



Higher Education

Overview

Institutions of higher learning face an everchanging landscape. Governance structures of colleges and universities are rapidly changing, and university leaders are using different strategies to retain their missions and a sense of identity. It's a massive cultural shift forcing schools to come to new arrangements, as they grapple with issues such as significant regulatory changes, budget shortfalls, declining enrollment, and increased competition for students. Colleges and universities must plan ahead while staying nimble. We prepare our clients to meet these challenges and ready them for the ones to come.

Archer has decades of experience serving as a trusted legal partner to our higher education clients. We provide deep insight derived from an unrivalled track record working with administrators, school leaders, boards of trustees, and others to address all legal matters arising out of an institution's activities. We have provided guidance and representation through their most sensitive and significant legal matters, as well as across a broad range of legal issues.

The firm's long-standing relationships with our higher education clients, from large state university systems and community colleges to private colleges and technical schools, give us a special understanding into the pressures on the industry, a thorough awareness of best practices, and a deep well of knowledge on which to draw when we are seeking the right solution for our clients.

Our higher education team understands postsecondary education from a legal, regulatory, and business perspective. We have developed a deep understanding of the complex federal, state, and local laws governing colleges and universities, and we help ensure our clients fully comply with the ever-evolving legal requirements, such as ADA compliance, Clery Act compliance, FERPA compliance, policy development, regulatory audits, and Title IX compliance.

We represent our higher education clients in a number of specialized areas including:

Student Matters

We assist our clients in navigating complex issues related to a variety of student matters, including admissions, student rights, student organizations, honor code, discipline, Title IX compliance, mental health issues, accommodations for students with disabilities, social media, online education, academic disputes, financial aid and scholarships, free speech issues, safety and security, housing and much more.

Labor & Employment

Our lawyers help our education clients comply with frequently changing employment laws, regulations, and court decisions. We provide strategic guidance in all labor and employment areas, including hiring, firing, layoffs, collective bargaining, discipline, leaves of absence, promotions, pay practices, investigating employee complaints, harassment and diversity training, affirmative action plans, and the review and drafting of employer policies. We are recognized for our experience in handling employment-based arbitration and litigation, including discrimination, wrongful discharge, whistle-blower, workplace defamation and other tort-based employment claims and individual contract actions.

Title IX

Our team has extensive experience handling Title IX matters, helping institutions navigate the legal intricacies of these cases. We help colleges and universities craft their Title IX compliance policies to reflect their institutional priorities. We draft appropriate non-disclosure agreements and rules of decorum. We train Title IX Coordinators, for both live hearings and appeals, and are there for Title IX Coordinators throughout the grievance process to ensure that they are complying with the myriad and sometimes conflicting Department of Education's requirements.

Mergers & Acquisitions

Navigating the complexities of mergers and acquisitions in higher education calls for a strategic and informed approach. We provide the legal experience and guidance needed for complex transactions. From identifying compatible partners to assessing financial implications and ensuring regulatory compliance, our experience provides a comprehensive solution. By seamlessly integrating institutions and leveraging collaborative advantages, we aim to enhance academic offerings, optimize resources, and strategically position higher education entities for sustained success in an evolving educational landscape.

Immigration

Our immigration attorneys counsel clients in all aspects of immigration. We work with you to develop and maintain effective immigration policies and procedures for the entire hiring and retention process. Compliance with hiring and immigration laws is now more important than ever. Our group provides immigration risk management techniques to mitigate, if not eliminate, all areas of non-compliance.

Intellectual Property

For higher education clients, our IP attorneys obtain, enforce, and defend intellectual property rights. We prosecute patent applications and counsel clients on patentability, validity, and infringement questions. We also regularly provide counsel regarding the clearance and registration of trademarks, service marks, slogans and logos, copyright issues, and advertising compliance and clearance.

Healthcare



We are experienced representing educational institutions that are connected to hospitals and major medical centers. We have broad regulatory, litigation, and transactional experience. Among the issues we regularly handle are payer disputes, False Claims Act litigation, HIPAA/HITECH issues, Medicaid/Medicare/third-party reimbursement, provider-payer relations, and provider-based issues.

Litigation

Our lawyers are highly experienced in representing universities and colleges in federal and state courts, as well as before federal and state administrative agencies. We have defended institutions of higher education in litigation involving professors, administrators and students who bring action under a variety of circumstances, including academic, professional, disciplinary, civil rights, and employment related matters. Clients also look to us for our deep experience conducting internal reviews and investigations, audits, and responses to government inquiries.

We have a long history of advising and representing colleges and universities in student disputes. We have extensive experience with student conduct codes and disciplinary cases, academic appeals, student demonstrations, search and seizure issues, student organizations, bullying, racial and sexual harassment, drug testing programs, and the disclosure and release of student records. Our team has extensive experience handling Title IX litigation, helping institutions navigate the legal intricacies of these cases.

Governance

Archer's attorneys have a well-earned reputation for providing the boards of trustees of our college and university clients with a comprehensive host of services, in-depth knowledge and understanding of the higher education sector and its operations, opportunities, and challenges. We work closely with boards of trustees on all matters related to board governance and understand the unique dynamics and issues that accompany different types of higher education boards of trustees.

Crisis Communications

Colleges and universities operate in a complex and dynamic environment where legal disputes and challenges can arise from various sources. Effective crisis communications involves proactive planning, identifying potential issues, establishing clear communication channels, and responding quickly to protect an institution's reputation. We prepare our clients in the area of crisis communications, including drafting policies and communication plans, developing compliance programs, and providing counsel to clients in the event of a crisis.

Privacy & Data Security

Privacy and data security issues have become increasingly prevalent, impacting all education clients, and creating a constantly evolving legal landscape in which compliance with privacy laws is critical. We proactively help our clients assess their compliance and identify the greatest areas in need of attention and improvement.

Athletics



We are involved in all aspects of the collegiate sports industry to provide colleges and universities with valuable advice and representation. Our group members serve the complex and multifaceted legal needs of collegiate athletics departments, including Title IX and NCAA compliance; name, image, and likeness (NIL); strategic planning, facilities, and revenue generation; internal investigations; and litigation.

Public Finance and Tax-Exempt Finance

Archer's public finance attorneys have extensive experience in the major areas of tax-exempt and taxable financing for projects of all sizes. Members of the group have served as bond counsel, underwriter counsel, purchaser counsel, issuer counsel, credit enhancer counsel, and borrower's counsel in virtually all types of tax-exempt and taxable public finance transactions.

Real Estate and Campus Development

We assist in the building and expanding of our clients' campuses. Whether it's acquiring new properties for student housing, negotiating leases for academic or administrative spaces, or assisting with zoning and land use matters, we help colleges and universities navigate the complexities of their real estate transactions and development projects. We help to identify opportunities, structure transactions and financing, negotiate agreements, and get projects completed. The firm also advises educational institutions concerning compliance with environmental laws and regulations and have resolved difficult environmental issues and claims arising out of real property owned by or being acquired by a college.

Planned Giving and Investments

Our attorneys work with educational institutions and their donors in developing planned giving programs, including the establishment of endowed faculty chairs and scholarships for students, as well as structuring charitable gifts and bequests to fund programs for restricted or general research.

In an increasingly complex environment, colleges and universities face significant challenges that require strategic, forward-thinking solutions. Archer has compiled an excellent record of success on behalf of our higher education clients, encompassing a wide variety of services. We combine in-depth knowledge of the higher education sector with a personalized, results-driven approach to help institutions navigate legal challenges, safeguard their future, and uphold their mission of providing quality education.

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