

## Our Education Practice

The intersection of education and the law is remarkably complex and full of traps for the unwary. These days, a single transaction, claim, lawsuit or even social media post can undermine the mission and affect the reputation of a college, university, or school district for years to come. We help our educational clients avoid and resolve employment disputes, Title IX violations, and operational and governance problems that can cause long-lasting harm to instruction, recruitment, enrollment, fundraising and the bottom line.

We have built a strong practice in higher education and school law by focusing on representing colleges, universities, and school districts in labor, employment and benefits matters; student affairs, student conduct, sexual misconduct and Title IX; business transactions and risk management; governance; and matters involving privacy, student records, and open meetings.

We offer practical and creative solutions for our educational clients focused on achieving goals and objectives in light of the regulatory and public environments in which they operate. Not only do we represent colleges, universities and school districts in matters that frequently arise, we are also available to provide full-service representation in crisis conditions, such as outside investigations and misconduct of the most serious kind.

Our representation and counsel includes the following areas:

- **Civil Rights**, including First Amendment freedom of speech, press, and religion and alleged violations of federal and state civil rights laws
- **Litigation and Dispute Resolution**, including the defense of civil rights, breach of contract and negligence claims, and employment litigation
- **Privacy**, including the Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), and public records laws
- **Ethics**, including conflicts of interest and compliance with federal and state ethics laws and guidelines
- **Governance**, including:
  - Board and committee structure, bylaws and charters
  - Employment agreements for presidents and superintendents
  - Management of major crises with legal implications
  - Relationships with affiliated foundations
  - Town-gown relationships
  - Policy and procedure development and implementation
  - Public meetings
  - Intercollegiate and interscholastic athletics
- **Labor & Employment**, including:
  - Hiring, termination, collective bargaining, wage and hour, and compliance with state and federal employment laws
  - Grievances, arbitration and litigation
  - Defense of complaints to the EEOC, OFCCP and BOLI

- **Outside General Counsel**, including all facets of college, university and school district operations
- **Procurement, Contracting and Business Transactions**, including:
  - Contracts for performing artists and speakers,
  - Academic affiliation and internship agreements, and
  - Faculty and student exchange agreements
  - Facility use agreements, leases, and easements
  - Software licenses and data privacy agreements
  - Sponsored research, cooperative, and grant agreements
- **Public Meetings and Public Records**, including advice, compliance, defense of petitions to district attorneys, and defense of complaints to the Oregon Government Ethics Commission
- **Public Retirement Systems**, including eligibility, FTE determinations, contribution rates, employer appeals, and post-retirement return-to-work restrictions

## Representative Matters

We have represented educational clients in the following matters:

### Public Records and Open Meetings

- A challenge to the confidentiality of institutional and faculty research records
- Petitions appealing the denial of public records requests
- The intersection of FERPA and public records statutes
- Exemptions to public records disclosure requirements
- The confidentiality of faculty records and teacher personnel files
- The permissibility of executive sessions
- Electronic communications among governing board members
- Constitution of a quorum and parliamentary procedure
- Proper notice of special meetings, work sessions and executive sessions

## + ATTORNEYS



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