



Office of the General Counsel

Annual Report 2022

July 1, 2021 - June 30, 2022 (Fiscal Year 2022)

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Our Mission

The Office of the General Counsel is a team of legal professionals dedicated to public service and advancing the university's mission. We are a service unit that empowers campus stakeholders to accomplish their goals, while successfully balancing efficiency, innovation, and risk. We accomplish this mission by:

- Promoting a climate of ethical behavior, integrity, and accountability;
- Providing timely, creative, and practical legal advice;
- Increasing awareness of higher education's complex regulatory landscapes through trainings, outreach, and accessibility;
- Representing the university's interests in litigation, administrative proceedings, and business transactions; and
- Facilitating the development and implementation of university initiatives.

LETTER FROM THE VICE PRESIDENT AND GENERAL COUNSEL



Kevin S. Reed
Vice President and
General Counsel

One of the best things about working at the University of Oregon is that we are a campus that embraces big ideas, and as legal advisers to the institution, my team often gets to play an influential role in bringing those big ideas to life.

Reflecting over the last year, three such ideas come to mind. First, my office helped the COVID-19 Monitoring and Assessment Program launch the state's first high throughput saliva PCR test, expanding capacity to 5,000 tests per week and enabling campus to emerge from its remote status. We were thrilled to be able to support the work of UO's faculty in prevention science and data science and believe we are the only university to pull off a feat like this without having a medical school. This office also played a critical role in the University's successful hosting of Oregon22, which was the first time the prestigious World Athletic Championships have been held in North America. And last year, undaunted by the property's complicated encumbrances, my office led the real estate team that executed on the purchase of the 19-acre campus of the former Concordia University in Portland for the expansion of UO Portland and development of the Ballmer Institute, an initiative labeled a "moonshot" at its conception.

In addition to facilitating these remarkable projects, my team led our fellow Pac-12 schools in bringing a lawsuit against serial infringers to defend our trademarks and we brought a lawsuit against a former employee for falsifying a police report that negatively impacted a member of the Eugene community. We also saw the successful resolution of a lengthy jury trial (the first trial we have had in seven years). Initiating lawsuits and jury trials are fairly rare occurrences for our office, and my team showed their willingness to take up challenges in defense of the noble ideals of this institution.

I am looking forward to whatever big ideas the next year will hold and to partnering with our colleagues to amplify the work and impact of the University of Oregon.

Go Ducks!

A handwritten signature in blue ink, appearing to read 'K. Reed', with a stylized flourish at the end.

Kevin S. Reed
Vice President and General Counsel

Our Staff



Kevin Reed
Vice President and
General Counsel



Douglas Park
Deputy General
Counsel



Craig Ashford
Associate General
Counsel



Bryan Dearing
Associate General
Counsel



Jeslyn Everitt
Associate General
Counsel



Jessica Price
Associate General
Counsel



Julia Cohalan
Assistant Vice
President and
Chief of Staff



Brandalee Davis
Legal Assistant
and Administrative
Coordinator



Kelly Fondren
Legal Assistant



Practice Areas

- Academic Affairs
- Athletics
- Civil Rights
- Constitutional Law
- Contracts
- Compliance
- Data Security
- Emergency and Risk Management
- Employment Law including Labor Relations, Benefits, and Retirement Plans
- Federal Agencies
- Governance and Policies
- Government Ethics
- Health Care
- Immigration & International Programs
- Intellectual Property
- Library and Museum Administration
- Litigation
- Police and Law Enforcement
- Procurement
- Public Finance
- Public Records and Public Meetings
- Real Estate and Land Use
- Records Retention and Preservation
- Religious Freedom
- Sponsored Research
- Student Conduct
- Subpoenas and Privacy
- Tax
- Telecommunications
- Title IX

Select Highlights

FROM WORK IN FY22



PROMOTING A CAMPUS CLIMATE OF ETHICAL BEHAVIOR AND COMPLIANCE

- Revised UO's Name, Image, and Likeness policy and procedures; worked across campus on related endeavors to ensure opportunities for student-athletes and compliance with federal and state law and NCAA guidance
- Helped create the HIPAA Privacy Team; created HIPAA templates, forms, and guidance; assisted various researchers/research units in negotiating data sharing agreements with outside entities
- Worked closely with campus partners to investigate and/or respond to complaints involving student and employee issues
- Helped manage the Clery Compliance program, including advising on timely warnings and emergency notifications and ensuring transparent accounting of crime statistics
- Managed legal compliance for multiple complex retirement plans for the benefit of all seven public universities in Oregon, including completion of the plans' first internally initiated audit to evaluate and ensure ongoing compliance. As of 12/31/2021, these plans have more than 18,500 in participants and more than \$2.5 billion in assets



REPRESENTING UO'S INTERESTS

- Led the Pac-12's litigation against a common trademark infringer
- After a lengthy trial, reached a favorable settlement with two former football players who suffered exertional injuries
- Defended UO against a case brought by students who argued the University should have refunded tuition when the pandemic forced a move to remote learning
- Advocated on behalf of the institution at several arbitration proceedings
- Successfully defended of a number of BOLI/EEOC complaints



PROTECTING/PROMOTING SOCIAL JUSTICE AND CIVIL RIGHTS

- Pursued a case against a former University police officer who falsified a report, negatively impacting a Hispanic member of the Eugene community
- Advised on the Home Flight Scholars Program for Native American students residing in Oregon
- Advised the workgroup to revise the Equal Opportunity Policy and Community Standards Affirmation Policy
- Worked with HR to update hiring and retention processes, including application of veteran's preference and the Oregon Equal Pay Act
- Advocated for a legal services position funded by ASUO to serve students accused of conduct violations



FACILITATING UNIVERSITY INITIATIVES

- Represented UO's interests in the contracting necessary to successfully host Oregon22
- Led the team that executed on the purchase of the 19-acre campus of the former Concordia University in Portland for expansion of UO Portland and development of the Ballmer Institute
- Advised the COVID-19 Monitoring and Assessment Program (MAP) in launching the state's first high throughput saliva PCR test, helping to expand lab capacity to 5,000 tests per week, while maintaining compliance with CLIA and all other applicable regulations
- Assisted UO in becoming the only NCAA Division 1 baseball program in nation to share its stadium with a full-season Minor League Baseball organization

Use of Outside Counsel

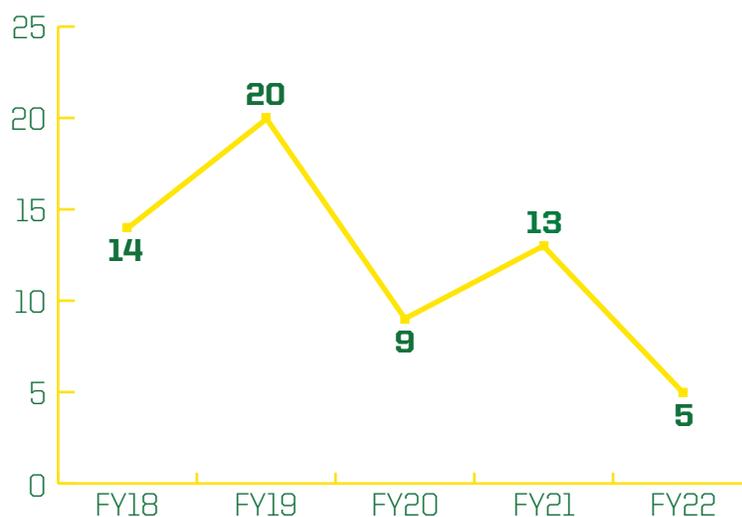
The University generally hires outside counsel for matters that we don't have the staffing to handle in house, generally litigation, occasionally labor arbitrations, and for very specialized legal work, including NCAA compliance, intellectual property registrations (e.g. patents, copyrights and trademarks), FCC work for our 3 radio stations, immigration, and international operations. As our spend on outside counsel attests, we are judicious in the utilization of outside counsel and we are continually pursuing ways to increase our in house capacity.

The number of litigation matters handled by outside counsel in FY22 was 9, although many of those matters have since been resolved. See Lawsuits Initiated and Resolved by Year graphic.

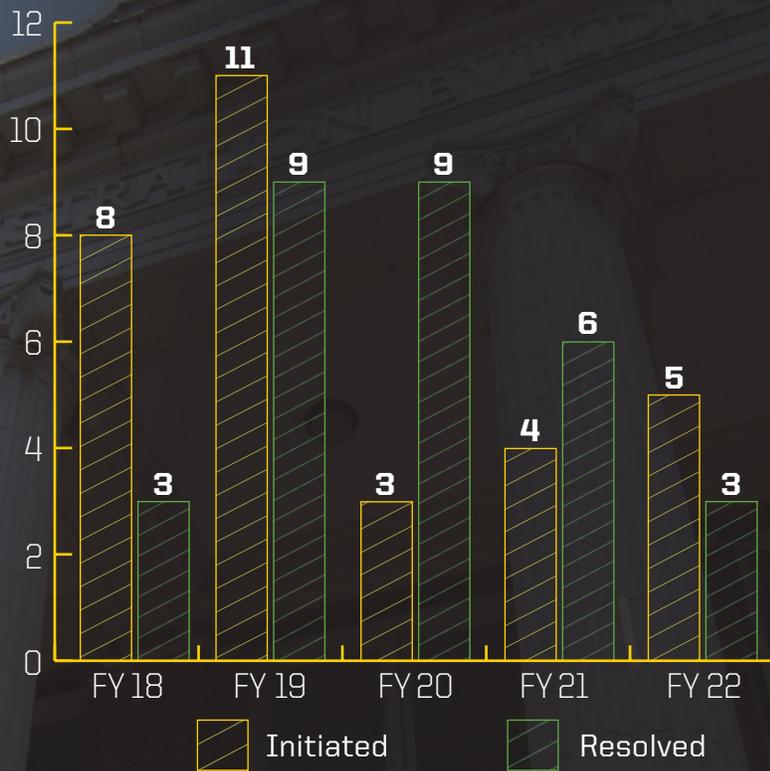
We are committed to supporting our local and state economy, and use Oregon attorneys whenever possible. In FY22, over half of the firms we worked with were either based in Oregon or have offices in Oregon.

We are also deeply committed to supporting underrepresented attorneys and a majority of the outside attorneys who represented the University of Oregon in FY22 were women and/or minorities. We are also committed to ensuring that female attorneys are paid commensurate to their male counterparts when assigned to university matters.

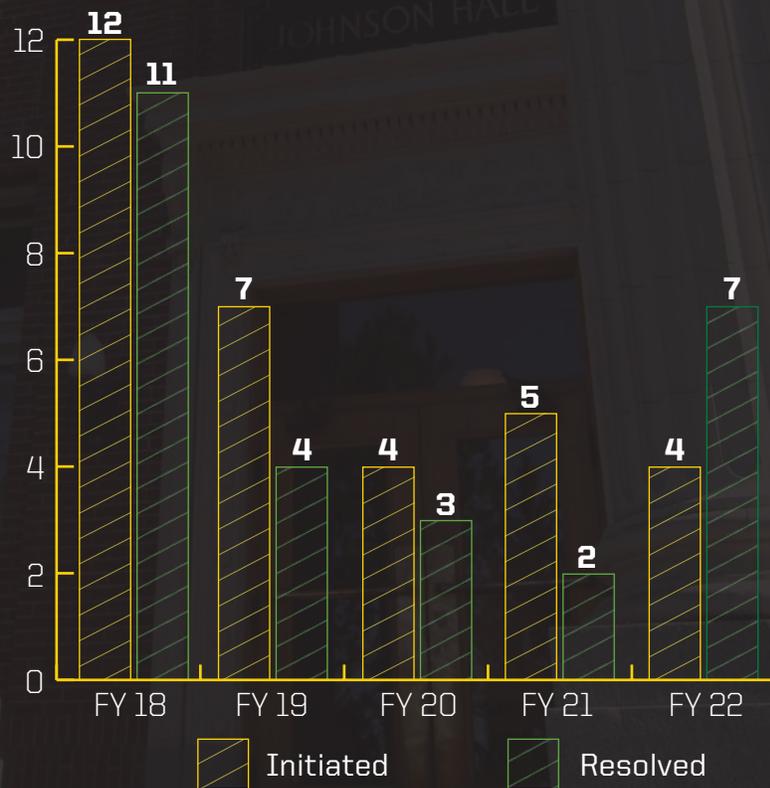
Tort Claim Notices by Year



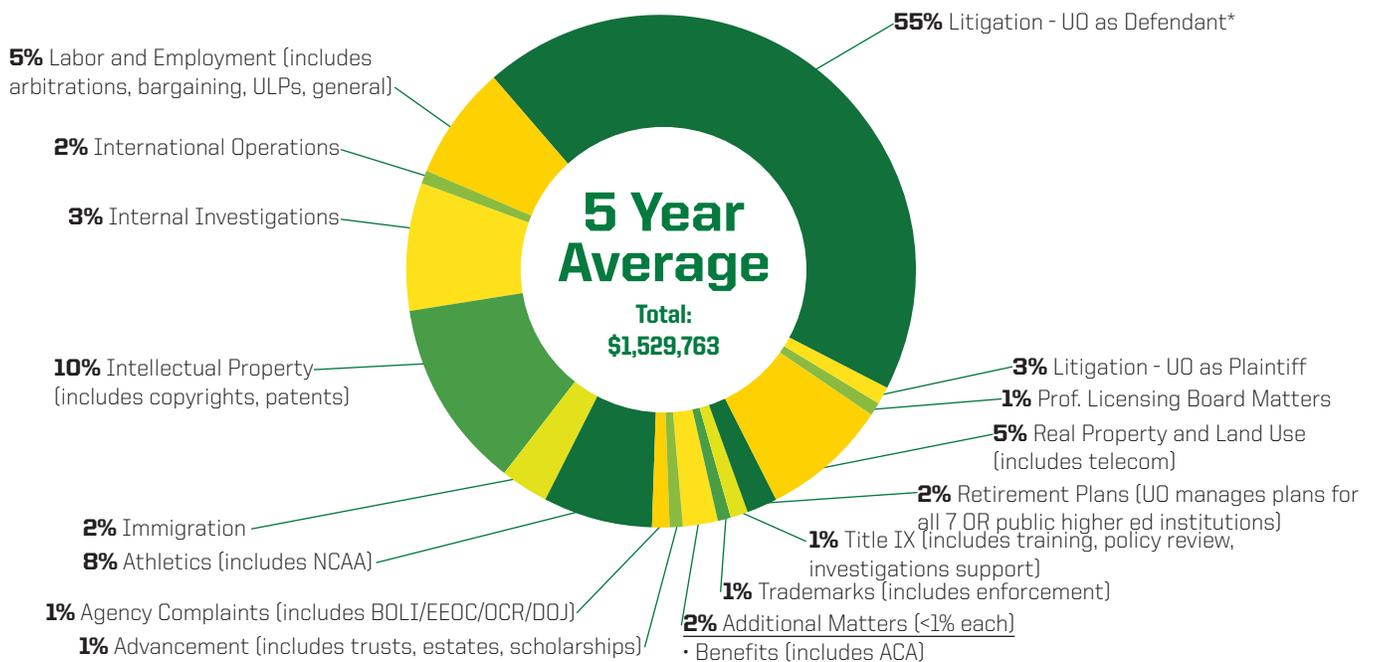
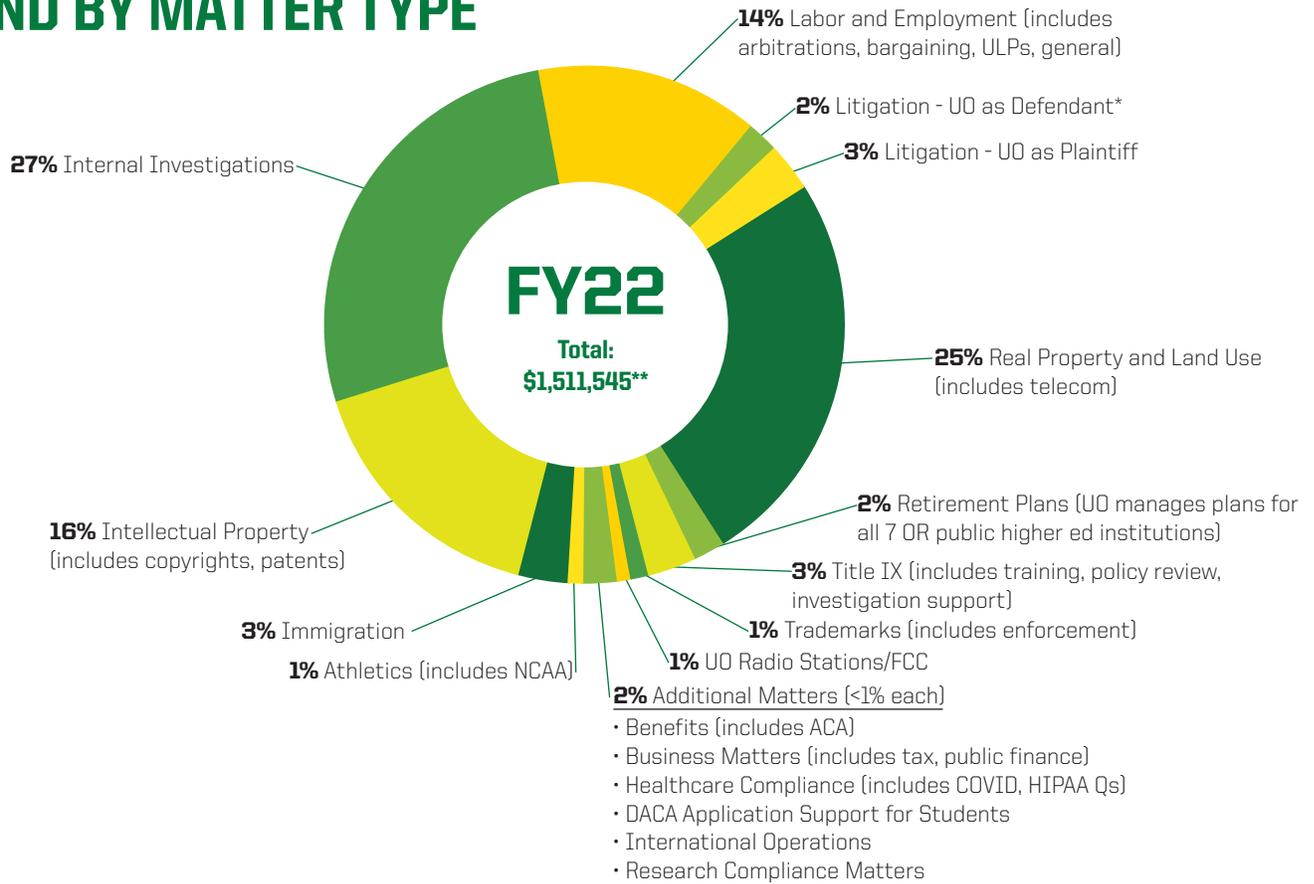
Lawsuits Initiated and Resolved by Year



Agency Complaints Initiated and Resolved by Year



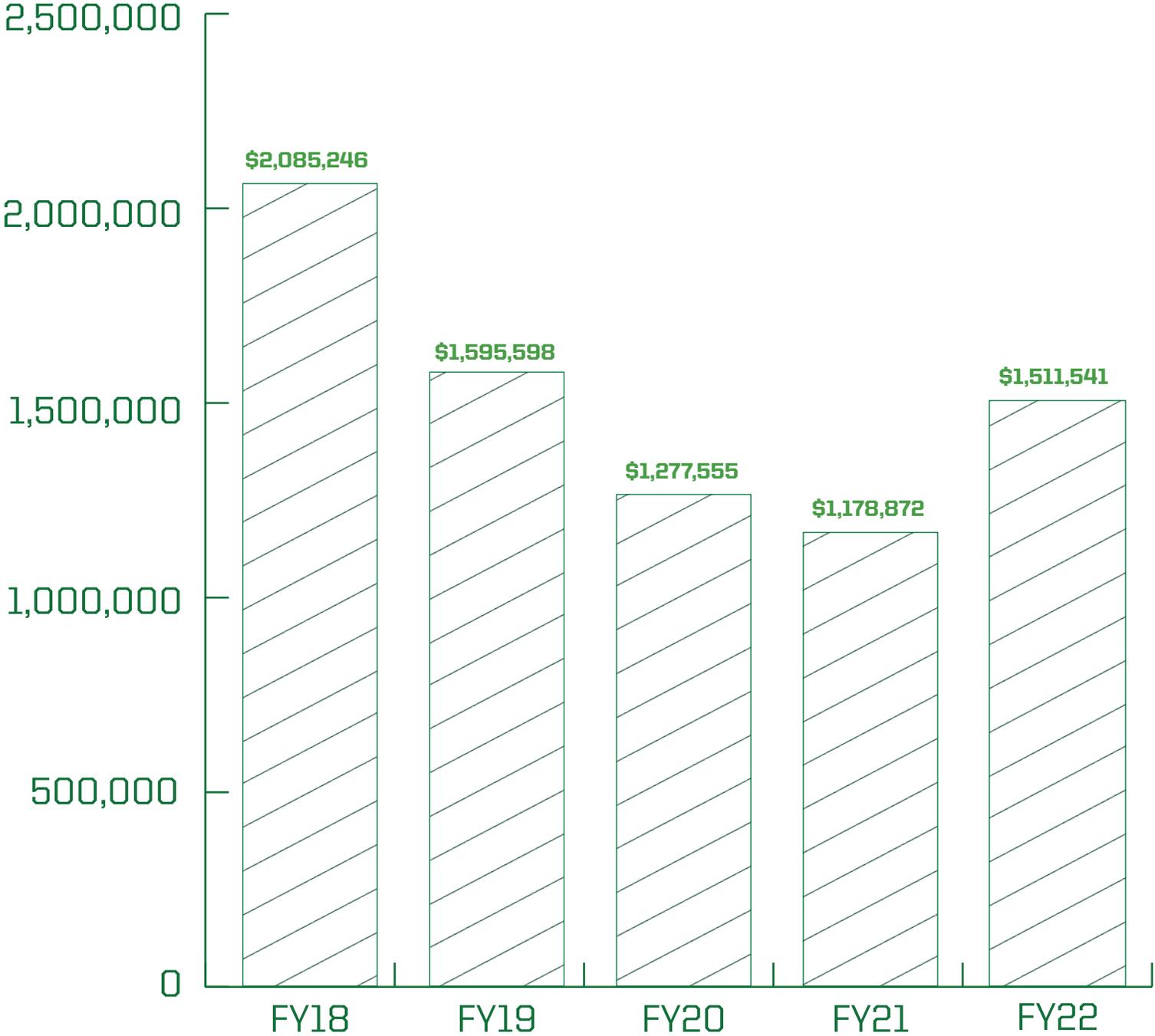
SPEND BY MATTER TYPE



*Litigation amounts do not include settlements or expenses covered by UO's insurers

**Represents university spend, but does not include ASUD spend or legal services for students

TOTAL INSTITUTIONAL OUTSIDE COUNSEL EXPENSES OVER TIME



OGC Gives Back

PROFESSIONAL AND COMMUNITY SERVICE

Kevin S. Reed, Vice President and General Counsel

- Volunteer firefighter with McKenzie Fire & Rescue
- Board Chair, Green Dot Public Schools California
- Board member, ExEd
- Member, UO College of Education Advisory Council
- Member, AAU General Counsel Steering Committee
- Member, APLU General Counsel Advisory Group
- Co-Instructor in Clark Honors College Colloquium on US Higher Education Policy
- Oregon State Bar Mentor
- Alumni Interviewer, Harvard University Admissions

Douglas Park, Deputy General Counsel

- Worked with a firm in Portland to create a fellowship opportunity for a UO Law student
- Co-taught Investigations and Criminal Procedure with Jessica Price at UO Law School
- Member of Jordan Schnitzer Museum of Art (JSMA) Advisory Board, including service on the JSMA's Board's executive committee, and chair of the development committee
- Currently the longest serving board member on the Eugene Education Foundation (EEF) Board, including service on EEF's Literacy Committee
- Hosted the annual fall picnic for minority law students to meet and network with judges and practicing attorneys
- Volunteer mentor for the Oregon State Bar's law student mentor program
- Presenter/panelist for the following programs:
 - NACUA panelist for "Research Misconduct & Undue Foreign Influence"
 - Moderated "Art of the Possible," a program cosponsored by the Federal court and UO law school, focused on student success in school, and in the practice of law

Craig Ashford, Associate General Counsel

- Member of PERS OAR development working group
- Member of Oregon Department of Revenue OAR development working group
- Member of national Tax Issues Consortium for public universities
- Law school admissions office representative at law school fairs
- Regular contributor to the development of Oregon and federal legislation regarding employee benefits, taxation, and public finance
- Contributor to the law school business law clinic, volunteer for law school career services center, and presenter to law school mentor program participants

Craig Ashford, Associate General Counsel (continued)

- Service on UO Committees:
 - Campus Planning Committee
 - Real Property Transactions Team
 - Oregon22 Planning Committee
 - Retirement Plans Committee
 - Law school alumni awards committee

Bryan Dearing, Associate General Counsel

- Pro Tem Instructor at the Law School – taught Lawyering Skills and Bar Fundamentals and Controversies in Constitutional Law
- Oregon Federal Bar Association (FBA) – Vice President
- Attorney Ambassador & Volunteer, Free Federal Law Clinic of Oregon
- Ninth Circuit Lawyer Representative for the District of Oregon, Co-Chair
- Association of Threat Assessment Professionals (ATAP), Member
- Service on the advisory board for the Journal of University and College Law
- Service on UO committees:
 - HIPAA Privacy Team, Chair
 - Information and Communications Technology Accessibility Committee
 - Data Security and Incident Response Team
 - Information Security Governance Committee
 - University Records Management Committee
 - Behavioral Evaluation and Threat Assessment Team
- Delivered training/presentations:
 - NACUA panelist “NIL: A Crash Course for the General Counsel”
 - “The Rise of Student-Athletes: NCAA v. Alston, Oregon’s Senate Bill 5, and the Future of College Sports” at Owen Panner Inn of Court
 - “Launching Court-Based Pro-Bono Clinics, Including Ethics Tips,” American Bar Association (Judicial Division) Webinar.
 - “Privacy, Access, and Disclosure Law” at annual Financial Stewardship Institute
 - Government Ethics/Conflict of Interest
 - FERPA
 - Data Security

Jeslyn Everitt, Associate General Counsel

- Pro Tem Instructor at the Law School – taught Mediation to students at the Law School and with the Conflict and Dispute Resolution (CRES) Master’s Program
- Lane County Bar Association mentor to first year law students
- Volunteer coach with UO School of Law alternative dispute resolution competition teams

Jeslyn Everitt, Associate General Counsel (continued)

- Service on leadership team for Lane County Women's Lawyers group
- Service on UO Committees:
 - Human Resources Policy Workgroup
 - Behavioral Evaluation and Threat Assessment Team
 - Clery Compliance Workgroup
 - SERMC Reporting Systems & Responsibilities Work Group
 - UOPD Complaint Review Committee (ex officio)
 - COVID Case Management Team
- Delivered training/presentations at:
 - Title IX designated reporter (responsible employee) training
 - Clery Act campus security authority training
 - Equal Pay best practices

Jessica Price, Associate General Counsel

- Pro Tem Instructor at the Law School – Co-taught Investigations and Criminal Procedure with Doug Park
- Led GC's extern program in partnership with the Law School, mentoring the next generation of attorneys
- Leadership of the UO Women in Leadership Group
- Member of the UO Black Strategies Group and the LatinX Strategies Group
- Service on UO Committees:
 - Conflict of Interest in Research Committee
 - Tech Transfer Task Force
 - Institutional Review Board (ex officio)
- Delivered training/presentations at:
 - NACUA Panelist: "Hot Topics in Ethics and Tech Transfer"
 - "What to do When ICE Comes to Campus"
 - "Recent Developments in Disability Law"
 - "Free Speech and Discrimination"