

FOCUS AREA



COMPLIANCE & INVESTIGATIONS IN EDUCATION

Overview

Foley Hoag's White-Collar Crime and Government Investigations practice has extensive experience representing leading universities and educational institutions in conducting highly sensitive internal investigations and in responding to external investigations initiated by state and federal regulators and prosecutors. Our deep expertise enables us to address concerns related to research misconduct, faculty disclosures and related conflicts of interest, federal and state program fraud, economic espionage, and the cross-border compliance issues presented by U.S. anti-corruption laws, export controls, and economic sanctions. We tailor our advice to each institution's unique circumstances, campus culture, and risk profile.

We understand that the unique nature of research institutions requires careful consideration of different constituencies – administrators, the academic community, including principal investigators and student researchers, third-party collaborators, as well as federal, state, and private funding organizations. Our investigations team collaborates closely with our nationally recognized life sciences and intellectual property attorneys, leveraging our in-house scientific expertise to provide thorough analysis of academic research. This unique combination of investigative capabilities and scientific expertise uniquely positions Foley Hoag to provide comprehensive legal advice and support to educational institutions across a wide range of matters, including research compliance and integrity investigations and regulatory proceedings.

We also work closely with lawyers in our Education practice. For more than 40 years, we have represented leading educational institutions in a variety of capacities, including intellectual property protection and commercialization, grant funding, employment matters, campus development, and clean energy. We conduct in-depth reviews of compliance policies, practices, and training materials, and advise on data privacy, cybersecurity, and other technological challenges. And we appreciate the diversity of campus culture and its intersection with the vibrancy of the broader community, bringing that sensitivity to our approach to civil rights matters, including Title VI and Title IX compliance, trainings, investigations, and mitigation measures.

Representative Experience

Investigations

- Conducting internal investigation for a public university concerning compliance with research misconduct investigation policies and procedures and the unauthorized disclosure of confidential documents.
- Conducted internal investigation into anonymous written and electronic complaints of discrimination to a leading private university's human resources department.
- Represented client in a highly contentious investigation and litigation matter involving defamation claims arising out of the leak of a confidential draft report of an internal investigation.
- Represented university medical center in internal investigation regarding university-affiliated program's compliance with federal and state regulations.
- Defended a large proprietary educational company in a multi-year investigation by the U.S. Senate Health, Education, Labor and Pensions Committee.
- Defended national for-profit universities in consumer fraud investigation initiated by state Attorney General.
- Conducted an independent investigation reviewing allegations of sexual abuse at an independent school and the school leadership's response to those allegations.
- Negotiated favorable resolution of a state Attorney General investigation of claims pertaining to racial incidents at a major Boston cultural institution.
- Advised a leading private university in connection with its review of allegations regarding the propriety of relationships with a prominent donor, including a forensic review of key communications.

Compliance Counseling

- Served as general counsel or special outside counsel for leading universities, research institutions, and other major non-profits including Harvard University, Memorial Sloan Kettering, Tufts University, Forsythe Institute, the University of Massachusetts, and Northeastern University.
- Conducted full assessment and revision of leading private research university's faculty research disclosure review policies, practices, training materials, and management plans, including in-depth review of 600+ disclosures for potential real and perceived conflicts of interest and commitment.
- Advise colleges, universities, and secondary schools on admission, employment, and anti-discrimination policies, including drafting comprehensive compliance programs to ensure adherence with the most recent court rulings, civil rights laws, and federal regulations.

- Advise university clients regarding Title VI compliance issues, including international and regulatory investigations, mitigation measures, policy development, and trainings for students, faculty, staff, and administrators.
- Reviewed all university Management Plans in place for mitigating real or perceived conflicts of interest and set up templates, review timelines, policies, and training materials for improving the efficiency and efficacy of the management plan process.
- Conducted risk-based anti-corruption compliance program assessments and worked closely with clients to develop and implement anti-corruption compliance policies and procedures tailored to the client's unique circumstances and risk profile.
- Our attorneys assisted the University of Connecticut in establishing an export controls program related to their research collaboration with United Technologies Corporation.
- We have attorneys that have prepared a Technology Control Plan for Boston College to secure export-controlled items on campus.
- Our attorneys developed a travel form for Boston College faculty to ensure compliance with the Foreign Corrupt Practices Act (FCPA) and export control regulations.

Litigation

- Representing leading private research university in wrongful death suit filed by estate of former undergraduate student who died on campus.
- Representing former CEO of leading research hospital in federal RICO and antitrust suit initiated by third-party research partner.
- Represented higher education client in highly publicized civil litigation related to a prominent university professor.
- Represented leading private research university in federal court case challenging handling of Title IX complaints.
- Represented leading university-affiliated teaching hospital and physicians' organization in qui tam action alleging improper billing of Medicare and Medicaid.
- Won a unanimous decision from the Massachusetts Supreme Judicial Court overturning approval by the state Attorney General of a proposed statewide ballot question that would have repealed the Common Core education standards in Massachusetts.