



Jackson Kelly's Education industry area has the experience to assist educational institutions with the ever-changing legal issues that can result in significant financial or legal liability. Our experienced legal counsel helps educational institutions maximize operating results and minimize undesirable legal exposure to meet the needs of these clients.

Our attorneys represent a variety of institutions - including private and public colleges and universities - to identify and address such legal issues. We handle common issues like student privacy, academic misconduct, or financing of capital improvements, as well as more complicated issues like intellectual property, government contracts and grants, or export control laws. Our attorneys are on the cutting edge of developments in the higher education industry and belong to the National Association of College and University Attorneys (NACUA) and the Association of Governing Boards for Universities and Colleges (AGB).

The industry's attorneys have recently represented education institutions in the following situations:

- **Employment**
  - Preparing Title IX policies and procedures for universities and colleges
  - Negotiating for key employees, including athletic coaches and presidents
  - Representing clients regarding terminations, embezzlements, reductions-in-force (RIFs) and Equal Employment Opportunity Commission (EEOC) claims
  - Analyzing 403(b) plans
  - Creation of faculty and employee handbooks
- **Governance**
  - Collaborating on governance matters
  - Representing university and college foundations
  - Performing insurance risk assessments and coverage analysis
- **Intellectual Property**
  - Performing comprehensive review and update of a public university's intellectual property policies and procedures, including those relating to technology transfer
  - Assisting university's defense of its trademarks
  - Forming for-profit research corporations for university and college clients
  - Represented multiple universities to prevent third parties from using modified versions of their trademarks
- **Litigation**
  - Representing public university in suit against former athletic conference
  - Defending university in sexual assault case involving study abroad student and host family
  - Representing private university before Office of Civil Rights on Title IX sexual harassment claims
  - Defending public university before state employment board on tenure matters

- Suing university's prior auditor for professional negligence that enabled embezzlement by university employee
- Obtaining injunction in federal court to prevent third party from using modified versions of public university's trademarks
- Representing public university and board of governors on issues of whether university followed proper internal due process procedures regarding code of conduct
- Defending public university in two separate federal court actions brought by tenured professors concerning alleged due process violations
- **Student Affairs**
  - Counseling clients on student affair issues, including Family Educational Rights and Privacy Act (FERPA) obligations, rights, and responsibilities under Title IX and Title VII
  - Working with institutions regarding risk management for international exchange programs
  - Working with Office for Civil Rights (OCR) to develop Title IX policies and procedures to comply with Obama Administration's April 2011 "Dear Colleague" Letter
  - Working with institutions on risk management for international exchange programs
  - Developing housing agreements
  - Overhauling student handbooks
- **Transactions**
  - Negotiating merger of private university with technical college
  - Developing joint venture agreements between state university and private developer to build student housing
  - Assisting individual institutions in splitting assets during state mandated reorganization of higher education system
  - Negotiating and drafting oil and gas lease for public university
  - Forming for-profit research corporations for university and college clients
  - Financing, including bank loans, tax-exempt bond financing for both state and non-profit universities and colleges, and tax-exempt leasing
  - Reviewing non-profit tax returns for colleges, universities, and related entities
  - Advising colleges and universities on tax exempt issues, such as Unrelated Business Income Tax (UBIT)
  - Managing housing concerns for private university
  - Representing non-profit university in sale to a for-profit university corporation
  - Forming for-profit research corporation for university
- **Export Controls**
  - Working with institutions of higher learning, including R1 Research University, to design and implement effective, tailored export controls compliance programs, including development and delivery of related training.
  - Designing procedures for R1 Research University's analysis of its asset inventory to identify articles subject to export controls, including EAR and ITAR and determine appropriate risk management actions.
- **Other Regulatory Compliance**
  - Advising foreign universities regarding U.S. student recruiting and financial aid
  - Addressing HIPAA compliance in counseling centers and with third party health providers
  - Advising multiple clients on state registration obligations for distance learning programs