

Administrative Leadership Meeting

Warwick Arden
Executive Vice Chancellor and Provost
Tuesday, May 10, 2022

Upcoming ALMs

July 12	OIED Update	TBD
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September 13

TBD

Titmus

Spring 2022 Commencement

- Successful ceremony May 7
- Over 6,400 degrees conferred
- Two Honorary Degree Recipients





Faculty Success

- Celebration of Faculty Excellence
- 39 faculty honored

Questions



The Office of General Counsel Presents:

Pulling Back the Curtain



ALM 5-10-22

The Office of General Counsel

A hand wearing a white glove is pulling a red curtain to the right, revealing a dark background. The hand is wearing a dark suit sleeve. The curtain is a rich red color and is being pulled from the left side of the frame.

**Act I:
What's New?**

New Faces, New Places

Leslie Mize



Professional Experience:

- Partner at large national firm
- Handled complex commercial disputes and litigation of claims in state and federal courts

Practice Areas:

- Student Affairs
- Employment
- Litigation

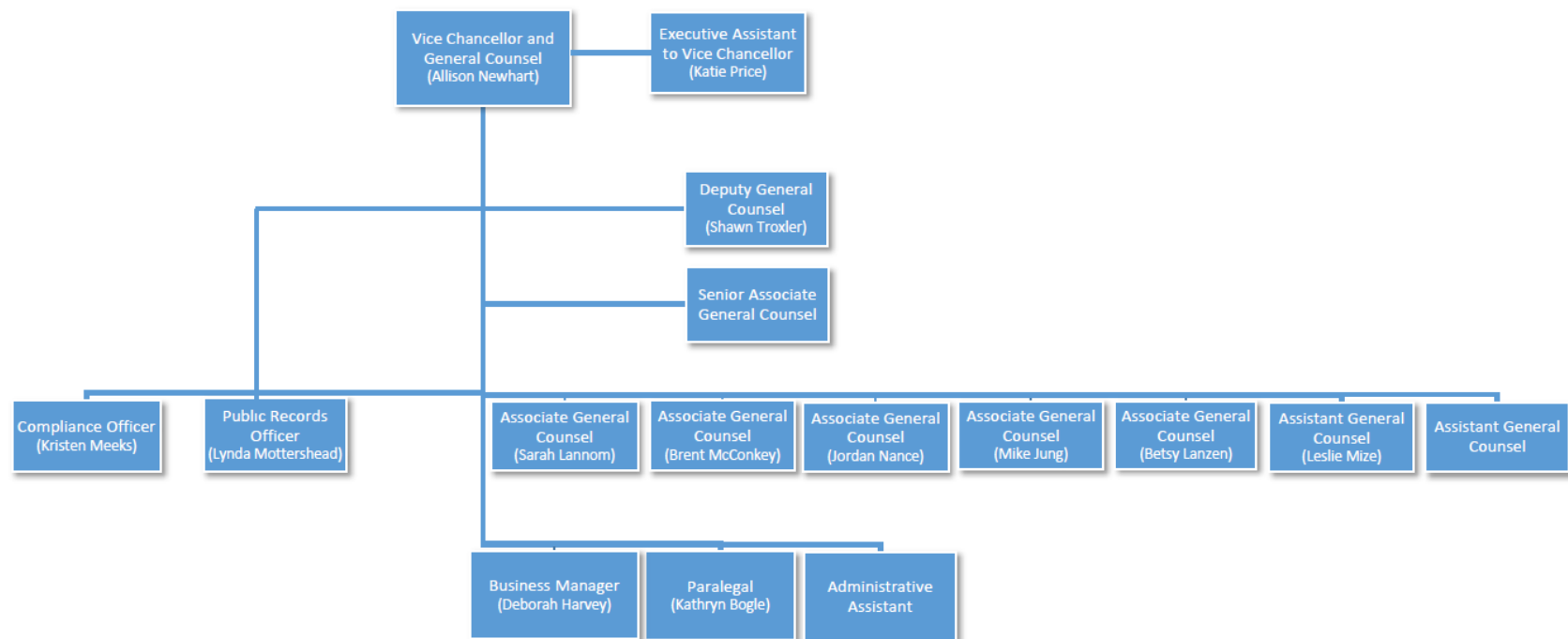
Jordan Nance



- Worked in-house of a publicly traded Fortune 500 company
- Privately-held renewable energy developer
- Smith Moore Leatherwood

- Real Estate
- Transactional
- Complex Contract Matters

OGC Organizational Chart



Updated Websites

Office of General Counsel

- <https://generalcounsel.ncsu.edu/>

How Can We Help?

Quick links to help get you get to the information you need.

I WOULD LIKE TO USE A UNIVERSITY LOGO OR MARK

I HAVE RECEIVED A PUBLIC RECORDS REQUEST

I WOULD LIKE TO REQUEST RECORDS

HOW DO I UPDATE A PRR?

QUESTIONS ABOUT A SUBPOENA OR COURT ORDER?

I WANT TO ENGAGE IN PRIVATE CONSULTING, WHAT DO I NEED TO KNOW?

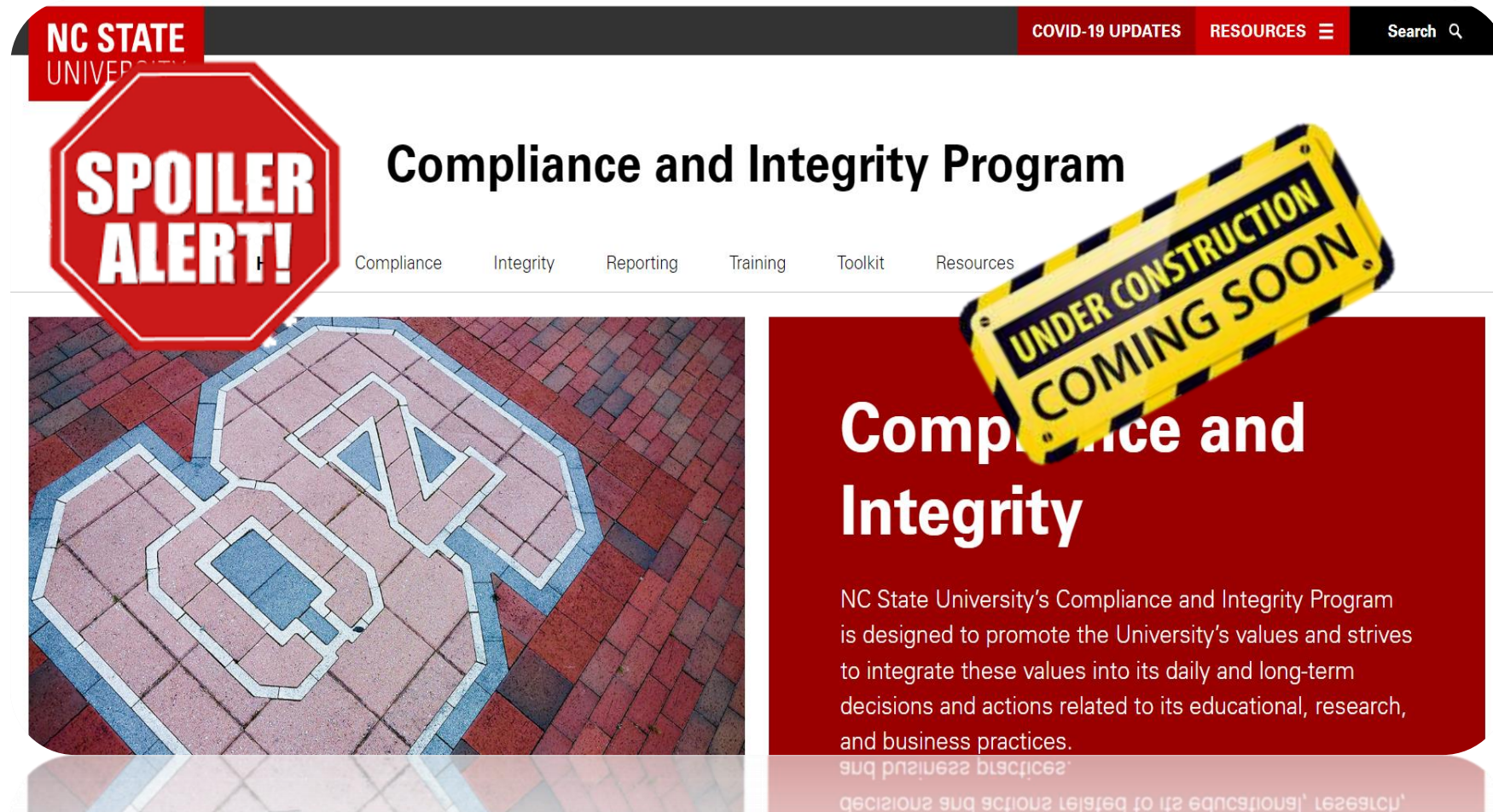
Our Vision

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

Updated Websites

Compliance and Integrity

- <https://compliance.ncsu.edu/>



NC STATE UNIVERSITY

COVID-19 UPDATES RESOURCES Search

Compliance and Integrity Program

Compliance Integrity Reporting Training Toolkit Resources

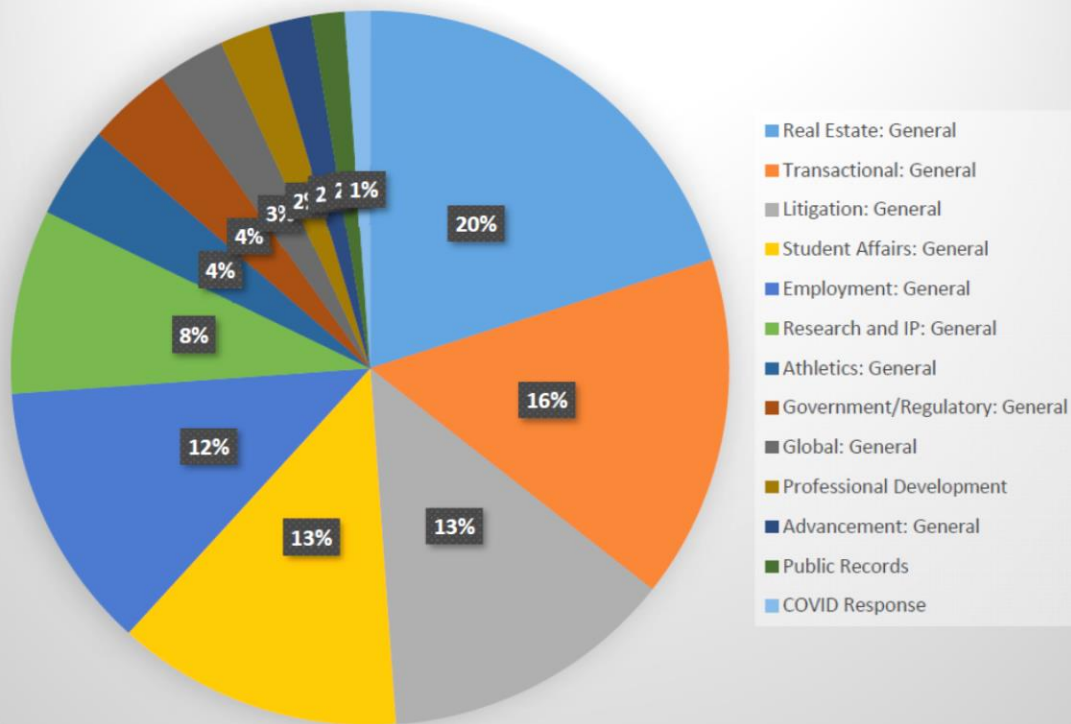
Compliance and Integrity

NC State University's Compliance and Integrity Program is designed to promote the University's values and strives to integrate these values into its daily and long-term decisions and actions related to its educational, research, and business practices.

New Technology



OGC Active Matter Breakdown



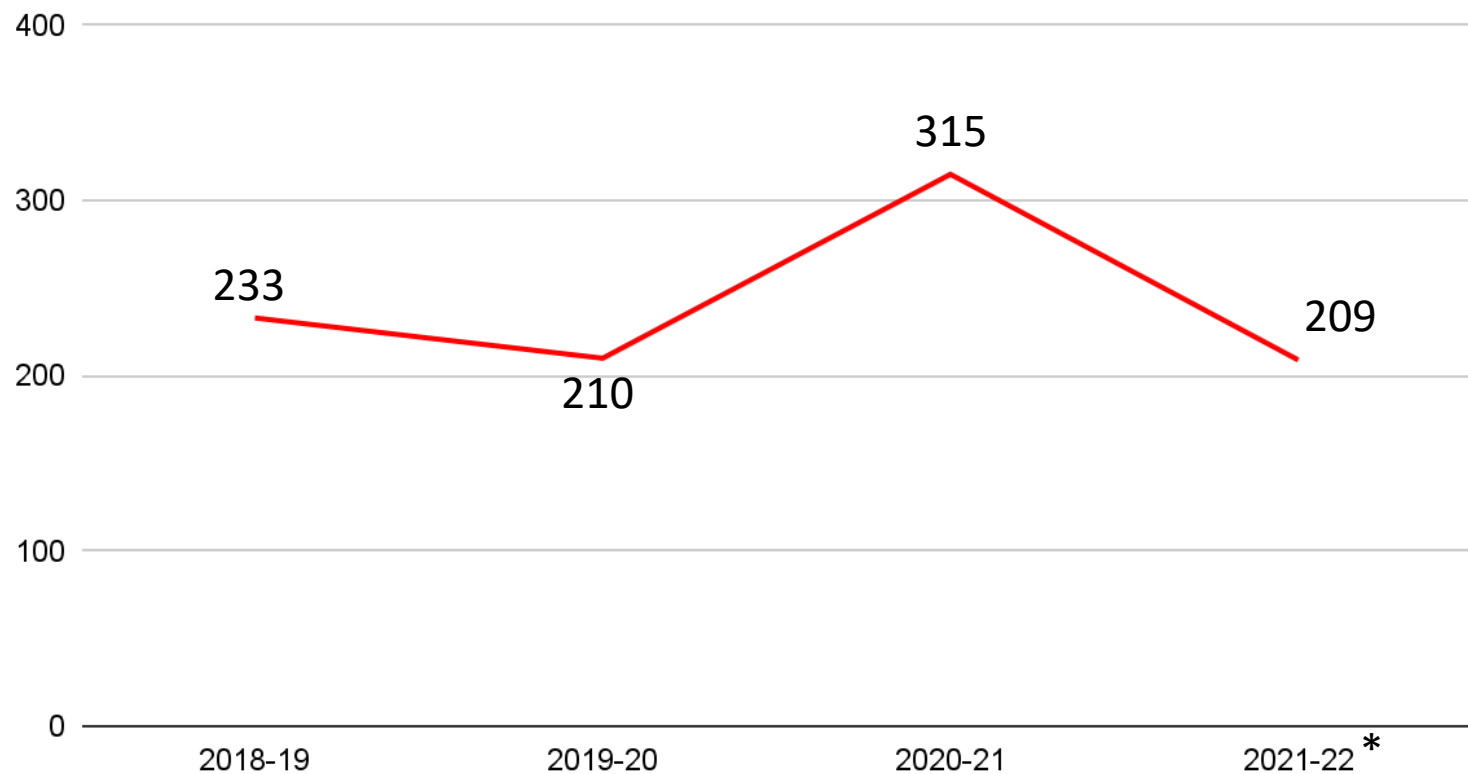
New Technology

NextRequest



New Data

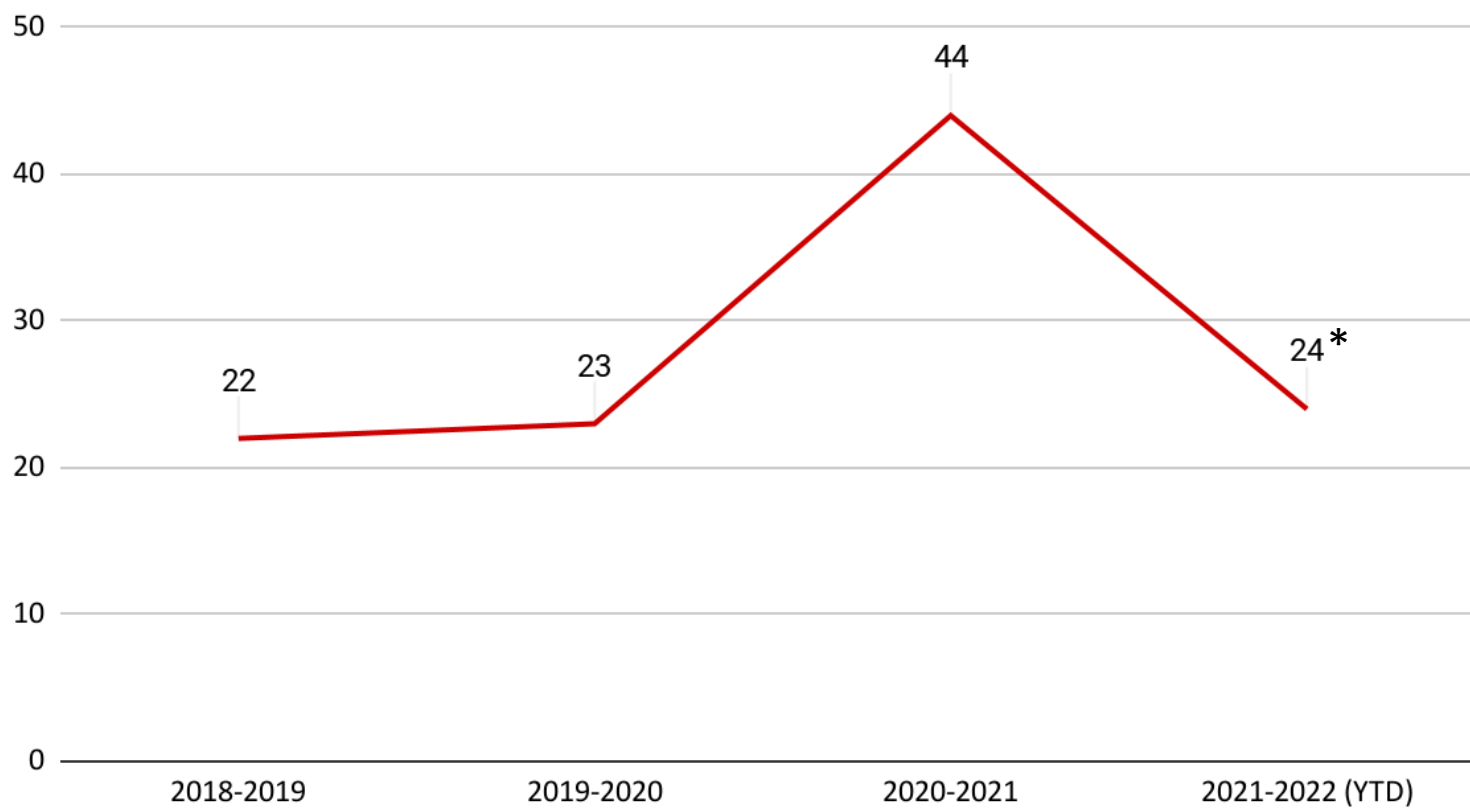
Records Requests by Fiscal Year



*As of May 1, 2022

New Data

EthicsPoint: Total Reported Concerns by Fiscal Year



*As of March 31, 2022

Strategic Enterprise Risk Matrix FY 2022-23

Theme/Topic	Responsible Cabinet Member(s)
1. Student Well-being	Vice Chancellor and Dean, Division of Academic and Student Affairs
2. Faculty and Staff Recruitment and Retention	Executive Vice Chancellor and Provost Associate Vice Chancellor for Human Resources
3. Enrollment Growth and Expansion	Executive Vice Chancellor and Provost Vice Chancellor for Finance and Administration
4. Diversity, Equity and Inclusion	Vice Provost for Institutional Equity and Diversity
5. IT Security and Infrastructure	Vice Chancellor for Information Technology
6. Research	Vice Chancellor for Research and Innovation
7. Regulatory Compliance	Vice Chancellor and General Counsel
8. Succession Management	Executive Vice Chancellor and Provost Associate Vice Chancellor for Human Resources
9. Financial Resources	Vice Chancellor for Finance and Administration
10. Mission Continuity	Executive Vice Chancellor and Provost Vice Chancellor for Finance and Administration

The Office of General Counsel

Act II: OGC's Role



Who We Are



- Mission-oriented legal advice and strategic counsel
- University's legal representative
- Oversee, coordinate, and facilitate compliance
- Enterprise risk management

OGC's Role

Rule of Professional Conduct 1.13: A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.

- Work with all colleges, units, and departments at NC State
- Advisors (not decision makers)
- Coordinators/Collaborators/Mediators
- We make house (and zoom) calls

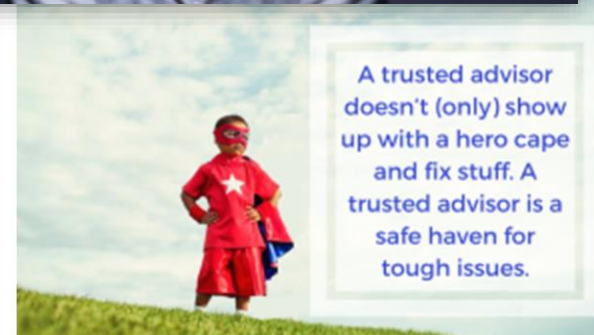


The OGC Advisor

Rule of Professional Conduct 2.1: In rendering advice, the lawyer may refer not only to law, but also to moral, economic, social, political factors that may be relevant to the client's situation

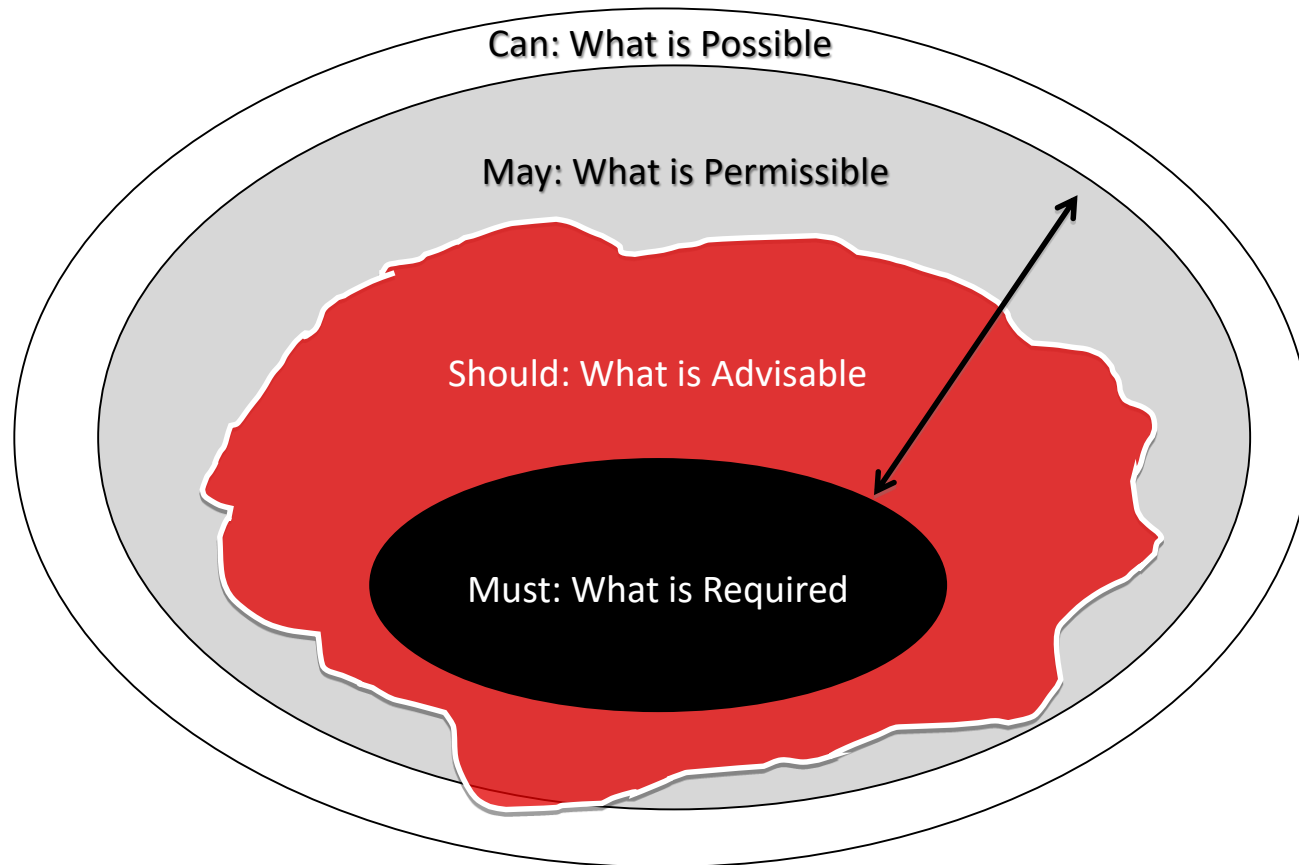
- Legal advice
- Strategic advice
- Risk management
- Business advice
- Compliance
- Committees
- Preventative strategies/Best practices
- Crisis management
- Communication

Becoming the Trusted Advisor



A trusted advisor doesn't (only) show up with a hero cape and fix stuff. A trusted advisor is a safe haven for tough issues.

How OGC Helps in Decision-Making



Lawyers: A User's Manual" by Steve McDonald, General Counsel of the Rhode Island School of Design

OGC's Role (continued)

- Lawyers give *advice*

✗ • “*Can* (may) I do X?”

- Administrators make *decisions* and *choices*

✓ • “*How* can (may) I do X?”

Lawyers don't make your decisions.

Lawyers help make your decisions better.



The Office of General Counsel

**Act III:
Top 8 at 8
(What's Next?)**



What's Next?

Title IX

Title IX

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." — Title IX of the Education Amendments of 1972



Education Department plans to issue Title IX proposal in May, not April as expected

Department of Education to Propose Title IX Revisions Supporting Transgender Students

What's Next?

Athletics: NCAA Changes Student-Athlete Issues



Name, Image And Likeness Laws Have Forever Changed College Athletics

COLLEGE
College Power-Brokers Poised to Turn NCAA Upside Down
The Transformation Committee is considering wholesale changes that would make the NCAA's post-Mark Emmert era a completely different experience.
ROSS DELLENGER • APR 27, 2022

Are Student-Athletes Employees or Students? The NLRB General Counsel Issues Non-Binding Guidance

Wednesday, October 6, 2021

On September 29, 2021, the National Labor Relations Board's (NLRB) new General Counsel issued a **memorandum** that student-athletes at private colleges and universities should be considered employees under the **National Labor Relations Act (NLRA)**.

What's Next?

Research Security

National Security Presidential Memorandum (NSPM-33)

THE WHITE HOUSE



BRIEFING ROOM

Guidance for U.S. Scientific Research Security That Preserves International Collaboration

JANUARY 04, 2022 • OSTP BLOG

Institutional Compliance with Section 117 of the Higher Education Act of 1965

U.S. Department of Education
Office of the General Counsel

October 2020



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COVID-19 Will Transform Businesses, Jobs and Our Working Lives



What's Next?

Use of Race in Admissions, Again?

Students for Fair Admissions, Inc. v. President & Fellows of Harvard College

Students for Fair Admissions, Inc. v. University of North Carolina

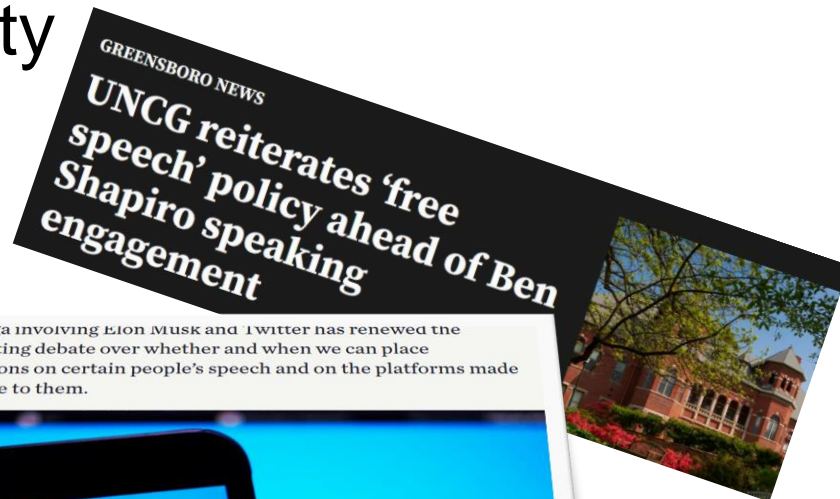
Supreme Court Will Hear Challenge to Affirmative Action at Harvard and U.N.C.

The court's new conservative supermajority may be skeptical of admissions programs that take account of race to foster educational diversity.

Issues: (1) Whether the Supreme Court should overrule **Grutter v. Bollinger** and hold that institutions of higher education cannot use race as a factor in admissions; and (2) whether Harvard College is violating **Title VI** of the Civil Rights Act by penalizing Asian American applicants, engaging in racial balancing, overemphasizing race and rejecting workable race-neutral alternatives.

What's Next?

Free Speech and Civility



The saga involving Elon Musk and Twitter has renewed the fascinating debate over whether and when we can place limitations on certain people's speech and on the platforms made available to them.



APRIL 22, 2022 03:22 PM, BY JEREMIAH POFF

The [University of Central Florida](#)'s policies on harassment and utilization of a bias response team likely violate the First Amendment, a federal appeals court ruled Thursday.

What's Next?

Centennial Campus



SAS, Bayer, BASF, Novozymes team up with NCSU for plant science effort



Commercial Real Estate

Centennial Campus development: N.C.State looks to develop 32 acres

NCSU exec: Centennial Campus rezoning is 'win win' for research, business opportunities

NCSU CENTENNIAL CAMPUS

What's Next?

Cybersecurity/Data Privacy



Virginia Amends New Privacy Law

Thursday, April 14, 2022

Governor Glenn Youngkin of Virginia recently approved legislation to amend the Virginia Consumer Data Protection Act (VCDPA). In a time when data privacy is becoming a global concern, it's important for state legislatures to stay on top of the latest developments.

Ignore China's New Data Privacy Law at Your Peril

The Personal Information Protection Law gives authorities the power to impose huge fines and blacklist companies. But the biggest impact may be felt outside the country.

Update: On April 28, 2022, the Connecticut House passed a comprehensive privacy bill that cleared the Connecticut Senate last week, paving the way for Connecticut to become the fifth state with a comprehensive privacy law. The bill still needs to be signed into law by Governor

Questions??

End Credits

