

Higher Education

The firm's Higher Education Practice Group provides litigation and counseling services to public and private institutions of higher education throughout New Jersey. We recognize that today's higher education landscape is defined by a myriad of unique and complex challenges. The multi-disciplinary team of attorneys working in this practice area assist the firm's college and university clients in addressing a broad range of legal and regulatory issues impacting their faculty members, administrative and support staff, and student body.

Our work encompasses strategic and preventative guidance related to best practices and compliance issues, as well as litigation defense at both the state and federal levels. Legal services address the following areas of concern:

- Title IX
 - Compliance requirements, policy development, training oversight, liability assessment and litigation avoidance strategies
 - Internal investigations and situation management, including those related to claims of sexual misconduct
 - Representation in litigation in state and federal courts
- Employment Law
 - Compliance counseling, policy development, and training oversight
 - Litigation avoidance strategies
 - Faculty-specific contracts and negotiations
 - Federal and state antidiscrimination, whistleblowing and general employment-related laws including:
 - New Jersey Law Against Discrimination (NJLAD)
 - Conscientious Employee Protection act (CEPA)
 - Title VII of the Civil Rights Act of 1964
 - Federal and New Jersey Family Leave Acts (FMLA and NJFLA)
 - Americans With Disabilities Act (ADA)
 - Age Discrimination in Employment Act (ADEA)

Practice Contacts

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Practices (Cont.)

- Employee Retirement Income Security Act (ERISA)
- Fair Labor Standards Act (FLSA)
- Consolidated Omnibus Budget Reconciliation Act (COBRA)
- New Jersey Wage and Hour Laws and Regulations
- Diane B. Allen Equal Pay Act
- Earned Sick and Safe Days Act
- Internal investigations and situation management, including:
 - Faculty and misconduct and disciplinary issues
 - Activities within student organizations such as fraternities and sororities, including allegations of inappropriate hazing practices or sexual abuse
- Defense of civil rights litigation brought under Title VII, as well as Sections 1983 and 1988
- Public Entity Liability and Applicability of Immunities
 - Counseling related to the availability of absolute and/or qualified immunity for higher education institutions that are entities of the State of New Jersey
 - Tort liability, including the defense of public entity liability tort actions
- ADA Compliance and Section 504 of the Rehabilitation Act of 1973
 - Compliance counseling, policy development, training oversight and litigation avoidance related to:
 - Title II of the Americans with Disabilities Act (ADA), which covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities
 - Section 504, a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.
- Student Disciplinary Issues
 - Policy violations, sexual misconduct, bullying and harassment claims
- Diversity and Inclusion
 - Race, gender and LGBTQ policies and planning
 - Anti-bullying, anti-harassment, and anti-discrimination issues
- Federal and State Constitutional Considerations
 - Freedom of Speech

Practices (Cont.)

- Due Process
- Counseling related to ethical considerations, including the fiduciary responsibilities of board members and other individuals
- Defense of board members and employees other than faculty
- Issues related to affirmative action in admissions
- Representation of colleges and universities in real estate and business transactions, land use issues, construction matters, environmental concerns, and executive benefits and compensation issues

The firm represents numerous New Jersey-based institutions of higher education, providing cost-effective and sophisticated representation in litigation, preventative counseling and transactional matters. Our attorneys possess a deep understanding of the legal issues that colleges and universities may confront as their operations intersect with numerous substantive areas of the law that fall within the scope of our practice.