

OFFICE OF LEGAL AFFAIRS
COMPACT PLANNING PERIOD 2003-2006

I. INTRODUCTION

The Office of Legal Affairs is responsible for all institutional legal advice and works with the Office of the Attorney General which represents the University in litigation. The office has two main functions:

- A. Legal advice and counsel (includes but is not limited to contract review; negotiation and drafting; interpretation of federal and state laws; handling internal and external administrative and regulatory matters; policy review and development; general legal education of the campus community and the provision of timely and effective legal advice before legal problems arise in order to prevent or minimize legal liability).
- B. Litigation support (gathering factual information and assisting the Office of the Attorney General in the development and furtherance of the university's position in judicial and administrative forums).

The Office of Legal Affairs annually reviews the work it has undertaken during the preceding year and develops new and continuing priorities, all of which fit within the overall strategic plan previously developed by the Office. The following is an updated compact plan for fiscal year 2003-2004. It addresses new and continuing proactive initiatives according to the compact planning instructions issued March 12, 1999.

II. INITIATIVES SUPPORTING UNIVERSITY GOALS

The compact planning instructions ask for initiatives that our unit will pursue to enhance the university in each of the following areas: A) fostering new partnerships, both internally and externally; B) adopting a new business model that embraces efficiency and accountability; and C) building a diverse and inclusive campus community, fostering demographic and intellectual diversity.

A. PARTNERSHIPS

1. External Partnerships

- a) UNC - Externally we will continue to pursue partnerships with UNC attorneys on matters of common interest to the university system. Currently our office is participating with UNC Office of the President and other constituent institutions on the project for athletically-related drug testing program.

2. Internal Partnerships

- a) Internally, we serve on the following university committees: Athletics Gender Equity Committee, Athletics Minority Issues Advisory Committee, ADA Advisory Committee, Equal Opportunity Advisory Committee, NCAA Self Study Committee, Copyright Committee, Diversity Advisory Committee, Intellectual Property Committee, Research Operations Council, University Research Committee, SACS Accreditation Committee and the Scholarly Communication Subcommittee of the University Library Committee. Our other partnership activities are identified as part of our business model compact plan initiatives.

B. BUSINESS MODEL

The majority of our compact initiatives fall within the business model category. Many of these involve partnerships with other university units. Our continuous focus will be on increasing our delivery of legal services in an efficient and service-oriented manner by providing general information and forms over the Web; regularly reviewing and updating university policies and procedures; practicing preventive law through presentation of workshops; and developing research materials to address various legal topics. Legal Affairs has identified the following eight major areas that serve to focus our initiatives based on the business and academic practices of the university. The projects identified under each subject area support university-wide goals but also arise from our unit issues and priorities.

1. Regulatory Environment

- a) Develop regulation on Copyright Commercialization.
- b) Develop regulation on Equity Acceptance.
- c) Develop regulation on ADA Accessibility for web services.
- d) Work with the Vice Chancellor for Finance and Business and pertinent university units to ensure compliance and implementation of federally mandated security regulations of the Gramm-Leach-Bliley Act by developing information security plan, forms and training.
- e) Continue to work with the Vice Chancellor for Finance and Business and pertinent university units to ensure compliance and implementation of federally mandated regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), specifically the development of security regulations and training.

- f) Collaborate with the vice chancellors' units and colleges to identify specific unit PRRs that need to be developed, revised and/or reformatted into academic and administrative regulations and ensure publication on the PRR website.
- g) Advise the appropriate administrators on compliance issues associated with Student Exchange and Visitor Information System (SEVIS).
- h) Work with vice chancellors on updating the university's Record Retention and Disposition Schedule.

2. Business

- a) Revise and update the contract checklist, contract advisory forms, standard sponsor program agreements and standardized forms for signature authority to Extension and Engagement.
- b) Review of analysis and testing agreements and shared research agreements.
- c) Working with Information Technology and Federal Relations personnel on the Peer-to-Peer file sharing issue.
- d) CVM/Procter and Gamble Lease--complete drafting and negotiation of the first lease transaction on the Centennial Biomedical Campus with Procter and Gamble for use of 3340 square feet of space within the College of Veterinary Medicine for the purpose of a clinical suite and magnet room. Upon its conclusion, this transaction will represent the first lease of space in a State-appropriated building on Centennial Campus to a private third party tenant. Additionally, the partnership with Procter and Gamble fostered under the Lease will provide significant research opportunities to the College of Veterinary Medicine in the form of a collaborative project agreement drafted by David Broome that permits shared use by the University of a multi-million dollar MRI Machine installed in the leased space by Procter and Gamble at Procter and Gamble expense. Aside from the third-party partnership with Procter and Gamble, OLA has partnered with the College of Veterinary Medicine, Facilities, Research Administration and Sponsored Programs and the Centennial Campus Development Office to bring the transaction to closure.
- e) Ground Lease Transaction "N-4 Cluster Development Parcel" - commence drafting and negotiation of the ground lease for the "N-4 Parcel," a 5.37 acre site located on Centennial Campus. The planned use of this large site is for 240,000 square feet of mixed use development (office and residential) and will represent the first multi-building, mixed-use leasehold ground-leased to a private third party on Centennial Campus. OLA will partner with Facilities and the Centennial Campus Development Office, as well as the private third-party tenant, in the development of the "N-4 Parcel."

- f) Biological Sciences Laboratory Ground Lease - continue to draft and negotiate the ground lease of approximately 100,000 square feet of Biological Laboratory Space on Centennial Campus with the private, third-party tenant, Nexus Phase Three Science Center LLC. OLA will partner with Facilities and the Centennial Campus Development Office, as well as the private third-party tenant, in the development of this site.
- g) Carter Finley Stadium - negotiate construction agreements for improvements.
- h) 159 Acre Tract West of RBC Center - close on the \$14,000,000 contract of sale of the parcel to a private, third-party developer. Closing under the contract was contingent upon the successful rezoning of parcel (recently obtained) under a rezoning contingency contained in the contract of sale drafted and negotiated by OLA in conjunction with the State Property Office and Facilities.
- i) Centennial Campus Development Sequencing - partner with the Treasurer's Office, Facilities and Centennial Campus Development Office to determine sequence of development of Centennial Campus as part of Centennial Campus Task Force.

3. Employment

- a) Revise university grievance procedures to incorporate different grievance procedures for cooperative extension county operation employees.
- b) Continue to work with Cooperative Extension on proposed revisions to the Memorandum of Understanding with the counties on the contractual employment relationships.
- c) Revise the Faculty/EPA Grievance and Mediation procedures.

4. Research

- a) Revise and update the scientific misconduct procedures and conflict of interest regulations.

5. Technology Transfer

- a) Develop new process for the Copyright Committee on ownership, permission and licensing of copyright.

6. Student Affairs

- a) Revise and update the student grievance procedures and disciplinary procedures manual.
- b) Create a new procedure to cover student civil rights claims separate from the existing Student Grievance Procedure.
- c) Revise disciplinary procedures for the Graduate School, Veterinary College and University Housing.

7. Athletics

- a) Continue to work with Athletics on NCAA certification.

8. Education and Training

- a) Partner with the Office of Equal Opportunity to host a training program (Equal Opportunity Training Program for Administrators) about equal opportunity that focuses on the information needs of administrators such as equal opportunity laws, affirmative action, disability laws, harassment prevention, etc. The target audience is vice chancellors, deans, directors and department heads. The projected target date is planned for Spring 2004. Additional funding is needed to pursue this project, so the Office of Equal Opportunity is exploring funding options.
- b) Partner with the Office of Equal Opportunity and Human Resources to host a training program (Equal Opportunity Training for Supervisors) for supervisors and managers in the area of discrimination and harassment. Having strong harassment/nondiscrimination policies and procedures are simply not enough to avoid liability. Courts are holding that the training of supervisors is critical for minimizing exposure.
- c) Develop and implement training protocol for members of the faculty hearing panels, grievance committee chairs, deans and department heads to further understand and become more knowledgeable on how to handle grievances to avoid the commission of substantive and procedural errors.
- d) Host NACUA Virtual Seminar to provide university faculty, staff, deans, and administrators on the recent US Supreme Court ruling on Affirmative Action – The Michigan Admission Case.
- e) Continue to develop the legal expertise of the attorneys through attendance at relevant professional development and continuing legal education seminars. This development enhances our ability to provide the highest level of legal service to the campus community.

C. DIVERSITY

The Office of Legal Affairs will support diversity goals by providing education and legal advice on University policies and programs addressing affirmative action, equal opportunity, unlawful harassment, reasonable accommodation of qualified individuals with disabilities and accommodation of religion.

1. Update various administrators on the latest court cases involving affirmative action. Advise faculty and administrators on the lawful way to achieve diversity through affirmative action, in light of recent US Supreme Court cases.
2. Continue to serve as ex officio member and legal adviser to the newly created university wide Diversity Advisory Committee.
3. Continue to advise and counsel administrators on compliance issues associated with providing reasonable accommodations to qualified students with disabilities under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, including accessibility issues relating to distance education and web-based learning.

III. INITIATIVES TO SUPPORT PROJECTED ENROLLMENT

The compact planning instructions ask for a description of the impact of enrollment growth on our unit. The impact on our unit is indirect but nonetheless substantive. As the university grows, there will be a corresponding increase in the number of individuals who consult our office and in the number of personnel and student matters with which we become involved. As we increase our entrepreneurial activities and partnerships on the Centennial Campus and with technological advancements, there will be increased legal work regarding real estate matters, risk management, general liability, regulatory compliance and other legal matters.

IV. UNIT INITIATIVES TO IMPROVE PERFORMANCE

The compact planning instructions asked for at least three specific performance measures to be used for evaluating our unit's performance. The following are the performance measures Legal Affairs will use to evaluate our unit's performance:

A. ANNUAL RETREAT

Legal Affairs conducts an annual retreat where a review is done of the previous year's activities to include data on preventive law workshops, advice of counsel, case docket statistics, and major issues. The review provides relevant data in identifying major subject areas and goals to focus on for the upcoming year. It also identifies the need for specifically tailored workshops to enhance a unit's understanding of university policies and regulations.

B. WEEKLY STAFF MEETINGS

Weekly staff meetings are held to discuss complex legal issues, review legal advice and cases handled by each attorney, review litigation case strategy, status or resolution and identify key legal issues. This process is effective in identifying problems and issues in the university community and the appropriate legal course of action. In addition the need for changes in the policy to clarify the legal issues and ramifications of certain business practices are also identified during staff discussions.

C. CAMPUS WIDE SURVEY

Conducted a client satisfaction survey in 1998 and 2003. The survey was distributed to all executive officers, deans, directors, and department heads on campus. Legal Affairs' will conduct the survey periodically to ensure we are meeting the expectations of our campus clients.

D. LEGAL AFFAIRS WEBPAGE

The webpage was created to provide clear, concise, user-friendly access to contract review procedures, answers to frequently asked legal questions from the university community, information on relevant legal topics and changes in the law and other documents that have been reviewed by this office for legal form and sufficiency. Standardized forms and protocols have been developed and are on the webpage to expedite review of university business transactions.

