

Education

Jenner & Block helps educational institutions navigate large-scale matters that carry significant legal, political, and reputational risk, as well as in the routine but difficult matters that colleges and universities face every day.

Nationally recognized by *Chambers USA* as a Band 1 law firm for Higher Education, we represent public and private institutions across the country, including in the ACC, Big 12, Big East, Big Ten, Ivy League, and PAC-12 conferences. We also represent boards of trustees and faculty committees, as well as research centers and foundations affiliated with universities.

Higher Education, Higher Profile Problems

Given the scrutiny under which educational institutions operate, their legal challenges are highly complex and require sensitivity to many different concerns. Clients come to Jenner & Block when faced with actual or threatened civil or criminal litigation, government investigations, overlapping inquiries by regulators and accreditors, and intense media pressure. We are exceptionally well-suited to counsel and defend institutions in these situations. While we have extensive litigation experience—and have represented academic institutions at all levels of the judiciary, including in the US Supreme Court—our Education practice has particular strengths dealing with the multi-faceted problems that arise outside of or in conjunction with litigation. On cutting edge issues ranging from race-conscious admissions and campus protests, to antitrust and sponsored research, to sexual misconduct and student athletics, we have helped our clients manage their problems and advance their goals.

Government Scrutiny Requires Specialized Counsel

Our team has a unique blend of experience—as former senior government lawyers, as congressional staff, and in private practice—responding to some of the most high-profile investigations and inquiries. We regularly represent institutions in closely watched congressional hearings and investigations as well as wide-ranging inquiries from the Department of Justice and Department of Education, including its Office for Civil Rights.

Operating at the Nexus of Compliance and Litigation

Schools, universities, and companies that support the education sector need smart, sophisticated legal counsel who are familiar with the ever-changing regulatory environment. Jenner & Block is uniquely positioned to serve these clients, offering them creativity, deep regulatory and technical knowledge, and extensive litigation, investigation, and crisis management experience.

We help Education clients with a wide range of matters, including Congressional inquiries; government and internal investigations; campus speech policy; First Amendment advising and defense; race-conscious admissions and faculty diversity counseling; antitrust defense and counseling; Title IX and sexual misconduct litigation and investigations; immigration policy; governance and faculty discipline issues; NCAA enforcement defense; name, image, and likeness compliance; privacy and cybersecurity issues; affiliated charitable organizations and planned giving; energy / renewable energy work; mass torts, including concussions; patent litigation and counseling; 403(b) plan fiduciary litigation and counseling; real estate and construction matters, and more.

Unique Experience and Perspectives

Our lawyers have worked in senior positions across the government and appreciate the litigation, investigative, and communications nuances within the Education sector. We have worked inside universities and understand the unique governance structures in which institutional decisions are made. Our Education practice brings deep experience to the legal issues that challenge institutional interests and a broad perspective on how those interests are best served.

Experience

Government-Facing Work

- Represented a private university in a high-profile Congressional investigation.
- Counseled numerous public and private institutions through OCR investigations related to Title VI and Title IX complaints.
- Defended a private university in a front-page investigation pursued jointly by the Department of Education and the Department of Justice related to DEI issues.
- Represented a private university and a global technology company in a victory that sustained the Deferred Action for Childhood Arrivals (DACA) program.
- Represented university health system in government investigation.
- Represented a large public university in a civil rights investigation into discrimination in faculty and staff pay.

Counseling

- Counseled over a dozen institutions on reforming their admissions programs to comply with *Students for Fair Admissions*.

- Helped clients find risk-adjusted solutions to advancing DEI across campus functions.
- Advised numerous institutions on responding in real-time to protest activity and other forms of campus expression, assessing the campus climate and environment under Title VI and Title IX standards, and improving policies and procedures at the intersection of First Amendment principles and antidiscrimination law.
- Counseled multiple universities on internal faculty matters, including tenure disputes and faculty misconduct issues.
- Advised numerous Ivy League, Big 10, and ACC institutions on issues related to student athletics including related to compensation, NIL, concussions, NCAA infractions, sports gaming, and alleged misconduct, and defending litigation arising from such allegations.
- Counseled universities on compliance with Section 117 federal foreign gift and contract reporting requirements.

Litigation

- Secured dismissal of lawsuit brought against private institution challenging its response to an allegedly hostile environment on campus.
- Defended an Ivy League institution in a putative class action alleging antitrust violations in connection with a common methodology for determining financial aid.
- Represented university in copyright and trade secrets litigation related to work by faculty and graduate students.
- Secured dismissal of lawsuit brought by tenured professor arising from the termination of his employment due to misconduct, and won appeal affirming the dismissal.
- Defended multiple institutions in putative class actions seeking tuition refunds from transition to virtual education during Spring 2020 semester.
- Represented universities in litigation related to privacy and data breaches, including class action litigation, as well as third-party subpoenas when university records are implicated by a vendor's cybersecurity incident.
- Represented educational organizations, educational institutions, and non-profit entities in numerous cases involving issues of student speech, academic freedom, the commercial speech rights of student newspapers, the establishment clause, free exercise of religion, and the removal of books from libraries.
- Represented universities in FOIA and reverse FOIA litigation.

Investigations

- Represented numerous institutions across conferences in Title IX investigations and litigation regarding student, faculty, and staff conduct.
- Led highly sensitive investigation on behalf of the University of Michigan into allegations involving the President of the institution.
- Conducted internal investigations and culture reviews of athletics departments and/or sports teams at multiple private institutions.

The First 100 Days: Higher Education

- November 2024: Post-2024 US Election: What Colleges and Universities Can Expect from the Incoming Administration and the 119th Congress
- December 2024: “What Higher Education Can Expect from a Second Trump Administration,” *Law360*
- January 2025: Client Alert: Week One’s DEI Executive Orders: What Higher Education Institutions Need to Know
- February 2025: Client Alert: A New Era for Immigration Policy and Enforcement: Four Key Issues Affecting Higher Education Institutions
- February 2025: Client Alert: US Department of Education Issues Dear Colleague Letter Interpreting *Students for Fair Admissions*: What Colleges and Universities Need to Know
- February 2025: Client Alert: Title IX, “Gender Ideology,” and Recent Enforcement Activity: What Higher Education Institutions Need to Know
- March 2025: Client Alert: Secretary of Education Linda McMahon is Confirmed. What’s Next?
- April 2025: Client Alert: Proposed Changes to Higher Education Financial and Tax Policy: What Colleges and Universities Need to Know

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ESG: Environmental, Social, and Governance

Education

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