

Practices & Industries

Academic Institutions & Higher Education

Overview

The legal challenges facing academic institutions are unique and can touch almost every corner of the law. Day Pitney attorneys have familiarity with those needs and handle a wide range of legal matters for clients at all levels of academic institutions and higher education, including primary schools, secondary schools, prep schools, parochial schools, large public and private universities, small independent colleges and universities, community colleges and institutions affiliated with higher education.

Our attorneys coordinate across offices and practices to provide a full array of experience and understanding unique to the legal representation of private and postsecondary institutions. Our team includes attorneys with practical knowledge and the capability to represent academic institutions in multiple disciplines, including corporate and business law, litigation, trusts and estates, employment and employee benefits, tax, private equity and venture capital, mergers and acquisitions, public companies, securities and capital markets, real estate and the environment, intellectual property and technology, entrepreneurs and emerging companies, disabilities and special needs planning, internal investigations and tax-exempt organizations, and charitable giving.

Certain challenges are unique to many of our clients in higher education. Our lawyers have the know-how to sensitively represent academic institutions in a wide array of legal issues, including:

- Discrimination claims
- Student deaths and personal injury claims defense
- Student sexual assaults and related Title IX investigations
- Title IX litigation
- Alcohol policies and consumption on campus
- First Amendment freedoms of students and student groups
- Corporate governance and Sarbanes-Oxley
- Whistleblowers on campus
- Real estate development and campus expansion, including construction and bond work
- CHEFA and private bank financing
- Records retention policies and schedules
- Intellectual property and technology transfer
- Security and premises liability challenges of an open, active campus
- Data privacy and cybersecurity
- Energy

- Background checks (for students, staff and others on campus)
- Access and affordability (ADA)
- Endowments
- Impact of technology on education and tuition
- Settlement agreements regarding development projects
- Ground leases, space leases, utility and construction easements, and license agreements to and from the institution with both private property owners and municipalities
- Advice regarding real estate title matters
- Acquisitions
- Land use matters, including land use applications and representation at public hearings and land use appeals
- Real estate litigation, including matters relating to prescriptive easements, easements by necessity and adverse possession
- Common interest communities
- Utility facilities agreements with public utilities
- Management agreements
- Licensing arrangements
- Advice regarding property tax exemption and federal tax-exempt status

Active in the Higher Education Community

Our team is composed of attorneys involved in several academic institutions for various functions. Day Pitney attorneys serve as members of major universities' offices of general counsel; members of boards of nursery, primary, prep and post-secondary schools; participants on boards and as trustees of colleges; members of executive committees of Ivy League university associations; Fellows of the American College of Trial Lawyers, the College of Labor and Employment Lawyers, and the American College of Trust and Estate Counsel; advocates of the American Board of Trial Advocates; and as trustees of foundations for parochial schools.

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

- Representation of a Chinese investor in its acquisition of an American college, working with counterparts in China on traditional labor, employment, benefits, corporate, not-for-profit, real estate, environmental and property taxation issues
- Represented a private college preparatory school in proceedings brought by an Indian group with a 400-acre, state-recognized reservation directly contiguous to the school's campus; also represented the school in a variety of matters, including defense of real estate title claims, student rights issues, trespass claims and general advice
- Acted as counsel in connection with an internal investigation conducted on behalf of a university health center
- Advised a college with respect to student discipline related to an off-campus incident
- Advised secondary schools with respect to personal injury issues
- Advised a university in connection with a negotiation over a dispute relating to terms of a gift of technical equipment and funding for an endowed chair

- Served as counsel to academic institutions for the development of magnet schools, a performing arts center, and gymnasiums and other academic buildings, including brownfields redevelopment, construction and architectural contracts, ground leases, tax-exempt bond financings, land use applications, tax appeals, and asset management matters
- Served as counsel to a private, coeducational college in the construction of its new state-of-the-art student center
- Served as counsel to a number of nonprofit organizations on land use and general real estate matters. These clients include private schools, churches, various sports associations and religious institutions
- Defended a university against claims brought by a vexatious litigant, and successfully enjoined the plaintiff from filing additional motions or claims against the university
- Drafted proposed legislation and served as bond counsel on a complicated 501(c)(3) revenue bond issue by a town for the benefit of a private secondary school
- Represented regional Catholic schools in a wide variety of matters such as student and teacher discipline, vendor contracts, tax issues, real estate, internal investigations, labor arbitrations, reductions in force and litigation
- Represented an independent boys' school in Massachusetts for the past 12 years, acting as the school's primary outside counsel; handled all faculty and staff employment matters, student discipline, and related issues and have served as counsel for other matters, including tax, corporate and real estate issues
- Represented a Catholic middle and high school in connection with real estate, zoning and property tax matters
- Represented several private educational institutions in connection with land use applications for school expansion projects
- Represented a private college with respect to various issues, including copyrights, defamation claims (arising from the college radio station) and grand jury subpoenas relating to a student's internet activities
- Represented prominent private boarding schools as well as colleges and universities in Connecticut on numerous environmental matters, including but not limited to environmental compliance audits
- Represented several colleges and a university on a variety of corporate, employment and other matters
- Represented an Ivy League university in a wide range of matters involving employment law, land use law, complex litigation, real estate transactions, and commercial transactions relating to technology and intellectual property assets
- Represented several educational institutions with respect to construction management agreements for numerous building projects, including freestanding buildings, building additions and development of a ground lease for a biotechnology park
- Represented a major educational/science nonprofit organization in connection with the development and construction of a $109 million internationally acclaimed science center, including drafting and negotiating construction and exhibit development agreements
- Represented a private-sector postsecondary educational institution based in Connecticut in its acquisition through a reverse triangular merger by another private-sector postsecondary group of schools in central Pennsylvania and northern Maryland; worked closely with the CEO of the Connecticut school in structuring and negotiating the deal
- Represented a Connecticut liberal arts college in connection with its acquisition of a building contiguous to the campus and in connection with multiple other acquisitions near campus
- Represented a state financing authority in the tax-exempt financing of several colleges, universities and hospitals
- Represented a large university hospital in responding to an investigation by the U.S. Department of Health and Human Services, the Office of the Inspector General, and the U.S. Attorney's Office on the use of and accounting for research grants
- Represented a large integrated healthcare system as lead outside intellectual property counsel during the formation of its joint venture with a university, resulting in the creation of a larger health system in the Greater Philadelphia area

- Represented the developer, in connection with financing, intellectual property and licensing matters, of a machine learning technology that leverages artificial intelligence research from an Ivy League university to efficiently, accurately, and cost-effectively extract and summarize key provisions from legal documents; applications for this technology include e-discovery, due diligence, contract management, lease abstraction and document drafting
- Represented a university hospital on the construction of a major addition to the hospital
- Represented an Ivy League university as the purchaser of a New Haven office building and retail center and a subsequent condominium conversion
- Represented a major Catholic university and the medical schools of two universities in responding to government investigations
- Represented a major university in a wide range of matters involving employment law, complex litigation, land use law, real estate transactions, technology transactions and intellectual property
- Represented a university in lawsuits involving claims of negligence and Title IX violations arising out of a claimed sexual assault at a fraternity; claims of negligence arising out of a student suicide; claims of negligence arising out of a fall from a third-story window resulting in serious injuries, including brain injuries; unfair trade practice claims by a fraternity arising out of the suspension of its program housing status for failure to comply with a coeducation requirement; and a premises liability negligence claim
- Represented a college in connection with personal injury claims
- Represented a college in negotiating a favorable resolution of multiple claims against its technology services provider
- Represented a prominent university in a lawsuit involving claims of negligence, reckless and wanton conduct, breach of contract, and defamation brought by a foreign university arising out of allegations of erroneous verification of a professor's educational credentials; obtained summary judgment in U.S. District Court, affirmance in the U.S. Court of Appeals for the Second Circuit and a substantial costs award
- Represented a university in a lawsuit brought by a former faculty member involving claims of breach of contract, breach of the covenant of good faith and fair dealing, and negligent misrepresentation and defamation; the claims arose out of the denial of the former faculty member's tenure application. Obtained summary judgment and affirmance on appeal
- Represented a university in a lawsuit brought by a former faculty member alleging claims under Title VII, ADEA and fair employment practices as well as breach of contract; the university had terminated the faculty member's employment based on student complaints
- Represented a major university in connection with a dispute relating to maintenance of electric cogeneration facilities
- Represented a major university in a dispute arising out of a cooperative research agreement and an equity investment in a technology startup company
- Represented a public research university in negotiation and preparation of a joint venture agreement with a developer, a redevelopment agreement and a financial agreement with the city of Newark, and ground leases for a teachers' college and fraternity houses with an operator and student organizations. Counseled the client on an application for urban transit hub tax credits
- Represented a university in negotiation for the conveyance, subdivision and perfection of fee-simple, leasehold and condominium interests in land owned by a Catholic community of women who offer education services to a Catholic high school; worked in coordination with university lenders, including counseling on municipal land use law and alienation of property pursuant to canon law; counseled the client on compliance with local ordinance and ABC regulations regarding service of alcohol at university events, and negotiated with the municipality regarding the same
- Represented principals of a higher educational institution on the purchase of its Newark campus, including contract negotiation, due diligence, title issues, zoning and other governmental compliance issues, and closing and post-closing issues

- Representation of universities and colleges in a broad array of other matters, resulting in private resolutions of those issues
- Served as general outside counsel to an independent K-12 coeducational day school in Southport, Connecticut, and provide advice on all legal issues that may arise from time to time