



# Annual Report

# 2024-2025

*Office of Legal Counsel and Compliance*



# Table of Contents

➤	<i>Mission and Guiding Principles</i>	3
➤	<i>Introduction</i>	4
➤	<i>Litigation Activity</i>	4
➤	<i>Transactional Activity</i>	7
➤	<i>Legal, Compliance, and Preventative Law Activities</i>	5
➤	<i>Public Records</i>	6
➤	<i>Policies</i>	6
➤	<i>ADA/504 Compliance Coordination</i>	7
➤	<i>Compliance Program</i>	8
➤	<i>Professional Engagement and Contributions</i>	10

# Mission

The University Office of Legal Counsel and Compliance (UMLCC) is committed to upholding the highest standards of integrity, accountability, and legal excellence in service to the University community. We are committed to advancing the University's mission of high quality and accessible education, teaching, research, scholarship and service by providing strategic, ethical and effective legal guidance.

In collaboration with University partners, we strive to:

- Safeguard University resources by protecting its legal and business interests in all transactions;
- Provide strong legal representation in adversarial legal forums, advocating zealously while upholding the highest ethical standards.
- Enhance compliance and risk management by offering proactive legal counsel and preventative services to reduce litigation exposure and ensure adherence to laws and University policies.

Through our work, we foster a culture of compliance, ethical decision-making, and institutional resilience, supporting the University in achieving its strategic objectives.

# Guiding Principles

In carrying out its mission, UMLCC will:

- Provide legal services of the highest quality and with integrity and in accordance with applicable legal codes of ethics.
- Embrace principles of shared governance and academic freedom.
- Remain mindful that we serve the people of Montana under the Montana Constitution and as such we are grateful “for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations,” and in doing so we follow the provisions of the Montana Constitution.
- Acknowledge that we are in the indigenous territories of the Salish and Kalispel people and we honor the path they have always shown us in caring for this place for generations to come.
- Consider the dignity of every individual.

***Our Core Values: UMLCC is committed to quality, respect, civility, collegiality, inclusiveness, and service.***

# Introduction

This report is a summary of the work of this office in fiscal year 2025 (July 1, 2024-June 30, 2025). Much of the work of this office is “behind-the-scenes” work. In fact, often if something stays out of the news, we’ve done our job well. We support all areas of the University including academics, operations, research, and public service. In this report, we attempt to provide a glimpse into the critically impactful value we add.

This year our office consisted of four full-time employees: Kate Duran and Lucy France serve as legal counsel; Jessica Weltman is Director of Compliance and ADA Coordinator; Silas Teasdale serves as Public Records Manager and UMLCC Assistant. We all support the Missoula campuses as well as our affiliate campuses in Butte, Helena and Dillon.

# Litigation Activity

This year brought an end to a case that has lasted for over a decade. In June 2015, the Montana Supreme Court affirmed the jury verdict in favor of the University in *Knudsen, et. Al. V. University of Montana, 2025 MT 125*. This was a class action lawsuit challenging the legality of the University’s handling of student loan reimbursement payments. The University was represented by Max Davis of Davis, Hatley, Haffeman & Tighe, and Lucy France was co-counsel throughout the case, in trial and on appeals.

UMLCC continued to handle administrative agency investigations (e.g. Montana Human Rights Bureau, Federal Office for Civil Rights, US Dept. of Justice) and proceedings, both at the state and federal levels. We always want to recognize the expertise and effort our colleagues across the Missoula and affiliate campuses expend on responding to discovery requests, sitting for interviews, and providing necessary assistance in defending the legal interests of the University in these matters. The University continued its successful track record of resolving these matters.

Lucy and Kate continued to work with campus colleagues to respond to numerous subpoenas and requests for information. UMLCC is the point of contact for these legal requests to ensure timely and compliant responses that protect the interests of the University by ensuring that employee and student privacy rights are protected.

# Transactional Activity

UMLCC continues to serve as thought partner and protector of the University's legal and business interests when our talented colleagues across sectors contract with outside entities. We also work closely with our campus colleagues to navigate situations involving contract compliance. It is important to highlight Kate's work guiding the University through two particularly complex contract matters. Her work helped avoid liabilities and save University resources.

UMLCC continuously strives to educate the campus community about the importance of compliance with Contracts and Signature Authority Policy No. 260 and the University's Delegation of Signature Authority Policy No. 265. These are critical to ensure that agreements entered on behalf of the University serve the best interests of the University, achieve optimal terms, and minimize legal risk.

# Legal and Compliance Advice and Preventive Law Activities

The UMLCC spends a significant amount of time proactively protecting the University's mission, resources, and reputation. Our work spans a broad spectrum of legal and compliance matters. We provide strategic guidance, legal and compliance advice, and risk mitigation assistance to University administrators, faculty and staff. We pride ourselves in helping prevent liabilities before they arise. Importantly, we support decision-making that aligns with University policies, applicable laws, and the FY25 Playbook objectives.

UMLCC engages with administrators, faculty and staff through direct communications on particular issues. UMLCC also conducts proactive education sessions to enhance compliance awareness, equipping University employees with the knowledge and tools to navigate legal and other negative risks. Additionally, all of us serve on a variety of University committees, collaborating with stakeholders to develop policies, share information, and support institutional excellence.

Beginning in January of this year, the University, along with other Universities across the nation, received numerous Executive Orders from the Federal Government. These prompted immediate compliance reviews and engagement across campus. These efforts were led largely by UMLCC. Particular acknowledgement to Jessica Weltman, Director of UM Compliance, for her continuous efforts leading the compliance review process.

The Montana Legislative session began on January 6th and ended April 30, 2025. Several new laws and amendments to existing laws affected the University. Some laws were passed with an immediate effective date. Some were challenged in the court system. The UMLCC fielded questions and provided legal and compliance guidance to ensure the University adapted appropriately to new requirements.

## Public Records

As a public institution, the University of Montana is committed to transparency and accountability in accordance with both Montana state law and the Federal Freedom of Information Act (FOIA). These laws ensure public access to government records while protecting certain confidential and legally sensitive information. The office works diligently to respond accurately, efficiently, and within legal timeframes, providing requested records whenever permissible by law. In cases where information is exempt from disclosure—such as confidential student or personnel records—UMLCC ensures compliance with legal protections.

This year, the University processed 102 public records requests, ranging from journalists and students to market researchers and private industries. Furthermore, the office began research and improvement of modern public records software, exploring new platform options to boost efficiency and accessibility of public records at the University.

Beyond fulfilling records requests, UMLCC plays a proactive role in training University personnel on public records laws and best practices. Furthermore, we support our affiliate campuses with their public records requests. By upholding rigorous standards in public records management, UMLCC helps maintain the University's commitment to openness, accountability, and trust with the public.

## Policies

The UMLCC oversees University Operating policies and procedures. This includes working with campus units on creation and revisions of university wide policies, helping to ensure that Responsible Offices, shared governance units, and campus constituents understand the University's policy approval and review process, and overseeing the policy review process.

This past academic year, the UMLCC continued to refine its communication regarding the policy review process and policy changes at multiple campus levels. The UMLCC was also

invited to start a practice of meeting with faculty senate or the executive committee of faculty senate prior to their submission of feedback on new and amended policies. This has been extremely productive, and UMLCC is hoping to extend this practice to the other shared governance units.

**Policy Changes:**

During the past academic year, substantive revisions were made to the following policies:

University Operating Policy

Student Code of Conduct

The following new policies were adopted:

Academic Portfolio Review

Academic Unit Operating Policy

Export Control

# ADA/504 Compliance Coordination

The University of Montana strives to ensure that all aspects of campus programming – learning, living, working, visiting, and engaging – are accessible. Jessica Weltman, the ADA Coordinator facilitates the ADA/504 Coordination Team which provides leadership, direct action and oversight of ADA/504 compliance activities across the University of Montana including, as Team, working to ensure non-discrimination in employment, public accommodation and access to programs and activities. Together they monitor trends across campus and coordinate activities related to:

**Digital Accessibility:** Monitors UM's EITA plan through work with UM's Digital Accessibility Committee which promotes aligning campus activities and practices with national digital accessibility laws, regulations and recommended practices.

**Physical Accessibility:** Works with campus partners on ensuring ADA compliance in new construction and remodeled buildings. Coordinates availability of proper notice about physical accessibility. Maintain digital campus map detailing accessibility information.  
**Accommodations Processes:** Ensures thoughtful and efficient processes for students, employees, and job applicants seeking reasonable accommodations through the interactive process.

**Accessible Events:** Partner with campus event coordinators to continuously update accessibility for events hosted on UM's campus.

Barrier Response/Discrimination Response/Record Keeping: Ensure clear process to report and respond to campus barriers.

Communication/Education/Training: Works with campus partners to provide information and training for students, faculty, and staff on campus policies, processes and the provision of equal opportunity for individuals with disabilities. Including web-based information.

Policies and Procedures: Review, Update and Draft policies and procedures as needed.

# Compliance Program

## Institutional Compliance Framework

UM's commitment to legal and regulatory compliance is integral to fulfilling its vision and mission. The UM Director of Institutional Compliance guides and supports a consistent framework to ensure that UM employees are coordinated in their compliance roles and responsibilities. The Federal government expects entities to "promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law" and to "exercise due diligence to prevent and detect" wrongdoing. Through the United States Sentencing Guidelines (USSG), the Federal government has provided guidelines for establishing and maintaining an effective compliance program. UM's Compliance Framework reflects the essential elements of an effective compliance program identified by the USSG:

1. High Level Oversight:
2. Standards, Policies and Procedures:
3. Communication, Education and Training:
4. Monitoring and Mitigation
5. Reporting, Response, and Culture of Accountability

## Programs of Compliance

UM's Institutional Compliance Program is organized around ten "Programs of Compliance." The Director of Institutional Compliance maintains a matrix identifying the compliance obligations within each of the ten Programs of Compliance: Accreditation, Advancement, Athletics, Business Operations, Campus Safety and Health, Civil Rights, Financial Aid, Privacy, Research Compliance, Student Affairs.

The ten Compliance Programs are further divided into fifty-eight (58) Compliance Matter Areas. The Compliance Matter Areas will evolve over time as laws and regulations are not

static. Compliance Matter Areas typically have one office with a specifically assigned employee(s) responsible for the day-to-day or operational tasks associated with the compliance obligation(s) and, each Matter Area maintains its own compliance plan following the Framework elements.

## **Institutional Compliance Initiatives**

### **Digital Accessibility Task Force**

In response to the Department of Justice's April 2024 Digital Accessibility Final Rule, UMLCC established a Digital Accessibility Task Force to create a compliance plan for UM, to ensure compliance by the April 24, 2026, deadline and to sustain accessibility beyond that date. The new rule requires adoption of Web Content Accessibility Guidelines (WCAG) 2.1, Level AA as the technical standard for all university web and mobile content, including academic course materials and third-party digital content provided through contractual or licensing arrangements. The Task Force has met monthly and provided high-level oversight, coordination, and approval of compliance efforts. Cross-functional working teams have addressed key areas including web content, learning management systems and instructional design, library resources, procurement and third-party accessibility, social media, internal communications and training, and policy/legal compliance.

### **Support to OOLD's Essential Compliance Education**

Education is a key pillar of UM's Compliance Framework. UMLCC supported the establishment of essential compliance education for all UM employees on: FERPA, Digital Accessibility, Non-Discrimination, Cybersecurity, and Indian Education for All. UMLCC helped to write and produce the modules of Digital Accessibility and FERPA. We reviewed every new module for legal accuracy, communicated with affiliate campuses about their compliance education, and assisted in creating a compliance framework for these educational tools that help all employees understand the laws and policies that shape our work and protect our community.

### **Support of Strategic Initiatives**

UMLCC supported each of UM's strategic initiatives as a proactive measure to look for challenges and opportunities that may arise through regulatory and policy demands on the planned initiatives. The Director of Compliance met with several project-leads to manage compliance concerns.

# Professional Engagement and Contributions

Lucy presented at the CUPA-HR InterMountain West Spring Conference. She provided a legal update on key employment law developments.

Lucy led a Big Sky Experience as part of the University's freshman orientation. This involved a half-day educational experience engaging students in interactive sessions exploring concepts of free speech, freedom of religion, and individual rights. The students worked with each other to begin to flex their civic engagement muscles to address disagreements that range from local interpersonal conflicts to larger societal conflicts. The second half day involved a field trip to the State District Court where students learned from Standing Master Gail Bourguignon and Judge John Larson about conflict resolution in the larger Missoula Community.

Lucy also served as an instructor together with two colleagues, Bindu Jayne, Founding Partner of Sage Consulting and Melissa Carleton, Partner/Higher-Ed Co-Chair, Bricker Graydon LLP, of a national on-line Title IX Coordinator Training course.

Lucy, Kate and Jessica presented at the Xli 2025 conference by the Extended Learning Institute. They presented important information about the new upcoming Title II ADA regulations regarding digital accessibility.

This past year, Kate served on NACUA's Annual Conference Committee creating programming for her professional organization's annual conference. She also served as a moderator for a session on retaliation at NACUA'S Spring conference on Discrimination. This year Kate served on the board of her children's private school.

Jessica served campus as a member of the Enterprise Risk Management Team, the Space Committee, the Campus Preparedness Response Group (CPRG), the Prevention Education and Anti-violence Collaborative Effort (PEACE) and by facilitating the ADA Coordination Team. In the community she served on the Board of Directors for Homeward, a Montana non-profit focused on homebuyer education, financial skill building and the creation of safe, healthy affordable homes throughout Montana. She also serves on the Board of the Federal Defenders of Montana.