

Higher Education

Contact

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Representing clients in higher education in a wide variety of compliance, transactional, and litigation needs.

Overview

As colleges, universities, and other educational institutions face increasing scrutiny of their key stakeholders – students, parents, alumni, faculty, and staff – they have seen a corresponding increase in oversight from the government and an increase in their liability and associated litigation. Today, campus administrators, general counsel, and boards of trustees contend with challenges that are not just legal and financial risks, but also present operational and reputational issues.

Post & Schell's Higher Education Practice Group represents clients in higher education in a wide variety of compliance and litigation needs, including education legal liability, labor and employment, and general liability matters.

We serve clients that include:

- Non-profit and for-profit colleges and universities
- Academic medical centers, medical schools, and teaching hospitals
- Insurers focused on colleges and universities

Several of the multidisciplinary Group's attorneys are members of the **National Association of College and University Attorneys** (NACUA), the premier organization in the field of higher education law.

Our attorneys represent clients in:

- **Appellate:** Advise, assist, and handle all aspects of both pre-trial and post-trial appellate matters. Our Appellate attorneys recommend creative strategic approaches at every point of the litigation process, from the opening of a file through to its conclusion.
- **Commercial litigation:** Commercial litigation and contractual services, including counsel and representation related to complex individual and class action matters, directors' and officers' liability, business torts, and state fraud and consumer fraud statutes.
- **Construction projects:** Advice from the initial stage of pre-construction to completion of the project and beyond, including: drafting, reviewing and negotiating construction contracts; complex construction accident, injury, and construction defect litigation; representation of clients in state and federal courts and state boards of contract appeals, as well as administrative agencies; counsel on matters of claims avoidance, project delivery methods, risk management, and scheduling issues, among others.
- **Data privacy and breaches:** Compliance counseling and representation in litigation associated with data privacy and breaches.
- **Employment, employee relations, and labor matters:** Advice, counsel, and representation to higher education clients in all aspects of employment law including issues relating to, and claims and litigation brought pursuant to, all federal and state employment statutes, including Title IX and Title VII. This includes claims of age/gender/race discrimination, faculty/student dismissals, claims under the Family with Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA), and wage and hour claims under the Fair Labor Standards Act (FLSA). Counsel and representation related to labor relations, union election campaigns, and collective bargaining agreements, as well as representation before the National Labor Relations Board (NLRB).
- **Environmental:** Environmental diligence and counsel involved in real estate transactions and property development, as well as counsel related to regulatory matters.

- **General liability:** Defense of colleges and universities, and their insurers, in general liability (negligence, premises, laboratory, campus safety/police department, automotive, liquor/dram shop liability), recreational/intramural/sports club claims, concussion/return to play claims, contractual indemnity, insurance coverage and other non-employment related litigation matters involving both small and catastrophic injury claims, from pre-suit mediation through jury trial.
- **Government and internal investigations:** Conduct internal investigations, structure defenses, and interact with governmental agencies – including the Department of Education – regulatory bodies – including the NCAA – and the enforcement community – including state, local, and federal authorities. Defense of college and universities and their administrators, boards, faculty, and staff, in criminal, civil, and administrative matters, at the federal, state, and local levels. Independent investigations into allegations unique to colleges and universities, including alleged violations of Title IX, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), and other federal, state, and local laws. The team includes certified Title IX investigators.
- **Health care law:** Serving a large variety of academic medical centers and teaching hospitals, we provide counsel and representation related to fraud and abuse, credentialing/privileging, accreditation, licensure and certification, board and physician/faculty conflicts of interest, medical staff/faculty/board governance, health information management, HIPAA, patient care and quality of care, and managed care contracting, among others.
- **Professional liability and licensure:** Counsel and representation in matters involving allegations of professional liability and malpractice, and representation in Pennsylvania licensure issues.
- **Transactional counsel:** Counsel and representation related to acquisitions, sales and divestitures, and commercial financing and leasing transactions.
- **Workers' compensation:** Counsel regarding workers' compensation claims and risk management strategies.