

Policy Title: Legal Services	
Responsible University Office:	
University Office:	Office of the General Counsel
Office Website URL:	http://generalcounsel.uoregon.edu/
Policy Owner:	Randy Geller
Email:	gcounsel@uoregon.edu
Phone:	541-346-3082
Date: February 10, 2012	
Policy Concept Form: The policy concept form was approved by the Senior Vice President and Provost on the following date: N/A. Policy developed prior to this requirement.	
NOTE: <i>Policy development may not proceed until the policy concept has been approved.</i>	
Preamble: The Office of the General Counsel is responsible for representing and advising the University of Oregon in all legal matters related to University operations. The General Counsel is responsible for determining the appropriate legal resources to be dedicated to all legal matters related to University operations.	
Reason for Policy: To ensure that the University of Oregon receives high quality legal representation.	
Definitions: "University of Oregon" or "University" means the University as an organization, all individuals acting in the course and scope of University employment or authorized volunteer service or in the performance of University duties, and all units of the University. The Associated Students of the University of Oregon is a unit of the University. The President of the Associated Students of the University of Oregon when performing his or her official duties is an individual acting in the course and scope of University employment or authorized volunteer service. The University Senate and Assembly are units of the University. The President of the University Senate when performing his or her official duties is an individual acting in the course and scope of University employment or authorized volunteer service.	
Policy Statement:	
Authority of the General Counsel The University of Oregon (University) may receive legal representation, services, and opinions only from the General Counsel and attorneys authorized by the General Counsel. The University may not receive "pro bono" or no cost legal services from anyone other than attorneys authorized by the General	

Counsel.

Legal advice and opinions rendered by anyone other than the General Counsel or an attorney authorized by the General Counsel are null and void except to the extent declared otherwise by the General Counsel.

The General Counsel has the exclusive authority:

- To issue legal opinions with respect to matters related to the University.
- To retain outside counsel to represent the University and authorize others to retain outside counsel.
- To accept service of process, including subpoenas, on behalf of the University and to designate others to accept service of process, including subpoenas.
- To receive tort claim notices on behalf of the University and to designate others to receive tort claim notices.

Payments for legal services may not be made without the authorization of the General Counsel or a person designated by the General Counsel, whether payment is made directly by the University, directly by the University of Oregon Foundation, or using University of Oregon Foundation funds.

Claims against the University may not be settled without the authorization of the General Counsel or a person designated by the General Counsel.

No University employee or authorized volunteer may request a legal opinion from the Attorney General of Oregon or the Oregon Department of Justice.

The Office of the General Counsel may not provide personal legal advice. The Office of the General Counsel may not provide legal advice to a student unless that student is acting in his or her capacity as an employee or authorized volunteer.

Nothing in this Policy Statement prohibits an employee or student from using his or her personal funds to retain private counsel.

Government Investigations

Any University employee or authorized volunteer with knowledge of a government investigation of the University shall advise the Office of the General Counsel immediately. This does not apply to an employee or authorized volunteer who has initiated the complaint that is the subject of the government investigation.

If an investigator from a government agency requests to interview a University employee or seeks data, documents, or access to files, the investigator should be told that the University will generally cooperate, but only after consultation with its lawyers. Without any further response to the investigator, the employee should immediately telephone the Office of the General Counsel for advice and instructions.

Defense and Indemnification of Employees and Authorized Volunteers

The University will defend and indemnify any of its employees against any claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of

University duties. Under such circumstances, the University and not the employee shall have the exclusive authority to select counsel, defend against the claim, and settle the claim. The University will consult with the employee regarding any term of a settlement agreement that affects the legal rights of the employee.

The University will not provide a defense and indemnification in case of malfeasance in office or willful or wanton neglect of duty.

The University may choose to defend an employee under a reservation of rights.

Any employee of the University to whom the University is providing a defense shall cooperate fully with the University in the defense of such claim. If the University determines that such employee has not so cooperated or has otherwise acted to prejudice the defense of the claim, the University may at any time terminate its defense and indemnity or proceed under a reservation of rights.

As used in this section, "employee" includes an authorized volunteer and a former employee or authorized volunteer.

Reimbursement of Legal Expenses

An employee may be fully or partially reimbursed for legal and other expenses incurred in the defense of a claim or complaint made to a government agency or a professional licensing authority if the University, in its sole discretion, determines that the claim or complaint arose out of the employee's performance of University duties. Such reimbursement constitutes compensation for services and is subject to the approval of the President or designee and the General Counsel. The University may decline to reimburse an employee for any expenses incurred prior to the University's written commitment to provide reimbursement.

An employee may not be reimbursed for the payment of a fine.

Exclusions and Special Situations:

Procedures:

Forms/Instructions/Regulations:

Who is Governed by this Policy:

(Please mark all that apply by double clicking on box)

- Faculty
- Officers of Administration
- Students
- Staff
- Other: Authorized Volunteers

Who Should Know this Policy:

All administrators, including but not limited to the President, Provost, Vice Presidents, Vice Provosts, Deans, Associate Deans, Directors, Department Heads, Institute and Center Heads, Director of Athletics.

Cross Reference to Related Policies:

Related Documents:

Frequently Asked Questions:	
Revision/Development History:	
Organizational Category: (Please mark only one by double clicking on box)	
<input checked="" type="checkbox"/> Administration and Governance <input type="checkbox"/> Academic and Curricular <input type="checkbox"/> Human Resources <input type="checkbox"/> Facilities <input type="checkbox"/> Students	<input type="checkbox"/> Finance and Business Affairs <input type="checkbox"/> University Relations <input type="checkbox"/> Health and Safety <input type="checkbox"/> Research <input type="checkbox"/> Information Technology <input type="checkbox"/> General

POLICY CONSULTATION AND REVIEW

Consultation and review by the following individuals or groups:

N/A Date: _____
 Vice President or Sr. Vice Provost of:

Approved by Randy Geller (email attached) Date: 2-12-2012
 General Counsel

 Date: 2/14/12
 Senior Vice President and Provost

 University of Oregon Senate President Date: _____

 Click here to add Name or Group Date: _____

APPROVED BY:

President or Designee _____
Signature Date

POLICY EFFECTIVE DATE: _____

ASSIGNED POLICY NUMBER: _____