

BUCKLEY

Colleges & Universities Practice

Colleges and universities are entrusted with a special mission and are under substantial pressure to meet the needs of multiple, sometimes competing, constituencies — both internal and external. Their actions are subject to a high degree of scrutiny from students, alumni, boards, their communities, the media, and the government. Buckley's attorneys are well-suited to assist colleges and universities in navigating the distinctive legal challenges that arise in higher education.

Faculty Litigation: Faculty members are a school's most valuable resource, and disputes between an institution and its faculty require the utmost sensitivity and judgment to reach a satisfactory conclusion. Failure to do so risks damaging publicity and long-term institutional and reputational consequences. We have significant experience in litigating and resolving complex employment cases while successfully managing the risk of adverse publicity.

Student Litigation: Like disputes between the institution and its faculty, disputes between a college and its students require extreme care, particularly when they involve issues of student safety. Our attorneys know the issues, including those involving Title IX and the Clery Act, and have the experience to handle these cases with skill and sensitivity.

Government Investigations: The stakes in government investigations are high, and the costs can be formidable. Buckley has represented colleges and universities in a variety of matters, including False Claims Act investigations and qui tam lawsuits, Department of Education Office of Civil Rights investigations, and investigations under the Americans with Disabilities Act and the Rehabilitation Act. Our attorneys include former state and federal prosecutors who carry vital credibility with the government, and have the experience to handle these matters efficiently.

Internal Investigations: Whether the issue involves alleged misconduct by a faculty member, administrator, or athletic department staff, a fair and thorough internal investigation can be invaluable in scoping the extent of the matter, correcting it, and creating a record of its serious and professional handling. An internal investigation must be carefully designed and conducted to establish the credibility necessary to pass muster with internal and external constituencies. Buckley attorneys have significant experience handling internal investigations for universities, whether initiated by whistleblowers or proactively by the client.

Noteworthy representations include:

- Successfully resolved a False Claims Act qui tam investigation of a research university relating to National Institute of Health grants

- Successfully defended a university in a contract-based lawsuit in federal court by a student challenging expulsion for admissions fraud

- Successfully secured dismissal of a lawsuit alleging research misconduct brought by a former student against faculty members and university

- Conducted an internal investigation for a university into allegations of fraud in graduate school admissions

- Successfully secured a dismissal of contract claim by a professor based on an alleged breach of offer letter

- Conducted an internal investigation on behalf of a university into student allegations of a hostile educational environment

- Successfully defended university administrators in a First Amendment lawsuit relating to speech on campus

- Successfully defended a university in an Equal Employment Opportunity Commission (EEOC) complaint by a faculty member alleging discrimination on the basis of race and national origin