

MANATT, PHELPS &amp; PHILLIPS, LLP

# Navigating COVID-19: Top Issues for Academic Institutions

Universities and other academic institutions are facing a very real threat to the safety of their communities and viability of their operations as a result of the COVID-19 pandemic. With an imperative to shut down classrooms and campuses in spring 2020 and move operations online, the academic community is scrambling to determine how best to serve students in a post-COVID-19 world. The legal and strategic considerations for maintaining the quality and caliber of instruction, protecting a school's intellectual and real property assets, and optimizing an institution's fiscal and reputational health are complex. Manatt is here to help you address those issues and more.

## Key Issues to Consider

### Litigation Mitigation and Defense

**The Issue:** Academic institutions are facing lawsuits as a result of school closures, for claims related to tuition reimbursement, room and board, Title IX infractions, and the loss of paid programs that students can no longer access. These suits include class action complaints.

**How Manatt Can Help:** Manatt has substantial class action capabilities and has been closely following education-related litigation developments during the pandemic. In addition to top-tier litigation counsel, we can also provide clients with substantial mitigation techniques.

### Making the Transition to Online Education

**The Issue:** In a rush to transition classrooms online during this pandemic, many schools deployed short-term solutions that compromised the quality of education. As we move past this first phase of emergency transition, schools must redefine their digital strategies to support distance learning and create a more robust infrastructure to enable ongoing digital learning experiences.

**How Manatt Can Help:** As a hybridized professional services firm, our team includes leading digital and academic consultants and lawyers with firsthand experience implementing online learning programs for renowned institutions of higher education. Working closely with faculty, students and other key stakeholders, we offer strategic planning, program opportunity assessment, and program development and implementation.

### Optimizing Real Estate Assets

**The Issue:** Universities and higher learning institutions facing an economic downturn and pressures to reconfigure their in-person offerings should consider how their real estate portfolios could be leveraged to better fit their evolving needs. Campus footprints may be able to reduce in size as some offerings are transitioned to digital and online alternatives, giving institutions the opportunity to explore short- and long-term leasing strategies, in addition to dispositions or financings, as a means of repositioning their assets to support financial restructuring.

**How Manatt Can Help:** Manatt's real estate team has significant experience repositioning assets to maximize our clients' financial strength in prior economic downturns. We have leveraged this experience to help clients understand their options and strategic approaches available to navigate their evolving situations. Our strength in this area is enhanced by our experience as counsel to some of the nation's leading investors, owners, developers, operators, landlords, tenants, lenders and borrowers on their most sophisticated and complex matters.

## Privacy, Data Security and Academic Espionage

**The Issue:** As more institutions of higher education and research transition rapidly to providing services entirely online, the institutions are increasingly vulnerable to theft of proprietary technological advancements, research and innovations. Without stifling academic freedom, institutions of higher learning must mitigate this risk and consider immediately proactive measures to guard against the loss of sensitive information, intellectual property and technology. Increased vigilance is a crucial first line of defense, but technology alone will not mitigate this issue.

**How Manatt Can Help:** At Manatt, we appreciate that responding to these risks timely and adequately must include balancing the need to protect the integrity of the institution and its infrastructure with the desire to foster and expand on the open exchange of ideas required for scientific and academic progress. We evaluate, develop, assess and implement specialized security and privacy programs to address your institution's needs, and to respond to security risk when necessary.

## Investigations and Compliance

**The Issue:** We have found an unprecedented uptick in university investigations as a result of the "Varsity Blues" scandal. Both the mitigation of and the response to investigations include a compliance component—externally and internally.

**How Manatt Can Help:** Manatt has experience assisting universities with politically sensitive engagements and understands how to swiftly, comprehensively and discreetly handle investigations. Our world-class compliance practice can also assist with developing the proper procedures to assess, track, report, avoid and, when necessary, respond to compliance failures.

## We're Here to Help:



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