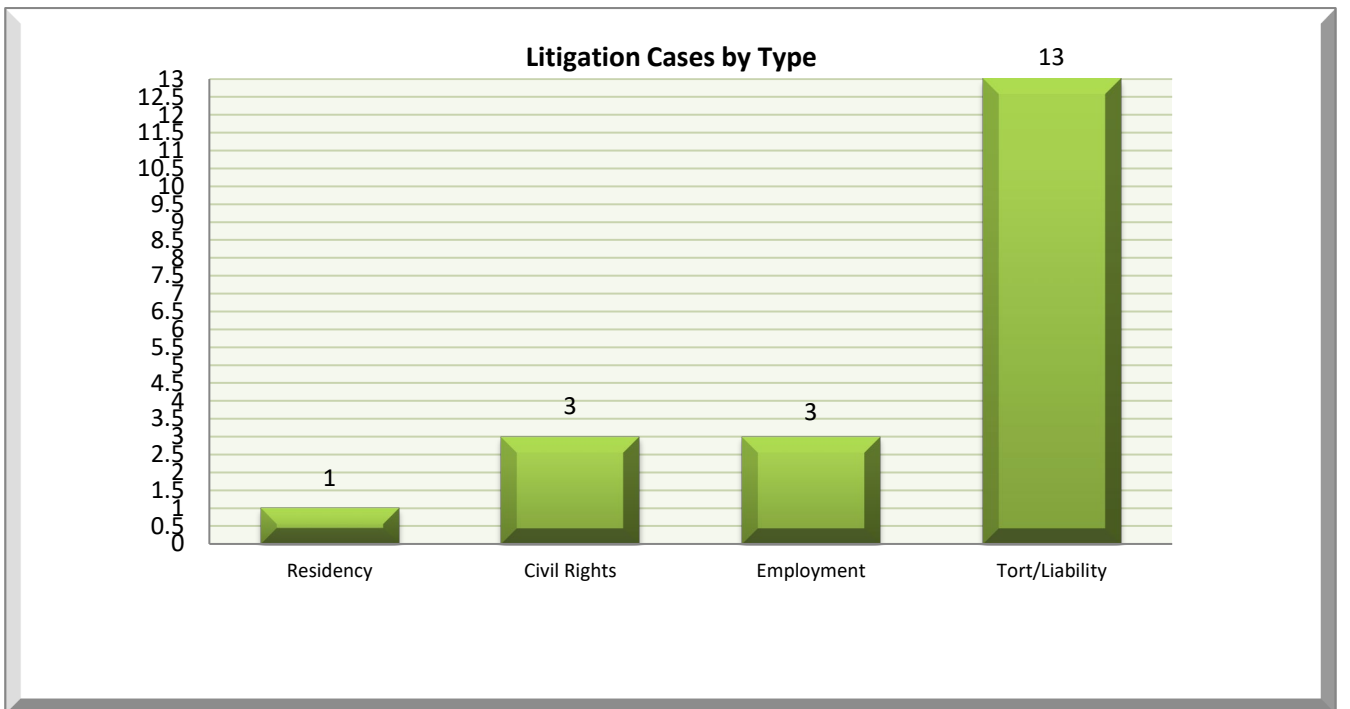
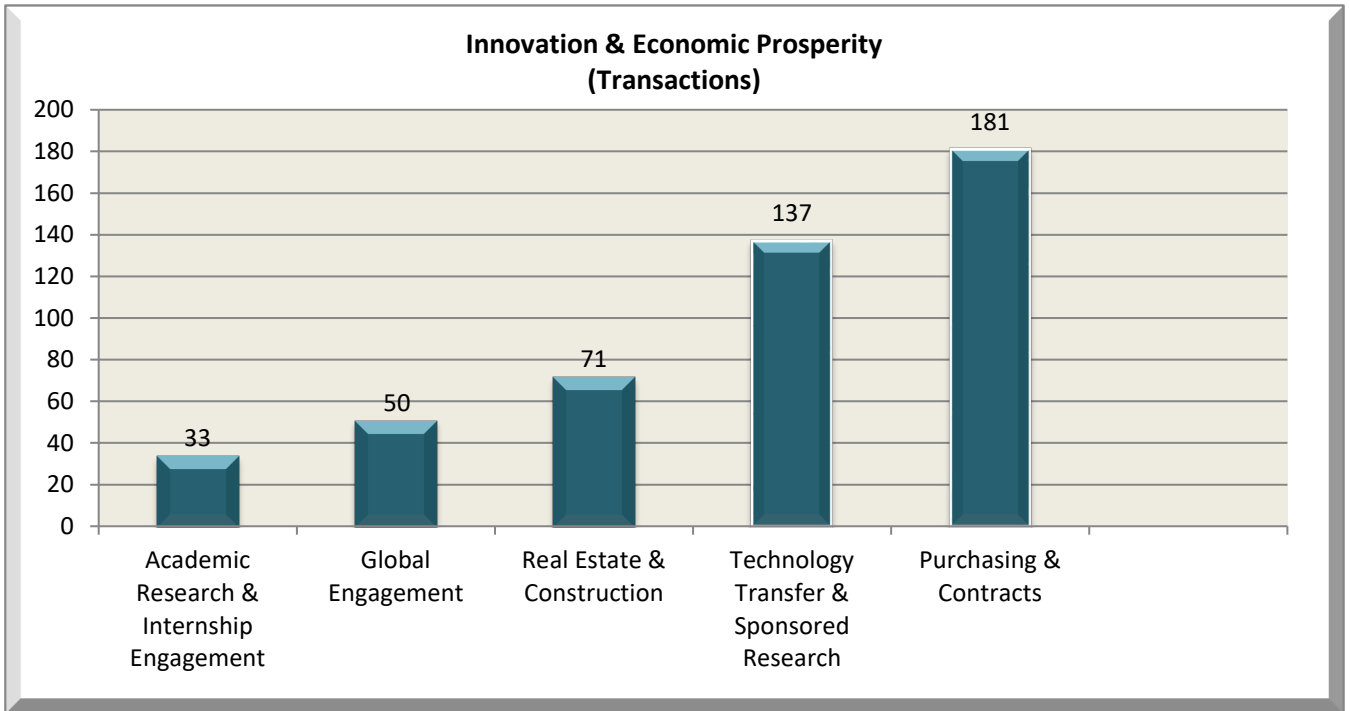
We are mindful that supporting the business of our clients is our primary focus. In order to accomplish this goal, we seek to understand the university’s business, its needs, challenges, opportunities, goals, workflows, processes, people and the environment in which they operate. We advised many campus 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

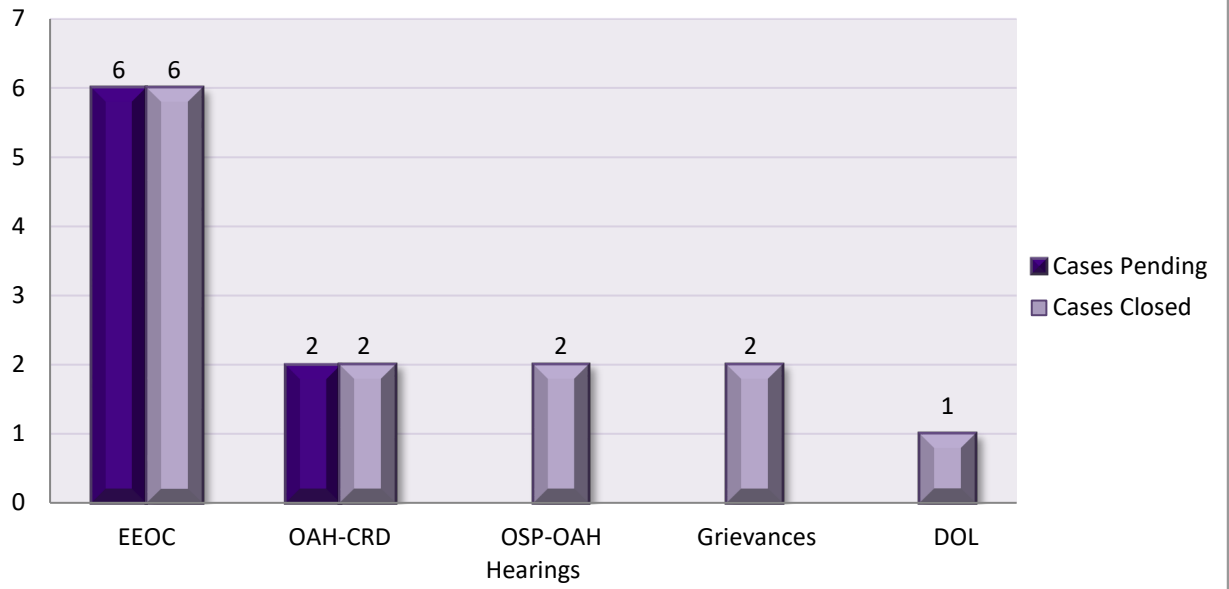
Institutional Animal Care and Use Committee
 Institutional Review Board
 Compliance Officials Working Group
 Research Operations Council
 Study Abroad Emergency Response Team
 IT Strategic Advisory Committee
 Sexual Assault Response Team

We continue to support our community through adopting a family in need of support following Hurricane Florence. We also support the **Feed the Pack Pantry**.

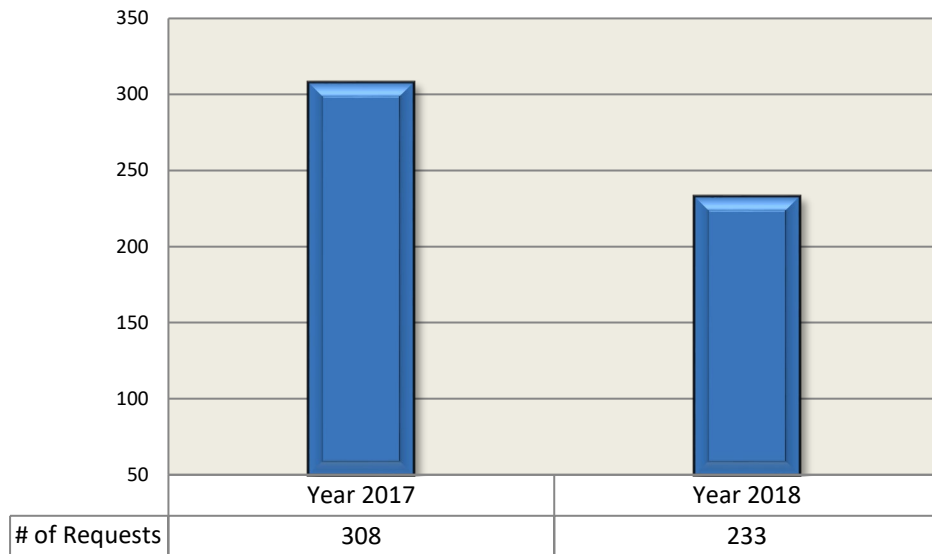
OGC by the Numbers



Administrative Proceedings

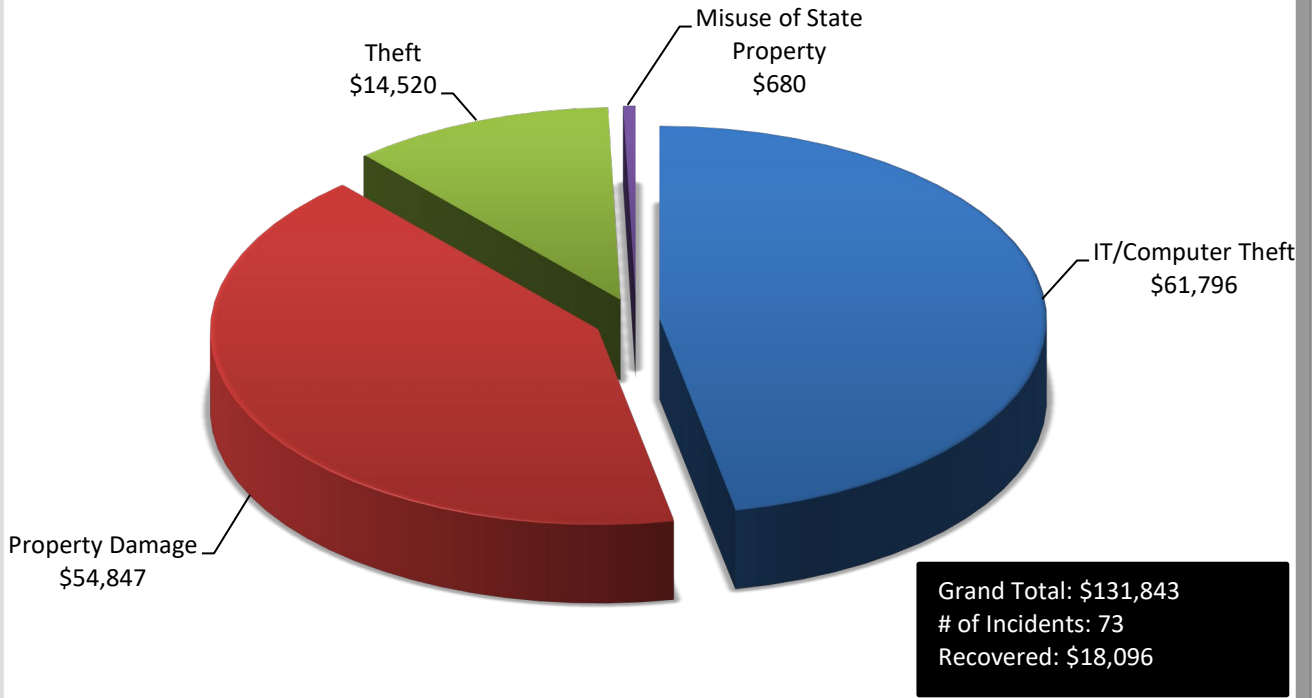


Public Records Requests

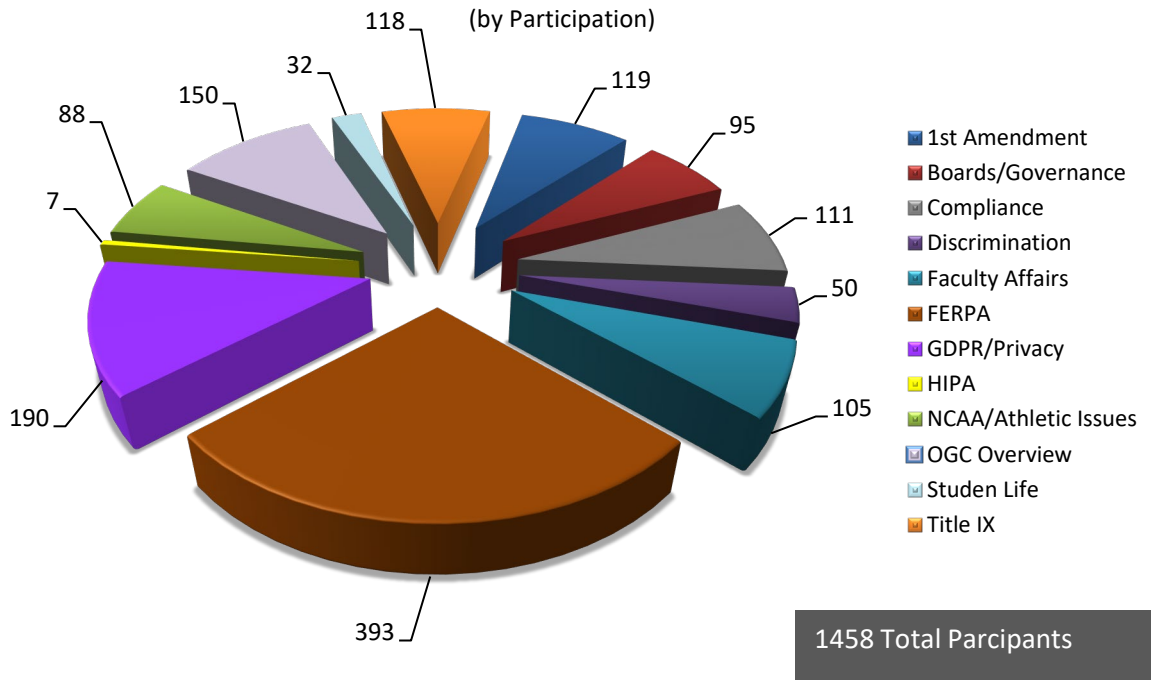


200 Public Record Requests
 22 Subpoenas
 8 Personnel Record Request
 3 Student Record Requests

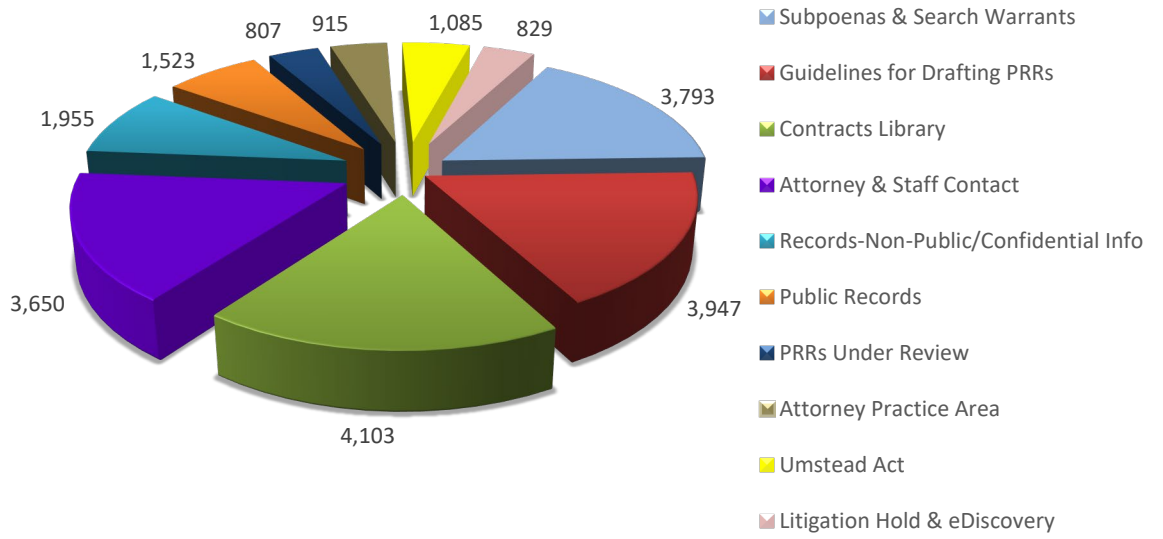
2018-19 State Bureau of Investigaton (SBI) Reporting



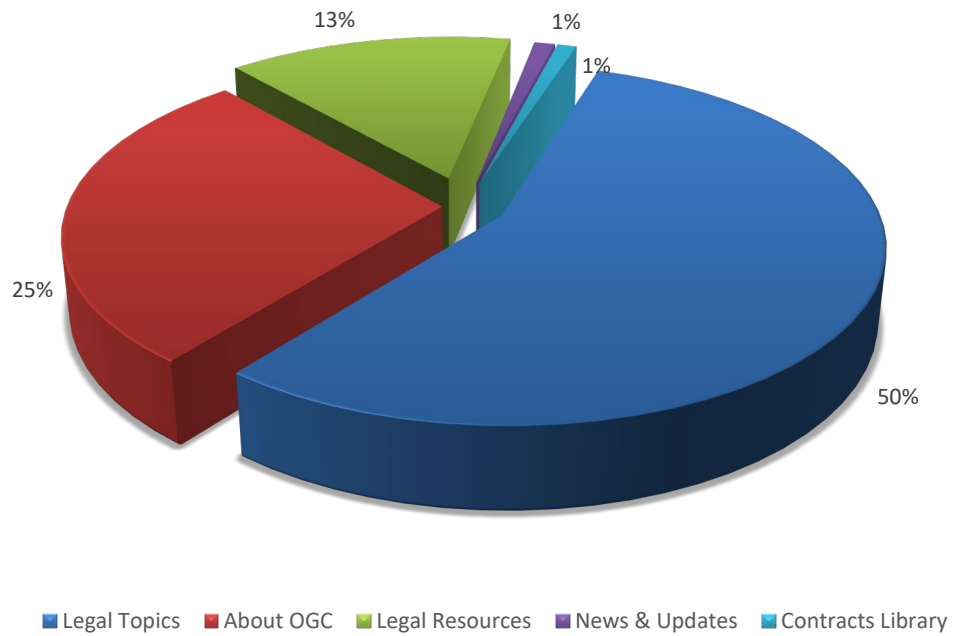
Creating a Culture of Continuing Professional Development and Compliance Training (by Participation)



OGC Website - Top 10 Most Viewed Pages



OGC Website - Most Popular Navigation Sections



Improvement in Administrative Processes

