

## HIGHER EDUCATION

More than 250 higher education clients trust Husch Blackwell attorneys to handle their compliance, operations, and litigation legal services, allowing them to focus on their educational mission. Our higher education clients include major research institutions, academic medical centers, religiously affiliated institutions, regional universities, private colleges, nursing and allied health schools, community colleges, proprietary schools, and publicly traded school groups.

With more than 50 attorneys, our Higher Education law group is one of the largest such practices in the United States. The law firm's higher education group includes attorneys with decades of experience resolving the most complex challenges confronting colleges and universities. Several of our education attorneys gained valuable industry insights while serving as in-house counsel at educational institutions, major corporations, and government agencies, including the U.S. Departments of Education and Justice.

### Compliance and strategy

We supply higher education institutions with top-level comprehensive policy and procedure audits, as well as in-depth systems audits, to identify and remedy potential liabilities. Our team provides access to model and customized policies to help meet program requirements, as well as any necessary training.



*Husch Blackwell has a reputation of giving solid advice and supporting campuses through really difficult cases. I have a high level of confidence in the guidance and direction they provide.*

— Chancellor's  
Office, state  
university —

### Contact Information

Hayley E. Hanson  
816.983.8377  
hayley.hanson@  
huschblackwell.com

Sean Tassi  
816.983.8330  
sean.tassi@  
huschblackwell.com

## Collegiate athletics and NCAA compliance

We understand the central role athletics play in institutional identity and student life—a role that makes NCAA compliance a matter of great importance. We represent NCAA Division I, II, and III colleges and universities in NCAA enforcement investigations and alleged infractions cases; guide colleges, universities, and student-athletes through NCAA regulatory processes (NCAA waivers, NCAA student-athlete eligibility matters, and NCAA amateurism cases); conduct independent investigations and culture and climate reviews of sport programs; and provide comprehensive NCAA athletics compliance assessments. Our experienced attorneys, led by a former NCAA investigator, also closely track potential NCAA rule changes.

Read more about our NCAA practice [here](#).

## Student affairs

We draft policies, review and update student handbooks, and provide comprehensive training on scenarios such as student discipline, complaints of faculty, and dismissal. We also conduct investigations of alleged student misconduct and recommend options for resolution under existing institutional policies. Our team has vast experience in matters involving Title IX/sexual harassment, the Clery Act, the First Amendment, and the Family Educational Rights and Privacy Act (FERPA).

## Title IX

As a nationally recognized provider of Title IX training, our team has a deep understanding of the legal and practical issues inherent in proactively addressing potential campus sexual misconduct and related retaliation. We regularly provide legal guidance on Title IX compliance and conduct comprehensive compliance reviews, and we have extensive experience investigating allegations of sexual misconduct and gender discrimination. We also support institutions in connection with investigations conducted by the Office for Civil Rights and are well-versed in negotiating resolution agreements, including those associated with high-profile cases. Further details about our Title IX work are available [here](#).

## Title IV Federal Student Aid

We understand that Federal Student Aid is not only a lifeline for students but also critical in sustaining institutions. Our Higher Education team helps clients obtain initial approval to participate in the Title IV student aid programs and advises on their continued participation. We provide experienced and effective representation when institutions are faced with adverse audit or program review findings. Further details about our Title IV work are available [here](#).

## Title VI

With Title VI complaints and enforcement increasing nationwide, especially in the context of ongoing protests, members of our team are devoting significant portions of their practices to advising on Title VI compliance. We regularly counsel colleges and universities on Title VI requirements and compliance, help clients lower the risks posed by complaints of discrimination based on

national origin and shared ancestry, and handle Office of Civil Rights inquiries and investigations.

## Litigation and administrative actions

Our team regularly defends clients in litigation involving civil rights, class actions, the False Claims Act, and contracts. From the start of an investigation through its resolution, our clients receive guidance and advocacy from our experienced trial attorneys.

## Labor and employment

We help higher education institutions with a full range of education-specific matters and compliance issues, such as tenure, employee benefits, immigration, compensation, discrimination, internal revenue, and collective bargaining issues.

## Mergers, acquisitions, and changes of control

We have extensive experience serving institutions facing critical decisions that will shape their futures. With an eye towards the institution-specific, operational, and aspirational considerations that impact these decisions, we provide the legal expertise and guidance needed for complex transactions. We assist institutions in navigating accreditation, U.S. Department of Education, and state and corporate legal and regulatory requirements, as well as the practical implications of these transactions for faculty, staff, students, programs, and policies. Over the last few years, we have assisted more than 20 institutions through change of control processes involving mergers, acquisitions, and

divestitures. Further details about our transaction work are available [here](#).

## Representative Experience

Led an independent investigation of sexual misconduct at a state university. The multi-faceted review included interviews with a wide range of students, employees, and faculty. The team also reviewed cases to identify any trends or patterns within the university's Title IX system.

Represented private religiously-affiliated college sued by a faculty member who alleged he suffered religious discrimination and was constructively discharged due to disagreement with the college's religious beliefs. Obtained dismissal in the college's favor and successfully defended the judgment on appeal to the U.S. Court of Appeals, Sixth Circuit, which concluded the college was exempt from the faculty member's religious discrimination claim due to the college's status as a religious institution.

Represented a private research university in an energy P3 for the campus, negotiating a master energy-as-a-service agreement that provided for multiple service agreements on behalf of the school, which provided for long-term energy savings and financed facilities improvements. This green campus initiative turned over the upgrade requirements for the university's energy system by converting the current energy usage into LEED-certified development.

Assisted state university foundation in drafting a new data processing agreement with the university.

Assisted university foundation with response to a third-party data security incident, including providing counsel on whether the client needed to notify affected individuals.

Obtained motion to dismiss on behalf of university in Title IX claim brought by disciplined student.

Achieved motion for summary judgment for private university when former student sued for breach of contract and fraudulent misrepresentation following dismissal from university.

Obtained summary judgment for major research university in Title IX lawsuit challenging adequacy of institution's response to report of student-on-student sexual assault in a residence hall. Successfully argued and defended judgment on appeal before U.S. Court of Appeals, Eighth Circuit.

Represented flagship state university and faculty member in breach of contract, tort, and due process lawsuit brought by student dismissed for academic misconduct. Obtained summary judgment in favor of university and faculty member and successfully argued and defended judgment on appeal to state court of appeals.

Represented major public university and administrators in Title VII and First Amendment lawsuit brought by faculty member who was denied tenure and claimed discrimination and retaliation. Successfully appealed to the U.S. Court of Appeals, Tenth Circuit and obtained reversal of district court's refusal to grant qualified immunity to the administrators. Then obtained dismissal of remaining

claims against the University.

Represented private college in internal proceedings to terminate tenured faculty member for conduct inconsistent with college's mission statement and religious principles. Successfully defended termination in subsequent arbitration before American Arbitration Association.

Conducted comprehensive historic audit of reports of sexual misconduct by clergy and employees of private, religiously affiliated institution. Advised institution by implementing updated trainings, policies and other measures to address audit findings.

Led investigations of alleged sexual harassment and sexual assault involving sports teams at a prominent Power Five conference institution.

Defended private university in Northern District of Indiana against nursing student who alleged that university discriminated against her after being dismissed for failing to maintain minimum academic standards. Court entered summary judgment in favor of university on all counts.

Obtained precedent-setting order from Missouri federal court holding that former students of private-sector college lacked standing to assert claim under Missouri Merchandising Practices Act.

Represented private faith-based liberal arts college during USED Title IV program review, reducing potential noncompliance liabilities from +\$6 million to less than \$4,000 through file review and analysis, demonstrating

compliance to support reduction.

Secured motion to dismiss filed on behalf of university client involving COVID-tuition remission requests on behalf of proposed class action of thousands of students.

Represented Northwestern University in an energy P3 for the campus. Negotiated a master energy-as-a-service agreement that provides for multiple service agreements on behalf of the private university, which provides for long-term energy savings, a green campus initiative.

Represented energy company as local counsel in a public-private partnership where client acquired a license and operating rights to the on campus electric utility system of a university.

Assisted university foundation with numerous privacy law compliance issues, including drafting its new data processing agreement with the university, assisting with FERPA compliance questions, responding to a data security incident, and conducting vendor due diligence.

Represented university in a novel employment discrimination matter pending before the Wisconsin Equal Rights Division. Following intensive discovery and a multi-day evidentiary hearing, the Husch Blackwell team prevailed with a full dismissal for the client.

Served as breach counsel and handled all aspects of phishing attack experienced by large state university.

Served as breach counsel for state university foundation when it was part of a data breach suffered by a third-party



provider. Worked with the Chief Information Security Officer to analyze the regulatory framework governing the matter and coordinate the foundation's response.

Advised higher education clients on using P3 delivery models for development of higher education facilities, including student housing and energy districts.