



Back to School Edition (Vol. 1, Fall 2018)

Welcome to the inaugural edition of *Eagle Briefs*, a newsletter from the Office of Legal Affairs to the North Carolina Central University community! *Eagle Briefs* is intended to provide you with important updates regarding compliance with federal and state laws and regulations; new NCCU policies, regulations and rules; and more information regarding processes that you need to be familiar with as students, faculty, and staff.

For faculty and staff, the newsletter will not replace your need to consult with the OLA regarding matters that arise within your respective departments and divisions in order to obtain advice regarding your specific matter. However, the OLA hopes that *Eagle Briefs* will serve as an additional resource and a starting point for you as you seek to learn more information about a particular matter.



Hot Topics: Free Speech and Free Expression at NCCU

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Charlottesville, Va., August 2017. The 2018 Unite the Right 2 rally in Washington, D.C. Richard Spencer's free speech event at the University of Florida. Black Lives Matter rally. Antifa protest. What do all of these things have in common? **Speeches delivered** by each person or group, or the activity in which each person or group is engaged, is covered by the First Amendment. If a free speech event was held on the campus of NCCU with a speaker whose views you don't agree with, or that you find offensive, how do you think you would you react? What would you *want* to do? What could you *actually do*?

On December 15, 2017, the University of North Carolina Board of Governors adopted a policy entitled [Free Speech and Free Expression Within the University of North Carolina](#). The NCCU Board of Trustees approved a comparable [Free Speech and Free Expression Policy](#) on June 27, 2018 (see below for [Policies, Regulations and Rules \(PRR\) Update](#)). The NCCU policy applies to members of the University community and all others who seek to use University space for the purpose of expression.

NCCU embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the United States Constitution and the North Carolina Constitution. As permitted by the First Amendment, students, staff, and faculty have the right to engage in free expression activities at NCCU. In addition, a non-affiliated group or individual may be invited to campus by a University or student group in order to use University space. Anyone who materially and substantially disrupts the functioning of the UNC System office or NCCU, or who substantially interferes with the protected free expression rights of others, may be subject to discipline.

It is not the proper role of NCCU to shield individuals from speech protected by the First Amendment, including, without limitation, ideas and opinions found to be unwelcome, disagreeable, or even deeply offensive. Even so, campus safety remains a priority. Use of campus space does not, in itself, represent a University endorsement of the content expressed by an individual or group. The University reserves the right, under appropriate circumstances, to regulate the time, place, and manner of exercising these and other constitutionally protected rights.

Dr. Toya Corbett, assistant vice chancellor and dean of Students, serves as NCCU's responsible officer and is available to answer questions regarding free speech and free expression activities at freespeech@ncu.edu or (919) 530-7466. Questions regarding free speech and free expression activities may also be directed to the OLA.

[“Free Speech on Campus: What Campuses Can and Can’t Do”](#) is another resource that you may find helpful in educating yourself regarding this issue.



Policies, Regulations and Rules (PRR) Update

The [Policies website](#) is a central repository for all of NCCU's policies, regulations and rules. During 2018, the Policies website was updated to include the following *NEW* policies and regulations:

NAME OF POLICY OR REGULATION	EFFECTIVE DATE	SUMMARY
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<u>Unmanned Aircraft Systems Regulation</u> ("Drones")	January 11, 2018	Operators of drones on NCCU property are required to comply with the standards and procedures in this Regulation. Operators must submit a written request to the University Police Department at least fourteen (14) days prior to the date of the intended use.
<u>Smoke and Tobacco Free Campus Policy</u>	February 28, 2018	NCCU prohibits smoking inside of its buildings and facilities that constitute University property and within 25 feet of any entrance of a University building. Smoking is defined as burning any type of tobacco product including, but not limited to, cigarettes, electronic and/or vaporized cigarettes, cigars, cigarillos, pipes and bidis.
<u>Free Speech and Free Expression Policy</u>	June 27, 2018	This policy establishes the priority for use of campus space for free speech or free expression events on campus, with academic use receiving the highest priority, and requires all non-affiliated groups to be invited to campus by a University or student group in order to use University space.
<u>Misuse of State Property Policy</u>	June 27, 2018	All NCCU employees who receive information or evidence of actual or attempted arson, damage, theft, embezzlement, or misuse of any University-owned personal property, buildings or other real property, shall as soon as possible, but no later than three (3) days, report such information to his or her immediate supervisor.
<u>Weapons on Campus Regulation</u>	August 2, 2018	Weapons (e.g., all firearms, explosive agents, fireworks, mace and tear gas, BB guns, pellet guns, paintball guns, tasers, stun guns, metallic knuckles, switchblade knives, martial arts weapons) are prohibited on campus, except as specifically provided or authorized by law.
<u>Security Cameras Regulation</u>	August 2, 2018	The University Police Department is authorized to oversee and coordinate the use of security camera systems on NCCU's campus. Members of the University community who wish to access and/or review security camera video must request the video from the Chief of Police.
<u>Open Meetings Regulation</u>	August 2, 2018	As a constituent institution of the University of North Carolina and an agency of the State of North Carolina, NCCU is required to comply with the North Carolina Open Meetings Law. Official meetings of public bodies of North Carolina Central University are generally required to be open to public attendance.

In addition, the following existing policies and regulations were updated:

NAME OF POLICY OR REGULATION	REVISED DATE	SUMMARY OF CHANGES
<u>Unpaid Volunteers, Guest Researchers, Interns and Visiting Scholars Regulation</u>	February 22, 2018	The revised regulation outlines requirements for individuals who serve as unpaid volunteers, guest researchers, interns, and visiting scholars at NCCU, including the requirement for background checks for unpaid assignments that exceed seven days or that involve unsupervised access to sensitive populations (e.g., minors) or facilities.
<u>Student Code of Conduct</u>	June 27, 2018	The NCCU Board of Trustees approved revisions to this policy to include a description of how Hearing Panels may use mitigating and aggravating factors to determine sanctions, as well as an explanation as to when expulsion may be an appropriate sanction.



Compliance Reminders

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Members of the NCCU community are expected to comply with the following policies, laws, and regulations to support the University’s goal of providing an inclusive and welcoming environment for students, faculty, and staff. Questions regarding any legal obligations regarding these areas should be directed to the OLA.

- [Sexual Misconduct Policy](#)
- [Political Activities Policy](#)
- [Policy on Illegal Drugs](#)

- [Policy on Alcoholic Beverages](#)
- [Faculty and Non-Faculty EHRA Employees Conflicts of Interest and Commitment Regulation](#)
- [Responsible Use Regulation](#) (regarding ITS resources)
- [Resolution Procedures for Complaints of Discrimination, Harassment and Retaliation Regulation](#)
- [Workplace Violence Policy](#) (State Human Resources Manual)
- [Improper Relationships between Students and Employees](#) (UNC System Policy Manual)
- [Laws Governing the Workplace](#) (Fair Labor Standards Act, Age Discrimination in Employment Act, Family Medical Leave Act, Civil Rights Act, Americans with Disabilities Act)
- [Providing Accommodations to Students with Disabilities](#) (Section 504 and the Americans with Disabilities Act)



A Word About the Contract Review Process

A Word About the Contract Review Process – Information You NEED to Know

Entering into an agreement with a vendor, contractor, speaker or artist to procure a good or a service is a task that virtually every division and department on campus will engage in at some point. Please keep the following items in mind as you embark upon the contracting process:

- The [Contracting Resources](#) page on the OLA website includes many resources that you may find helpful. Questions regarding the contracting process, access to standard contract templates, instructions regarding which standard contract template should be used and how it should be completed, the difference between standard contracts versus non-standard contracts and the role of the OLA in the contracting process are all addressed on the Contracting Resources page.
- The timeframe for review of a non-standard contract is *at least* two weeks. In some cases, the review may take less than two weeks, while in other cases, it may take longer than two weeks. Please factor in the review timeframe to determine when your division or department should begin the contracting process.
- The OLA is not required to review a standard contract, templates developed by the OLA and the Department of Purchasing ([Professional Services Agreement](#), [Personal Services Contract](#), [Guest Speaker Agreement](#), [Performer Engagement Agreement](#)). If you use a standard

contract whenever procuring a good or service, and the vendor does not make any changes to the standard contract, you will be able to enter into a contract with the other party faster than if you choose to use a non-standard contract.

- A hotel contract is considered a non-standard contract and must be reviewed by the OLA *unless* the hotel agrees to sign a [hotel contract addendum](#) (and no changes are made to the addendum).
- The OLA provides [template affiliation agreements](#) for student internship and externship experiences. Please consider using a template affiliation agreement whenever it is feasible to do so.
- All contracts that require the expenditure of funds must first be provided to the Department of Purchasing. Purchasing will provide a contract to the OLA for review after verifying that a division or department has sufficient funding to proceed with the contract.
- Only the individuals referenced in the [Delegation of Authority to Sign Contract Regulation \(NCCU REG 01.03.1\)](#) may sign a contract on behalf of NCCU. If you sign a contract and you are not listed in this regulation, you may be held personally responsible for anything related to the contract, including being held liable for monies owed.
- If the contract that you are submitting for review is an addendum to a master agreement, please include the master agreement in your submission to the OLA for legal review. In addition, when requesting that the OLA review a contract amendment, please include the existing or original university agreement in your submission to the OLA for legal review. The OLA is unable to complete its review without first reviewing the applicable master agreement or original agreement.
- ***NEW*** [Contract Review Form](#): All contracts that require the expenditure of funds must be accompanied by a Contract Review Form when submitted to the OLA for review. Completing this form will improve the speed and efficiency of the contracting process by providing important information to the OLA about the status of departmental, signatory, and purchasing approval.
- ***NEW* Contract Review Threshold**: Effectively immediately, OLA review is not required for any contract, including a “non-standard contract,” for the procurement of a good or a service that has a total value of less than \$1000. Nevertheless, individuals who have signatory authority should not execute a contract on behalf of the University that contains a [prohibited contract clause](#). The OLA is always available to answer any questions that an authorized signatory may have during the contracting process, even if OLA review is not required for a document. Please note that this exception to the legal review process ***does not*** apply to non-procurement contracts, such as affiliation agreements.

These tips are designed to assist you and to help the contracting process go smoothly. If you have any questions in advance of beginning the contract process, please contact the OLA or the Department of Purchasing for assistance.

About The Office of Legal Affairs

*The Office of Legal Affairs (OLA) is currently comprised of three staff members. You can learn more about the OLA, its staff and the work that the OLA performs for the University on the [OLA website](#). The OLA does not directly advise students and employees on any personal legal matters or any matters that would conflict with the OLA's obligations to NCCU. However, OLA staff members are available to answer any questions that you may have regarding your work-related duties should the need arise. **Please do not hesitate to [contact us](#)!***