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Smart legal counsel for educational institutions

Educational institutions operate in a unique organizational and cultural environment. Carmody helps schools, colleges, universities and other academic institutions to be successful in this highly regulated and competitive setting.

We work with you to identify potential problems and proactively address them before they become significant legal issues. By taking this approach, schools and other educational institutions can avoid the disruption and expense of a lawsuit. However, when litigation is unavoidable, we bring to bear the full power of our trial department to represent you in hearings, arbitrations, bench trials, jury trials, and state and federal administrative agencies and courts.

We provide advice on a wide range of issues including:

Employment Advice, Counseling and Training

- advising, counseling and training on all aspects of the employment relationship, including progressive discipline, employee terminations, performance evaluations, background checks, workplace investigations, discrimination and harassment issues
- advising and counseling on wage and hour issues including issues related to classifying employees as exempt or non-exempt and independent contractors
- reviewing and drafting procedures, policies and handbooks such as student handbooks, faculty and employee handbooks
- advising and representing schools in unemployment compensation claims
- compliance with the Family and Medical Leave Act and the Workers Compensation Act
- accommodating school faculty and staff with disabilities
- reviewing and drafting employment policies and agreements—e.g., offer letters, employment contracts, employment applications, and severance agreements

General Liability Issues

- discipline, suspension and expulsion of students arising from academic dishonesty, harassment, bullying, drug and alcohol use, dress code and other misconduct
- accommodating students with medical and disability issues
- student privacy and confidentiality issues
- potential liability related to student travel and school activities



- transporting students for school-related activities
- advising on issues related to staff and faculty housing
- advising on issues related to child custody and guardianship

Sexual Abuse and Misconduct

- best practices for preventing and responding to allegations of sexual abuse or misconduct
- training and counsel regarding mandated reporting issues

Governance Issues

- advising on school governance and fiduciary obligations related to the duties of school heads and governing boards
- reviewing and drafting articles of incorporation, bylaws, and other governance documents

Financing and Issues Related to Tax-Exempt Status

- permissible use and management of endowment funds, contributions and investments including compliance with Uniform Prudent Management of Institutional Funds Act (UPMIFA)
- tax-exempt financing through the Connecticut Health and Educational Facilities Authority (CHEFA)
- conventional loan financing
- compliance with Unrelated Business Income Tax (UBIT), lobbying and political activities
- permissible director transactions and intermediate sanctions