Administrative Leadership Meeting

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Speaker</th>
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<tbody>
<tr>
<td>July 12</td>
<td>OIED Update</td>
<td>TBD</td>
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<tr>
<td>September 13</td>
<td>TBD</td>
<td>Titmus</td>
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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
The Office of General Counsel
Presents:

Pulling Back the Curtain

ALM 5-10-22
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

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

Practice Areas:
- Real Estate
- Transactional
- Complex Contract Matters
Updated Websites

Office of General Counsel

• https://generalcounsel.ncsu.edu/

How Can We Help?
Quick links to help get you 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'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

Clio Manage

OGC Active Matter Breakdown

- Real Estate: General
- Transactional: General
- Litigation: General
- Student Affairs: General
- Employment: General
- Research and IP: General
- Athletics: General
- Government/Regulatory: General
- Global: General
- Professional Development
- Advancement: General
- Public Records
- COVID Response

Matter description: Misc. International Agreements

Time: 2%
Expenses: 4%
Financial: 20%
Details:

- Responsible attorney: Shawn Troxler
- 3%
- 13%
- 13%
- 13%
- 8%
- 12%
- 16%
- 21%
- 21%
- 4%
- 2%
- 4%
New Technology

NextRequest
New Data

Records Requests by Fiscal Year

*As of May 1, 2022
New Data

EthicsPoint: Total Reported Concerns by Fiscal Year

- 2018-2019: 22
- 2019-2020: 23
- 2020-2021: 44
- 2021-2022 (YTD): 24*

*As of March 31, 2022
<table>
<thead>
<tr>
<th>Theme/Topic</th>
<th>Responsible Cabinet Member(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Student Well-being</td>
<td>Vice Chancellor and Dean, Division of Academic and Student Affairs</td>
</tr>
</tbody>
</table>
| 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
How OGC Helps in Decision-Making

Can: What is Possible

May: What is Permissible

Should: What is Advisable

Must: What is Required

Lawyers: A User’s Manual” by Steve McDonald, General Counsel of the Rhode Island School of Design
OGC’s Role (continued)

- Lawyers give advice

\[ \text{X “Can (may) I do X?”} \]

- Administrators make decisions and choices

\[ \text{✓ “How can (may) I do X?”} \]

Lawyers don't make your decisions.

Lawyers help make your decisions better.
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, Imagine And Likeness Laws Have Forever Changed College Athletics

College Power-Brokers P poised to Turn NCAA Upside Down

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

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)
What's Next?

HR: The Future Workforce

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.
Free Speech and Civility

UNCG reiterates ‘free speech’ policy ahead of Ben Shapiro speaking engagement

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

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

NCSU exec: Centennial Campus rezoning is ‘win win’ for research, business opportunities
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 regulations move quickly through state legislatures only to die in committee, this is one that stands to make a significant difference. The law aims to provide protections for consumer data and establish a framework for data privacy in the state. The changes to the law are expected to take effect in January 2023.

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 Ned Lamont.