



What part of the education process is unimportant? At Ward and Smith, P.A., we think every step of the education process is important — from Pre-Kindergarten to Post-Doctoral. That's why we organized our Education Law Practice Group to provide sound advice and services to every aspect of public and private education, including:

- Community Colleges
- Corporate Training Programs
- Elementary and Secondary Education
- Entrepreneur Education Programs
- Faculty and Administrators
- Private Colleges
- Professional Continuing Education
- Research Universities and Spin-Off Companies

No single part of the education system is preeminent, but certainly Community Colleges carry a big part of the workload. Our senior member, David L. Ward, Jr., served as lead counsel to Craven Community College as it evolved from an extension of a sister institution to a technical institute to its present status as a two-campus, integral member of the North Carolina Community College System.

Among many achievements, David was particularly instrumental in helping Craven Community College attain a longtime ambition. In 2004, the Aeronautical Institute of Technology was established at Craven Community College's Havelock campus. David and other members of the Firm provided counsel and assistance with the governmental relations necessary to acquire the land, obtain financing, and secure certification from the Federal Aviation Administration for the program. Craven Community College recognized this and David's many other accomplishments by dedicating the Boardroom of the Brock Administration Building in his honor in 2011.

Cape Fear Community College has more than doubled in size since the Firm began providing legal services to it more than 20 years ago. The college now has 26,500 students enrolling in classes every year and is the fifth largest community college in the state. The Firm's involvement with the growth of Cape Fear Community College includes extensive construction law experience during the development of its North Campus and the ongoing \$80 million development of its downtown Wilmington Campus, presidential search advice, zoning and land use representation, and handling complex personnel matters.

The Firm also serves as counsel to Pitt Community College and Pamlico Community College and has provided legal services to Brunswick Community College. Members of the Firm also have been engaged to provide instructional services to local businesses and entrepreneurs by Johnston Community College and Carteret Community College.

The Firm's intellectual property attorneys also regularly provide a comprehensive array of legal services for the protection and exploitation of intellectual property of all kinds to many well established and respected institutions of higher learning. Clients to whom we have provided intellectual property services include,

among others, The Johns Hopkins University, North Carolina State University, University of North Carolina Wilmington, Indiana University, Cape Fear Community College, Davidson Community College, and Craven Community College.

Ward and Smith also serves vocational and trade schools, such as Northeast Regional School for Biotechnology and Agriscience ("NERSBA"). For our private vocational school clients, we have assisted in the financial aid process from start to finish, including drafting and reviewing Financial Aid policies and procedures, providing advice on disbursement guidelines and school responsibilities, and advising on cash flow matters to meet the U.S. Department of Education's 90/10 rule applicable to for-profit institutions. In addition to these services, Ward and Smith has overseen conduct hearings with students, established branch campus locations, and interfaced with the U.S. Department of Education, state governing bodies, and other accreditation bodies to obtain and maintain accreditation, build curriculum, and meet other state or federal education standards. We have worked alongside our private vocational school clients in negotiations with third-party vendors for financial aid processing services, as well as admissions outsourcing services. We also assist our private vocational school clients with business matters, such as developing growth and expansion plans, financial reporting models, and other key operational decisions.

Legal services we have provided to this important constituent of our clientele have touched on all aspects of institutional governance, operations, and resolution of cases and controversies. The Firm provides representation at meetings of the boards of trustees and management committees. Bylaws, policies, and procedures are continually reviewed and updated to assure adherence to applicable laws and regulations. Assistance also has been provided in compensation studies to comply with wage and hour laws, Title VII, and the Equal Pay Act.

The Firm also has been called upon to assist with campus expansions, as well as the construction and maintenance of college buildings. Legal services in this area have included negotiating contracts, resolving construction disputes, and handling condemnation proceedings and other land acquisitions.

Our representation has covered the broadest array of personnel issues including disciplinary actions and appeals, immigration issues, and disputed cases before state and federal agencies and in all courts. Subscribers to the philosophy that the best method of dispute resolution is prevention, members of the Firm have proactively created materials and made presentations for in-service training programs. One example, entitled "Supervision: The Art and Science," includes adaptable, alternative modules designed to train supervisors, program directors, deans, and administrators to manage the risks inherent in public employment, particularly in the classroom. Members of the Firm also have served as adjunct instructors in business and employment law courses.

The Firm also has been successful in defending the rare cases that require litigation for resolution. One example is a major Equal Pay Act lawsuit, *Strag v. Board of Trustees*, 55 F.3d 943 (1995). The prevailing defense arguments incorporated into the Court's opinion, in that case, have been frequently cited in subsequent Equal Pay Act cases.

Members of the Firm are active in the North Carolina Association of Community College Attorneys. They regularly attend the annual system-wide meeting of Trustees, as well as the annual Institute of Government's Community College Attorneys' forum. Members of the Firm frequently present papers at these and similar programs.

A member of the Firm's Labor and Employment Practice Group undertook original research and wrote extensively on the subject of community college academic freedom policies. His articles were published in the newsletter of the Education Law Section of the North Carolina Bar Association and entitled "Academic

Freedom: Checks and Balances" (May, 2010), and "Academic Freedom: Checks and Balances Part II, Does the Individual Teacher have Rights?" (November, 2010).

We also have extensive experience representing individual educators, including faculty members, administrators, coaches, and athletic directors, as well as medical and dental school professors and department heads. Our service to individual educators covers the entire scope of the employment relationship, from reviewing employment agreements to negotiating severance agreements. We provide counsel on tenure matters. The Firm also handles institutional due process issues in public education over a wide range of employment issues with public entities.

In addition to the services mentioned, a list of representative matters handled by the Firm includes:

- Accommodation of Employees and Students with Disabilities
- Admissions Procedures
- Building and Land Condemnations
- Board of Trustees Governance
- Bylaws
- Campus Security Policy
- Compensation Plans
- Conflict of Interest Policy
- Construction Contracts/Disputes
- Copyright Matters
- Drug-Free Campus Policy
- EEO audits
- Employment Security Commission Hearings
- Environmental Projects
- FERPA Compliance - Student Records Policy
- Harassment and Diversity Training
- Harassment Policy
- Internet and Domain Name Matters
- Licensing
- Patent Matters and Applications
- Personnel Disputes, Decisions, and Appeals
- Personnel Policies
- Presidential Selection Process
- Real Estate Acquisitions
- Representation before U.S. Department of Education, Office of Civil Rights
- Student Organization Activities and Bylaws
- Trademark Matters and Applications
- Workshops for Supervisors in Conjunction with the N.C. Justice Academy
- Zoning and Land Use Planning