

Education Law



The volume and complexity of legal issues arising in educational institutions has increased dramatically in recent years. The expansion of government regulations, increased attention to civil rights, advances in technology and extended campus environments has raised challenging compliance issues and led to numerous and varied disputes that require consideration of legal issues, operational resources and reasoned responses. Our lawyers partner with institutional personnel to manage these issues in a manner that is consistent with the school's mission.

Lawyers in the Education Law Group use a multi-disciplinary approach to ensure that the unique needs of our higher education clients are carefully and creatively addressed. We have deep experience in assessing and responding to student and faculty issues including tenure/promotion decisions, student discipline, harassment, sexual assault, misuse of technology, requests for accommodations, academic integrity and free speech. We work with large public and private universities, as well as small independent colleges.

The group regularly assists with maintaining policies and handbooks that contain enforceable rules, regulations and procedures. We have developed and updated policies for students, faculty and staff that include acceptable use of technology, drug testing policies, weapon policies, document retention policies and policies that address faculty-student relationships and conduct. We regularly assist and provide counsel to administration, faculty and staff on procedures related to dispute resolution, including grievance committees, appeals committees and student judicial boards.

We also advise institutions on investigation procedures and remedial actions. Our ATIXA-certified civil rights investigation team has particular experience with Title IX compliance and we assist clients to assure compliance. As part of this process, we routinely conduct investigations of campus sexual misconduct claims to balance the interests of due process and fairness. We are experienced in conducting witness interviews, evaluating evidence, accessing credibility and in applying applicable policies and procedures during the investigative and hearing process.

Practice Contacts

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Related Practices

Corporate and Securities
Insurance Coverage and Bad Faith
Intellectual Property
Labor and Employment

Practice Highlights

- Use a multi-disciplinary approach to ensure that the unique needs of our educational clients are carefully and creatively addressed
- Assist institutional personnel with maintaining policies and handbooks that contain enforceable rules, regulations and procedures
- Provide counsel to administration, faculty and staff on procedures related to internal investigation and dispute resolution, including grievance committees, appeals committees and student judicial boards

In all matters, we recognize and respect the institution's principals and policies. We engage in a productive dialogue and exchange with our institutional clients to assure an understanding of the legal and academic considerations at issue and achieve a balanced and workable outcome.

LABOR AND EMPLOYMENT

We provide comprehensive litigation services in all areas of labor and employment law, including claims based on discrimination, harassment, disability, leave, wage/hour and contract disputes. Our litigators are experienced and have won significant cases in arbitrations, administrative proceedings, as well as in state and federal courts at the trial and appellate levels throughout Pennsylvania and the region.

Our lawyers have been involved with matters relating to tenure, including review and analysis of tenure procedures and documents, representation in tenure removal procedures on campus and representation in litigation arising out of tenure decisions.

ATHLETICS

Our lawyers assist in contracting with facilities, opponents and television and radio with respect to broadcast rights. We also provide representation in dealing with the NCAA, including appeals of adverse eligibility decisions, investigations of colleges and universities and negotiating with respect to special events. We also provide advice regarding risk management with respect to potential claims arising from athletics activities, including club sports review and preparation of documents relating to waivers of liability, fitness to participate and assumption of risk.

INTELLECTUAL PROPERTY

Our lawyers provide counsel and representation in the areas of copyright, trademark, Internet law, electronic communications, licensing to protect computer-related products, defamation and the First Amendment.

Representative Matters

- Obtained summary judgment in the Eastern District of Pennsylvania that was affirmed in the Third Circuit Court of Appeals in a tenure denial claim based on national origin
- Successfully handled an NCAA appeal on behalf of a foreign student deemed academically ineligible to participate in NCAA competition; the matter involved researching United Kingdom academic standards and programs and resulted in the NCAA reversing its position and granting eligibility
- Organized the IP portfolio, including trademark registrations, and investigated and opined on claims of copyright infringement made against a tenured professor for a higher education institution

Labor and Employment

- Obtained summary judgment in a wrongful discharge claim based on age and gender brought by an adjunct faculty member in the state court

- Obtained dismissal of hostile work environment and retaliation claim based on race, gender and national origin brought by a university admissions counselor
- Obtained dismissal of Title VII race and gender based claim and retaliation claim brought by applicant for university business office position

Athletics

- Defended a university with respect to athletic coach claims regarding removal as Senior Women's Administrator
- Counseled a university with respect to Title IX compliance relating to its athletic program
- Counseled a university on negotiation, drafting and interpretation of contracts for Men's Head Basketball Coach and Head Football Coach
- Defended a college with respect to a Title IX complaint brought by a student athlete alleging unequal playing time based on race

Intellectual Property

- Filed numerous trademarks and copyrights and negotiated software and content distribution and license agreements for multiple international non-profit institutions
- Formulated university intellectual property policy and assisted in establishing a technology transfer group for a leading local university

News

Nancy Conrad Honored with Anne X. Alpern Award by PBA Commission on Women in the Profession
May 22, 2019

White and Williams sponsors Senator for a Day Program
March 31, 2017

Commentary: Nancy Conrad's Take on Girl Scouts' Community Involvement for Past 100 Years
March 2012

White and Williams Sponsors Cedar Crest College's Launch into Adult Education with SAGE
October 19, 2011

Publications

The Cross-Examination of Complainants And the Due Process Rights of Respondents in Student Disciplinary Proceedings After *Haidak v. University of Massachusetts-Amherst*
Boston Bar Journal | November 21, 2019

Massachusetts Supreme Judicial Court Rules Universities May Have Limited Liability When a Student Commits Suicide
Education Law Alert | May 10, 2018

US Department of Education Issues New Interim Guidance on Campus Sexual Misconduct
Education Law Alert | September 29, 2017

Athletic Participants Exclusions “Clear and Unambiguous” to College Lacrosse Player’s Death During Practice
Insurance Coverage and Bad Faith Alert | September 21, 2016

NLRB Rules Student Assistants Are Statutory Employees With Collective-Bargaining Rights
Labor and Employment Alert | August 24, 2016

NLRB Tosses Northwestern University Football Team’s Representation Petition
Labor and Employment Alert | August 20, 2015

Act 153: Criminal Background Checks and Clearances for Those Employed by Colleges and Universities
Education Law Alert | December 23, 2014

Flag on the Play! Labor Board Deems that Student-Athletes are a University’s Employees
Labor and Employment Alert | March 28, 2014

Campus SaVE Act - Stemming the Tide of Sexual Misconduct on College Campuses
Education Alert | March 12, 2014

Rainmaker Q&A: White and Williams’ Nancy Conrad
Law 360 Rainmaker Series | September 9, 2013

Key Considerations When Implementing, Expanding Or Administering A Study Abroad Program
Education Alert | January 31, 2013

The ADA and Food Allergies on Campus
Education Alert | January 14, 2013

Delaware Legislature Expands Exception for Self-Administered Medication
Education Alert | July 31, 2012

Events

Tackling the Big Issues - A Higher Ed Legal Update
Commerce and Industry Association of New Jersey (Rutherford, NJ) | November 12, 2019

The Future of Higher Education
Future of Higher Education Symposium (Center Valley, PA) | March 28, 2019

School Policy Institute
Kutztown, PA | April 17, 2017

Workplace Investigations and Progressive Discipline Presentation to Public School District Administrators
Wilmington, DE | July 17, 2015

Faculty Misconduct: The Anatomy of a Dismissal Case
National Association of College and University Attorneys' Annual Conference (Washington, DC) | June 29, 2015

Workplace Investigations and Progressive Discipline Presentation for Human Resources Professionals
Delaware Department of Education (Dover, DE) | January 15, 2015

Workplace Investigations, Progressive Discipline, and Termination Seminar
Delaware Department of Education – Public School District Human Resources Officers | January 14, 2015

Sexual and Cyber Misconduct
The Policy Institute, Cabrini College | August 15, 2014

Sexual and Cyber Misconduct
The Policy Institute, Fordham University (New York NY) | June 3, 2014

The Impact of the 2012-2013 Term of the Supreme Court of the United States on Federal Practice
2014 Pennsylvania Bar Association Midyear Meeting | January 31, 2014

Alignment of Document Retention and Litigation Hold Strategies
2013 Managing Risk for Boarding Schools (Baltimore, MD) | April 17 - 19, 2013

Crisis Communications: Legal Theory and Practical Application
2012 Managing Risk for Boarding Schools, Wilmington, DE | June 21, 2012

Cases & Deals

White and Williams Secures Trial Victory in Breach of Contract Action
April 18, 2019

Third Circuit Court of Appeals Affirmed Summary Judgment in a National Origin and Age Discrimination Case
March 12, 2019

White and Williams Wins Defense Verdict in FMLA Retaliation Lawsuit
October 7, 2015

Summary Judgment Obtained for Public School District Client in Discrimination Case
February 19, 2013

White and Williams Secures Decision in Matter of First Impression in DE
January 18, 2012