



Higher Education



What's it like to work with F3?

F3 higher education attorneys are your partners for the long haul. Our goal is to establish relationships of trust with stakeholders in every matter we help you with, to do all we can to prevent conflicts but resolve them quickly if they arise, and to be the advisers you never hesitate to call.

What can F3 solve for you?

If it's where higher education and law intersect, we're ready to provide experienced counsel and representation on everything that makes higher education work, helping your institution meet its educational goals wherever and however pursuing those objectives can benefit from our support.

California has 264 public and private colleges and universities in the business of granting four-year (and often graduate) degrees, many with significant research functions. F3 is one of the leading education-focused law firms in California and nationally because we have the breadth of experience and depth of knowledge to provide counsel and representation on the hundreds of law-related matters that touch them – ranging from the day-to-day operation of facilities to the biggest issues of legal compliance, faculty and student affairs, athletics, Title IX, labor and employment law, institutional governance, national rankings, accreditation, crisis management, free speech, and even contentious ethical issues.

At F3 our experience covers the often sophisticated issues faced by colleges and universities, which may, for example, have multiple branches and large campuses that include student housing, police and private security departments, restaurants and shops on site, conduct programs in global locations, offer many online degrees and courses, have athletic programs, conduct research (sometimes under government contracts), have complex employment issues (*e.g.*, tenure), and have student life needs, including residency issues, that other educational institutions may not have to contend with.



Helping establish new educational pathways and related accreditation

When establishing a new program or course, whether that's a new degree program, a new major, or a new course, getting all the pieces to fit can be daunting. F3 attorneys assist with compliance, making sure a new offering is assigned to the right department, and meets the criteria for graduation. We often serve as the interface between the administration and academic senate to help manage the relationship on matters of program administration, course delivery vehicle (e.g., in-person or online), pedagogy, instructional materials, technology, and more. It's also critical to ensure that programs are properly accredited to ensure that students can get the right financial aid.

Resolving differences between the administration and the academic senate

The faculty senate and administration often find themselves at odds over a wide range of issues, for example, differences of perspective on course or degree criteria requirements, the scope of academic freedom and the interplay with free speech rights, policies in faculty manuals and handbooks, tenure requirements, evaluations, and disciplinary actions. Our attorneys attempt to resolve these conflicts in a manner that ensures compliance and, as much as possible, meets the objectives of both constituencies.

Supporting the move toward more competency-based education

A trend has evolved in higher education toward competency-based education, which focuses on mastery of knowledge or skills rather than a fixed time to complete a course. Such programs are often offered primarily online or in a hybrid in-person/online manner to accommodate working adults seeking to advance their careers or begin new ones. Our attorneys can work with the academic senate and administration to establish an employment system that accommodates the competence-based model and help develop evaluation criteria. F3 is one of the few law firms ready and able to assist colleges and universities in establishing and maintaining competency-based programs.



Assisting with research lab and facilities issues – ethics, operations

Many higher education institutions have laboratory research and education programs that may encounter both legal and ethical issues. On the ethical side, experiments may have controversial components requiring guidance in both law and public perception. On the legal side, state and federal laws may govern how trials, for example, may and may not be conducted. There may also be intellectual property considerations related to ownership, licensing, trademarks, and copyrights, as well as contract issues with administrators and researchers. As a full-service education law firm advising higher education clients, we're here to offer guidance when these issues arise.

Helping manage student and residence life matters

With the number of students on campus each day – and living both on- and off-campus – keeping them safe, providing full access, ensuring their rights, and investigating both student and institutional misconduct is a matter for experienced education counsel. Today's issues are complex, for example: restroom access by transgender students, equal rights for LGBTQ+ students, accommodations for students with disabilities, addressing bullying behavior, ensuring free speech rights within the limits of university policy and law, and discipline when students or employees break the rules – including relatively new rules about online behavior. F3 attorneys provide guidance on compliance as well as assisting with investigations if issues arise such as alleged Title IX violations, hazing, harassment, and even rape.

When colleges build, we're there to help

Like every business or institution, higher education needs a place to happen, so we assist with all matters related to real estate, construction, facilities management, procurement, and more, advising on laws regarding competitive bidding requirements, if any, and RFP best practices. Colleges and universities often have ambitious physical expansion plans, and we're ready to assist with all construction-related needs, from land acquisition to design and construction contracting, and resolving conflicts if necessary.

Similarly, having employees means employment agreements, dismissals, performance evaluations, collective bargaining, and more. Here, too, our attorneys are deeply experienced in ensuring compliance and helping develop and maintain a productive workforce and satisfactory working environment for all.



Assisting with labor and employment issues

Having employees means employment agreements, progressive discipline, dismissals, performance evaluations, collective bargaining, and more. State and federal laws and campus policies concerning discrimination, harassment and retaliation (DHR) add another layer of complexity to the employment relationship and generate claims that often lead to lawsuits or state and federal agency intervention. State and federal laws also provide a wide array of rights and protections for employees, including accommodations for disabled employees and leave of absence programs covering illnesses, injuries, and many other conditions that impact employees and their families. Here, too, our attorneys are deeply experienced in ensuring compliance and helping develop and maintain a productive workforce and satisfactory working environment for all. When necessary, our attorneys handle disputes and litigation before state and federal agencies and the courts, and assist with internal investigations and complaint processes.

Performing Title IX investigations and advising on DHR matters

The increased focus on combatting sexual harassment and discrimination on college campuses in recent years has resulted in a large uptick in Title IX complaints, investigations and litigation. Discrimination, harassment and retaliation claims involving employees have also increased significantly and have become a major source of litigation and scrutiny by state and federal regulators. The ever-changing Title IX rules combined with sometimes inconsistent and conflicting state mandates have added to the complexity in this area. Our attorneys can help navigate these issues and can conduct Title IX and DHR investigations consistent with applicable laws and university policy.

Assisting with athletic program compliance and policy issues

It's a new era in college athletics with the advent of NIL (name, image, likeness) and lack of clarity regarding the sustainability of the amateur model in sports. Colleges and universities need to develop new policies and practices to address NIL and other emerging issues, such as concussion management programs, Title IX compliance, bullying complaints, gender identity and participation, and NCAA compliance. The attorneys at F3 have a wealth of experience in these areas and can assist with, among other things, compliance, policy development, and dispute management and resolution.



Devising strategies and providing options when crises occur

In higher education, unplanned and unexpected events can cause immediate change to strategic planning and the daily operations on campus. COVID-19, for example, created new challenges that directly impacted the health and safety of students and local community. Protests concerning international and domestic political issues can spark conflicts between student groups and result in potentially dangerous confrontations and violence. Free speech rights often collide with the academic program and student safety. Our attorneys can help develop options and strategies to address these complex issues and maintain the health and safety of the campus community within the mandates and parameters of state and federal law and campus policy.

Advising on matters of compliance and governance

F3 attorneys regularly provide training sessions on compliance and governance matters for administrators and boards of trustees, and address specific issues as they arise. At F3, we consider compliance job #1, and colleges and universities are subject to a wide range of federal and state law with which F3 attorneys have deep understanding. For example, federal laws such as Title IX and Title VII prevent discrimination based on gender, race, color, religion, sex and national origin. The Family Educational Rights and Privacy Act (FERPA) ensures student privacy. In California, the Public Records Act and Bagley-Keene and Brown Act open meetings laws provide public access to information and facilitate public input into important matters. On matters of governance, we work closely with boards of trustees to train and advise them on their responsibilities as boards and board members. We also help ensure compliance with the conflict of Interest codes that require certain officials to disclose their private economic interests.

Resolving disputes based on long experience

In spite of all we can do to help colleges and universities stay out of disputes, they happen. From contractual disputes to strikes, from technology licensing to Title IX violations, issues related to free speech, and hundreds of other possible sources of disagreement, F3's attorneys are well acquainted with how to pursue our clients' interests at negotiating tables and in mediations, arbitration forums, and federal and state courthouses.

F3 is known for these strengths

- Federal and state compliance
- NCAA and college athletics issues



F3 Law

- Free speech, the First Amendment, and academic freedom issues
- Title IX compliance and investigations
- Faculty affairs matters
- Personnel issues, progressive discipline, termination, and employee layoffs
- ADA Accommodations and leaves of absence for employees and students
- Crisis management and communications with the press and community
- Labor & employment negotiations and disputes
- Facilities and construction matters
- Transactional matters, including drafting and editing contracts, affiliation agreements, and MOUs
- Energy management and environmental issues
- Policy development and review
- Board of Trustees and administrator training
- Student affairs and student organization issues
- Student health and safety matters
- Student discipline and appeals
- FERPA, student record privacy, and retention
- Student codes of conduct and violations
- Alternative conflict resolution and litigation
- Administrative agency complaint processes, mediations, and hearings

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