



Higher Education

WilmerHale understands the complex challenges that colleges and universities face today. With decades of experience representing education clients, we have guided institutions through shifting compliance landscapes, government investigations, reputational crises, and congressional inquiries. Our team advises on evolving regulations, represents schools in litigation, partners on internal investigations, protects intellectual property, and manages major transactions. We advise on technical legal requirements and contentious policy matters, always mindful of each institution's unique mission and governance. Our attorneys include a former general counsel for the US Department of Education, a former general counsel of a private research university, a former head of the Civil Division at the US Department of Justice, and others who have held senior roles in government and Congress.

Our comprehensive range of services includes:

- Anti-discrimination matters, including regarding Title VI, Title IX, the Americans with Disabilities Act, the Rehabilitation Act, and other federal and state anti-discrimination statutes;
- Employment matters, including employment contracts and tenure; and employee misconduct;
- Student and campus matters, including admissions and financial aid, athletics, testing, free speech, and campus security;
- Congressional investigations and public policy, including congressional inquiries and guidance on legislative affairs;
- Tax-exempt activity, including lobbying and political activity;
- Accreditation and Title IV eligibility and compliance;
- Contracts, grants, and sponsored research, including compliance, agreement counseling research misconduct and the False Claims Act;
- Transactional matters, including mergers and acquisitions, joint ventures, research collaboratives, technology transfers, and licensing;
- International matters, including export controls, foreign investment, foreign gift and contracts reporting and visas;
- Intellectual property matters, including patent commercialization and prosecution, licensing, and technology transfer; and
- Matters drawing on our experience in other areas, including antitrust, cybersecurity and privacy.

“WilmerHale is really practical and thoughtful and has a lot of attorneys that are willing to dive into an issue and give great advice.”

— *Chambers USA*

“When I need somebody to be a confidential thought partner on something sensitive, WilmerHale is worth the investment.”

— *Chambers USA*

REPRESENTATIVE EXPERIENCE

- Assisting numerous colleges and universities in assessing their programs and practices regarding admissions, financial aid and scholarships, student programming, partnerships, and hiring for compliance with nondiscrimination laws and regulations to mitigate legal and enforcement risk as requirements evolve.
- Representing multiple universities in government investigations regarding alleged violations of Title VI.
- Advising a range of public and private colleges and universities on False Claims Act compliance and risk mitigation in connection with new certification requirements relating to civil rights laws in federal funding awards.
- Representing universities in Department of Justice investigations and litigation under the False Claims Act arising out of cybersecurity requirements in federal funding awards.
- Represented a leading private research university in an investigation by the Department of Education's Office for Civil Rights regarding alleged national origin discrimination in violation of Title VI and assisting another leading university in analyzing and updating protocols and procedures regarding national origin discrimination.
- Conducted two independent investigations for the Board of Regents of the University of Michigan—one investigation into allegations of a decades-long pattern of sexual misconduct by an athletics team physician, and another into allegations of sexual misconduct against the former Provost.
- Secured dismissal of an antitrust action brought under Section 1 of the Sherman Act against the University of Pennsylvania that challenged the Ivy League's tradition of not awarding athletic scholarships or providing monetary compensation for athletes.
- Secured dismissal of a federal antitrust class action accusing the University of Pennsylvania and College Board of colluding to inflate net tuition costs for students with noncustodial parents by coordinating financial aid policies.
- Representing multiple schools facing potential adverse actions from institutional and programmatic accreditors, including representation during the accreditation review process and advice concerning potential litigation.
- Represented Harvard University in *Students for Fair Admissions v. Harvard* and represented the University of Michigan in *Gratz v. Bollinger* and *Gutter v. Bollinger*.
- Advising clients on the regulatory constraints surrounding research and product development in biotech, medical and other spheres, and in the increasingly regulated domain of data privacy.
- Representing some of the largest research universities in the country in customizing technology transfer agreements with private enterprises to their needs and particular technology requirements.
- Represented universities in numerous investigations by the Office for Civil Rights concerning universities' policies and procedures for investigating and resolving sexual misconduct and ADA complaints.

For more information, please contact:

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WilmerHale's Higher Education Practice is recognized in both *Chambers USA* and *Legal 500*