



Office of the General Counsel

Annual Report 2023

July 1, 2022 - June 30, 2023 (Fiscal Year 2023)

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Promoted a climate of ethical behavior, integrity, and accountability **6**

Provided timely, creative, and practical legal advice **6-7**

Represented the university's interests in litigation, administrative proceedings, and business transactions **7**

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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

Coming out of the pandemic, it was tempting to believe that life would somehow return to what it had been before, but fiscal year 2023 was a year of continued instability and transition, attesting to the truism that change is indeed the only constant in life. In our office, Craig Ashford and Brandalee Davis left to pursue new challenges, and Jessica Price accepted a half-time position in the University's research portfolio. Those transitions paved the way for an influx of new talent in the hiring of Brad Lowary and Ryan Hagemann, both of whom have been wonderful additions to the office. The Office also spent time engaging with our results from the first ever campus-wide IDEAL Climate Survey and supporting the search for UO's 19th president.

Far from an ivory tower, the University of Oregon, and the work of its general counsel's office, is deeply tied to what is happening in the world around us. In the region last year, member schools in the Pac-12 announced they would be leaving for other athletic conferences and Name, Image and Likeness (NIL) legislation evolved, both signaling the end of college athletics as we've known it. Our office continued to play a prominent role in guiding UO through conference realignment and in developing NIL innovations that benefit our student athletes, including successful advocacy for legislative changes.

And, over the past year, there was a national surge in unionized labor activity across various industries. The groundswell of labor activism was reflected on UO's campus in the effort by undergraduate student workers to form a labor union. Our office helped the institution navigate this novel and challenging effort, while empowering these students to exercise their will.

In other national news, the decision by the Supreme Court of the United States to end affirmative action in higher education admissions required a reexamination of UO's practices, and ignited a number of external challenges to scholarships promoting access for minoritized groups. Our office also defended challenges to UO's commitment to free speech and initiated a lawsuit to protect faculty in the department of Indigenous, Race, and Ethnic Studies and Women and Gender Studies from defamatory and doxxing posts on social media, both reflective of the current sociopolitical landscape in this country.

As the world around us continues to undergo seismic shifts, I find comfort in the knowledge that our commitment to the [enduring values](#) that define this great institution is unwavering. As the accomplishments highlighted in this report demonstrate, I am proud of the work we have done to help the university adapt, build resilience and discover creative solutions in a continually shifting landscape. And so, while we will never return to pre-pandemic times, we look forward to working with our colleagues to build an even more vibrant and inclusive future for the university in the years ahead.

A handwritten signature in blue ink, appearing to read 'K. Reed', written in a cursive style.

Kevin S. Reed
Vice President and General Counsel

Our Staff



Kevin Reed
Vice President and
General Counsel



Doug Park
Deputy General
Counsel



Ryan Hagemann
Senior Associate
General Counsel



Bryan Dearing
Associate General
Counsel



Jeslyn Everitt
Associate General
Counsel



Jessica Price
Special Counsel for
Research, Ethics &
International
Affairs



Julia Cohalan
Assistant Vice
President and
Chief of Staff



Brad Lowary
Executive Assistant



Kelly Fondren
Senior Legal
Assistant and
Claims Manager



Practice Areas

- Academic Affairs
- Athletics
- Civil Rights
- Constitutional Law
- Contracts
- Compliance
- Data Security
- Emergency and Risk Management
- Employment Law include Labor Relations, Benefits and Retirement Plans
- Federal Agencies
- Governance and Policies
- Government Ethics
- Health Care
- Immigration & International Programs
- Intellectual Property
- Library & Museum Administration
- Litigation
- Police & Law Enforcement
- Privacy
- Procurement
- Public Finance
- Public Records & 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 FY23



PROMOTED A CLIMATE OF ETHICAL BEHAVIOR, INTEGRITY, AND ACCOUNTABILITY

- Helped research, draft, and edit university-wide Policies and associated procedures:
 - Grievance Policies (both student and employee)
 - Free Speech and Academic Freedom Policies
 - Privacy Policy
 - Acceptable Use Policy
- Supported an external Title IX Review and facilitated the implementation of recommendations
- Provided a comprehensive review of UO's Affirmative Action Plan
- Compiled UO's 2022 Clery Report.
- Pursued justice in the form of pathbreaking litigation against a former UO police officer who violated the rights of a community member and prevailed in related arbitration
- Initiated a lawsuit to protect faculty in the department of Indigenous, Race, and Ethnic Studies and Women and Gender Studies from defamatory and doxxing posts on social media; helped draft Social Media Threat Guidance Booklet



PROVIDED TIMELY, CREATIVE, AND PRACTICAL LEGAL ADVICE

- Name, Image and Likeness
 - Helped implement practices to align with new state law requirements under SB1505 and updated NIL guidance from NCAA .
 - Worked with AD, Government Affairs, OSU, and others to draft proposed amendment to SB5 that tracks the latest state legislation.

PROVIDED TIMELY, CREATIVE, AND PRACTICAL LEGAL ADVICE (CONTINUED)

- Updated/revised privacy and other releases in area to account for SA rights, institutional obligations, and protection of UO copyrights and trademarks.
- Advised Knight Campus on creating a fermentation certificate.
- Advised re HB2005 and the implementation of Paid Leave Oregon.
- Advised HR and others regarding the Student Worker Unionization effort, taking care to to empower students and ensure a fair process
- Assisted trustees, the General Counsel, and University Secretary in proposed revisions to the Board of Trustee's Bylaws and the Retention of Authority Policy.
- Provided advice and strategies for postdoc diversity hiring, mandatory diversity statements, and other advice in the wake of Students for Fair Admissions v. Harvard.
- Devised a contracting checklist for the Office of Research and Innovation to use on common contract clauses.



REPRESENTED THE UNIVERSITY'S INTERESTS IN LITIGATION, ADMINISTRATIVE PROCEEDINGS, AND BUSINESS TRANSACTIONS

- Represented UO's interests in athletic conference realignment discussions.
- Successfully defended UO policies and practices against 9a number of agency complaints, 5 union grievances/ULPs/arbitrations
- Advised and supported the university's Government Relations team on dozens on proposed bills during the Oregon Legislative Assembly.
- Initiated lawsuit to hold contractors accountable in construction defect matter.
- Initiated lawsuits to defend and protect UO's trademarks.
- Drafted new UO Camping Policy so persons cannot use UO facilities and grounds as living facilities.
- Worked with PCS and Global Music Rights (GMR) to enter into a license agreement that substantially expands the music catalogue UO may access for our marching band, radio stations, etc.
- Protected our entitlement to significant bequests to benefit our educational programs when they were challenged by others making claims to the estates.
- Successfully defended a class action seeking reimbursement of tens of millions of dollars of tuition and fees due to UO's pivot to remote instruction in the first year of the global COVID-19 pandemic.
- Successfully defended UO in multiple personal injury lawsuits.



FACILITATED THE DEVELOPMENT AND IMPLEMENTATION OF UNIVERSITY INITIATIVES

- Advised on creation of the Launch Oregon LLC, and helped draft the Launch Oregon bylaws and articles of incorporation. Worked with our Industry, Innovation, and Translation colleagues to develop a master license agreement and sublicense agreements that Launch Oregon can use for marketing UO intellectual property.
- Ongoing work with SOJC and LCB to assist with Oregon Accelerator activities, marketing info, etc. Served as point-of-contact to legal counsel for NIL “collective” Division Street.
- Ongoing work with Law School Business Clinic’s NIL pilot program to assist student athletes in navigating NIL opportunities.
- Advised, drafted, and negotiated materials for the purchase of the 1700 Millrace building.
- Advised, drafted, and negotiated materials for the 55-year ground lease for the development of the former Romania property.

Use of Outside Counsel

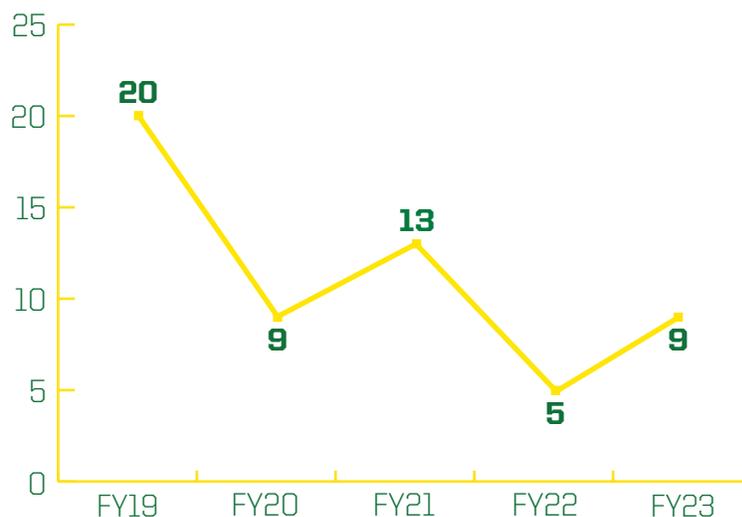
The University generally hires outside counsel for matters that we don't have the staffing to handle in house, generally litigation, occasionally labor arbitrations, and very specialized legal work, including NCAA compliance, intellectual property registrations and litigation (e.g. patents, copyrights 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 FY23 was 13, although some 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 FY23, two thirds 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 FY23 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



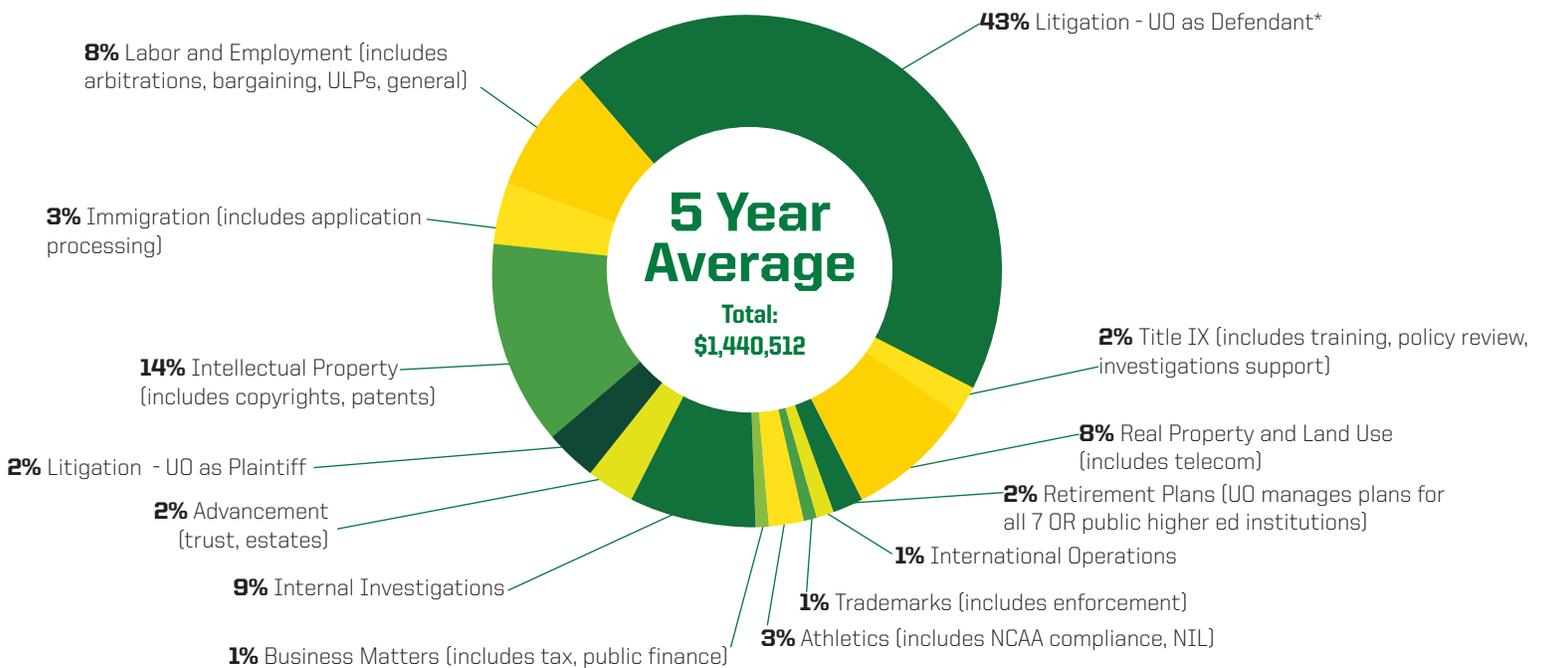
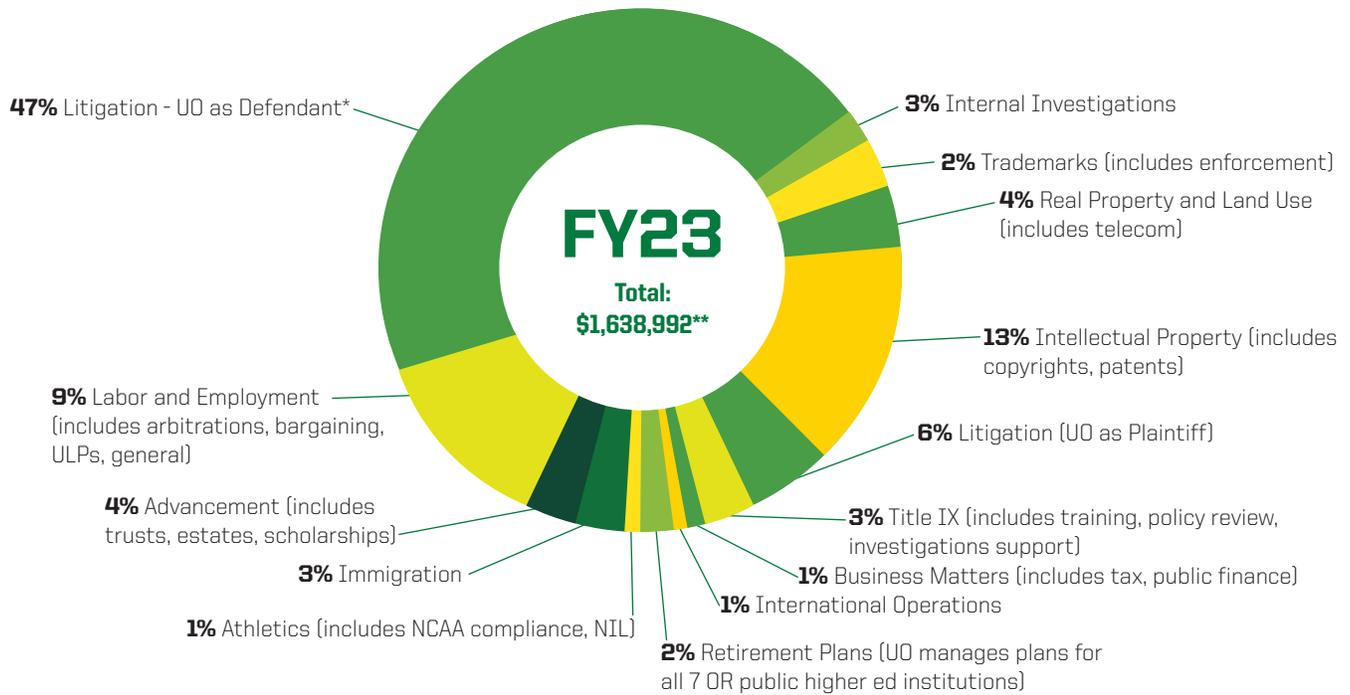
Lawsuits Initiated and Resolved by Year



Agency Complaints Initiated and Resolved by Year



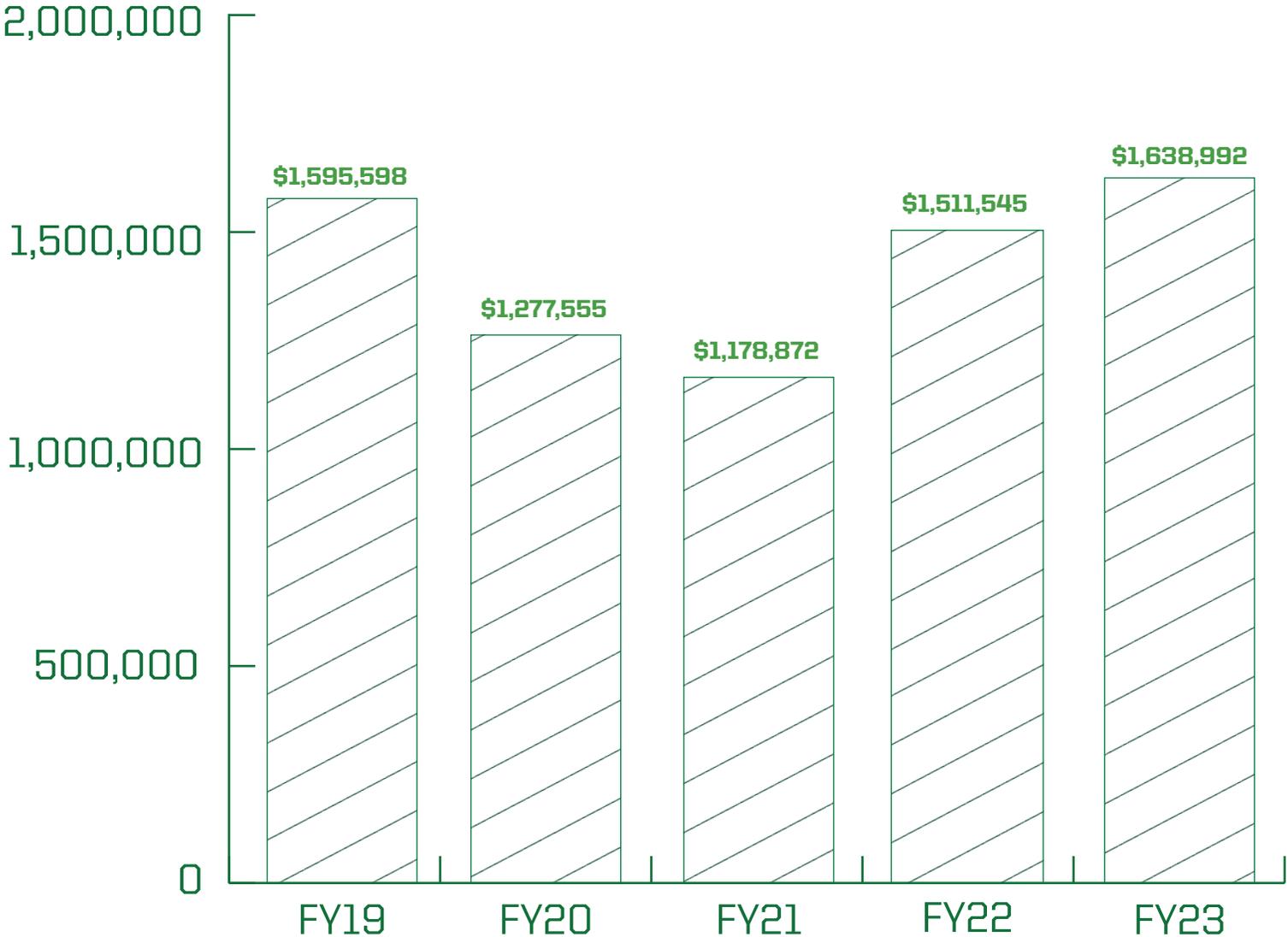
INSTITUTIONAL SPEND BY MATTER



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

**Represents university spend, but does not include ASUO 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

External Service

- Volunteer firefighter with McKenzie Fire & Rescue
- Board Chair, Green Dot Public Schools California
- Board member, ExEd
- Member, AAU General Counsel Steering Committee
- Member, APLU General Counsel Advisory Group
- Alumni Interviewer, Harvard University Admissions

Service on UO Committees

- Member, UO College of Education Advisory Council
- Chaired the search committee for the Associate and Assistant General Counsel position search
- Served on the search committee for the Vice President for Communications position
- Chair, Student Conduct Disparity Study Response Working Group
- Chair, Working Group Analyzing UO's response to the Supreme Court of the United State's ruling in Students for Fair Admissions v. Harvard

Teaching/Presentations/Training

- Pro Tem Instructor
 - Education Policy and School Law (College of Education)
 - Employment Law (School of Law)
 - Colloquium on US Higher Education Policy (Clark Honors College)
- Association of Public & Land-Grant Universities Annual Meeting, Presentation on Academic Freedom
- Oregon State Bar Mentor
- Dreamer Ally training
- Viewpoint Neutrality training for incoming ASUO officers

Doug Park, Deputy General Counsel

External Service

- Ninth Circuit Lawyer Representative for the District of Oregon
- Member, Eugene Education Foundation (EEF) Board, also served on the Literacy Committee
- Represented OGC at various affinity Bar functions and judicial investitures
- Hosted the annual fall picnic for minority law students

Service on UO Committees

- Jordan Schnitzer Museum of Art (JSMA) Leadership Council, Chair, Development Committee; Member, Executive Committee]
- Chaired the search committee for the new AVP for Industry, Innovation, and Translation position

Doug Park, Deputy General Counsel (continued)

- Served on the search committee for the Associate and Assistant General Counsel position
- Served as one of the campus partner interviewers for the Launch Oregon Executive Director search
- Co-chaired the search committee for the Miller Nash/UO Law Fellow

Teaching/Presentations/Training

- Guest lecturer for School of Law EDLD 610 (The Basics of School Law)
- Introductory Plenary Panelist, Association of Student Conduct Administration National Conference, Case Update
- Introductory Plenary speaker at NACUA Fall conference, Political Activities on Campus During Election Years
- Assisted the law school with various student competitions and mock interviews for students

Ryan Hagemann, Senior Associate General Counsel

External Service

- High Desert Museum Board of Trustees (Member, Governance Committee; Member, Ad Hoc Transportation Committee)
- National Association of College and University Attorneys (NACUA) (Member, Legal Resources Committee; Member, QUA, LGBTQ+ Affinity Group)

Service on UO Committees

- Campus Planning Committee (Non-Voting Participant)
- Office of the General Counsel (OGC) Climate Survey Action Planning (Facilitator)

Bryan Dearing, Associate General Counsel

External Service

- Ninth Circuit Lawyer Representative for the District of Oregon, Co-Chair of the Lawyer Rep Coordinating Committee
- Vice-President and now President-Elect, Oregon Federal Bar Association Attorney Ambassador & Volunteer, Free Federal Law Clinic of Oregon
- *Journal of University and College Law* Advisory Board

Service on UO Committees

- Chair HIPAA Privacy Team
- 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
- Strategic Enterprise Risk Management Committee

Teaching/Presentations/Training

- Pro Tem Instructor at UO School of Law
 - Lawyering Skills and Bar Fundamentals/Legal Writing
 - Controversies in Constitutional Law
- OGC/UO Law Externship Program Supervisor

Bryan Dearing, Associate General Counsel (continued)

- National Association of College and University Attorneys 2023 Annual Conference, NIL: A Crash Course for the General Counsel Panelist

Jeslyn Everitt, Associate General Counsel

External Service

- Lane County Bar Association Mentor
- Co-Chair of the Lane County Women's Lawyers Steering Committee

Service on UO Committees

- Behavioral Evaluation and Threat Assessment Team
- Clery Compliance Workgroup
- Human Resources Policy Workgroup
- UOPD Complaint Review Committee (ex officio)
- Title IX Management Team
- ICT Accessibility Committee

Teaching/Presentations/Training

- Pro Tem Instructor at UO School of Law
 - Mediation
 - Employment Law
- Coach, UO School of Law Alternative Dispute Resolution Competition Teams
- Presented to University Health Services on gender affirming care and abortions, state of law, implications for providers, and liability following the overturning of Roe v Wade
- Present to internal stakeholders on various topics, including Title IX and Pay Equity

Jessica Price, Associate General Counsel

External Service

- Chair, Oregon Commission on Black Affairs
- Chair, Oregon State Bar Legal Ethics Team
- Governor's Racial Justice Council
- Past President of the Eugene Metropolitan Rotary
- Eugene Area of Commerce 2023 Women Business Leaders: Leader of the Year Award
- Treasurer, Oregon Women Lawyers (OWLS) Board Service on UO Committees
- Member, Leadership Eugene Springfield Steering Committee

Service on UO Committees

- Chair on National Security in Research Committee
- Conflict of Interest in Research Committee

Teaching/Presentations/Training

- Pro Tem Instructor
 - Civil Rights in Higher Education (Clark Honors College)
 - Criminal Investigations (School of Law)

Jessica Price, Associate General Counsel (continued)

- National Association of College and University Attorneys Fall 2023 CLE Workshop: Compliance, “I’m Sorry Counselor, I’m Afraid I Can’t Do That” – Ethics of AI on Campus Ethics & Discrimination (spring NAUCA)
- National Association of College and University Attorneys Spring 2023 CLE Workshop: Discrimination Law, Maintaining Ethics in Polarized Times: Duties to Your Institution, the Public & the Profession
- Eugene Young Professionals Summit, Guest Speaker
- University of Oregon Noche de Excelencia, Guest Speaker
- Races Unidas Youth Annual Conference, Guest Speaker