

## Higher Education

- Constitutional and civil rights issues, including governance, internal investigations, policy development, and risk management involving discrimination, harassment, whistleblowing, employment, and student and faculty discipline
- State and federal courts against claims under Title IX, Title VII, New Jersey Law Against Discrimination, the Conscientious Employee Protection Act, Americans with Disabilities Act and related civil rights statutes, as well as land use, redevelopment, eminent domain, and construction disputes
- Real estate and business transactions, including acquisitions, land use and environmental matters, campus development financing, employment agreements, executive compensation, tax planning, and endowment structuring

Greenbaum addresses the unique and complex legal challenges facing colleges and universities in New Jersey, providing comprehensive counseling, litigation, and transactional services to public and private institutions of higher education throughout the state. Our multidisciplinary team offers preventative guidance, strategic compliance support, and sophisticated litigation defense on a broad range of legal and regulatory issues impacting faculty, staff, students and business operations.

### Counseling

The firm provides proactive and responsive counseling to help institutions of higher education navigate the intricate legal landscape and ensure regulatory compliance. We offer guidance on federal and state constitutional considerations, including freedom of speech and due process. Our team assists with the development of policies, training programs, and risk management strategies related to a broad range of federal and state anti-discrimination, anti-harassment, civil rights, whistleblowing and employment-related laws. These include Title IX, Section 504, the Americans with Disabilities Act (ADA), Title VII, the New Jersey Law Against Discrimination (NJLAD), the Conscientious Employee Protection Act (CEPA), the federal and New Jersey Family Leave Acts (FMLA and NJFLA), New Jersey wage and hour laws and regulations, and other relevant statutes.

We assist in the oversight of internal investigations and situation management protocols. We also advise on institutional governance, ethical considerations, fiduciary responsibilities of board members, and student and faculty policy violations, misconduct and disciplinary concerns. Our counseling services are designed to help institutions implement best practices, manage risk, and foster a compliant and equitable environment.

## Litigation

When litigation arises, the firm has broad expertise in vigorously defending higher education institutions in both state and federal courts. Our extensive experience in defending against a wide variety of claims encompasses Title IX claims, employment disputes brought under Title VII, NJLAD, CEPA and the ADA, as well as matters related to faculty contracts and tenure. We provide a strong defense in litigation concerning academic and disciplinary matters, discrimination and sexual misconduct allegations, and other civil rights claims, as well as cases based on alleged violations of federal and state constitutional considerations. We defend board members and employees in matters involving institutional governance.

We assist higher education institutions with a full range of education-specific matters and compliance issues, including those related to tenure, employee benefits, compensation and discrimination. We have litigated employment and civil rights claims on behalf of colleges and universities in cases brought by faculty, students, administration personnel, academic medical staff, and police and security personnel.

Our litigators have handled many cases involving liability for educational institutions that are entities of the State of New Jersey and have litigated tort claims and provided counsel on the availability of absolute and qualified immunity under the New Jersey Tort Claims Act.

Greenbaum also provides litigation support to colleges and universities in land use and zoning disputes related to redevelopment projects, eminent domain and construction matters, as well as in business and operational issues on campuses including negotiations with municipal entities

## Transactional Matters

The firm provides strategic legal support for the business and operational aspects of higher education institutions. We have experience representing colleges and universities in real estate transactions, including those involving property acquisition, land use issues, environmental concerns including compliance guidance, public private partnerships, and construction issues associated with campus development and expansion initiatives, as well as competitive energy supply agreements with third party natural gas and electricity suppliers.

We also assist clients in the higher education sector with a variety of business transactions, including the drafting and negotiation of contracts and agreements, employment agreements, financing and incentives for campus development, executive benefits and compensation issues, tax matters, and the structuring of endowment and charitable giving programs.

## Practice Leaders

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## Practice Team

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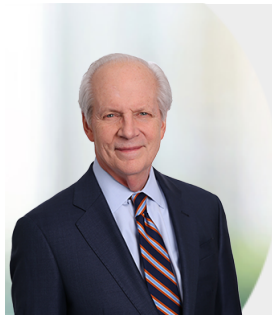


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## Experience

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### Representative Matters

- Advising Fairleigh Dickinson University on competitive procurement and negotiation of electricity and natural gas supply agreements for multi-campus operations, including management of annual energy auctions and supplier contracts.

- Representing a public university in high-stakes employment litigation alleging discrimination, defamation, due process violations, malicious prosecution, and intentional infliction of emotional distress arising from termination proceedings, securing summary judgment on all claims and defending the judgment on appeal in a matter with demands exceeding \$10 million.
- Representation of Rutgers University and its employees in state and federal employment litigation, including claims under CEPA, NJLAD, Title VII, Section 1983, and the ADA, involving allegations of wrongful termination, discrimination, retaliation, and hostile work environment, achieving dismissals, summary judgment, and favorable settlements.
- Defense of Rutgers University in matters alleging breach of contract, denial of due process, constitutional violations, invasion of privacy, and violations of the New Jersey Wiretapping and Electronic Surveillance Act and the Computer-Related Offenses Act.
- Successfully defended a public university in a whistleblower retaliation action under the New Jersey Conscientious Employee Protection Act (CEPA), securing dismissal of all claims with prejudice at summary judgment. The plaintiff's appeal in this matter was denied.
- Representing the New Jersey Institute of Technology (NJIT) as redevelopment counsel in sourcing development partners and negotiating joint venture and development agreements for historic rehabilitation and residential redevelopment projects exceeding \$150 million.
- Represented Monmouth University in campus-wide land use and redevelopment matters, including securing approvals for the new Bruce Springsteen Archives and Center for American Music and advising on student housing, athletic, academic, and infrastructure expansions exceeding \$20 million.
- Advised an institution of higher education on restructuring retiree health benefits to reduce costs and limit long-term liability exposure.
- Represented Rutgers University in high-stakes litigation and at trial against a municipality concerning sewer utility access and alleged overcharges, including claims exceeding \$2 million. The firm successfully tried the case and is defending the result on appeal before the New Jersey Appellate Division.
- Advised a public research university on a complex public-private partnership (PPP) for an eight-story, 271,000 square foot student housing development with 176 dormitory units, parking, retail, and amenities. Structured ground-lease and leaseback arrangements and negotiated bond-financed construction through the Essex County Improvement Authority.
- Counseled Montclair State University in the evaluation of environmental issues and associated environmental contract provisions related to the university's development of a new cogeneration facility and the cessation of existing cogeneration operations.

## Insights & More

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### Announcements

Jemi Goulian Lucey Installed as Second Vice President of Association of the Federal Bar of New Jersey  
6.10.25

## **Client Alerts**

Federal Court Ruling in Rutgers Vaccine Mandate Challenge Is Likely the Tip of the Iceberg

10.14.21

New Jersey Expands Law Against Discrimination to Address Age Discrimination

10.06.21

Title III of the CARES Act: Supporting America's Health Care System in the Fight Against the Coronavirus

3.31.20

## **Seminars & Events**

The Regulation of Higher Education Institutions and the Impact on the On-Campus Experience

5.13.26

Impact of 2025 Executive Orders on Institutions of Higher Education and the Viability of Judicial Scrutiny

5.14.25

How Will the Supreme Court's Affirmative Action Ruling Affect College Admissions?

5.15.24

Hot Topics in Higher Education

1.23.23

How Title VII and Title IX Co-Exist Under the New Title IX Regulations

4.19.21

Title IX - The New Regulations

11.15.20