

Education - Litigation

Overview

The Education (Litigation) Practice Area attorneys advise institutions of higher education in all matters including labor and employment (academic and non-academic), student affairs, corporate and academic governance, real estate, regulatory compliance, and immigration. Chair of the Education Practice, Joel Makee, served for 30+ years as Chief Legal Officer at Case Western Reserve University. Representative clients in addition to Case include the University of Cincinnati, Hebrew Union College, Miami University Foundation, Sinclair Community College, and John Carroll University.

The Education (Litigation) Practice Area attorneys advise institutions of higher education on the following:

Faculty Employment Issues and Litigation

- Faculty Appointment Issues, Tenured and Non-Tenured: Taft Education lawyers not only counsel clients on these issues but have litigated to jury or court verdict a very significant number of these important cases, particularly tenure denial cases.
- Miscellaneous Faculty Rights Issues: Academic freedom, intellectual property, and institutional support issues are the subject of frequent advice by Taft lawyers.

Student Affairs Issues and Litigation

- student discipline and dismissal, both academic and conduct related
- alcohol and substance abuse



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- sexual harassment/date rape
- Greek system issues
- faculty/student relationship issues
- foreign student immigration issues
- student rights issues
- student records issues under FERPA (Family Educational Rights and Privacy

Act)

- student disabilities and accommodation issues
- student psychiatric and suicide issues.

Institutional/Corporate/Academic Governance

- advising senior officers and trustees with regard to best practices of corporate and academic governance at institutions of higher education
- development of effective institutional policies and procedures and governing documents, including the Faculty Handbook and Trustee Bylaws and Regulations.

Higher Education Real Estate Issues

- tax exemption, tax-free bond financing, and donated real property questions.

Regulatory Compliance

Creation and adoption of appropriate policies and procedures and training faculty and staff. For major research university clients, this regulatory compliance has involved such things as the HIPAA laws and regulations, the Nuclear Regulatory Commission laws and regulations, and those laws and regulations controlling federal research grants and clinical trials including human subject research and research misconduct. Regulatory compliance applicable to all colleges and universities include: the Drug-Free Workplace Act, Acceptable Use of Computing and Information Technology, and Campus Security Act.

Technology Transfer

The Education Law (Litigation) Practice and the Intellectual Property Practice advise higher education clients on all forms of intellectual property and technology transfer. These services include licensing, start ups, and compliance with the Bayh-Dole Act.

Fundraising Practices, Donor Relations, Restricted Gift and Endowment Practices

Taft Education lawyers are experienced in all facets of these institutional activities.

Crisis Management

Taft Education lawyers advise senior officers and trustees on how to interact with attorneys, the media, governmental authorities and/or police, students, and parents.