

Higher Education

Lawyers in the Higher Education group take a multi-disciplinary approach to ensure that the unique needs of our higher education clients are carefully and creatively addressed, partnering with institutional personnel to manage issues in a manner that is consistent with the institution's mission. 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.

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

PRACTICE CONTACT

Nancy Conrad, Chair
610.782.4909
conradn@whiteandwilliams.com

RELATED PRACTICES

Commercial Litigation
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

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

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

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

Defended a university with respect to athletic coach claims regarding removal as Senior Women's Administrator

Defended a college with respect to a Title IX complaint brought by a student athlete alleging unequal playing time based on race

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

CASES & DEALS

Summary Judgment Granted in Favor of University in Sexual Discrimination, Harassment and Retaliation Case
2.5.21

Summary Judgment Granted in Favor of University Client in Title VII Discrimination Case
2.21.20

White and Williams Secures Trial Victory in Breach of Contract Action
4.18.19

Third Circuit Court of Appeals Affirmed Summary Judgment in a National Origin and Age Discrimination Case
3.12.19

White and Williams Wins Defense Verdict in FMLA Retaliation Lawsuit
10.7.15

NEWS

Nancy Conrad Elected Pennsylvania Bar Association Vice President
5.16.22

Nancy Conrad and John Baker Appointed to Bar Association of Lehigh County Leadership
1.24.22

White and Williams Announces 15 Lawyer Promotions
1.3.22

White and Williams Supports PBA Women in Profession Retreat
11.5.21

White and Williams Collaborates With Terra Dotta, Yale University on Higher-Ed COVID-19 Management App
7.27.20

White and Williams Lawyers Join CIANJ's "Higher Education Forum" Steering Committee in 2020
2.6.20

White and Williams Announces Lawyer Promotions
Two Lawyers Elected to Partnership and Eight Associates Promoted to Counsel
1.2.20

Nancy Conrad Featured in *State of the Lehigh Valley*
12.4.19

White and Williams Sponsors "Senator for a Day" Program
11.22.19

Nancy Conrad Honored with Anne X. Alpern Award by PBA Commission on Women in the Profession
5.22.19

White and Williams sponsors Senator for a Day Program
3.31.17

PUBLICATIONS

Third Circuit Finds Liability Under Title IX For Actions of Non-Students
2.3.22

Division I Athletes Can Proceed with Wage Claim
The Employment Law Counselor, 8.7.21

Recent Court Decisions Involving Lawsuits from University Students
Higher Education Alert, 6.2.21

Off-Campus Conduct and Speech: Academic Freedom vs. Academic Responsibility
Lehigh Valley Business – Wealth Management & Higher Education Issue, 3.1.21

Recently Released Title IX Regulations Mandate Significant Policy Review and Revisions
Higher Education Alert, 5.13.20

University Students Seek Refund of Tuition Fees and Other Costs
Higher Education Alert, 4.13.20

Student Disciplinary Proceedings Revisited: A Responding Party is Not Entitled to "Quasi-Cross-Examination" in Private School
Disciplinary Proceedings
Boston Bar Journal, 2.19.20

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, 11.21.19

Massachusetts Supreme Judicial Court Rules Universities May Have Limited Liability When a Student Commits Suicide
Education Law Alert, 5.10.18

US Department of Education Issues New Interim Guidance on Campus Sexual Misconduct
Education Law Alert, 9.29.17

Athletic Participants Exclusions "Clear and Unambiguous" to College Lacrosse Player's Death During Practice
Insurance Coverage and Bad Faith Alert, 9.21.16

NLRB Rules Student Assistants Are Statutory Employees With Collective-Bargaining Rights
Labor and Employment Alert, 8.24.16

NLRB Tosses Northwestern University Football Team's Representation Petition
Labor and Employment Alert, 8.20.15

EVENTS

U.S. Supreme Court Roundup 2022
Pennsylvania Bar Institute, 7.25.22

Hot Topics for Your Practice: Your 2021-2022 Survival Guide
Pennsylvania Bar Association, 9.24.21

Lehigh Valley Business Higher Education Seminar
Lehigh Valley Business Webinar, 9.22.21

The Life and Legacy of Ruth Bader Ginsburg
PBA Diversity and Inclusion Best Practices Series Webcast, 3.29.21

LGBTQ Rights: Precedent Can Be Personal
PBA Diversity Team Webcast, 2.11.21

The Future of Higher Ed Summit
Lehigh Valley Business Webinar, 9.29.20

How Can Colleges and Universities "Stay" Open: Lessons from the Pandemic
CIANJ Virtual Event, 9.9.20

COVID-19: Mitigating Risk and Liability for a Fall Reopening
Academic Impressions Virtual Workshop, 8.5.20

Sexual Misconduct Claims on the College Campus 2020: The Past, Present and Future of Title IX Actions in Higher Education
Pennsylvania Bar Institute (Philadelphia, PA), 2.7.20

Tackling the Big Issues - A Higher Ed Legal Update
Commerce and Industry Association of New Jersey (Rutherford, NJ), 11.12.19

The Future of Higher Education
Future of Higher Education Symposium (Center Valley, PA), 3.28.19

School Policy Institute
Kutztown, PA, 4.17.17

Workplace Investigations and Progressive Discipline Presentation to Public School District Administrators
Wilmington, DE, 7.17.15

Faculty Misconduct: The Anatomy of a Dismissal Case
National Association of College and University Attorneys' Annual Conference (Washington, DC), 6.29.15

Workplace Investigations and Progressive Discipline Presentation for Human Resources Professionals
Delaware Department of Education (Dover, DE), 1.15.15

Workplace Investigations, Progressive Discipline, and Termination Seminar
Delaware Department of Education – Public School District Human Resources Officers, 1.14.15