



Spencer Fane Higher Education Consultancy

Navigating the Complexities of Academia with Confidence

In an era of unprecedented challenges and evolving regulations, colleges and universities face a complex landscape demanding sophisticated legal and strategic guidance. The Spencer Fane Higher Education Consultancy offers a comprehensive suite of services, uniquely positioned to assist institutions in navigating these intricacies with confidence and foresight. Leveraging the **deep higher education experience of Spencer Fane attorneys**, our practice extends beyond traditional legal counsel, providing a holistic approach to institutional governance, compliance, and strategic advancement.

Our Core Services:

Our practice focuses on addressing the multifaceted challenges faced by colleges and universities, with a strong emphasis on proactive compliance and strategic foresight.

- **Sports Law and NCAA Compliance:** The evolving landscape of collegiate athletics, particularly with Name, Image, and Likeness (NIL); revenue sharing; and structural changes in a post-*House* world presents unique challenges. We offer comprehensive advising on NIL reviews and compliance, NCAA compliance, student-athlete eligibility, and general sports law matters, drawing upon our deep experience in this area.
- **Institutional Governance and Compliance:** We assist colleges and universities in establishing robust governance structures, ensuring compliance with federal and state laws, and developing best practices for institutional oversight. This includes advising on fiduciary duties, board responsibilities, and internal control frameworks.
- **Accreditation Issues:** Navigating the complex world of accreditation is paramount. We provide guidance on maintaining compliance with accrediting body standards, preparing for accreditation reviews, responding to findings, and managing institutional changes that impact accreditation.
- **Grant Issues:** We assist institutions with the complex legal and compliance aspects of federal and state grants, including application review, reporting requirements, and addressing audit findings.
- **Mergers, Consolidations and Shared Services:** As institutions explore collaborative opportunities, we provide expert legal and strategic guidance on mergers, consolidations, shared service agreements, and other collaborative ventures, ensuring seamless transitions and optimized operational efficiencies.
- **Cybersecurity and Privacy:** Protecting sensitive institutional and personal data is critical. We advise on cybersecurity best practices, data privacy regulations (e.g., FERPA, GLBA, HIPAA), incident response planning, and data breach management.



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- **Employment Law:** From faculty tenure and promotion to staff hiring and disciplinary matters, we offer comprehensive employment law services tailored to the unique academic environment, including discrimination claims, wage and hour issues, and collective bargaining.
- **Investigations:** We conduct thorough and impartial internal investigations into allegations of misconduct, discrimination, harassment, or other compliance concerns, providing clear findings and recommendations for resolution.
- **Free Speech:** Navigating the complexities of free speech and other First Amendment concerns on campus is crucial. We advise institutions on developing policies, responding to protests and potentially controversial speakers, and balancing free expression with institutional safety and educational mission.
- **Guidance on Policy Development:** We provide informed guidance and support in drafting, reviewing, and updating essential institutional documents, including faculty handbooks, student handbooks, and student-athlete handbooks, ensuring compliance with relevant regulations and best practices.
- **Title IX Compliance:** Our team provides comprehensive support for Title IX, including proactive compliance strategies, audit preparation and response, policy development and review, and tailored training programs for staff.
- **Student Conduct and Disciplinary Matters:** Providing counsel and representation in student disciplinary proceedings, covering behavioral interventions, administrative hearings, appeals, and adherence to FERPA and other applicable regulations.

Beyond Traditional Legal Services:

Our distinct strength lies in our ability to offer services that extend beyond the typical scope of a law firm. Our practitioners' real-world leadership experience allows us to provide:

- **Strategic Consulting:** We offer high-level strategic consulting on institutional planning and development, risk assessment, and proactive problem-solving, drawing upon our practical experience in academic administration and governance.
- **Policy Development:** We assist in drafting and reviewing institutional policies and procedures, ensuring they are legally sound, practically implementable, and aligned with best practices in higher education.
- **Training and Education:** We provide customized training programs for boards, administrators, faculty, and staff on a range of critical topics, including compliance, governance, ethics, and emerging legal issues.
- **Crisis Management:** In times of crisis, we offer immediate and strategic guidance, helping institutions navigate complex public relations, legal, and operational challenges.

The Spencer Fane Higher Education Practice is more than a legal service provider; we are a strategic partner committed to empowering colleges and universities to thrive in an increasingly complex environment. With our unparalleled team and comprehensive suite of services, we provide the skills, insight, and confidence necessary to navigate the challenges and seize the opportunities of higher education today.





A Distinguished Team for a Unique Practice

What sets the Spencer Fane Higher Education Practice apart is the unparalleled experience of our practitioners familiar with schools of all types including public, private, and faith-based organizations. Our team comprises individuals who have not only excelled in the legal field but have also served in leadership roles within higher education and related sectors, offering an invaluable insider's perspective. Our professionals include:

- A former Chancellor of a state university system, bringing firsthand knowledge of academic administration, governance, and system-wide strategic initiatives.
- A former Vice-Chair of the NCAA, offering unparalleled insight into collegiate athletics, compliance, and the evolving landscape of sports law.
- A former General Counsel of one of the largest companies in the U.S., providing a wealth of experience in corporate governance, risk management, and complex legal matters.
- Current and former Trustees and Regents for systems and institutions, offering a real-time understanding of public policy, legislative trends, and the intersection of state governance with institutional autonomy.
- The author of one of the leading textbooks on Sports Law, ensuring cutting-edge knowledge in this rapidly changing area.
- A former investigative attorney for the U.S. Department of Education's Office of Civil Rights (OCR).
- Former accreditation self-study authors, site chairs and team members, offering direct experience with accreditation processes and institutional reviews.
- A former University President, providing a comprehensive understanding of institutional leadership, strategic planning, and campus operations.
- A member of the Board of Directors for the Sports Lawyers Association, bringing extensive connections and skill in the legal aspects of sports.
- A current University General Counsel, offering informed and practical insight into the legal challenges and needs of higher education institutions.
- Faculty members, contributing academic perspectives and understanding of curriculum, research, and campus culture.
- A former dean of four law schools, private and public, bringing yet another viewpoint to matters related to staffing and students.

This extraordinary blend of legal acumen and practical leadership experience allows us to deliver not only sound legal advice but also pragmatic, actionable solutions tailored to the unique needs of higher education institutions.



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Allison Garrett | Oklahoma City

Allison Garrett plays a critical role in the firm's higher education practice, resolving complex regulatory, administrative, operational, and transactional issues specific to public and private universities. Supported by a decades-long track record of success in legal, educational, and leadership roles, she has held prominent positions in government, at a multinational retail corporation, and at the highest levels of several higher education institutions. Allison most recently served as chancellor for the Oklahoma State Regents for Higher Education, where she oversaw 25 public colleges and universities. She was responsible for statewide higher education strategic planning, informed higher education policy, directed 20 statewide scholarship programs, set policy, and helped to define programs of study as the chief executive officer of the state's higher education system.



Ed Holderle | St. Louis

Working with colleges, universities, and seminaries, Ed reviews and documents all forms of business transactions, including faculty contracts, vendor contracts, student agreements and distance education agreements, and assists with regulatory and governmental compliance issues. Ed also assists higher education clients in the development and documentation of partnerships to offer unique educational programs both inside and outside the U.S.



Andy Lester | Oklahoma City

Andy Lester has a civil litigation and appellate practice in both state and federal court. His fields of emphasis include complex business, civil rights, commercial, constitutional, and state and local government law. Andy is a former member of the Oklahoma State Regents for Higher Education, and in 2019 was named a State Regent Emeritus. He previously served as a member and chairman of the OSU / A&M Board of Regents. He served on the board of Eureka College and is a former chairman of the Oklahoma Advisory Committee for the U.S. Commission on Civil Rights.



Peter Goplerud | Denver

Peter Goplerud works in higher education and sports law, is a frequent lecturer and is widely published in the sports law area, including serving as co-author on one of the leading textbooks on the subject. He has extensive accreditation experience, particularly within legal education, having served as chair of numerous ABA Site Evaluation teams. Peter was involved in the representation of professional athletes in team and individual sports during the 1980s and 1990s and also has experience with coaches' contracts and NCAA matters, including Name, Image & Likeness (NIL) issues, athlete eligibility issues, compliance matters, and NCAA membership. He has significant strategic planning experience and has also served on a special investigation team at a Big 10 institution.



Stacey Garrett Koju | Nashville

As general counsel to a local higher education institution, Stacey managed a team of litigators over the course of a seven-year case, which included multiple appeals. The school sought to reform the terms of a gift document for 101 works of art gifted by Georgia O'Keeffe as the executrix of her husband's estate. Ultimately, the client prevailed and was permitted to lift outdated restrictions to appropriately preserve the collection of art and enter into a sharing arrangement with a museum.



Stephanie Lovett-Bowman | Kansas City

Stephanie Lovett-Bowman is a litigator and counselor. She helps schools and other employers resolve disputes and implement best practices to avoid risk and conflict. Her goal is to help schools maximize their time and resources so they can focus on what they do best, educating students. As a former investigative attorney for the U.S. Department of Education's Office for Civil Rights (OCR), Stephanie has unique insight to advise educational institutions and other employers in responding to government agency investigations. Her investigative work at OCR also provides her significant experience in conducting internal investigations. Stephanie frequently works as an outside, neutral investigator for complaints involving employees and students.

