

## **STUDENT AFFAIRS AND EMPLOYMENT MATTERS FROM TITLE IX TO THE 2ND AMENDMENT**

### **OVERVIEW**

Student affairs and employment matters are paramount to a higher education institution's reputation and commitment to community. BCLP's Higher Education Team provides a seamless, multi-disciplined approach to serving the legal challenges of private and public universities across the globe, as well as research centers and other educational sector clients, helping them to harness new opportunities to better serve their students, faculty and constituents.

We have substantial experience in a wide range of issues including:

- Corporate governance, including compliance with sunshine laws
- Development of student academic protection and privacy issues and policies
- Investigation of claims of sexual assault and sexual harassment whether under Title IX or otherwise, and investigation of claims involving other forms of discriminatory harassment
- Handling of grievances and other allegations of misconduct
- Helping to assure federal and state civil rights compliance
- Counseling on student loan debt issues
- Advice regarding FERPA duties, rights and related record keeping issues
- Constitutional law and civil rights, including First Amendment rights and government funding.

We have for decades represented colleges and universities in the entire range of employment controversies and have a deep understanding of the distinctive dynamics of fair employment conflict and litigation.

Specifically, BCLP's religious organizations team has substantial experience with First Amendment and religious accommodation issues that are critical for religious organizations seeking to cultivate and advance their distinctly religious character and mission. We help our clients navigate through the complex and dynamic intersection of religion and civil law.

We also have advised public and private colleges, universities and non-profit research institutions on the scope of the federal and state constitutional right to have a firearm on campus, as well as the scope of any statutory right to have a firearm on campus. Many states have expanded the right to bear arms in recent years, and BCLP has helped colleges and universities through uncertainty about their obligations with respect to firearms on campus.

## MEET THE TEAM



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## EXPERIENCE

Here is a sampling of related governance work we've done for a number of higher education institutions:

- Serve as outside general counsel to a university, including advice regarding governance and handle a variety of matters including employee/staff complaints, terminations and related litigation; student complaints and dismissals, and related lawsuits; faculty complaints and discipline, including termination of a tenured faculty member, and tenure denial claims; advice on various policies and procedures related to faculty, students and staff; plus occasional "speech" related issues such as concerns about defamation and privacy.
- Serve as outside general counsel to a 15,000-student university with multiple international locations, providing counsel and litigation services on a wide range of governance, business and employment matters.
- BCLP was instrumental in establishing the United States Olympic Committee's U.S. Center for Safe Sport, which is a ground-breaking new organization which will be responsible for investigating and hearing all allegations of sexual misconduct and related violations committed by coaches and other individuals in positions of authority involving any National Governing Body in the U.S. Olympic movement. We were responsible for drafting the policies and procedures for the Center for Safe Sport and the rules and guidelines for the handling, investigation and adjudication of complaints. We also regularly handle and advise clients on these high-profile disputes, which are generally managed consistent with the law and regulations under Title IX.
- BCLP has helped colleges and universities navigate through uncertainty about their obligations with respect to firearms on campus. BCLP has represented the University of Missouri in extensive litigation over the last four years relating to the University's prohibition of firearms on campus. The University prevailed at the trial court level and the case is now on appeal.
- Represented Howard University, a minority-serving institution, in anti-discrimination matters. Obtained dismissal of \$3.3 million damage claim against the university brought by an expelled student. Also represented the university in a lawsuit alleging breach of contract, denial of promotion and tenure and breach of the implied covenant of good faith/fair dealing related to a denied application for professor tenure. Our counsel won summary judgment that was affirmed by the appellate court.