

Higher Education

The broad responsibilities of modern higher education institutions increasingly compare to those of a small municipality. In the course of educating their students, colleges and universities must ensure campus safety, protect intellectual property, establish legitimate and fair governing bodies, purchase land and construct new facilities, meet complex land use needs, raise money, navigate daunting tax and regulatory environments and defend themselves against ever-present litigation. Downey Brand brings to bear years of experience with higher education to meet these and other complex challenges that arise in the course of preparing the next generation for success.

From construction and real estate to acquisitions and policy advisement, Downey Brand attorneys have extensive experience handling the difficult and nuanced legal matters that can arise for higher education institutions of all shapes and sizes—from small colleges and distance educators to large, multi-campus universities.

Institutions of higher education must defend against a substantial quantity and variety of legal claims. To help colleges and universities manage their risk, our attorneys have counseled higher education administrators on contract and bid procurement, student loans and collections, and property management and acquisition. When higher education providers must take on a legal battle, Downey Brand's experienced team of litigators mount a vigorous defense.

Long-range campus planning requires sophisticated CEQA/NEPA compliance, and Downey Brand's highly skilled environmental and land use attorneys can assist with review, analysis, compliance strategies, and, when necessary, litigation defense.

Downey Brand has helped Boards of Regents and administrators at universities review their internal policies and procedures and comply with the demands of a fluid regulatory environment. Our attorneys have handled a wide range of such matters, providing counsel on student judicial proceedings and faculty grievance hearings, assisting with Title IX compliance, crafting administrative policies and processes, and ensuring compliance with the unique demands of tax-exempt status.

The experienced legal team at Downey Brand works with institutions of higher learning to successfully navigate a complex legal environment so that they can focus on their vital missions of educating our nation's next generation of leaders.

Selected Experience

Compliance and Regulatory Advisement

- Advise universities with respect to all aspects of the sale and acquisition of university facilities including real property purchases and sale agreements; arranging of complex credit facilities, negotiation of construction contracts and equipment purchases and lease agreements, and negotiate and draft leases.

- Advise universities regarding Clery Act, HIPPA and FERPA compliance. Develop related policies and prepare federal compliance reports.
- Work closely with Board of Regents to complete detailed review and revisions of university governance documents such as bylaws and board policies; regularly attend Board meetings.
- Advise Provost regarding faculty grievance process, including interpretation of Faculty Handbook, communication with faculty, and preparation of witnesses and documents for grievance hearing.

Dispute Resolution and Litigation

- Successfully defend employment claims brought by tenured professors and staff involving claims of breach of contract, discrimination and retaliation. Assist university with related external and internal public relations messaging.
- Successfully defend against claims by students alleging failure to properly report graduation data, breach of education contracts, improper involuntary withdrawal and all personal torts.
- Represent university with respect to the acquisition, implementation and any disputes arising out of university-wide technology systems and upgrades.