

# OUR PRACTICE

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## Higher Education

**Baker Donelson's Higher Education Group has extensive experience advising colleges and universities on the legal issues unique to them. Our team, comprised of more than 40 attorneys, advises colleges, universities, and academic medical centers throughout the United States.**

**Strategic advice.** We work to understand each school's unique goals and culture to help it address legal issues cohesively with its objectives and budgetary realities. We assist colleges with legal aspects of their strategic planning initiatives, including developing risk management and litigation avoidance strategies and optimizing alternative revenue streams.

**Title IX.** We collaborate with institutions on Title IX audits and compliance reviews regarding athletics and sexual misconduct matters. We represent schools in every Power Five conference, as well as top public research institutions in eight states in Title IX matters. In regard to Title IX sexual misconduct matters, we assist colleges and universities with drafting policies and procedures, lead extensive sexual misconduct investigations and adjudication training, and conduct investigations.

**College athletics.** Our lawyers have particular strength in addressing legal issues related to college athletics. Nearly 60 firm lawyers were varsity student athletes in college, and several worked on campus as legal and athletic administrators, faculty and board members. We advise college athletic departments from Division I to Division III on NCAA and Title IX compliance strategies, privileged strategic planning initiatives and litigation. We also lead external due diligence projects and work with universities and their athletics departments on construction and facilities issues, intellectual property and licensing issues, and NCAA compliance. Baker Donelson regularly conducts Title IX athletics audits and compliance reviews to improve compliance. And when universities face NCAA inquiries, Title IX complaints or other legal actions, Baker Donelson defends them in litigation and helps them navigate through investigations brought by the NCAA and the federal Office for Civil Rights.

**Real estate, public finance, and construction.** We advise on a full range of real estate and construction matters, including bond and USDA loan financing, and we litigate construction issues.

**Intellectual property.** Attorneys on our team advise on securing and defending patents, trademarks, copyrights, and trade secrets. We provide guidance on merchandising and branding related to athletic trademarks and logos, technology licensing, and securing licensing related to name/image/likeness rights.

**Labor and employment.** We draft, counsel, and train on employment procedures and policies. We conduct audits for pay equity, wage and hour, ERISA, whistleblowing, and restrictive covenant compliance. We conduct internal investigations and defend schools in employment litigation, including a full range of discrimination, retaliation, and breach of contract claims. We advise on union avoidance, collective bargaining negotiations, and administrative grievances.

**Student discipline.** Members of our team update policies and student handbooks, advise on Title IX issues, and litigate student discipline issues.

**Immigration.** We advise on immigration issues affecting foreign nationals employed by and attending colleges and universities, including visas, work authorization, and permanent residence.

**Privacy and information security.** Lawyers on our team advise on FERPA, HIPAA, cybersecurity/ data breach, privacy, and social media issues.

**Tax.** We advise on non-profit taxation and governance, retirement plans, trusts and estates, donor issues, and 409A issues.

**Health care.** Our attorneys serve as outside general counsel to several medical academic programs and affiliated health schools, provide guidance on the Affordable Care Act, and assist with reimbursement, audits, compliance, investigations, employment, medical staff peer review, and credentialing.



## Representative Matters

- Successfully defended and closed multiple Title IX athletics investigations against schools brought by the federal Office for Civil Rights alleging Title IX athletics violations.
- Negotiated various research and development agreements and patent and technology licenses with major universities and private companies for U.S. and foreign clients in the agricultural biotechnology, software, and mechanical arts areas.
- Successfully settled a multi-million dollar litigation suit for a local university against allegations of water intrusion in a dormitory.
- Conducted extensive Title IX sexual misconduct training, counseled schools on individual cases and investigations, and assisted with drafting Title IX policies and procedures.
- Worked collaboratively with schools on the legal aspects of their strategic planning initiatives, including developing risk management and litigation avoidance strategies.
- Counseled schools on legal public relations issues unique to college athletic programs.
- Led external due diligence reviews and constructed legal and Title IX compliance strategies related to NCAA governance issues and changing conference affiliations.
- Successfully defended and advised schools on NCAA compliance matters.
- Defended a public university research foundation against a qui tam action alleging fraud in the procurement of research grants.
- Obtained tax exempt status for a university supporting organization engaged in developing a research park and advised the client with respect to unrelated business taxable income.
- Defended a university researcher in a federal grant fraud prosecution alleging the filing of false federal claims.
- Served as bond counsel for the issuance of tax-exempt qualified 501(c)(3) bonds in the aggregate principal amount of \$100 million, the proceeds of which were loaned to a private university for the construction of new facilities.
- Served as bond counsel for the conversion of a letter of credit supported qualified 501(c)(3) bond to self-liquidity mode for a private university.
- Conducted an internal investigation for a university covering multiple departments and multiple employees, alleging fraud, abuse, harassment, discrimination, and retaliation against an independent contractor. Prepared a lengthy confidential report and presented findings and recommendations to the school's Office of General Counsel and the school's Board.
- Defended a large public university based in Washington, D.C., in a lawsuit filed by an attending physician employee alleging retaliation under the False Claims Act, wrongful termination, and breach of contract. Secured dismissal or summary judgment on all claims.