

2025 Legal Update for Illinois Higher Education Institutions

Virtual Conference | September 17, 2025

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Contents

Agenda	1
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Sessions

The Big Shift: Legal Impacts of Federal Reform Initiatives	2
From Capitol to Campus: New Illinois Laws Impacting Higher Education.....	25
Responding Right: Effective Strategies for Student Harassment and Discrimination Complaints Amid the Current Legal Climate:	48
The New Wave: Emerging Trends in Collective Bargaining	67
Construction Case Study Part 1: Laying the Foundation - Strategic Planning, Risk Management, and Legal Readiness Before Breaking Ground.....	84
Construction Case Study Part 2: Building Beyond the Blueprint – Oversight, Dispute Management, and Legal Remedies Through Project Completion	99
Balancing Support and Liability: Navigating Student Mental Health on Campus	111
Your Litigation Playbook: Key Steps & Expectations Uncovered	125
Biographies.....	139

Although the information contained herein is considered accurate, it is not, nor should it be construed to be legal advice. If you have an individual problem or incident that involves a topic covered in this document, please seek a legal opinion that is based upon the facts of your particular case.

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2025 Legal Update for Illinois Higher Education Institutions **Virtual | Wednesday, September 17, 2025**

AGENDA

Session 1 8:30 a.m. – 10:00 a.m.

The Big Shift: Legal Impacts of Federal Reform Initiatives
Presented by: Joseph J. Perkoski and Michelle L. Weber

Session 2 10:15 a.m. – 11:15 a.m.

From Capitol to Campus: New Illinois Laws Impacting Higher Education
Presented by: Catherine R. Locallo and Matthew M. Swift

CONCURRENT SESSIONS

Session 3 11:30 a.m. – 12:30 p.m.

Responding Right: Effective Strategies for Student Harassment and Discrimination Complaints
Amid the Current Legal Climate
Presented by: Caroline A. Roselli and Claire E. Bufalino

The New Wave: Emerging Trends in Collective Bargaining
Presented by: Catherine R. Locallo and Thomas C. Garretson

Construction Case Study Part 1: Laying the Foundation – Strategic Planning, Risk Management,
and Legal Readiness Before Breaking Ground
Presented by: Christopher R. Gorman, Howard A. Metz, and Danielle B. McNamara

Session 4 12:45 p.m. – 1:45 p.m.

Construction Case Study Part 2: Building Beyond the Blueprint – Oversight, Dispute
Management, and Legal Remedies Through Project Completion
Presented by: Kenneth M. Florey and Matthew J. Gardner

Balancing Support and Liability: Navigating Student Mental Health on Campus
Presented by: Michelle L. Weber and Matthew M. Swift

Your Litigation Playbook: Key Steps & Expectations Uncovered
Presented by: Kevin P. Noll and Aidan C. Falk





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The Big Shift: Legal Impacts of Federal Reform Initiatives

Legal Update for Illinois Higher Education Institutions
September 17, 2025

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Introduction



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1

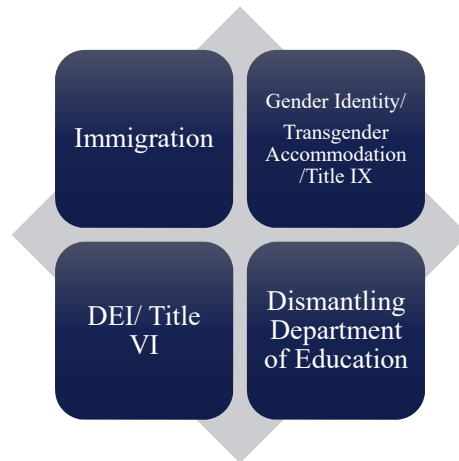
Laying the Groundwork....

- *Students for Fair Admissions Inc. v. President and Fellows of Harvard College* (S.C. June 2023)
 - U.S. Supreme Court issued this landmark decision, holding that race-conscious admissions policies at higher education institutions violated the Equal Protection Clause of the Fourteenth Amendment.
 - Effectively eliminated affirmative action in higher education admissions.
 - Laid the groundwork for future federal action.



2

Major Areas of Federal Action Impacting Higher Education Institutions



Changes in Federal Education Policy

- On January 20, 2025, Donald Trump was sworn into his second term and immediately issued a flurry of executive orders, impacting landmark education laws:
 1. Title IV- Authorizes the federal government to address equal protection violations in public education, particularly related to race, color, sex, religion, or national origin.
 2. Title VI- Prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance.
 3. Title VII- Prohibits employment discrimination based on race, color, religion, sex, or national origin.
 4. Title IX- Prohibits sex-based discrimination in any education program or activity receiving federal financial assistance.
 5. Illinois Human Rights Act- Prohibits discrimination in Illinois in employment, housing, public accommodations, and financial credit based on protected characteristics such as race, sex, age, disability, and more.



5

What is an Executive Order?

-  Legally binding directive from the President to the executive branch of the federal government.
-  Provides direction as to policy and enforcement priorities for federal agencies.
-  Does not create new laws or regulations.



6

Legal Powers and Limits of Executive Orders

- Constitutional protections
- Statutory authorization
- Administrative Procedure Act
- Future presidents



7

Recent Executive Orders

Immigration

- Protecting the American People Against Invasion (EO 14159)
- Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats (EO 14161)
- Ending Taxpayer Subsidization of Open Borders (EO 14215)
- Protecting American Communities from Criminal Aliens (EO 14287)

Title VI / DEI

- Ending Radical and Wasteful Government DEI Programs and Preferencing (EO 14151)
- Ending Illegal Discrimination and Restoring Merit-Based Opportunity (EO 14173)
- Ending Radical Indoctrination in K-12 Schooling (EO 14190)
- Reforming Accreditation To Strengthen Higher Education (EO 14279)
- Additional Measures to Combat Anti-Semitism (EO 14188)

8

Recent Executive Orders

Title IX / Gender Identity

- Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government (EO 14168)
- Ending Radical Indoctrination in K-12 Schooling (EO 14190)
- Keeping Men Out of Women's Sports (EO 14201)

Department of Education

- Improving Education Outcomes by Empowering Parents, States, and Communities (EO 14242)



9

Immigration EOs and Other Federal Action

- EO 14161 increased vetting for all visa applicants, including F-1 and J-1 visas
 - May 28: Ordered pause in student visa appointments to prepare for expanded vetting
 - June 18: State Department ended pause and began increased social media vetting to identify "hostile attitudes towards the United States."
- EO 14215 and EO 14287 ensure that undocumented individuals are not obtaining taxpayer benefits or preferential treatment.
- June 7: Suspended student visa issuance pursuant to travel ban.
- August 27: Trump Administration announced a proposed rule that would limit the length of certain visa holders, including foreign students.



10

Immigration DOJ Lawsuit

- September 2, 2025, DOJ filed a lawsuit against the State of Illinois and several higher ed institutions, challenging an Illinois laws that provide in-state tuition and scholarships to undocumented students.
- Rend Lake Community College is the only Community College listed in the Complaint.
- Lawsuit alleges that the State cannot provide benefits to undocumented individuals that it does not provide to U.S. citizens.
- DOJ has cited executive orders which seek to ensure that undocumented persons are not obtaining taxpayer benefits or preferential treatment.



11

Title VI / DEI (EO 14151)

- *Ending Radical and Wasteful Government DEI Programs and Preferencing*
- Issued: January 20, 2025
- Termination Provision: Directs federal agencies to terminate all “discriminatory programs, including illegal DEI and ‘diversity, equity, inclusion, and accessibility’ (DEIA) mandates, policies, programs, preferences, and activities in the Federal Government,” including related grants or contracts.
- Deadline: within 60 days of issuance
- OMB Memorandum M-25-13, January 27, 2025: “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs.”
 - Memo rescinded January 29, 2025, but EO “will be rigorously implemented.”



12

Title VI / DEI EO 14173

- *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*
- Issued: January 21, 2025
- Certification Provision: Requires all federal contractors and grantees to certify that they do not operate any programs promoting DEI that violate federal anti-discrimination laws.
- Enforcement Threat Provision: Directs the Attorney General to take appropriate measures to encourage the private sector to end illegal DEI.
- Includes identification of up to nine potential investigations of publicly traded corporations, large non-profit corporations or associations, foundations with assets of \$500 million or more, state and local bar and medical associations, and institutions of higher education with endowments over \$1 billion.



Title VI / DEI EO 14173

- Directs Attorney General and Secretary of Education to issue guidance “regarding the measures and practices required to comply with” *SFFA v. Harvard*
 - U.S. Supreme Court case held that race-based admissions in colleges and universities are unconstitutional and violate Title VI.
- “This order does not prevent ... institutions of higher education from engaging in First Amendment-protected speech.”
- “This order does not prohibit [college faculty] ... from advocating for, endorsing, or promoting the unlawful employment or contracting practices ...”

Title VI / DEI Related Litigation

National Assoc. of Diversity Officers in Higher Education v. Trump

- District Court issued a nationwide injunction halting the enforcement of three key provisions of Executive Orders intended to eliminate DEI.
 - District Court held that the plaintiffs were likely to succeed on their First Amendment claim because the provisions constitute content- and viewpoint-based restrictions on the speech rights of federal grantees.
 - District Court noted that the provisions chill speech that might be considered related to DEI. Vagueness leaves plaintiffs unable to know whether their contracts or grants will be terminated or what is required to comply.
- On March 14, 2025, the Fourth Circuit granted the motion to stay enforcement of the preliminary injunction without explanation, allowing the Administration to enforce the Executive Orders while the litigation is pending.



15

Title VI / DEI EO 14279

- *Reforming Accreditation To Strengthen Higher Education*
- Signed April 23, 2025
- Authorizes Secretary of Education to ensure education accreditation agencies require higher education institutions to “provide high quality, high value academic programs,” targeting institutions that focus on degrees with modest earning potential.
- Sides against accrediting agencies that prioritize DEI criteria over educational substance.
- Introduces a series of student-centered accreditation principles designed to realign the accrediting process with academic quality.



16

Title VI / DEI Dear Colleague Letter

- Office for Civil Rights (OCR) Dear Colleague letter (Feb. 14, 2025)
 - Refers to *Students for Fair Admissions v. Harvard (SFFA)* decision to interpret legal obligations under Title VI.
 - *SFFA* applies broadly: admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic and campus life.
 - Emphasis on “overt and covert racial discrimination” “under the banner of” DEI.
 - Department intends to take appropriate measures to address compliance, based on the interpretations in this letter, within 14 days.



17

Title VI / DEI Dear Colleague Letter

- OCR followed up letter with FAQs (Feb. 28, 2025)
- Recognizes that not all DEI efforts violate Title VI, but makes clear all must be free to participate and attend.
 - Examples: affinity groups, mentorship programs, and cultural events celebrating the diversity and history of certain groups.
- “Extreme” DEI practices still create a risk of liability.
 - Examples: “privilege walks,” different assignments based on race.
- Indicates that if OCR finds a violation, it will offer a Resolution Agreement before pursuing enforcement action to pull funding.



18

Title VI / DEI Related Litigation:

National Education Association v. U.S. Department of Education

- Claims that the DEI Dear Colleague Letter violates:
 - First Amendment free speech rights, because the threat of loss of federal funding and potential investigations restricts free speech rights based on viewpoint.
 - Fifth Amendment due process rights, because it is vague as to what is prohibited without clear definitions.
 - The Administrative Procedures Act, because it effectively imposed new legal obligations without required notice-and-comment rulemaking and justification for the change in ED's own prior guidance.
- April 24, 2025 – federal judge granted preliminary injunction.



19

Title VI / DEI Related Litigation:

American Federation of Teachers v. U.S. Department of Education

- Companion case to *National Education Association v. U.S. Department of Education*.
- August 14, 2025 – Maryland District Court granted summary judgment vacating the February 14, 2025 *Dear Colleague Letter* and certification requirements, which required educational institutions to certify compliance with Title VI of the Civil Rights Act.



20

Title IX / Gender Identity EO 14168

- *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*
- Signed January 20, 2025
- Directs the federal government to recognize two distinct sexes—male and female—as defined by biological sex at conception
- Defines sex as an “immutable biological classification” that does not include a concept of gender identity
- Directs heads of federal agencies to rescind inconsistent guidance, align government-issued identification to the order, and “correct the misapplication” of *Bostock v. Clayton County*
- No modification to Title IX regulations
 - However, 2024 regulations had already been vacated by *State of Tennessee v. Cardona* (Kentucky District Court ruling)



21

Title IX / Gender Identity (EO 14201)



- *Keeping Men Out of Women's Sports*
- Signed February 5, 2025
- Requires the Secretary of Education to act to “protect all-female athletic opportunities and all-female locker rooms.”
- Directs Secretary to prioritize Title IX enforcement against educational institutions and athletic associations that require female students “to compete with or against or to appear unclothed before males.”
- Repeats the definitions of sex used in prior executive orders: there are only two distinct sexes, male and female, as defined by a person’s biological sex at conception, and does not include the concept of gender identity.

22

Title IX / Gender Identity

Dear Colleague Letters

- January 31, 2025
 - OCR will enforce Title IX under the 2020 regulations
 - “sex” means “the objective, immutable characteristic of being born male or female as outlined in the 2020 Title IX rule”
 - *Note:* the 2020 Title IX rule does not define sex at all
- February 4, 2025
 - Language defining “sex” removed
 - Clarified that OCR will enforce Title IX consistent with the Executive Order “Defending Women...”



23

Title IX / Gender Identity

- *D. P. v. Mukwonago Area School District (7th Cir. June 2025)*
 - Seventh Circuit reversed its earlier decision upholding lower court's injunction against a school district's bathroom policy prohibiting transgender students from using facilities consistent with their gender identity.
 - Reversal came after the Supreme Court ruling in *United States v. Skrmetti*, which ruled that Tennessee's ban on use of hormone therapy for minors did not violate the Equal Protection rights of minors.
 - Parties asked to submit new briefs on the issue. Case hinged on interpretation of the 14th Amendment's Equal Protection Clause and Title IX in light of the Supreme Court's decision.
 - However, the court allowed the Plaintiff to have the preliminary injunction previously granted in its favor to be dissolved such that the Seventh Circuit would not overturn its precedent.



24

Title IX / Gender Identity

- *A.C v. Metropolitan School District of Martinsville (4th Cir. September 2025)*
 - Supreme Court upheld a ruling by the federal court of appeals requiring a South Carolina school district to allow a transgender student to use facilities consistent with their gender identity while the student pursues litigation challenging the South Carolina law.
 - Supreme Court did not rule on the underlying merits of the case, and only on the issue of whether an “emergency” existed, which would require the Court to overturn the decision of the federal court of appeals.
 - Supreme Court did not opine on the underlying merits of the case or constitutionality of the South Carolina law.
 - A determination by the Supreme Court on transgender bathroom rights under the Equal Protection Clause remains pending and prior Seventh Circuit precedent remains intact.



25

Title IX / Gender Identity



- *Kluge v. Brownsburg (7th Cir. Aug. 2025)*
 - Seventh Circuit denied summary judgment for school district in case involving religious accommodation request by teacher, who was required by District policy to refer to students by preferred name and pronoun.
 - Case highlights a heightened standard for Title VII religious accommodation cases.



26

Department of Ed

EO 14242

- *Improving Education Outcomes by Empowering Parents, States, and Communities*
- Signed March 20, 2025
- Directs the Secretary of Education to take “all necessary steps to facilitate the closure of the Department of Education,” to the extent permitted by law.
- Directs the Secretary to also ensure that DOE funds are compliant with Federal law and policy, including the requirement that “any program or activity receiving Federal assistance terminate illegal discrimination obscured under the label ‘diversity, equity, and inclusion’ or similar terms and programs promoting gender ideology.”
- Currently unclear which agencies will take over various functions.
 - E.g., civil rights to DOJ, student loans to Small Business Administration

27

One Big Beautiful Bill

- The Big Beautiful is a U.S. federal statute passed by the 119th Congress and signed into law by President Trump on July 4, 2025.
- Starting with the 2028-2029 award year, every institution participating in the Direct Student Loan Programs must remit annual payments to the DOE based on the portion of federal student loans that go unpaid or remain delinquent.
 - These are known as “risk sharing payments.”
 - Institutions that fail to make requirement can be barred from offering Direct Loans.
 - The Policy aims to hold Colleges accountable for student outcomes, specifically ensuring college graduates can repay their federal student loans.



28

Recent Enforcement Actions



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Typical Title VI and Title IX Enforcement

- Department of Education's Office of Civil Rights ("OCR") administratively enforces regulations.
- OCR investigations are conducted in response to complaints filed by students or members of the public.
- OCR requests documentation and a narrative response to the allegations.
- OCR may conduct interviews and/or site visits.
- OCR enters into Resolution Agreements with institutions for corrective action.
- Individuals can file lawsuits instead.



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30

Recent Title VI and Title IX Enforcement

- “Directed investigations” of high-profile entities
- Public communications about investigations
- “End DEI” portal for K-12 allegations
- Freezes on funding
- Enforcement by/with other agencies
 - HHS/ED investigations, USDA funding freeze for Maine DOE (Title IX)
 - ED/DOJ Title IX Special Investigations Team
 - HHS/GSA/ED cancellation of grants to Columbia University (Title VI)



31

Maine Department of Education

HHS and ED investigations launched February 21, 2025, alleging that Maine DOE allowed “male athletes to compete in girls’ interscholastic athletics” and “denied female athletes female-only intimate facilities.”

HHS and ED found Maine DOE violated Title IX by allowing transgender students to compete on girls’ sports teams consistent with their gender identity.

Maine DOE declined proposed resolution agreements from HHS and ED.

HHS and ED referred Maine DOE to DOJ for enforcement.



32

Illinois State Board of Education, Chicago Public Schools, Deerfield Public Schools

OCR investigation launched March 20, 2025.

OCR investigating CPS, ISBE and Deerfield Public Schools due to alleged violations of Title IX because these educational institutions violated Title IX by requiring students to share facilities with students of the opposite sex.



33

Title VI Enforcement

- February 2025: DOJ launches task force to root out anti-Semitic harassment on college campuses.
- March 10: ED announces letters to 60 institutions of higher education currently under investigation for antisemitic harassment and discrimination.
- **Columbia University**
 - March 3: ED/HHS/GSA announce “comprehensive review” of federal contracts and grants based on “ongoing inaction in the face of relentless harassment of Jewish students.”
 - March 7: ED/HHS/GSA/DOJ announce cancellation of \$400 million in federal grants and contracts.
 - March 21: Columbia accedes to Administration’s demands
 - June 4: Administration tells accreditor that Columbia is out of compliance
 - July 24: Columbia and Administration reach settlement



34

Title VI Enforcement (Harvard University)

- March 31, the GSA issued a letter announcing a review of federal research grants, linked to allegations about antisemitism on Harvard's campus.
- April 3, Harvard received another letter from the Task Force to Combat Anti-Semitism with demands related to governance reforms, oversight for "biased programs that fuel antisemitism" to "improve viewpoint diversity," and efforts "to shutter" certain DEI programs.
- April 11, HHS/GSA/ED sent another letter making demands related to viewpoint diversity in hiring and admissions, internal governance, DEI programs, international student admissions, ending support for student groups engaged in antisemitic activity, and foreign funds.
- April 14, Harvard refused to agree to these demands, and the federal government announced a freeze on \$2.2 billion in multi-year grants.
- April 21, Harvard filed lawsuit against Administration.
- Sept. 7, Harvard had initially agreed to some demands. Harvard and Administration in settlement negotiations to restore research funding.



35

Title VI Enforcement

On March 14, 2025, OCR announced it has begun investigations into about 50 universities since issuance of its DEI Dear Colleague Letter.

Many of the investigations are based on a partnership with The Ph.D. Project, an organization that allegedly provides doctoral students with insights into obtaining a Ph.D. and networking opportunities, but limits eligibility based on race.

OCR is investigating six universities for allegedly awarding impermissible race-based scholarships and one university for a program that segregates based on race.



36

DOJ Memoranda and Civil Rights Fraud Initiative

- May 19, 2025 – Civil Rights Fraud Initiative
 - States intent to establish Civil Rights Fraud Initiative to enforce civil rights laws under False Claims Act.
 - Primary examples are colleges and universities engaging in DEI initiatives and allowing transgender athletes.
- June 11, 2025 - Civil Division Enforcement Priorities
 - Directs Civil Division lawyers to prioritize investigation and enforcement related to: (1) combatting discriminatory practices and policies, (2) ending antisemitism, (3) protecting women and children, (4) ending “sanctuary” jurisdictions, and (5) prioritizing denaturalization of naturalized U.S. citizens.
 - Will “aggressively” pursue claims against “illegal DEI preferences, mandates, policies, programs, and activities.”



37

Civil Rights Fraud Initiative

- Under the False Claims Act, the new Initiative pursues claims against any recipient of federal funds that knowingly violates federal civil rights laws – including, but not limited to, Title IV, Title VI, Title IX of the Civil Rights Act of 1964.
- State colleges may have sovereign immunity against such claims if such institution can prove that they are an “arm of the state.”
- Unclear whether community colleges are “arms of the state” for sovereign immunity purposes.



38

Takeaways



39

Takeaways from Recent Enforcement Actions



- Dear Colleague Letters and other non-regulatory guidance do not carry the force of law, but signal how agencies will interpret current law and their priorities.
- OCR interprets Title IX to require that colleges provide cisgender students with “single-sex” spaces for facilities.
- OCR interprets Title IX to require that colleges not allow transgender athletes to compete consistent with their gender identity.
- OCR will scrutinize any program, including those that might be considered DEI, that is not open to all students or employees or that uses racial preferences in decision making.
- OCR will enforce Title VI with regard to allegations of antisemitism.

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Takeaways from Recent Enforcement Actions



Federal agencies may move much more quickly than in the past



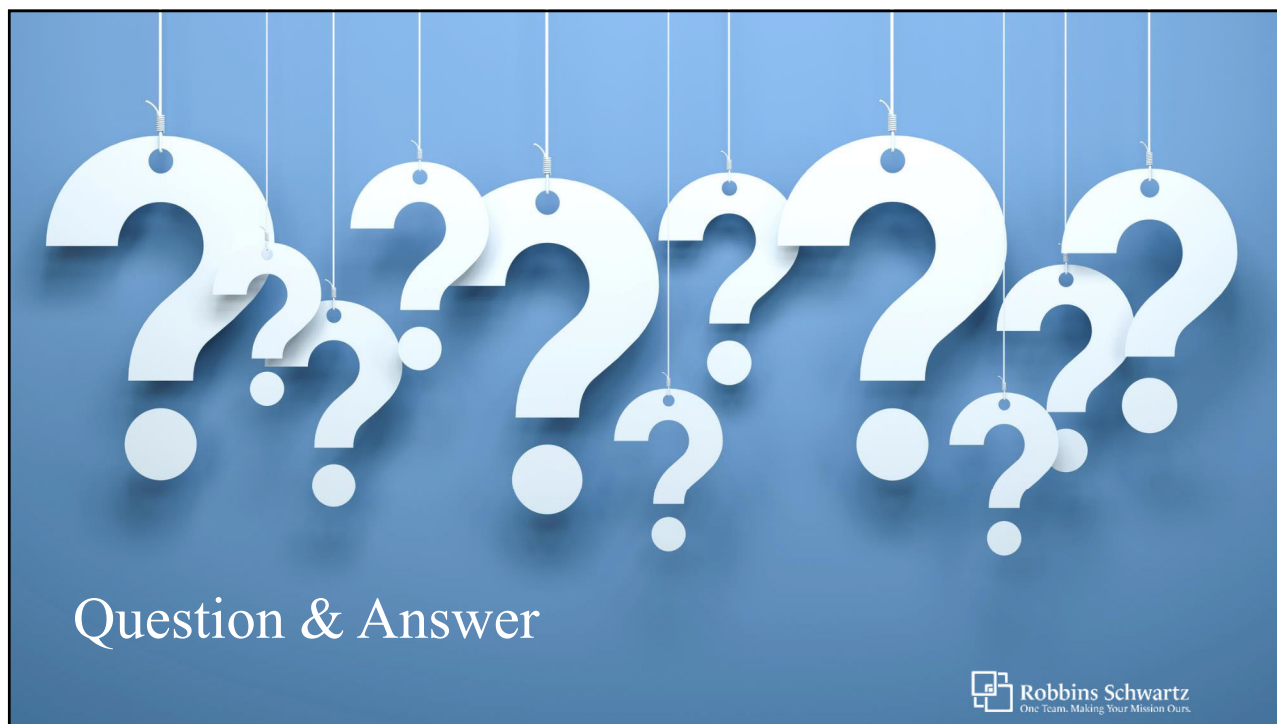
FCA claims may mean larger penalties if successful

Practical Tips to Remain In Compliance



- Review institutional policies to assess how resources are being allocated.
- Dedicating substantial resources to DEI initiatives may lead to non-compliance with certain directives, and risk loss of federal funding.
- Closely monitor the academic programs in which students receive financial aid. If a program has limited income potential, institution may bear responsibility for the resulting student debt.
- Consult Attorney General's memorandum which outlines best practices to help entities comply with these laws.

<https://www.justice.gov/ag/media/1409486/dl>



43

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44



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From Capitol to Campus: New Illinois Laws Impacting Higher Education

**Legal Update for Illinois Higher Education Institutions
September 17, 2025**

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Introduction



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1

Agenda

- Admissions, Transfers, and Credit
- Health Services
- AI Impacts
- Employee Leaves and Protections
- Sexual Violence and Hazing on Campus
- Bonus Bill



2

Admissions, Transfers, and Credit



3

P.A. 104-0015: Public University Direct Admission Program Act Effective date: June 30, 2025



Creates the Public University
Direct Admission Program Act and
amends the Illinois School Code.



How the program works:

By March 1 each year, participating universities must send their GPA-based admission standards to the Illinois Student Assistance Commission (ISAC).

ISAC uses student data provided by high schools and community colleges to determine which students meet the criteria for each institution.

Students who opt into the program receive a message from ISAC notifying them of their direct admission offers from public universities and community colleges.

4

P.A. 104-0015: Public University Direct Admission Program Act

Effective date: June 30, 2025

- Participating universities and community colleges cannot charge an application fee to a student receiving a direct admission offer.
- Annually by July 1, high schools and community colleges will provide ISAC with student “direct admissions information”—name, birth date, GPA, and contact information—for students that opt in. ISAC uses this data to match students with universities. ISAC will provide a template for opt-in language.
- ISAC will also have access to student directory information (name, address, birth date, phone number) for students who do not opt out.



5

P.A. 104-0402: Student Transfer Achievement Reforms

Effective date: August 15, 2025

- **Mandatory Articulation Agreements.** The amended STAR Act not only encourages, but *requires* universities to enter into formal, written articulation agreements with community colleges, if requested, to create a clear pathway for transferring students.
- **Optional Agreement Provisions.** The amendments include some options for provisions to be included in articulation agreements:
 - Agreements may include “2+2 programs” or “3+1 programs.”
 - Agreements may include an option for students to indicate a transfer destination of choice on their application.



6

P.A. 104-0402: Student Transfer Achievement Reforms

Effective date: August 15, 2025

- **Required Agreement Provisions.** The amendments include various requirements for provisions to be included in articulation agreements:
 - Lists of transfer eligibility criteria and any available scholarships or financial assistance.
 - A standardized transfer-credit framework, and a clearly defined transfer pathway to be granted junior or senior status as appropriate.
 - Other degree requirements such as standardized test scores or clinical hours.
 - A policy on reverse transfer of credit, for students who transfer before earning a degree, and credit earned for experiential learning, as applicable.
 - Academic and non-academic opportunities for support specific to students participating in the agreement, if applicable.
 - Data-sharing requirements and limitations.
 - The marketing process and responsibilities for programs covered by the agreement.
 - A policy and appeal process for resolving disputes over transfer credit acceptance.



7

P.A. 104-0402: Student Transfer Achievement Reforms

Effective date: August 15, 2025

- **State Facilitation of Agreement.** If a state university and a community college cannot agree on an articulation agreement within 180 days of a request, either party may contact IBHE or ICCB, which will jointly assist with facilitation of an agreement between the parties.
- **Publicly Published Transfer Processes.** Both community colleges and state universities must publish their process and timeline for reviewing transfer credit requests online. Updates to the process must be reflected online within 30 days.

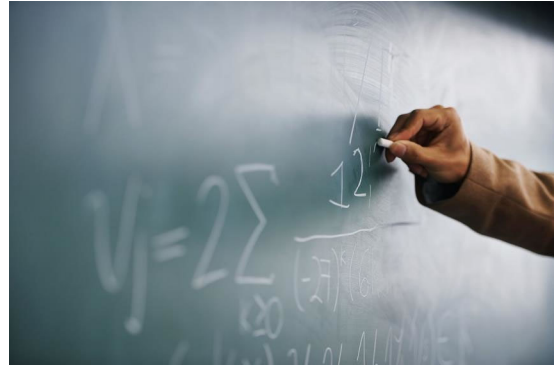


8

P.A. 104-0012: Dual Credit Amendments

Effective date: June 30, 2025

- Amends the Dual Credit Quality Act.
- Adds minimum academic credentials for dual credit instructors:
 - A master's degree in the discipline to be taught, OR
 - A master's degree in any other discipline and a minimum of, but not more than, 18 graduate hours in the discipline to be taught.
- Adds that the required evaluation of the instructor by the college must be completed within the same school year as the course is taught.
- Requires the college and school district to “work together to provide seamless communication about the student's eligibility for disability services and dual credit course progress.”



P.A. 104-0012: Dual Credit Amendments

Effective date: June 30, 2025

- Requires designating a liaison and starting negotiations on a partnership agreement with a school district no later than 60 calendar days after the initial written request to the college.
- Deletes the default to a model partnership agreement after 180 days.
- Before entering into an agreement to offer dual credit coursework with an institution other than the local community college, a school district must:
 - Negotiate first with the designated liaison of the local community college.
 - Mutually agree that a partnership with the local community college is not feasible.
- Colleges must file any dual credit agreement with ICCB within 30 days after execution or amendment.

P.A. 104-0012: Dual Credit Amendments

Effective date: June 30, 2025

- Adds an appeal process related to colleges disapproving course requests, instructors, or course documentation or withdrawing approvals.
 - A college has 30 calendar days from an initial course request to notify the school district of any disapproval or withdrawal of approval.
 - A school district then has 14 days to appeal to the ICCB Executive Director, who will issue a decision within 45 days. That decision will become final unless the college or the school district further appeals to ICCB within 30 days.



P.A. 104-0012: Dual Credit Amendments

Effective date: June 30, 2025

- If the Executive Director's decision is appealed to ICCB, its decision is final and binding.
 - If ICCB finds in favor of the college, the school district may not approach an alternative postsecondary institution with the same proposal.
 - If ICCB finds in favor of the school district, the college may still decline to offer the course or approve the instructor or documentation, in which case the school may approach an alternative postsecondary institution.

P.A. 104-0043: Educational Credit for Firefighting Experience Act

Effective date: January 1, 2026



- Creates the Educational Credit for Firefighting Experience Act.
- Requires Illinois institutions with relevant programs to create a policy for awarding academic credit for firefighting training by June 1, 2027.
- The policy must apply to enrolled students with approved and documented firefighting training.
- Requires procedures to verify a student's firefighting training and experience.



13

P.A. 104-0043: Educational Credit for Firefighting Experience Act

Effective date: January 1, 2026

- Must provide their credit policy to applicants with firefighting experience and maintain a list of qualifying courses.
- Must be included in existing policies for credit for prior learning.
- Requires annual submission of policy to the IBHE and ICCB by March 31, 2027, and every March 31 thereafter for the subsequent fall semester.



14

Health Services



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P.A. 104-0303: Mental Health Professionals

Effective date: January 1, 2026

- Amends the Mental Health Early Action on Campus Act
- Establishes the composition for an institution's expert panel: at least 2 administrators, 2 faculty members and 1 mental health professional.
- Establishes an institutional minimum for mental health professionals, in addition to an "attempt to meet a benchmark ratio" of 1 per 1250 students:
 - At least 3 licensed mental health professionals or, if fewer than 3750 students, at least the number required by the benchmark ratio.
 - Part-time on-campus capacity or full-time on- or off-campus capacity

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16

P.A. 104-0433: Student Health Services

Effective date: August 22, 2025

- Amends the Public Higher Education Act.
- Adds several new definitions for “contraception,” “medication abortion,” “primary care services,” and “student health services.”
- Student health services means “any clinic, facility, or program operated by or affiliated with a public institution of higher education intending to provide primary care services to enrolled students of the public institution of higher education.”

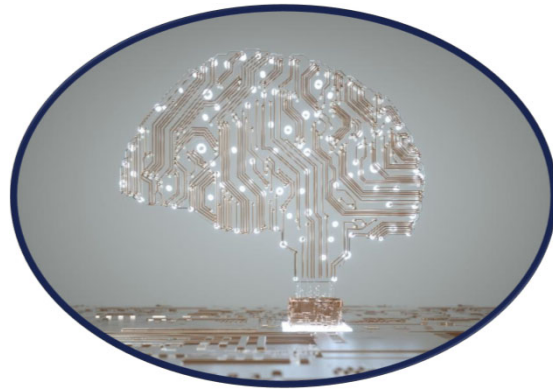


P.A. 104-0433: Student Health Services

Effective date: August 22, 2025

- Beginning with the 2025-2026 academic year, institutions with student health services must:
 - Provide access to health care professionals whose scope of practice includes prescribing and dispensing contraception and medication abortion;
 - Dispense contraception and medication abortion if the institution’s student health services includes a pharmacy; and
 - Include information on the student health services website, about how to access medication contraception and medication abortion on campus.
- Access to health care professionals can be provided by through student health services, telehealth services, or other external licensed providers.
- Annual reporting obligation to IBHE on policy compliance.

AI Impacts



P.A. 104-0201: No AI Instructors

Effective date: January 1, 2026

- Amends the Public Community College Act
- No college course may use AI, in lieu of a faculty member, as the sole source of instruction for students
- Does not prohibit a faculty member from using AI to augment instruction

Reminder: P.A. 103-0804: Predictive Analytics

Effective date: January 1, 2026



Beginning in 2026, this amendment to the IHRA will require employers to provide notice if they are using AI—including generative AI—with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, or other terms, privileges, or conditions of employment.



The Illinois Department of Human Rights (IDHR) is charged with adopting necessary rules on the circumstances and conditions that require notice, as well as the time period and means for providing notice.

Reminder: P.A. 103-0804: Predictive Analytics

Effective date: January 1, 2026

- This amendment also prohibits an employer from using AI that has the effect of subjecting employees to discrimination on the basis of protected classes under IHRA or to use zip codes as a proxy for protected classes under the IHRA.
- Proxy discrimination occurs when a facially neutral trait is used as a stand-in for a prohibited trait.

Employee Leaves and Protections



P.A. 104-0193: Part-Time Organ Donor Leave

Effective date: January 1, 2026

- Amends the Employee Blood and Organ Donation Leave Act.
- Adds part-time employees to the paid leave requirements of the Act.
- Part-time employees may use the same amount of leave as full-time employees.
 - Up to one hour every 56 days for blood donation.
 - Up to 10 days in any 12-month period for organ donation.
- Part-time employees using leave for organ donation will receive their daily average pay based on the previous 2 months of employment.

P.A. 104-0259: NICU Leave

Effective date:
January 1, 2026

- Creates the Neonatal Intensive Care Leave Act.
- Requires employers with 16+ employees to provide unpaid leave to an employee while their child is a NICU patient.
 - Up to 10 days for employers with 16-50 employees.
 - Up to 20 days for employers with 51+ employees.

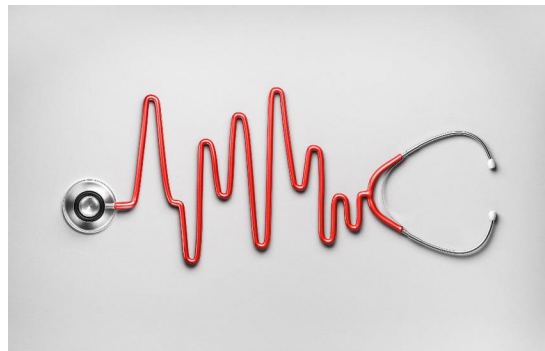


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P.A. 104-0259: NICU Leave

Effective date: January 1, 2026

- Children include biological, adopted, or foster children, stepchildren, legal wards, or children of a person standing in loco parentis.
- NICU leave is in addition to FMLA leave, if the employee is eligible for both.
 - An employer must not require the employee to use any paid leave instead of NICU leave.
 - Employees may substitute other paid or unpaid leave for NICU leave.



26

P.A. 104-0259: NICU Leave

Effective date: January 1, 2026

- The employee is entitled to be restored to their position or a substantially equivalent one, with no loss of benefits.
- Health insurance benefits must be maintained during NICU leave as if the employee had not taken leave.
- An employer may require reasonable verification of the child's length of stay in the NICU, but not any information protected by HIPAA.
- Employers must not engage in discrimination or retaliation against employees exercising rights under the Act or opposing perceived violations.



27

P.A. 104-0259: NICU Leave

Effective date: January 1, 2026

- Illinois Department of Labor will adopt rules and enforce the Act.
- IDOL may impose civil penalties and supervise payment of unpaid wages and damages to an employee.
- Employees may file a complaint with IDOL or a lawsuit within 60 days after the last alleged violation.
- Penalties for violating the Act are up to \$5,000.



28

P.A. 104-0078: Military Funeral Honors Leave

Effective date: August 1, 2025



- Renames and amends the ~~Family~~-Military Leave Act.
- Creates a new paid leave requirement for employers with 51+ employees.
- Eligible employees may take up to 8 hours per month (40 hours per calendar year) to participate in an honor guard detail at a veteran's funeral.
- The funeral honors detail involves at least two members of the U.S. Armed Forces and performs a ceremony that includes folding the U.S. flag and playing "Taps."



29

P.A. 104-0078: Military Funeral Honors Leave

Effective date: August 1, 2025

- The employee must have been employed for at least 12 months and for at least 1250 hours of service in the 12-month period immediately before starting the leave.
- The employee must be trained to participate in a funeral honors detail and be either:
 - A retired or active member of the U.S. Armed Forces or National Guard, or
 - An authorized provider that supports the rendering of military funeral honors.
- The employee must give the employer reasonable notice, as practicable.



30

P.A. 104-0078: Military Funeral Honors Leave

Effective date: August 1, 2025

- Employees may take this leave in lieu of other leave and without having exhausted other leave.
- The employer must pay the employee's regular rate of pay.
- An employer may request confirmation from a veterans service organization or any official notice that can be used as proof.
- As with family military leave, the employee is entitled to be restored to their position with equal pay and benefits.



31

P.A. 104-0076: Paid Breaks for Nursing Mothers

Effective date: January 1, 2026



Amends the Nursing Mothers in the Workplace Act.

Continues to require "reasonable break time" for each time an employee needs to express breast milk for a nursing infant child.

Requires the break time to be paid at the employee's regular rate of compensation.

Prohibits employers from requiring the employee to use paid leave or otherwise reducing their compensation during the break time.



32

P.A. 104-0171: VESSA Amendment

Effective date:
January 1, 2026

- VESSA includes unpaid leave and protections related to employees when they or a family or household member is a victim of domestic violence, sexual violence, gender violence or any other “crime of violence.”
- Amendment adds protections related to personal use of employer-provided electronic devices.
- Employers must not discriminate or retaliate against employees based on their use (or attempted use) of employer-issued equipment to record crimes under VESSA that were committed against the employee or a family or household member.



33

P.A. 104-0171: VESSA Amendment

Effective date: January 1, 2026

- Employers must not deprive employees of employer-issued equipment solely because they used or attempted to use it to record crimes under VESSA.
- Employers must grant the employee access to any relevant photos, recordings, digital documents, or communications.
- These requirements do not relieve an employee of obligations to comply with reasonable employment policies or to perform the essential functions of employment.



34

P.A. 104-0316: Student Teacher Pay

Effective date: August 15, 2025

- Amends the Illinois School Code.
- Colleges are now prohibited from requiring student teaching to be unpaid.
- School districts still may provide a salary and determine the amount to pay.



Sexual Violence and Hazing on Campus



P.A. 104-0127: Amendments to the Preventing Sexual Violence in Higher Education Act

Effective date: January 1, 2026

- **Survey frequency:** The required frequency for conducting a sexual misconduct climate survey was changed from annually to biennially.
- **Survey questions:** The law mandates a base set of questions from IBHE and ICCB. Institutions may add campus-specific, trauma-informed questions, but personal identifying information cannot be required.
- **State Task Force:** The composition of the Task Force on Campus Sexual Misconduct Climate Surveys was altered, and its function shifted from reviewing survey results to recommending updates to the base survey.
- **Civil penalties:** The civil fine for non-compliance was removed.



37

Federal Legislation: The Stop Campus Hazing Act

- Congress recently enacted the Stop Campus Hazing Act (the “Act”) by amending the Jeanne Clery Campus Safety Act (the “Clery Act”).
- The Act imposes new requirements on institutions receiving federal student aid, including community colleges.
- Beginning January 1, 2025, institutions must collect and report hazing incidents in their Clery Act Annual Security Reports (ASRs). The first ASR with hazing statistics with 2025 data must be published on October 1, 2026.



38

Federal Legislation: The Stop Campus Hazing Act

- Institutions must implement a hazing prevention policy by June 23, 2025. Going forward, ASRs must include a policy statement that includes information about:
 - The institution's definition of hazing
 - How to report hazing incidents and the process by which hazing is investigated
 - Applicable laws related to hazing.
 - Research-informed campus prevention programs designed to reach students, staff, and faculty.
- Starting July 1, 2025, institutions must track hazing incidents that result in findings of responsibility against a student organization and report the information in a Campus Hazing Transparency Report (CHTR).
- The CHTR must be updated at least twice annually with the first report published by December 23, 2025, on the institution's website.



39

Bonus Bill



40

SB2482: Community College Baccalaureate Degrees

- The bill did not pass during the 2025 spring session, despite support from Governor Pritzker and ICCB and negotiations to remove opposition from some universities.
- Proponents frame the legislation as a way to expand affordable and accessible education in high-demand fields like nursing and advanced manufacturing.
- Supporters argue it would address workforce gaps and allow working adults in underserved and rural communities to obtain four-year degrees without the cost and time commitment of moving or commuting to a four-year university.



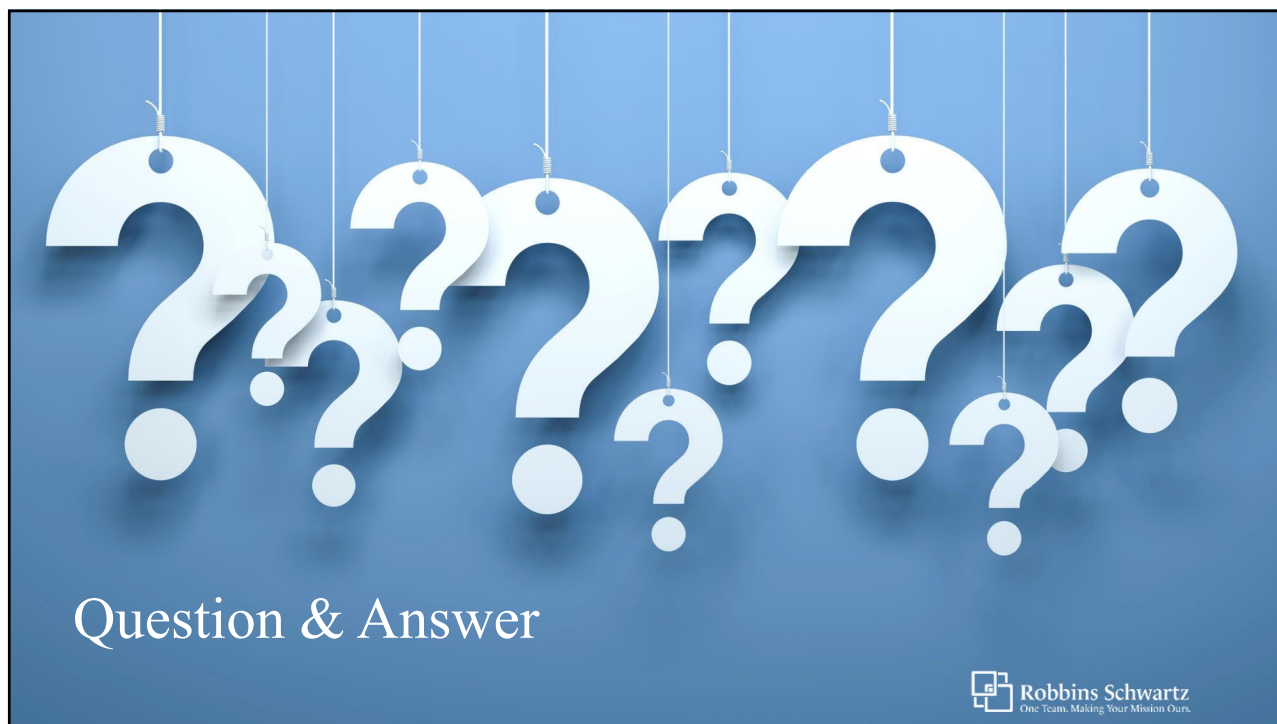
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SB2482: Community College Baccalaureate Degrees

- Concerns expressed about the bill
 - Competition with state universities and underfunded institutions that primarily serve minority students.
 - Timing and procedural issues.
 - No specific funding plan for the new programs. Community colleges would have been responsible for finding funds to cover expansion costs themselves.
- A path forward??



42



43

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44



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Responding Right: Effective Strategies for Student Harassment and Discrimination Complaints Amid the Current Legal Climate

Legal Update for Illinois Higher Education Institutions
September 17, 2025

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1

Agenda

- Defining Discrimination and Harassment
- Legal Standards for Federal Claims
- Recommendations for Policies and Procedures



2

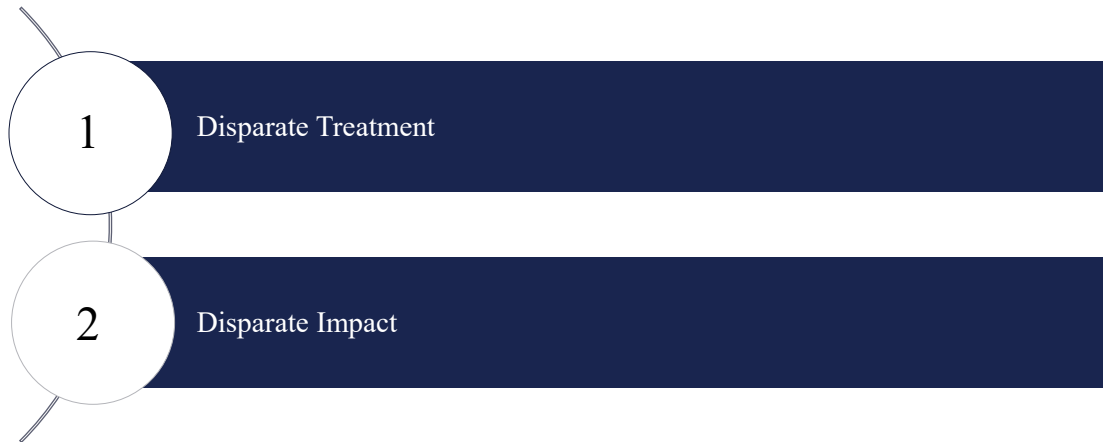
Definitions



Applicable Laws

- **Title IX of the Education Amendments of 1972** → sex
- **Title II of the ADA and Section 504 of the Rehabilitation Act** → disability
- **Title VI of the Civil Rights Act of 1964** → race, color, or national origin
- **Title VII of the Civil Rights Act of 1964** → race, color, religion, sex, or national origin discrimination (employment)
- **Illinois Human Rights Act** → discrimination on the basis of a number of characteristics
 - Including sexual orientation and gender-related identity

Discrimination and Harassment



Discrimination for All Protected Characteristics

Disparate Treatment

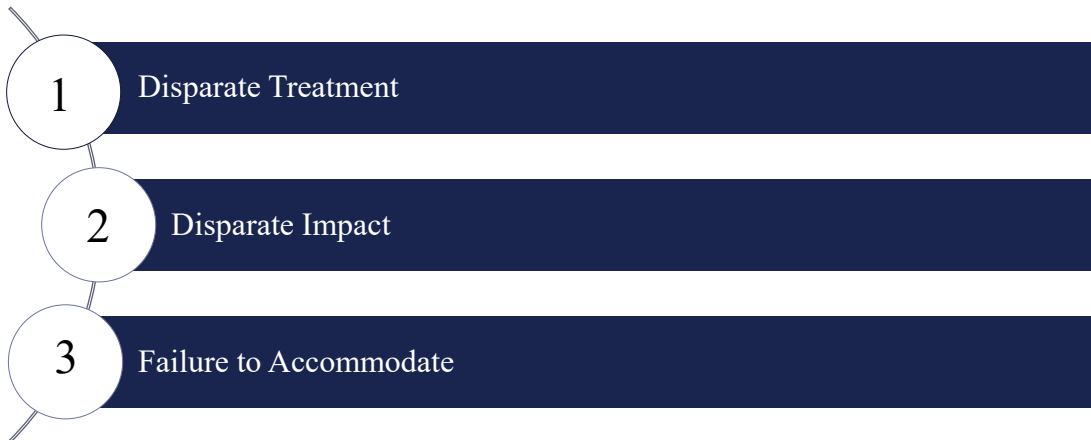
Any intentional differential treatment of an individual based on the person's actual or perceived protected characteristic that:

- Excludes the individual from participation in;
- Denies them the benefits of; or
- Otherwise adversely effects their participation in a college program or activity

Disparate Impact

When a policy or practice that appears to be neutral results in a disproportionate impact on a protected group or individual that:

Disability Discrimination



7

Disability Discrimination: **Failure to Accommodate**

- Failure to provide reasonable accommodations to students and employees with disabilities
- Exceptions:
 - Fundamental alteration
 - Undue burden



"I was supposed to get extra time on my exams, and my instructor never gave it to me."

8

Title IX Sexual Harassment

- 1 Quid pro quo harassment by a College employee
- 2 Unwelcome conduct on the basis of sex that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access
- 3 Any instance of sexual assault, dating violence, domestic violence, or stalking

Title IX Sexual Harassment: Quid Pro Quo

- When an employee of the College conditions aid, benefits, pay, a position or other opportunities for advancement on an individual's submission to unwelcome sexual conduct.



"My math teacher offered extra credit if I sent him inappropriate sexual pictures of myself."

Title IX Sexual Harassment: **Specific Acts**

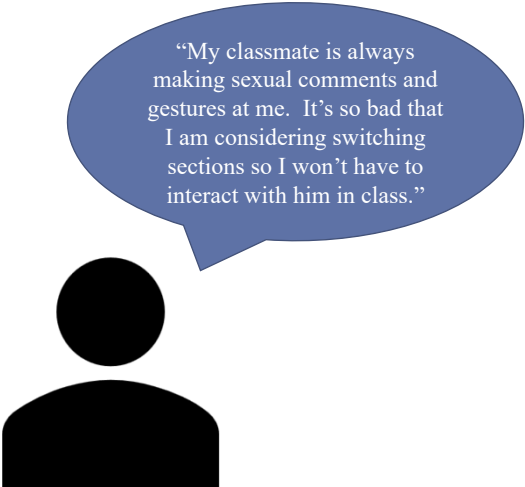
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

**As defined under the Clery Act/VAWA*



11

Title IX Sexual Harassment: **“Hostile Environment”**

A black silhouette of a person's head and shoulders. A blue speech bubble points to the person's head, containing the text: "My classmate is always making sexual comments and gestures at me. It's so bad that I am considering switching sections so I won't have to interact with him in class."

“My classmate is always making sexual comments and gestures at me. It’s so bad that I am considering switching sections so I won’t have to interact with him in class.”

- Unwelcome conduct
- Severe and pervasive and objectively offensive
- Denial of equal educational access

12

Title IX Sexual Harassment: “**Hostile Environment**”

Compare with IHRA definition:

- Any conduct of a sexual nature exhibited by an education representative toward a student, when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment.

Legal Standards for Federal Claims



Federal Claims of Discrimination and Harassment

- OCR currently only addressing claims based on improper allocation of resources and transgender issues
- BUT...individuals can still file claims in court
- Standard for liability at the federal level – deliberate indifference



Elements to Establish Prima Facie Claim



An appropriate person must have actual knowledge of the discrimination or harassment the plaintiff is alleging



The institution acted with deliberate indifference to known acts of discrimination or harassment in its programs or activities



The discrimination is so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefits

Williams v. Bd. of Regents of Univ. Sys. Of Georgia

477 F.3d 1282 (11th Cir. 2007)

- Williams, a female student at the University of Georgia, was sexually assaulted by three student athletes in a dorm.
- Williams filed a report with the UGA police and withdrew from the University.
- The three athletes were charged with disorderly conduct under the University Code of Conduct, but one year later a disciplinary panel held a hearing and decided not to sanction them.
- One of the alleged perpetrators, Cole, had been involved in other disciplinary and criminal incidents prior to the assault – dismissed from two other colleges following sexual assault and harassment allegations and other violent incidents.
- The University's President, head basketball coach, and Athletic Director were all aware of the previous allegations against Cole.



17

Williams v. Bd. of Regents of Univ. Sys. Of Georgia

477 F.3d 1282 (11th Cir. 2007)

- Williams filed a lawsuit against UGA and the University's Athletic Association, alleging violations of Title IX.
- Alleged three forms of discrimination and harassment:
 - Cole's recruitment and admission despite past misconduct at other schools
 - The alleged sexual assault
 - The discrimination Williams faced as a result of UGA's failure to respond adequately to her allegations
- The district court dismissed Williams' complaint, and she appealed.



18

Williams v. Bd. of Regents of Univ. Sys. Of Georgia 477 F.3d 1282 (11th Cir. 2007)

- The appellate court found that Williams sufficiently alleged the three Title IX violations
- Actual knowledge – the University’s President and Athletic Director both knew of the past misconduct and the alleged assault and had authority to take corrective measures
- Deliberate indifference –
 - The University President, Athletic Director, and head basketball coach all failed to adequately supervise Cole despite their awareness of his past conduct
 - Although UGA police performed a thorough investigation, providing a preliminary report to UGA officials within 48 hours of the incident, the University waited another 8 months to conduct a disciplinary hearing
 - UGA took no precautions to prevent future attacks should Williams have decided to return to UGA
- Severe, pervasive, and objectively offensive –
 - At least two of the alleged perpetrators engaged in a conspiracy to sexually assault Williams, which was both severe and objectively offensive
 - Together with the discrimination occurring both before and after, Williams alleged sufficient facts to show it was pervasive as well
 - Caused Williams to withdraw from the University



19

Mungai v. University of Minnesota 141 F.4th 959 (8th Cir. 2025)

- Mungai was a student at University of Minnesota – alleged multiple incidents of racial harassment by both students and staff.
- Filed a claim in federal court alleging deliberate indifference in response to his reports of discrimination
- Mungai alleged that he reported racial harassment to the Student Conflict Resolution Center
 - The Center is available to assist students in resolving campus-based problems or concerns. Staff provide “confidential” and “informal” options for resolving conflicts
 - The website specifically states the Center operates free from University interference and that matters discussed there are not communicated to the University
- The court determined that Mungai did not sufficiently allege that he reported to officials with authority to take corrective action.



20

StandWithUs Ctr. For Legal Justice v. MIT

742 F.Supp. 3d 133 (D. Mass. 2024)

- Following the October 7, 2023 Hamas terrorist attack, MIT student organizations including the Coalition Against Apartheid (CAA) and Palestine@MIT hosted demonstrations throughout the semester
 - Including walking out of classes, organizing “die-ins,” and protesting in major thoroughfares on campus.
- November 7 – MIT President issued warning that protestors’ conduct violated the Code of Conduct and threatened disciplinary action
 - Suspended student violators from campus activities and suspended CAA
- Protesting continued throughout the academic year – in April, student erected an encampment near a student organization promoting Jewish campus life to protest Zionism and MIT’s ties to Israeli academics and government contractors
 - MIT President released a video stating the encampment violated policy, but the institution elected not to remove it to protect free speech
 - 24-hour patrol around the encampment and warning that it needed to be removed by May 6
- Following failure to comply, many students were suspended, and nine were arrested
 - The encampment was abandoned following increased police pressure



21

StandWithUs Ctr. For Legal Justice v. MIT

742 F.Supp. 3d 133 (D. Mass. 2024)

- StandWithUs filed a claim in federal court, alleging that MIT failed to adequately respond to antisemitism on campus, in violation of Title VI
- The district court granted MIT’s motion to dismiss the Title VI claim
 - Deliberate indifference cannot be based on hindsight – the court must consider whether MIT’s response was clearly unreasonable based on what it knew at the time
 - Deliberate indifference means affirmatively choosing to do the wrong thing, or doing nothing, despite knowing what the law requires
 - MIT took steps to contain the escalating on-campus protests by suspending protestors from non-academic activities
 - When measures proved ineffective, MIT took further steps, warning students of impending disciplinary action, attempting to peacefully clear the encampment, and finally suspending and arresting trespassing students



22

Kestenbaum v. President and Fellows of Harvard College 743 F. Supp. 3d 297 (D. Mass. 2024)

- In comparison, the same court denied Harvard's motion to dismiss in a similar case
- When faced with similar protests and other demonstrations, Harvard did not respond with disciplinary action in many circumstances
 - Warnings were issued, but when Harvard students erected an encampment similar to MIT's, Harvard responded by negotiating with the protestors, agreeing to reinstate students who had been placed on involuntary leave and to conduct expedited hearings against these students with leniency
- The complaint also alleged bias in Harvard's response
 - Harvard allowed pro-Palestine protestors to protest in a student lounge for two weeks, but when Jewish students asked to hold a demonstration in the lounge, Harvard sent an email to students clarifying the lounge is for study groups and conversation
 - Harvard required a campus Hasidic Jewish community center to remove its menorah every night to prevent vandalism but provided 24/7 security to the Palestinian Solidarity Committee's Wall of Resistance
- Court found that the plaintiffs plausibly alleged deliberate indifference
- This case eventually settled in January 2025



23

Recommendations for College Policies and Procedures



24

Two Policies

Sex-Based Misconduct Policy

- Prohibits all forms of sex-based misconduct, including sex discrimination, sexual harassment, and sexual violence

General Discrimination and Harassment Policy

- Prohibits discrimination and harassment on the basis of all protected characteristics

25

Sex-Based Misconduct Policy

- Align with 2020 regulations
 - Does not cover discrimination/harassment on the basis of gender identity or sexual orientation
- Provide jurisdiction
 - Can go beyond Title IX
 - Ex. Include conduct in connection with any College activity or program, regardless of within U.S.
- Who the policy applies to
 - E.g., students, staff, visitors, third-party contractors
- Reference to procedures under which complaints will be processed

26

Sex-Based Misconduct Procedures

- Describe the formal grievance process
 - Certain steps specifically outlined in Title IX regulations
- Include employee training and reporting requirements
- Provide information on how to report misconduct
 - Title IX coordinator contact information, reporting form, etc.
- Include process for dismissal of complaint and/or referral to separate procedure when alleged misconduct not Title IX Sexual Harassment even if true
- Include process for Title IX Coordinator's signing of formal complaint when appropriate
- Ensure sufficient coverage of investigator, decisionmaker, and appellate decisionmaker roles

27

Sex-Based Misconduct Procedures

Outline of Formal Grievance Procedure

1. Title IX Coordinator meets with Complainant
2. Complainant files formal complaint
3. Notice of Allegations to both Parties
4. Investigator (may be Title IX Coordinator) collects evidence
5. Investigator send Notice of Investigative Evidence and allows written response
6. Investigator creates Investigation Report and sends to Title IX Coordinator



28

Sex-Based Misconduct Procedures

7. Title IX Coordinator sends Notice of Hearing and Report and allows for written response
8. Hearing Officer conducts live hearing
9. Hearing Officer issues Notice of Determination Regarding Responsibility to both Parties
10. Parties may appeal
11. Appellate Decision-Maker reviews and issues Notice of Appeal Determination to both Parties



General Discrimination and Harassment Policy

- Provide list of covered characteristics, as well as broad coverage of “any other legally protected characteristics”
 - Must include gender identity and sexual orientation under IHRA
- Provide jurisdiction
 - The College’s “programs and activities”
 - Courts may apply jurisdiction under Title VI and more broadly than Title IX
- Who the policy applies to
- Procedure under which complaints will be processed

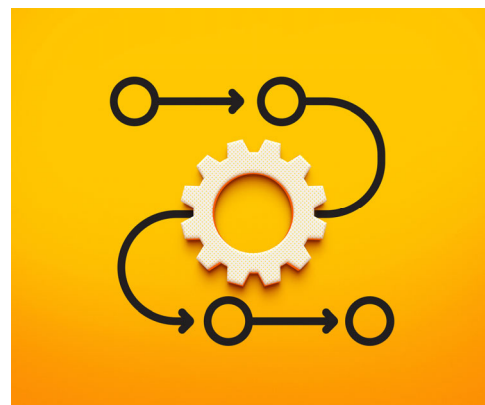
General Discrimination and Harassment Procedures

- No prescribed procedures – discretion to determine process
- Separate and distinct set of procedures from sex-based misconduct policy
 - Avoid over-obligating College
 - E.g., live hearing, review and written response to evidence, review and written response to report, etc.
- BUT ensure provision of due process
 - Respondent has notice of the allegations and the opportunity to respond
 - Recommend providing an appeal – limited bases, specific timeframe for appeal

31

Informal Resolution

- Should include in both procedures
- Starting point – don't jump to formal grievance procedure
 - BUT for Title IX, must first have a formal complaint
- Voluntary process
- Options for process
 - Ex. Facilitated resolution, mediation, restorative justice, etc.
- Can't be used in student-employee sexual harassment scenarios



32

Considerations From the Case Law

- ⚠ Make clear who Complainants should be reporting allegations to
- 👤 Make clear employee reporting obligations to Title IX Coordinator or other individual with authority to implement corrective action
- ✓ Always offer supportive measures
- 🏢 Consider need for formal grievance procedure and investigation, even if Complainant does not file formal complaint
- ⚖ Ensure implementation of appropriate sanctions

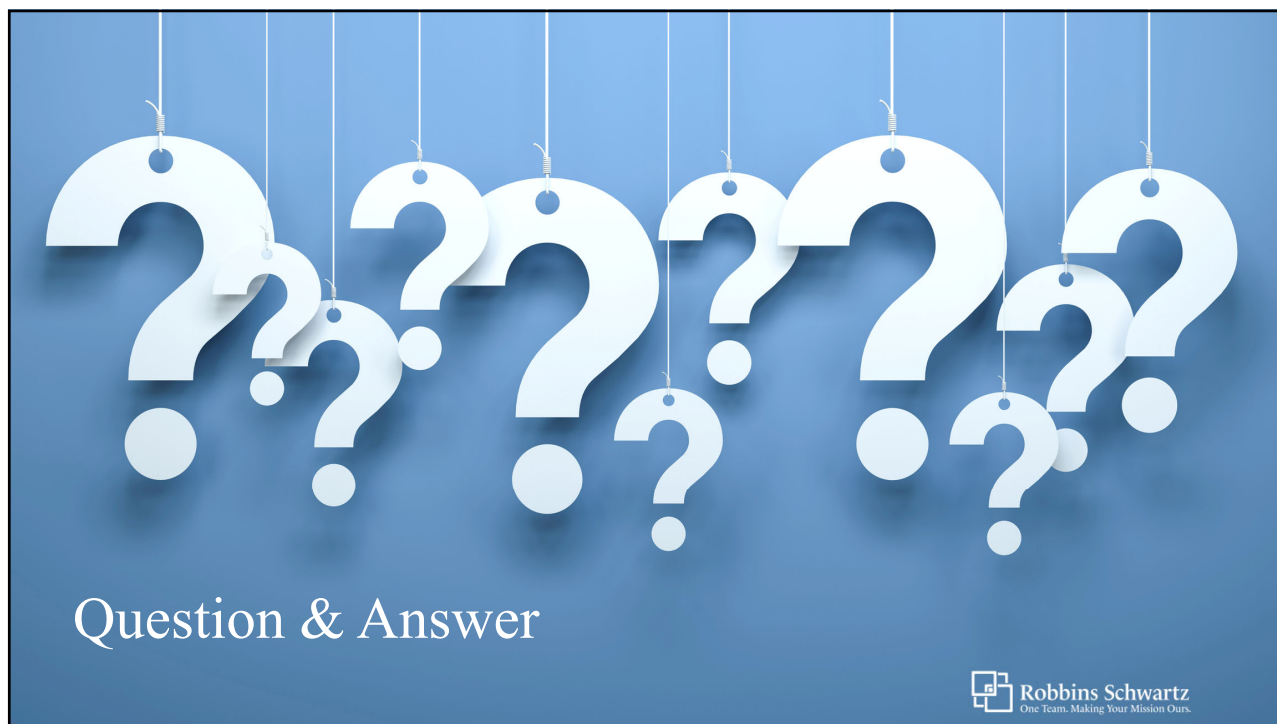
33

Tips & Takeaways



- The current Federal legal landscape has not changed institutions' statutory obligations
- Deliberate indifference is a high standard, but not an impossible one
- Procedures should be clear and streamlined wherever possible and permissible

34



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36



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The New Wave: Emerging Trends in Collective Bargaining

Legal Update for Illinois Higher Education Institutions
September 17, 2025

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Introduction



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1

Collective Bargaining

- High Level Tips
- FMCS
- New Waves
- Bargaining Formats
- Strategic Considerations



2

High Level Tips



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High Level Tips

What is Collective Bargaining?

- Bargaining is a discussion about a complicated relationship in which the parties try to air and resolve their problems.
- Idealized perspective: bargaining is problem solving.
- Cynical perspective: bargaining is a process of realizing diminished expectations.

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High Level Tips

How do you foster the “complicated relationship” with the union into labor peace?



How do you communicate, build trust, and maintain relationships with people in normal life?



Do exactly that!

Transparent
discussions

Respectful interactions

Active listening

Think before speaking



5

High Level Tips

Differing views on what the CBA represents:

- Union: The CBA should define all union rights and entitlements, akin to an Employee Handbook.
- Management: The CBA should be limited articulation of where management authority is restricted. Less is more!



6

High Level Tips

The reality of
what the CBA
represents:

- A combination of both viewpoints.
- CBAs are a mixture of:
 - Required elements such as compensation, benefits, and the grievance procedure.
 - Well-reasoned clauses and clauses that address specific problems after many hours at the bargaining table.

High Level Tips

Do's at the table

- Take notes to establish bargaining history
- Keep a poker face
- Stay organized and consistent with formatting
- Engage in transparent discussions – every tentative agreement should have meeting of the minds.

Don'ts at the table

- Overly react to unrealistic proposals
- Interrupt the union during their proposal presentation
- Try to sneak something past the union (“gotcha”)

High Level Tips

Traits of **effective** negotiators

- Problem solvers
- Prepared
- Ability to make the same point a variety of ways
- Know how each proposal will impact the individuals on the other side of the table
- Firm but flexible
- Focused on satisfying everyone's interests

Traits of **ineffective** negotiators

- Posturing
- Shoot first, aim second mentality
- "Beat a dead horse"
- Focused on "winning" the negotiation
- Apprehensive to commit



9

High Level Tips

Avoid unfair labor practices:

- Regressive bargaining
- Adding new and significant proposals late in the process
- Surface bargaining
- Imposing conditions on bargaining
- Note: firm bargaining is not an unfair labor practice!



10

FMCS



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Federal Mediation and Conciliation Service (FMCS)

- Prior to April 18, 2025, FMCS provided IBB training, IBB facilitation and collective bargaining mediation free of charge to public sector employers and unions.
- For nearly 2 months from April 18 to June 12, 2025, FMCS did not provide any services to public sector employers and unions.
- Beginning June 12, 2025, FMCS is approved to provide collective bargaining mediation services to public sector employers and unions. Unless expressly authorize in advance, the service is provided virtually via Teams. The service is still free of charge.

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Federal Mediation and Conciliation Service (FMCS)

- How have the changes to FMCS impacted colleges at the bargaining table?



New Waves



New Waves from the Union

- Ground Rules
 - No ground rules, open seats, public sessions, no confidentiality, simultaneous exchange of economics
- Catch-up for High Inflation Years
- Attempts to Erode Management Rights
- Tenure recognition by contract vs. statute (if statutory right is “legislated” away)
- Resistance to administrator involvement in post-tenure evaluation
- Resistance to CPI-U based increases
- Resistance to change in insurance cost share despite drastic increases



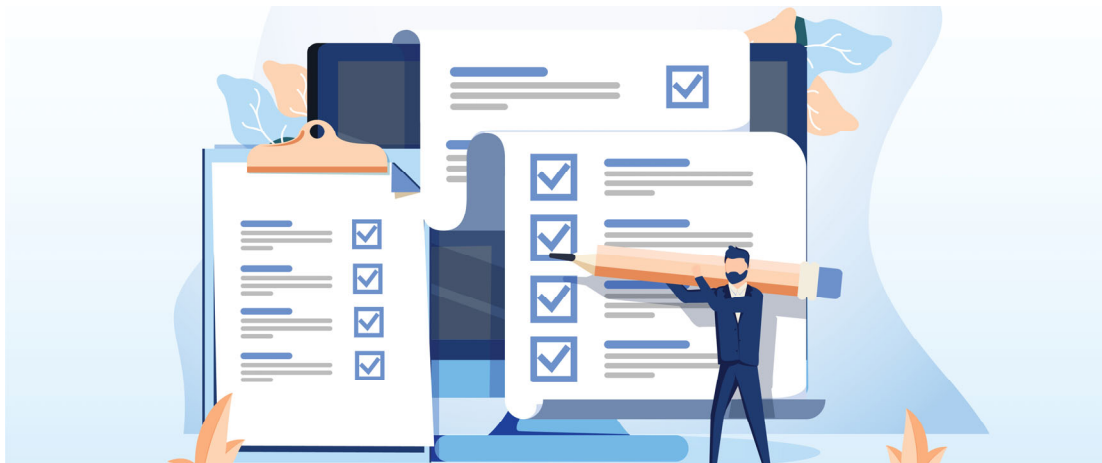
15

How Can Employers Calm the Waves?



16

Bargaining Formats



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Traditional Bargaining

General process for traditional bargaining format:

- Planning with management bargaining team:
 - Composition of the bargaining team
 - Review language issues
 - Financial modeling
- Ground rules
- Language proposals – union presents first
- Economic proposals – union presents first
- Union ratification
- Board approval

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Traditional Bargaining

- Building a Team – Chief Spokesperson
 - Provides rationale for proposals, responses, and rejections
 - Maintains a consistent message throughout negotiations
 - Provides operational knowledge



19

Traditional Bargaining

- The parties will alternate responses until an agreement is reached
 - Agreements reached on particular contract terms are considered “tentative agreements.”
 - When all issues have been “TA’d,” the parties submit the new draft collective bargaining agreement to the union’s membership for ratification, and then the Board for approval.
 - The “TA” represents the parties’ work product after bargaining in good faith. The bargaining teams should be confident that the TA will pass ratification from the union membership and approval from the Board.



20

Interest Based Bargaining (IBB)



IBB is often referred to as “win-win” or “mutual gains” bargaining.



IBB dispenses with the use of a chief spokesperson and sequential exchanges of formal proposals. Instead, the process focuses on interest-based problem solving.



IBB uses facilitators to train the participants on IBB techniques and to help the parties in negotiation sessions. Pros and cons of private facilitation – only option at this time.

Interest Based Bargaining (IBB)

- IBB process:
 - The participants identify issues of mutual concern.
 - The participants identify the various interests both parties have in the issues, while avoiding taking positions on the issues.
 - The participants jointly brainstorm options and solutions – no judging!
 - The participants apply standards or criteria to evaluate the solutions or options.
- Pros/cons of IBB

Strategic Considerations



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23

Negotiations Strategies and Techniques

- Strategic considerations:
 - Use the bargaining table solve problems
 - For wage matters, work off the same data points (“apples to apples”)
 - Be careful of regressive bargaining
 - Use “package proposals”
 - Note: Packages tend to be more useful in the later stages of the process
 - Use “supposal” or “what if” scenarios



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Negotiations Strategies and Techniques

- Additional strategic considerations:
 - Use the “sidebar” – off the record discussions
 - Focus on diminishing expectations
 - Know your audience
 - Cost each financial proposal



Economics – Salary

- Key factors in determining the level of annual salary increase:
 - The Board’s current and projected financial condition.
 - The Board’s revenue limitations and constraints.
 - Comparable wage data, salary schedules, benefits packages, and contracts.
- The problem with salary schedules:
 - The combination of horizontal and vertical schedule movement can yield significant salary increases.
 - Calculate the cost of schedule movement.

Economics – Salary

- For across-the-board annual salary increases, consider backloading.
 - Reduces the total expense of the contract because wages compound.
 - 6% - 5% - 4% annual increase averages 5.33% each year.
 - 4% - 5% - 6% annual increase averages 4.66% each year.
- Consider using a CPI based formula for annual increases.
 - Annual increase is CPI with a floor of 2% and a ceiling of 4%.



27

Economics – Fringe Benefits

- Benefits have surpassed salary as crucial and most difficult negotiations issues for colleges
 - Benefits costs continue to increase.
 - Common union talking point recently – the rising cost of family health insurance plans.



28

The End Game



Settle the contract



Impasse – stalemate in negotiations

Parties must use mediation



If still no settlement after mediation, the Board may:

Make its “last, best, final offer.” Make sure you mean it.

Impose the terms of its last, best, final offer.



Question & Answer

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Construction Case Study Part 1: Laying the Foundation – Strategic Planning, Risk Management, and Legal Readiness Before Breaking Ground

Legal Update for Illinois Higher Education Institutions
September 17, 2025

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Introduction



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Case Study

Client: RS Community College

Project: Industrial Tech Center

Details:

- Property Acquisition - New Construction/ Renovation
- Locally Funded
- Design Team Uncertain



2

Project Assumptions

- Governing board is supportive
- Administrative team has approved
- Programming has been determined
- Community has been informed
 - Taxpayers
 - Industry



3

Project Start



RS Community College has no available land on which to construct



There is at least one building on campus that could be converted given its age and footprint



A big box store in town sits empty after going out of business and is available for buildout



A parcel large enough to support the College's needs is available in an area of the community that is more accessible for commuters

4

Preliminary Construction Considerations

Land/Property Acquisition

- New Construction
- Renovation

Intergovernmental Issues – to be negotiated

- Zoning Codes
- Storm Water Requirements
- Site Access
- Utility Permits and Connections

Preliminary Construction Considerations

- Project Financing: Paying the Bill
 - Cash on Hand
 - Issuing Bonds and Incurring Debt
 - Specialty Consultants
 - Grant Funding



Project Start

- While the Board is considering its options, it learns that the municipality intends to keep the big box location zoned for commercial use
- The Board believes that location of the parcel available for purchase is more accessible to its target student population
- The Board has sufficient financing options to acquire new land and construct new
- The Board elects to acquire the land and build new so that it can incorporate new, innovative design...now what?



7

You Need a Good Construction Team!

- Selecting Project Team
 - Architect
 - Construction Manager
 - General Contractor
 - Owner's Representative
 - Commissioning Agent
 - Specialty Consultants



8

Local Government Professional Services Selection Act – 50 ILCS 510-0.01

- RFQ process required for the selection of Architects, Engineers & Land Surveyors
- RFQ can be solicited by posting notice on website, publication or sending notice to firms who have a current statement of qualifications with the public body
- RFQ not required if the public body has a previous satisfactory relationship with the firm
- RFQ not required for contracts less than \$40,000 or in emergency situations.



9

Local Government Professional Services Selection Act – 50 ILCS 510-0.01

- The College may evaluate responding firms based on factors that the College specifies in its notice documents. At this point in the process, the College cannot seek estimates of cost or compensation from the service provider.
- After evaluations, the College selects the three most qualified firms and ranks them in terms of qualifications. College shall negotiate with most qualified firm and attempt to reach an agreement.
- If the College cannot negotiate a satisfactory contract, the College shall terminate negotiations and shall begin negotiations with second ranked firm.



10

Delivery Method

- Traditional Design/Bid/Build
- Construction Manager
 - Advisor
 - At-Risk
- Owner's Representative
- Commissioning Agents
- Specialty Consultants



Design Team and Delivery Method Selection

- The Board's current architect of record has no experience working with industrial tech centers, so the Board elects to issue an RFQ under the Local Government Professional Services Selection Act, selecting the firm of ITA
- The Board has not worked with a construction manager before and is comfortable with the traditional design-bid-build method
- The Board asks the President to ensure that the project goes smoothly and does not pose a risk to the College's finances or reputation

Addressing Risk for Construction Projects



- Risk Management
 - Bid Bonds
 - Performance/Payment Bonds
- Insurance
 - General Liability/Auto/Worker's Comp
 - Professional Liability
 - Builder's Risk

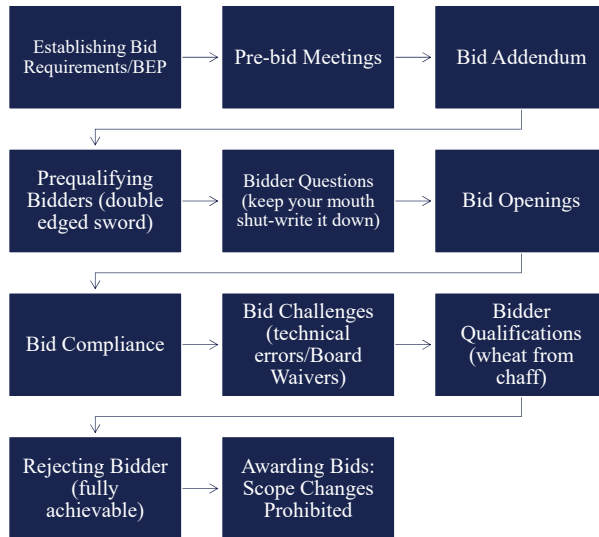
Preconstruction Activities

Because the Board has opted to use the traditional design-bid-build method delivery method, much of the programming and preconstruction work falls on ITA

Once programming is complete, ITA presents its final program to the Board and receives approval to move forward

Working with the architect, the College's team gets ready to bid the project

Public Bidding-Required Steps

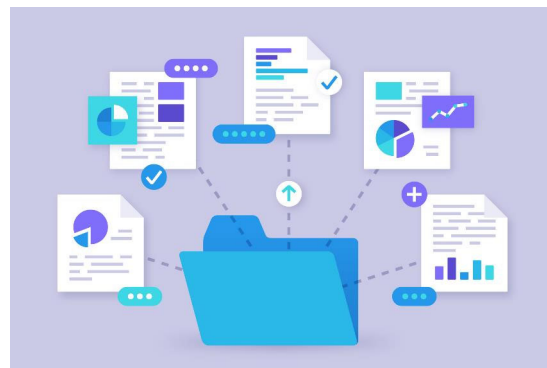


Bidding for Public Construction Projects

15

Bidding for Public Construction Projects

- Bidding Documents
 - Advertisement
 - Instructions to Bidders
 - Bidder Qualification Criteria
 - General and Special Conditions
 - Contract Form
 - Bond Forms



16

Establishing Bid Requirements



Bid Specifications



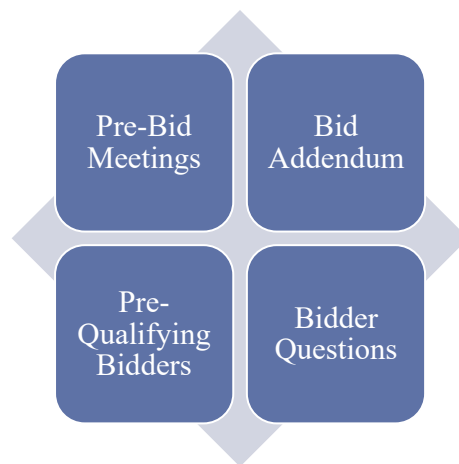
Alternates/Substitutions



Setting BEP Percentages

17

Pre-Bid Communications



18

Bid Opening

- Sealed Bids
- Electronic Bids
- Late Bids



BEP Considerations



Utilization Plans and Compliance with BEP Aspirational Goals



Determining Good Faith Efforts



Curing Utilization Plan Deficiencies

Determining Good Faith Efforts

- Determinations of a prime bidder's good faith efforts should include the statutorily required efforts, which include but are not limited to:
 - a clear demonstration that the contractor selected portions of the work to be performed by eligible businesses owned by minorities, women, and persons with disabilities, solicited through all reasonable and available means eligible businesses, and negotiated in good faith with interested eligible businesses
 - documentation demonstrating that businesses owned by minorities, women, and persons with disabilities are not rejected as being unqualified without sound reasons based on a thorough investigation of their capabilities
 - documentation demonstrating that the contract proposals being offered by businesses owned by minorities, women, and persons with disabilities are excessive or unreasonable
 - A list of businesses owned by minorities, women, and persons with disabilities that the contractor has used in the current and prior fiscal years



21

Utilization Plans and Deficiencies

- Deficiencies that may be cured include scrivener's errors; information submitted in an incorrect form or format; mistakes resulting from failure to follow instructions or to identify and adequately document good faith efforts; or a proposal to use a firm whose Business Enterprise Program certification has lapsed
- Community colleges **must notify** the Commission on Equity and Inclusion of all non-responsive bids or proposals for state contracts
- Community colleges may not allow a cure if a utilization plan is submitted that "shows a lack of reasonable effort to complete the form on time"
- Community colleges may not allow a cure if the utilization plan states the contract will be self-performed, by a non-certified vendor, without showing good faith efforts or a request for a waiver



22

Dealing with Bidding Issues

- After opening of the bids, the lowest bidder failed to include a bid bond
- The second lowest bid is a contractor that performed poorly on the College's last project and receives generally poor references
- The College notices that the third lowest bidder, Big Money Contractor, did not attend a mandatory pre-bid meeting

Awarding the Bid

- Low Bid
 - Alternate Bids
- Responsive
 - Material Variances – Non-Waivable
 - Non-Material Variances- Waivable
- Responsible



Selection



The College decides to waive the non-material variance of Big Money Contractor and awards it the contract



The land acquisition has been completed, and all necessary permits have been secured



Ground is broken and the project begins on time and within budget

thank
you!

Question & Answer

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Construction Case Study Part 2: Building Beyond the Blueprint – Oversight, Dispute Management, and Legal Remedies Through Project Completion

Legal Update for Illinois Higher Education Institutions
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Agenda

Post Bid Award Considerations

Project Oversight Preliminary Considerations

Hypotheticals

- Unforeseen Conditions and Change Orders
- Contractor in Default and Termination
- Defective Work and Payment Claims



2

Post Award Considerations

- Sign AIA contracts and assignment of trade contracts to construction manager.
 - Do you need a formal assignment agreement?
- Confirm insurance and bonds.
 - Collect performance and payment bonds from selected contractor (may not need to do this if using a construction manager)
 - Check validity of bonds
 - Confirm that college is listed as an additional insured and that certificate of insurance indicates proper coverage
- Notice to proceed and confirm that any time sensitive equipment/materials have been ordered.



3

Project Oversight – Preliminary Considerations

Change orders

- Contingency
- Board resolution authorizing President or other officer to approve change orders to keep project moving

Staying on budget

- Bids should be firm for the work subject to unforeseen conditions
- Construction manager should be updating control estimate as project proceeds



4

Hypothetical #1 – Subsurface Conditions

- Fact Scenario – As Big Money Contractor (BMC) is getting ready to break ground and perform site work on the new Industrial Tech Center project, BMC discovers that there are subsurface problems (poor soil conditions, excess concrete, underground storage tanks).
- Now BMC wants a change order to remove the soil/concrete/tanks, and an increase in contract prices and time for completion.



5

Hypothetical #1 – Subsurface Conditions

✓ Testing to confirm subsurface conditions

Who is at fault?

Did the College perform any geotechnical or soil testing?

If so, College can try to recover from that engineer if they were negligent and did not

»» Need to keep project moving.

6

Hypothetical #1 – Subsurface Conditions

- **§ 3.7.4 Concealed or Unknown Conditions**

If the Contractor encounters conditions at the site that are (1) subsurface or otherwise concealed physical conditions that differ materially from those indicated in the Contract Documents or (2) unknown physical conditions of an unusual nature that differ materially from those ordinarily found to exist and generally recognized as inherent in construction activities of the character provided for in the Contract Documents, the Contractor shall promptly provide notice to the Owner and the Architect before conditions are disturbed and in no event later than 14 days after first observance of the conditions. The Architect will promptly investigate such conditions and, if the Architect determines that they differ materially and cause an increase or decrease in the Contractor's cost of, or time required for, performance of any part of the Work, will recommend that an equitable adjustment be made in the Contract Sum or Contract Time, or both. If the Architect determines that the conditions at the site are not materially different from those indicated in the Contract Documents and that no change in the terms of the Contract is justified, the Architect shall promptly notify the Owner and Contractor, stating the reasons. If either party disputes the Architect's determination or recommendation, that party may submit a Claim as provided in Article 15.



7

Hypothetical #1 – Subsurface Conditions

- **Change Order**

- **§ 7.1.4** No Change Order shall be approved or paid unless preceded by a written direction for the Change Order is provided by the Owner. This requirement cannot be waived by conduct, custom, or practice with respect to this Project or other projects. There shall be no implied or constructive change orders. (Robbins Schwartz added language)

- **Change Directive**

- **§ 7.3.2** A Construction Change Directive shall be used in the absence of total agreement on the terms of a Change Order for the purposes of defining the change and/or how payment shall be calculated, but not for the purpose of approving payment.



8

Hypothetical #1 – Subsurface Conditions

Change Order Considerations

- Criminal Code 720 ILCS 5/33E-9: Any change order or series of change order which increases or decreases:
 - Contact sum by \$25,000 or more (effective 1/23/23; used to be \$10,000 or more); or
 - Time of completion by 180 days or more (effective 1/23/23; used to be 30 days or more).
- Requires written determination by public body or its designee of one of the following:
 - Germane to original contract
 - Not reasonably foreseeable



9

Hypothetical #1 – Subsurface Conditions

Change Order Bid Considerations

- Community College Act, 110 ILCS 805/3-27.1(d)
 - Must rebid if change order exceeds 10% of “contract price”
 - “Contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price”
 - What if the additional work was foreseeable or the fault of the contractor?
Bidding implications?
- Public Works Change Order Act, 50 ILCS 525/1 et seq.:
 - Must rebid any change order which increases:
 - A contract price by 50% or more of original contract; or
 - A subcontract price by 50% or more of the original subcontract.



10

Hypothetical #1 – Subsurface Conditions

Change Order Considerations

- Bidding Requirements Under the Community College Act
 - When does bidding apply to change orders?
 - “Contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price. 110 ILCS 805/3-27.1(d).
 - Emergency Bid Exception?
 - “Where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board.” 110 ILCS 805/3-27.1(m)

11

Hypothetical #2 – BMC is in Default

- Fact Scenario – BMC has been less than stellar and the College has been very frustrated. The project is behind schedule, BMC has had a number of change order requests, and the College’s architect has identified a number of concerns about the quality of BMC’s work.
- What should the College do?



12

Hypothetical #2 – BMC is in Default

- What should owners think about before exercising the nuclear option of termination?
 - Are there other options such as taking over portions of the work?
 - Can a new contractor complete the work?
 - Will it cost more? Will the bond cover the additional cost? Will it take longer? Will it be the same quality or better/worse? Bidding requirements?
 - Warranties with multiple contractors on site?
 - Potential litigation?
 - Will the current contractor ever be able to complete the work?
 - Will it be good workmanship? Create dangers/hazards?
 - Trustee of public money – does the contractor deserve to be able to finish and be paid?



13

Hypothetical #2 – BMC is in Default

- The College should take a number of steps before exercising either option
 - Consult with architect and attorney, and contact insurers (if defects exist)
 - Document defective conditions (photographs, inspections, sensors), and provide adequate notice to BMC, subcontractors and surety about ability to attend inspection.
 - Look at the contract to confirm the College's rights and BMC's contractual obligations.
 - Review performance bond to confirm requirements for notice to surety who likely has the right to request a meeting between surety, College, and BMC.



14

Hypothetical #2 – BMC is in Default

- **§ 2.5 Owner's Right to Carry Out the Work**

If the Contractor defaults or neglects to carry out the Work in accordance with the Contract Documents or approved construction schedules, and fails within a five-day period after receipt of written notice from the Owner to commence and continue correction of such default or neglect with diligence and promptness, the Owner may, without prejudice to other remedies the Owner may have, correct such default, neglect or failure. In such case an appropriate Change Order shall be issued deducting from payments then or thereafter due the Contractor the reasonable cost of correcting such deficiencies, including Owner's expenses and reasonable attorneys' fees, and compensation for the Architect's additional services made necessary by such default, neglect or failure. If payments then or thereafter due the Contractor are not sufficient to cover such amounts, the Contractor shall pay the difference to the Owner within thirty (30) days after a request by the Owner.



Hypothetical #2 – BMC is in Default

- **§ 14.2 Termination by the Owner for Cause**

- **§ 14.2.1** The Owner may upon seven (7) days' notice to the Contractor terminate its contract with the Contractor or cause the Contractor to terminate any Subcontract with any Subcontractor or Sub-subcontractor if:
 -
 - **4.2.1.8** the Contractor or Subcontractor otherwise violates any material provision of the Contract Documents
- Upon termination as provided herein, Owner may take possession of the Project and of all materials, equipment, tools, construction equipment and machinery thereon owned by the Contractor and accept assignment of Subcontracts and may complete the Work by whatever reasonable method the Owner may deem expedient. If requested by the Owner, the Contractor shall remove any part or all of his equipment, machinery and supplies from the Project within seven (7) days from the date of such request, and in the event of the Contractor's failure to do so, the Owner shall have the right to remove or store, or remove and store, such equipment, machinery and supplies at the Contractor's expense. In case of such termination, the Contractor shall not be entitled to receive any further payment for Work performed by the Contractor through the date of termination until final completion of the Work.
- The termination rights under this Subparagraph 14.2.1 shall be in addition to and not in limitation of any rights or remedies, contractual, statutory or otherwise.

Hypothetical #3 – Payment Claims and Defects

- Fact Scenario – The College terminates BMC from the project. BMC claims that its work is not defective and demands payment. BMC serves a lien on funds. Meanwhile, the College believes that the work was defective and a portion of the new ITC needs to be replaced.
- What should the College do?



Hypothetical #3 – Payment Claims and Defects

Evidence of Defects:
How are you going to prove your case? What evidence do you have?

- The more documents (including photographs, videos, sensor data, etc.) the better likelihood of success.
- Use correct procedure and forms for consistency (change orders in writing, AIA forms, etc.)
- Maintain organization to keep discovery costs low.

Inspections, Tests, or Repairs: Consult with legal counsel first!

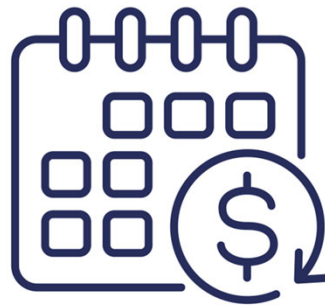
- Performing any inspections, testing, or repairs of defective conditions could result in spoliation of evidence or at least another round of said inspections/testing.
- Spoliation of evidence claim or defense can prevent the owner from using the defective conditions as evidence.

Hypothetical #3 – Payment Claims and Defects

- How long do you have to file a lawsuit? 735 ILCS 5/13-214
 - Statute of Limitations (735 ILCS 5/13-214(a)): Any action related to construction shall be commenced within 4 years from the time the person knew or reasonably should have known of the defendant's act or omission.
 - Statute of Repose (735 ILCS 5/13-214(b)): Any action related to construction shall be commenced within 10 years from the time of the defendant's act or omission.
 - "Discovery Rule" – Plaintiff shall have an additional 4 years to file lawsuit if discovered within the 10-year period.
 - Contractual Limitations: The parties can contractually agree to shorten the limitations period.
 - Tolling Agreements – Agreement with contractors, design professionals, and other potential defendants to toll or stop the running of all statutes of limitations, repose, or other time limitation defenses.

Hypothetical #3 – Payment Claims and Defects

- General Litigation Considerations:
 - Who is included in the lawsuit?
 - The role of experts
 - Alternative dispute resolution (ADR)
 - Arbitration or mediation?
 - What are the recoverable damages?



Questions & Answers



21

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Balancing Support and Liability: Navigating Student Mental Health on Campus

Legal Update for Illinois Higher Education Institutions
September 17, 2025

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Agenda

1. Student Mental Health Statistics
2. Applicable State Laws and Requirements
3. Applicable Federal Laws and Requirements
4. Case Examples
5. Takeaways



1

Guiding Questions

- What are institutions' obligations with respect to students who experience mental health issues?
- When can/should institutions disclose information about a student's mental health issues to a third-party?
- What steps should institutions take to address student mental health on campus and protect the institution from legal liability?
- When can an institution be held liable for its response (or lack of response) to a student's mental health issues?



2

Student Mental Health Statistics

- A 2023-24 data report from the Healthy Minds Study indicates:
 - The number of students screened as positive for symptoms of anxiety and depression increased from 2013-2014
 - Anxiety symptoms increased from 22% to **34%**
 - Depression symptoms increased from 21% to **38%**
 - Over **6 in 10 students** (65 percent) indicated some level of agreement they needed help within the past year with mental health problems
 - Nearly **8 out of 10 students** (77 percent) indicated mental health difficulties impacted their academic performance



3

Student Mental Health Statistics

- Suicide is the **2nd leading** cause of death among college-aged individuals. Approximately 1,100 college students die by suicide each year in the U.S.
- In the 2023-24 school year, research showed:
 - **13%** of college students (about 1 in 8) had serious thoughts of suicide
 - In 2013-14, about 10% of students had serious thoughts of suicide
 - **6%** of college students (about 1 in 17) developed a suicidal plan



4

State Laws

- Mental Health Early Action on Campus Act
- Student Optional Disclosure of Private Mental Health Act
- Mental Health and Developmental Disabilities Confidentiality Act
- Illinois Clear and Present Danger Reporting Act



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Mental Health Early Action on Campus Act

- Requires institutions to raise mental health awareness the following ways:
 - Develop & implement annual student orientation
 - Create a mental health page with information dedicated to mental health resources
 - Distribute mental health resources during high-stress periods such as midterms and finals
 - Implement online screening tools
 - At least once per term and during high-stress periods, provide information for screening tools
 - Provide contact information for the National Suicide Prevention Lifeline, crisis line, local line, university resources on the back of student ID cards
 - If a college does not have ID cards, it must publish information on its website.

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Mental Health Early Action on Campus Act



Training

Board-designated expert panel* must implement procedures that (i) advise students and employees of proper procedures to identify student mental health needs, (ii) promote understanding of legal protections, and (iii) provide training if appropriate.

*Effective 1/1/2026, must include at least two administrators, two faculty, and one mental health professional



Peer Support

Campuses must develop and implement peer support programming.



Local Partnerships

Campuses are required to form strategic partnerships with local mental health providers.



7

Mental Health Early Action on Campus Act



Mental Health Professionals

Effective 1/1/2026, each public college or university **must provide** at least the number of licensed mental health professionals required by a 1:1250 benchmark ratio or 3 professionals, whichever is lower.

Service hours should be informed by campus utilization data.



Evaluation

Provides specific monitoring measures that colleges and universities must use to evaluate:

Awareness and training programs.

Peer support programs.

Local partnership programs



8

Student Optional Disclosure of Private Mental Health Act

- Requires colleges to prepare an optional mental health disclosure contact form and provide an opportunity to submit it “at or near the time of enrollment.”
- Allows students the opportunity to authorize a person to contact another individual for mental health emergencies.
- Students can list an individual not listed as an emergency contact.



Student Optional Disclosure of Private Mental Health Act

- If a physician, clinical psychologist, or qualified examiner who is employed by the institution of higher learning determines student poses a **clear danger** to himself, herself or others to protect the student or other person against **clear, imminent risk** of serious physical or mental injury or disease or death being inflicted upon the person or by the student themselves:
 - They **shall** attempt to contact and notify the designated person about the determination that the student poses, a clear, imminent danger to self or others.
 - The attempt to contact must be done as soon as practicable, but no more than 24 hours after making the determination.
 - The institution **may** disclose the student’s mental information. (Other laws mandate reporting.)

Mental Health and Developmental Disabilities Confidentiality Act

- Applies to mental health or developmental disability service records and communications of a “therapist” or an agency providing such services
 - “Therapist” is broad enough to include social workers, nurses, and “counselors” or others who are not prohibited by law from providing such services if the student reasonably believes they are permitted to do so.
- Provides specific requirements for the contents and signing of written consent forms to disclose records and communications
- Recognizes therapist’s discretion to disclose in limited circumstances
 - Allows warning an identified individual targeted by a specific threat “where there exists a therapist-recipient relationship or a special recipient-individual relationship,” consistent with judicially recognized duty.



11

Mental Health and Developmental Disabilities Confidentiality Act

- Requires mental health professionals to report to employer or directly to Department of Human Services in cases involving a serious threat
 - Mandates reporting **within 24 hours** after determining a person poses a clear and present danger to self or others.
 - Balances the importance of therapeutic confidentiality with the need to protect potential victims
- Makes reports and identity of person reporting confidential
- Provides immunity for any individual and institution that participates in good-faith disclosures and reporting



12

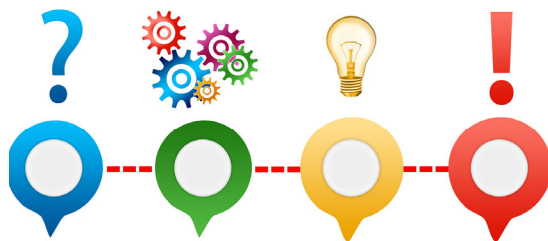
Clear and Present Danger Reporting

- *School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law* requires chief administrative officers of all colleges and universities to report to Illinois State Police if a person is determined to “pose a clear and present danger to himself, herself, or to others,” **within 24 hours of the determination.**
 - Also provides immunity for reporting, “except for willful or wanton misconduct.”
- *Firearm Owners Identification Card Act* defines “clear and present danger” to include:
 - A person who demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior as determined by a physician, clinical psychologist, qualified examiner, school administrator or law enforcement official.



13

Clear and Present Danger Reporting



- For immediate police assistance, call 911.
- Ensure campus violence prevention plan and threat assessment team are up to date.
- Train staff on appropriate internal contact(s) for reports of threatening behavior.
- Err on the side of reporting to ISP and IDHS.
- Consider FERPA when reporting and keeping records of such reports.



14

Federal Law

- Family Educational Rights and Privacy Act (“FERPA”)
- Section 504 of the Rehabilitation Act



15

FERPA Health & Safety Exception

- Permits disclosing PII from an education record, in connection with an emergency, if necessary to protect the health or safety of the student or others
 - Must consider the totality of the circumstances pertaining to the threat, must have an articulable and significant threat.
 - Must be an actual, impending, or imminent emergency
 - ex: campus shooting, natural disaster, outbreak epidemic, terrorist attack, etc.
 - Disclosure must be limited to a person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals
- The Department of Education interprets this exception narrowly



16

Section 504 of the Rehabilitation Act

- Section 504 of the Rehabilitation and Title II of the ADA prohibit discrimination on the basis of disability.
- Require institutions to provide reasonable accommodations to students with a documented physical or mental impairment that substantially limits one (or more) major life activities.
 - Physical or mental impairment could include mental health concerns, like depression or anxiety.
 - Major life activities can include as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Mental Health Case Examples in Higher Ed



Harvard Class Action Lawsuit

Students 4 Mental Health Justice v. The President and Fellows of Harvard College, filed May 22, 2025

- Class Action lawsuit brought by a student-led advocacy organization, raising allegations pertaining to the University's response to disability related behaviors, discriminating against students with mental health disabilities.
- Claims allege violations of ADA and Section 504 of the Rehabilitation Act.
- Suit alleges that University excludes students with mental health issues, by preventing them from returning to campus;
 - Students are forced to make arrangements to have friends or family members retrieve their belongings.
- Suit alleges that University will prevent students from returning to campus, even after treating providers have determined that they are not at risk of harm to themselves or others.



19

Harvard Class Action Lawsuit

- For students who request to return to campus, University imposes burdensome requirements
 - Including requiring that students sign contracts for the duration of their enrollment, requiring mental health treatment under supervision by the university
- As a result of these policies and practices, lawsuit alleges University denies students with mental health disabilities equal access to its programs.



20

University of Iowa

Jain v. State (S.C. Iowa 2007)

- Student (Jain) experienced a series of mental health struggles while in his first semester.
- He began experimenting with drugs/alcohol, academic struggles, placed on disciplinary probation.
- Involved in a domestic dispute with his girlfriend, after which he reported to resident assistants that he had attempted suicide.
- His resident assistant responded by encouraging Student to speak with his parents, seek counseling, and gave Student her personal phone number so that he could call her at any time.
- Resident assistant also escalated the concerns about the Student's suicidal ideations to her supervisor.



21

University of Iowa

- Student returned from Thanksgiving break and shortly thereafter, died by suicide in his dormitory.
- Parent filed lawsuit against the university alleging:
 - Wrongful death, claiming the Student's death resulted from the University's negligent failure to exercise care and caution for his safety.
 - Parent cites FERPA exception, alleging an emergency existed with respect to the Student, and it was vitally important for Student's parents to have information so they could intervene on his behalf.
- Iowa Supreme Court upheld the determination that the University owed no duty to the Student's parents to notify them of the student's prior suicide attempt.
- Court recognized no special relationship between the University and the Student, requiring a heightened duty to the Student.



22

Potential Claims

Disability discrimination
(under ADA and/or
Section 504 of the
Rehabilitation Act)

Willful/wanton conduct
by College employees

Wrongful death

Tort – College owes a
“special relationship” to
prevent a student’s suicide
or self-harm

- Higher ed institutions do not stand “in loco parentis”



23

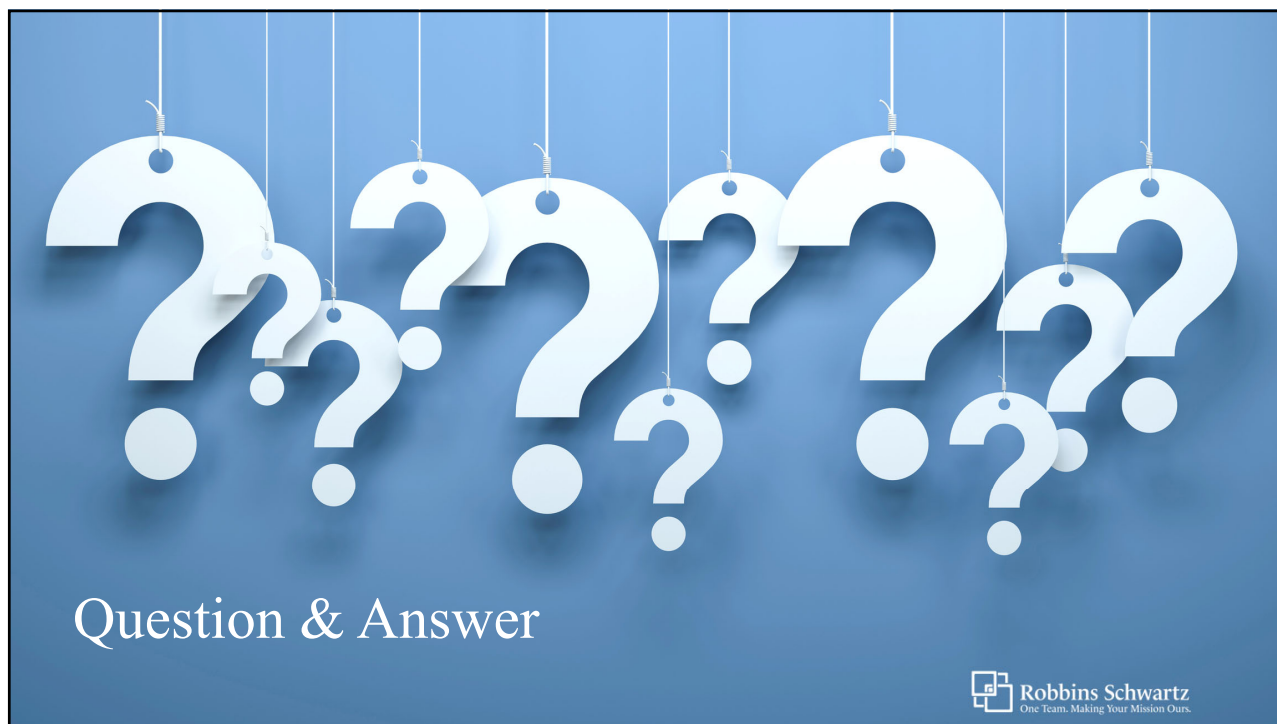
Key Takeaways

Educational institutions should have procedures in place for responding to students experiencing mental health crisis, which include protocols for:

- Referring students to the College’s threat assessment team
- Clear and Present Danger reporting
- Referring students to mental health resources and/or disability services
- Third-party disclosures
- Documentation and maintenance of records



24



25

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26



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Your Litigation Playbook: Key Steps & Expectations Uncovered

**Legal Update for Illinois Higher Education Institutions
September 17, 2025**

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Agenda



1. What Are We Dealing With?
2. Initial Steps
3. Phases of a Lawsuit

1

What Are We Dealing With?



2

What Are We Dealing With?

- Administrative charges
- Civil litigation
- Subpoena

What Are We Dealing With?

Administrative Charges

- Complaints, charges, or enforcement acts within a government agency's own regulatory system.
- Examples:
 - EEOC Charge of Discrimination
 - IDHR Charge of Discrimination
 - IELRB Unfair Labor Practice Charge
 - OCR Complaint
 - IDOL Complaint

What Are We Dealing With?

Administrative Charges



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- Purpose: to enforce a specific regulation or law under the agency's authority
- Legal Forum: internal administrative proceeding
- Resolution: informal resolution or administrative findings

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What Are We Dealing With?

Civil Lawsuit



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- Legal action filed in a court of law (state or federal)
- Purpose: to seek a legal remedy
 - Financial compensation
 - Order a defendant to take or stop a certain action
- Resolution:
 - Dispositive motion
 - Settlement
 - Trial

6

What Are We Dealing With?

Subpoena



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- Subpoena: an order from the court to appear or to produce something
- Subpoena *duces tecum* (records subpoena)
- Subpoena to testify at deposition or hearing

7

Initial Steps



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8

Initial Steps



9

Step 1

Call Legal Counsel

- Inform the college's legal counsel that the college received a complaint, charge, etc.
- Review the documents for relevant dates and pending deadlines.
- Send a copy of the documents to legal counsel.

10

Step 2

Preserve and Retain all Relevant Evidence

- Locate evidence that may be relevant.
- Suspend scheduled record purging or destruction activities related to relevant documents.
- Preserve all relevant evidence.
 - Note: Preserving video footage
- Avoid a spoliation of evidence claim.



11

Step 3

Refrain from Commenting on the Litigation

- Do not engage with media sources unless authorized to do so.
- Avoid discussing the litigation on social media.
- Limit communications about pending litigation with employees.
- Communications with employees or board trustees are not subject to the attorney-client privilege and could be subject to disclosure in discovery.



12

Step 4

Notify Relevant Employees

- Connect relevant employees with the college's legal counsel.
 - Employees named individually as defendants
 - Employees involved in the underlying issue
- Provide the employees with EAP information, if necessary.
- Direct the employees to preserve relevant evidence.



13

Step 5

Report to Insurance

- An adversarial charge or complaint may be a covered claim under the college's employment practices liability (EPL) insurance.
- Provide all documentation to the third-party administrator for the college's insurance program.
- Err on the side of reporting potential claims because the insurer may deny a claim if submitted late.



14

Phases of a Lawsuit



Phases of a Lawsuit

- Service of the Complaint and Summons
- Response to the Complaint
- Discovery
- Settlement Conference
- Dispositive Motion
- Trial

Phases of a Lawsuit

Service



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- When a lawsuit is filed, the plaintiff must notify the defendant of the lawsuit by serving the complaint and summons.
 - State court = service by the county sheriff or a licensed process server
 - Federal court = service by the U.S. marshal or an adult who is not a party to the lawsuit
- A defendant may waive formal service of the complaint and summons.

17

Phases of a Lawsuit

Response to the Complaint



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- Legal counsel will analyze the complaint and prepare the response to the complaint.
 - Answer to the Complaint
 - Motion to Dismiss the Complaint
- At this stage, the allegations in the complaint are taken as true in the eyes of the court.

18

Phases of a Lawsuit

Response to the Complaint



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- Motion to dismiss briefing schedule:
 - 21-28 days to file Motion to Dismiss after first court appearance
 - 21-28 days for the plaintiff to file Response Brief
 - 14-21 days for Defendants to file Reply Brief
 - Oral argument and ruling
- The plaintiff is almost always given an opportunity to amend their complaint.

19

Phases of a Lawsuit

Discovery



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- Written discovery
 - Interrogatories
 - Requests for Production
- Oral discovery (depositions)
 - The parties
 - Fact witnesses
 - Eyewitnesses
 - Other individuals with knowledge
 - Treators (if physical injury)
 - Expert witnesses

20

Phases of a Lawsuit

Settlement Conference

- Conducted by the judge or magistrate judge presiding over the case.
- In essence, a settlement conference is a mediation session.
- Helpful way to evaluate the case and potentially reach a resolution.
- Option for private mediation.



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Phases of a Lawsuit

Dispositive Motion

- Summary judgment briefs normally filed after the close of discovery.
- Can be filed by either party.
- Standard: based on the evidence produced in discovery, there are no issues of material fact for a jury to decide.
- Briefing schedule and oral argument.



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Phases of a Lawsuit

Trial

- Only about 2% of cases advance to a full trial.
- Jury trial versus bench trial.
- A trial may last a few days to a few weeks, depending on the complexity of the issue.
- A trial, including preparation, is a tremendous time commitment for all involved.



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Question & Answer



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Joseph J. Perkosi has devoted his 30-year legal career to representing educational institutions and public sector employers primarily in the areas of labor and employment law, as well as public board and executive leadership matters. Known for his experience in labor and employment issues, including collective bargaining, grievance arbitration, and contract interpretation, Joseph is a trusted counselor to his clients.

While an effective advocate in any adversarial proceeding, Joseph finds immense satisfaction in counseling clients to help them achieve their goals and objectives. His strengths as an attorney lie in understanding his clients' objectives and helping them achieve their goals. As a first-generation college graduate and lawyer, Joseph's choice to specialize in education law is rooted in his strong belief in the fundamental importance of education in the overall success of our society.

Joseph's excellence in his field is underscored by prestigious accolades, including being recognized as a Fellow of The College of Labor & Employment Lawyers and consistently listed in Illinois Super Lawyers annually from 2008 through the present. He has also been named an Illinois Leading Lawyer in Employment, Labor, and School Law. Joseph's contributions to his field extend beyond his legal counsel role to include his leadership role as Managing Partner of Robbins Schwartz. Through his leadership, Robbins Schwartz has become the largest and most talented education law firm in Illinois.

Awards

Fellow, The College of the Labor & Employment Lawyers
Illinois Super Lawyers, 2008-2024
Illinois Leading Lawyer, Employment, Labor and School Law

Recent Publications

Contributing author, "Bargaining Implications of Statutory Leave Rights for Public Sector Employees," State and Local Government Bargaining & Employment Law Committee Midwinter Meeting, American Bar Association (2024)

Contributing author, "Labor Issues in the Transactional Side of the Project," Construction Law: Transactional Considerations, IICLE (2017)

Contributing author, "Labor Relations: Contract Administration Including ULPs," Illinois School Law: Personnel and Student Issues, IICLE (2010, 2012, and 2015)



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U.S. District Court for the
Western District of
Wisconsin

Supreme Court of Illinois

Supreme Court of
Wisconsin

Superior Court for the
District of Columbia

ORGANIZATIONS

American Bar Association

Fellow, College of Labor
and Employment Lawyers

Council of School
Attorneys

Federal Bar Association

Illinois Association of
School Business Officials

Illinois Bar Association

National School Boards
Association

Wisconsin Bar Association

“Finding a New Way: Subcontracting Revisited,” *UPDATE Magazine*, Illinois ASBO (2011)

Contributing author, “Labor Issues in the Transactional Side of the Project,” *Construction Law – Transaction Practice*, IICLE (2010)

Recent Presentations

Please Proceed in an Orderly Fashion: Responding (or not) to Executive Orders, ED-RED Member Meeting (February 2025)

Which Hat Am I Wearing? Board Member Conundrums, IASB / IASA / IASBO Joint Annual Conference (November 2024)

What Anti-Woke Laws Have Meant for Public Employees and Their Representatives, ABA 18th Annual Section of Labor and Employment Law Conference (November 2024)

The Nuts and Bolts of Employee Sexual Misconduct and Grooming Investigations, Large Unit District Association January 2024 Conference (January 2024)

Legal Update, Illinois Community College Chief Financial Officers Spring Conference (April 2022)

Legal Update, Illinois Community College Chief Financial Officers Spring Conference (April 2021)

Hot Legal Topics, Bargaining in a Post-Covid World, Illinois Community College Chief Financial Officers Spring Conference (April 2021)

Will it Count? Teacher Evaluations in a Hybrid and Virtual World, Large Unit District Association Virtual Fall Conference (October 2020)





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Ken Florey concentrates his practice representing public and private clients, including municipalities, school districts, community colleges, townships, libraries, private owners, contractors and design professionals regarding land use, municipal law, construction, tax, finance and litigation. Ken has also started offering his services as a mediator with an emphasis on construction disputes.

Ken was the Chair of the DuPage County Bar Association's Local Government Committee. He was appointed Special Assistant Attorney General to prosecute and defend construction litigation claims on behalf of the Illinois Capital Development Board. Ken is also a member of the Illinois ASBO Service Associate Advisory Committee. He served as a Trustee for the Village of Lombard for eight years and is a member of the Lombard Fire and Police Commission.

Mediator Certificate: Northwestern University 2017

Awards

Illinois Leading Lawyer, Construction Law; Governmental, Municipal, Lobbying & Administrative Law; Land Use, Zoning & Condemnation Law; and School Law

Illinois Association of School Business Officials, Above and Beyond Award

Illinois Institute for Local Government Law, Litigation Award

Recent Publications

Contributing author, "Competency in ADR: Assuring Ethical Practice through Competency and Communication," *DCBA Brief*, The Journal of the DuPage County Bar Association (2024)

Contributing author, "Navigating Construction Disputes: The inevitable construction disputes can be navigated with a combination of knowledge, preparation, and outside guidance," *School Business Affairs* (November 2023)

Contributing author, "Diving into ADR Ethics: Exploring the Ethical Obligation of Attorneys as Advisors, Advocates, and Third-Party Neutrals," *DCBA Brief* (November 2023)

Contributing author, "Joint Purchasing Everything You Want to Know but Are Afraid to Ask!" *UPDATE Magazine*, Illinois ASBO (2019)



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U.S. District Court for
the Northern District of
Illinois

Supreme Court of Illinois

Contributing author, “How Far Does the Law Allow Schools to Go?” *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, “Top 11 Public Bidding Questions & Solutions” *UPDATE Magazine*, Illinois ASBO (2018)

Co-author, “School Construction from Start to Finish: A Project Checklist,” *School Business Affairs Magazine*, ASBO (2018)

Contributing author, “Top 11 Public Bidding Questions,” *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, “Top 11 Public Bidding Questions,” *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, “Meditation a Win-Win for Clients and their Attorneys in Construction Litigation,” *Chicago Daily Law Bulletin* (2018)

Recent Presentations

Construction 101: Understanding Money from Start to Finish, Illinois ASBO Rising Leaders in School Business (July 2025)

Mastering the Complex World of Public Bidding, Illinois ASBO Annual Conference (April 2025)

Eminent Domain – Key Challenges; Advanced Development Agreement Drafting Techniques; and Legal Ethics, National Business Institute National Seminar (February 2025)

Taking Action: Administration Red Flags During Construction, IASB/IASA/IASBO Joint Annual Conference (November 2024)

Contract Pitfalls to Avoid, Emerging SBO Summit (July 2024)

Building Better Bid and RFP Documents, Illinois ASBO Annual Conference (April 2024)

Alternative Dispute Resolution Section MCLE Program, DuPage County Bar Association (February 2023)





MATTHEW J. GARDNER

Partner, Chicago

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PRACTICE AREAS

Commercial
Transactions
Construction
Public Finance &
Taxation
Real Estate
Development

EDUCATION

J.D., University of
Wisconsin Law School

B.A., University of
Utah

ADMITTED TO PRACTICE

U.S. District Court for
the Northern District of
Illinois

Supreme Court of
Illinois

Supreme Court of Utah

Supreme Court of
Wisconsin

Matthew J. Gardner is a partner at Robbins Schwartz, where he specializes in construction, commercial transactions, real estate, public finance, and board governance. Matt represents public and private project owners, contractors, subcontractors, and material suppliers over the course of construction projects. He regularly counsels clients through the public bid and procurement process, including drafting bid packets to comply with the assortment of laws impacting public project owners. He also drafts and negotiates a variety of construction contracts involving project owners, architects and design professionals, contractors and construction managers, and project general conditions. Additionally, Matt works with project owners throughout the project to quickly resolve any problems or conflicts that often arise on construction projects to help the project continue smoothly without delays or cost overruns. If a project does go wrong, Matt regularly represents clients on mechanics lien matters, construct defect cases, and other construction-related litigation.

Matt's commercial real estate practice involves representing public and private clients in a wide variety of real estate and land use matters. He represents clients throughout the purchase or sale of property, from drafting and negotiating a purchase and sale agreement, due diligence review of lease, environmental, and title matters, zoning, and ultimately through closing. Throughout the process, Matt seeks to ensure a smooth closing to fulfill the parties' desired goals, while at the same time keeping his client fully informed of any nuances and risks, and making sure his client's interests are protected. Matt also represents clients on commercial and education-related leases, large and small, and other land use issues such as licenses and easements, zoning, impact fees, or title disputes.

In addition to construction and real estate, Matt represents school districts, colleges, and private companies on a wide assortment of commercial transactions, including drafting and negotiating data privacy agreements, software license agreements, and service agreements. As educational technology and artificial technology tools and products become more prevalent, Matt frequently presents on student privacy-related issues and compliance with the litany of laws and regulations impacting the same. He also counsels and helps clients navigate and respond to data breaches or ransomware attacks if they occur.

Beyond his practice, Matt is actively involved in the legal community. He has served as the past Chair of the Chicago Bar Association Construction Law and Mechanics lien Subcommittee, is an active member of the Chicago Bar Association Judicial Evaluation Committee, and a member of the Illinois State Bar Association.



ORGANIZATIONS

Chicago Bar Association

Illinois Association of
School Business Officials

Illinois State Bar
Association

Illinois Council of School
Attorneys

Awards

Illinois “Rising Star”, by Super Lawyers Magazine, in the area of Construction Litigation (2021-2022)

Recent Publications

Contributing author, “Environmental Issues” *Construction Law: Transactional Considerations*, IICLE (2021)

Contributing author, “School Property and Environmental Issues” *School Law: Organization, Finance, and Property*, IICLE (2017, 2021)

Contributing author, “Turner on Illinois Mechanics Liens,” *Chapter III – Making a Lien Against Private Property Enforceable* (2019)

Recent Presentations

Ed Tech Contracts in 2025: Industry-Wide Acceptance of the NDPA, Evolving AI Technologies, and Risks and Best Practices that School Attorneys Should Consider, ICSA In-House Counsel Networking Meeting (May 2025)

Bridging SOPPA and NDPA: Key Changes to Student Data Agreements in Illinois, SecurED Schools K-12 Data Privacy & Cybersecurity Conference (January 2025)

Construction Project Delivery Methods, IASB/IASA/IASBO 2024 Joint Annual Conference (November 2024)

Sustainable Design: Procurement and Other Considerations for a Successful Project, Illinois ASBO 2024 Annual Conference (April 2024)

Data Breaches and Ransomware Attacks: Strategies for Preventing and Responding to Cybersecurity Incident, LUDA 2024 March Conference (March 2024)

Bidding and Managing a Successful Construction Project, 2024 IADP/IPRA Soaring to New Heights Conference (January 2024)

Best Practices When Responding to a Data Breach or Cyber Incident, Secured Schools: K-12 Data Privacy and Cybersecurity Conference (January 2024)

Legal Requirements Schools Must Consider for Data Privacy and an Update on the Evolution of Lawsuits Against Schools Arising From Data Breaches, Secured Schools: K-12 Data Privacy and Cybersecurity Conference (January 2024)





Robbins Schwartz
One Team. Making Your Mission Ours.



THOMAS C. GARRETSON

Partner, Chicago

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PRACTICE AREAS

Employee Benefits
Labor & Employment
Municipal

EDUCATION

J.D., Chicago-Kent
College of Law

B.A., *with honors*,
Michigan State University

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of
Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Tom advises and counsels employers in the public and private sectors in all areas of labor and employment law, including workplace investigations, disciplinary action, leaves and accommodation requests, contract disputes, wage and hour issues, and general human resources compliance. Tom has significant experience working closely with management in traditional labor matters, including union organizing, collective bargaining and contract negotiations, grievances, and unfair labor practices. Tom also defends employers in state/federal court and before administrative agencies involving claims of discrimination, harassment, retaliation, and breach of contract.

Prior to joining Robbins Schwartz, Tom worked as a labor relations attorney for the Cook County Health System. Tom also worked with the U.S. Equal Employment Opportunity Commission's Enforcement Unit while in law school.

Outside of Robbins Schwartz, Tom is a die-hard sports fan and, despite living in Chicago for over a decade, his heart still belongs to his hometown Detroit teams as well as the Michigan State Spartans.

Recent Publications

"New Supervisors, Take Caution: Seventh Circuit Concludes Sudden Changes from New Management Could Constitute Age Discrimination," *Employment & Labor Law Flashpoints*, IICLE (2024)

"Illinois Employers Take Note: Expanded Bereavement Leave Requirements Now in Effect," *Employment & Labor Law Flashpoints*, IICLE (2024)

"IDOL Publishes Proposed Rules for the Illinois Paid Leave for All Workers Act," *Employment & Labor Law Flashpoints*, IICLE (2023)

"Illinois Employers Required to Provide Transportation Benefits Starting in 2024," *Employment & Labor Law Flashpoints*, IICLE (2023)

"Mandatory Paid Leave for Employees Coming to Illinois in 2024," *Employment & Labor Law Flashpoints*, IICLE (2023)

"Illinois Supreme Court – Federal Labor Law Preempts BIPA Claims Brought by Union Employees," *Employment & Labor Law Flashpoints*, IICLE (2023)



“Illinois Imposes New Pay Transparency Requirements on Employers,” *Employment & Labor Law Flashpoints*, IICLE (2023)

“Illinois Department of Labor Adopts New Expense Reimbursement Rules for Employers,” *Employment & Labor Law Flashpoints*, IICLE (2023)

Recent Presentations

FMLA 101, Illinois ASBO Rising Leaders in School Business (July 2025)

The Continuing Impact of Executive Orders, Superintendent Commissions' Summer Leadership Conference (June 2025)

FMLA 101 & 201, Illinois ASBO Annual Conference (May 2025)

Tenured Teacher Dismissals in Illinois Public Schools, 40th Annual Illinois Public Sector Labor Relations & Labor Law Conference (December 2024)

Navigating Payroll Laws, Illinois ASBO Bookkeepers Conference (March 2024)

Collective Bargaining Overview and Tips for Negotiations, Community College Trustee Professional Development Training, ICCTA Annual Conference (June 2023)

Navigating Payroll Laws – Wages and Recordkeeping Requirements, Illinois ASBO Bookkeepers Conference (March 2023)

Best Practices for Responding to Harassment and Discrimination Complaints, IAPD/IPRA Soaring to New Heights Conference (January 2023)





Robbins Schwartz
One Team. Making Your Mission Ours.



CHRISTOPHER R. GORMAN

Partner, Chicago & Lisle

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PRACTICE AREAS

Commercial
Transactions
Construction
Labor & Employment
Litigation
Municipal
Real Estate

EDUCATION

J.D., University of
Minnesota Law School

B.A., *Presidential
Scholar*, University of
Minnesota - Twin Cities

ADMITTED TO PRACTICE

Supreme Court of
Illinois

U.S. District Court for
the Northern District of
Illinois

Christopher R. Gorman practices in the firm's commercial, construction, and real estate practice groups, representing public sector clients in commercial transactions, contracting, construction related transactional matters, and data & privacy law. Christopher has also served in the firm's labor and employment practice group and counseled employers in all aspects of labor and employment law, including labor relations, collective bargaining, grievance and dispute resolution, workplace investigation, employee discipline, terminations and reductions in force, and employment discrimination. Christopher also advises clients on board governance and compliance with the Illinois Freedom of Information Act and Open Meetings Act.

Christopher's strengths as an attorney are evident in his approach to law. He brings a unique perspective to the table, given his background as in-house counsel for not-for-profit organizations and public bodies as well as his comprehensive understanding of various practice areas. He values ethical principles and understands the significance of alternative dispute resolution when it aligns with his clients' best interests.

In his legal practice, Christopher finds the most joy in representing individuals who are deeply committed to their roles in public service, recognizing the significance of their contributions. This alignment of values and a shared commitment to public service underscores the core of his legal practice.

Christopher's decision to become a lawyer was deeply rooted in his passion for government and public service. Prior to joining Robbins Schwartz, Christopher served as in-house counsel for a nonprofit organization, a charter school management organization and a state regulatory agency overseeing higher education financing. In his career, Christopher has overseen labor relations for the first unionized charter school in the country, assisted in the development of state legislation and administrative rules, and influenced the U.S. and Treasury Department's decision to reintroduce the U.S. Savings Bond as a form of tax refund, promoting savings among low-income families.

Christopher's contributions extend beyond the courtroom. He has authored numerous publications, addressing critical legal issues and serving as a valuable resource for the legal community. He has also been a prominent figure in legal presentations, sharing his insights with fellow professionals.



ORGANIZATIONS

Illinois State Bar
Association

DuPage County Bar
Association

Illinois Local Government
Lawyers Association

Illinois Association of
School Business Officials

Beyond his legal career, Christopher is a devoted coach for his children's sports activities when given the opportunity. He finds solace in the great outdoors, enjoys cooking, and maintains a commitment to regular exercise. Moreover, he possesses a deep interest in change management and organizational design, which he's cultivated through certification courses.

Recent Publications

Contributing author, "Labor Issues in the Transactional Side of the Project," *Construction Law: Transactional Considerations 2021 Edition* (IICLE, 2021, 2025)

Contributing author, "Labor Relations: Contract Administration Including Unfair Labor Practices," *Illinois School Law* (IICLE, 2024)

Contributing author, "Competency in ADR: Assuring Ethical Practice through Competency and Communication," *DCBA Brief*, The Journal of the DuPage County Bar Association (2024)

Contributing author, "School District Emergency Purchasing," *UPDATE Magazine*, Illinois ASBO (2024)

Contributing author, "Diving into ADR Ethics: Exploring the Ethical Obligations of Attorneys as Advisors, Advocates, and Third-Party Neutrals" *DCBA Brief*, The Journal of the DuPage County Bar Association (2023)

"Navigating Public Bidding Requirements under the Illinois School Code," *Update*, Illinois ASBO (2022)

"Continuing Controversy Over FCC's Efforts to Improve Broadband Connectivity," *Energy, Utilities, Telecommunications and Transportation Newsletter*, Illinois State Bar Association (2021)

"The Future of For-Profit Online Charter Schools," *Labor and Employment Law Quarterly*, American Bar Association (2016)

Recent Presentations

Community College Legal Updates, Illinois Community College Chief Financial Officers Conference (April 2025, October 2024, April 2024)

Best Practices for Safeguarding Data in an Increasingly Digital World, SecurED Schools: K-12 Data Privacy and Cybersecurity Conference (January 2023)

School Bidding, Procurement, and Prevailing Wages: From the Basics to the Advanced, IASA Spring Legal Seminar (March 2022)

Making Sense of the Alphabet Soup: FERPA, COPPA, SOPPA, ISSRA, MHDDCA and PIPA, The Learning Technology Center of Illinois SecurED Schools Annual Conference (January 2022)





CATHERINE R. LOCALLO

Partner, Chicago

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PRACTICE AREAS

Board Governance
Education
Labor & Employment

EDUCATION

J.D., *cum laude*, The
John Marshall Law
School, Order of John
Marshall

B.S., Southern Illinois
University

ADMITTED TO PRACTICE

Supreme Court of
Illinois

U.S. Court of Appeals
for the Seventh Circuit

U.S. District Court for
the Central District of
Illinois

U.S. District Court for
the Northern District of
Illinois

Catherine R. Locallo, a distinguished legal professional, has devoted her career to the realms of labor and employment law, focusing on education and board governance matters. Her commitment is exemplified by her role as a counselor to employers, offering comprehensive guidance on employment law intricacies, collective bargaining, labor relations, and compliance with various acts, including the Freedom of Information Act and Open Meetings Act.

Catherine's strengths lie in her client-focused approach, problem-solving skills, and the ability to build strong relationships. Her enjoyment stems from problem-solving and the opportunity to foster improved relations between management and labor.

Catherine's journey into law began with a significant role as a paralegal before transitioning to become an attorney. Her early career as a paralegal influenced her decision to pursue law, a path that led her to join Robbins Schwartz in 2004. She worked diligently while attending law school at night and was admitted to the bar in 2009. Catherine's dedication to education law led her to become a partner at Robbins Schwartz in 2017.

Catherine's upbringing, with her father as an attorney, has instilled a strong work ethic that influences her approach to the law. Beyond her legal endeavors, she is a hockey mom, team manager, and a Peloton enthusiast. A lesser-known fact about Catherine is her passion for running marathons, a tribute to her best friend Farrah, who passed away from Leukemia when she was seven years old.

Awards

Honorable Gerald L. Sbarbaro Mentoring Award (2023)

Illinois "Rising Star," Employment & Labor Law (2015-2018)

Recent Publications

"Post-Muldrov Decision Addresses Evaluations and PIPs as Adverse Employment Actions," *Employment & Labor Law*, IICLE (2025)

"Substantive Amendments to Whistleblower Act Signed into Law," *Employment & Labor Law*, IICLE (2024)



ORGANIZATIONS

Chicago Bar Association

Illinois Council of School Attorneys

Illinois State Bar Association

National Council of School Attorneys

President, Justinian Society of Lawyers

Co-Chair, Justinian Society of Lawyers Endowment Fund Scholarship Committee

Member, Oakton Community College Paralegal Advisory Committee

Member, Triton College School of Business Advisory Legal Committee

President, Board of Directors, Glenview Stars Hockey Association

UNICO National

Contributing author, "Labor Relations: Contract Administration Including Unfair Labor Practices," *Illinois School Law*, IICLE (2024)

"U.S. Supreme Court Resolves Circuit Split for Title VII Claim Related to Job Transfer," *Employment & Labor Law*, IICLE (2024)

"EEOC Releases Proposed Regulations for Pregnant Workers Fairness Act," *Employment and Labor Law Flashpoints*, IICLE (2023)

Co-Author, "Seventh Circuit Addresses Employer Liability for Coworker and Supervisor Harassment and Challenges in Establishing Claims For Retaliation, Defamation, and IIED," *Employment and Labor Law Flashpoints*, IICLE (2023)

Co-Author, "Seventh Circuit Addresses Employer Liability for Coworker and Supervisor Harassment and Challenges in Establishing Claims For Retaliation, Defamation, and IIED," *Employment and Labor Law Flashpoints*, IICLE (2023)

"Each Discrete Statutory Violation of Biometric Information Privacy Act Is Actionable by Employees," *Employment and Labor Law Flashpoints*, IICLE (2023)

"Illinois Employers Ring in New Year with Five New Laws," *Employment and Labor Law Flashpoints*, IICLE (2022)

Recent Presentations

Collective Bargaining 101, IASA Legal Seminar (March 2025)

Collective Bargaining Strategies and Trends, South Suburban School Business Officials (February 2025)

2024 Hot Topics in Labor & Employment Law, The Chicago Bar Association (February 2025)

Which Hat Am I Wearing? Board Member Conundrums, IASB/IASA/IASBO 2024 Joint Annual Conference (November 2024)

Legal, Legislative and Ethics Updates, ICCTA (November 2024)

Compliance with Illinois Sunshine Laws, FOIA and OMA Basic Compliance Webinar (September 2023)

2022 Hot Topics in Labor & Employment Law, The Chicago Bar Association (February 2023)





HOWARD A. METZ

Partner, Chicago

312.332.7760

hmetz@robbins-schwartz.com

PRACTICE AREAS

Commercial
Transactions
Construction
Education
Energy
Litigation
Municipal
Public Finance &
Taxation
Real Estate
Zoning, Planning &
Land Use

EDUCATION

J.D., IIT Chicago-Kent
College of Law

B.S., Political Science,
University of Iowa

ADMITTED TO PRACTICE

U.S. District Court for
the Northern District of
Illinois

Supreme Court of
Illinois

Howard A. Metz is an experienced legal professional known for his expertise in advising and representing various private and public entities, including school districts, community colleges, park districts, and municipalities. His legal practice spans a range of areas, with a primary focus on real estate, commercial transactions, construction law, and land use and zoning matters.

Howard has made significant contributions, particularly in resolving complex construction cases. His expertise includes handling disputes related to architectural fees, construction defects, bidding issues, and construction delays. Additionally, Howard has been actively involved in litigating matters pertaining to zoning laws and municipal control over school property.

Howard's legal practice is diverse and includes areas such as commercial law, construction law, education law, energy law, litigation, municipal law, public finance and taxation, real estate law, and zoning, planning, and land use.

As a prolific writer, Howard has contributed to various publications, sharing his insights on topics crucial to his practice.

Recent Publications

Contributing author, "School District Emergency Purchasing," *UPDATE Magazine*, Illinois ASBO (2024)

"Navigating Public Bidding Under the Illinois School Code" *UPDATE Magazine*, Illinois ASBO

Contributing author, "Joint Purchasing Everything You Want to Know but Are Afraid to Ask!" *UPDATE Magazine*, Illinois ASBO (2019)

Contributing author, "Public Body Social Media Rules Make Retention, Read Retrieval Imperative," *Chicago Law Bulletin* (2019)

Contributing author, "How Far Does the Law Allow Schools to Go?" *UPDATE Magazine*, Illinois ASBO (2018)

Co-author, "School Construction from Start to Finish: A Project Checklist," *School Business Affairs Magazine*, Illinois ASBO (2018)



ORGANIZATIONS

Illinois Association of
School Business Officials

Illinois Council of School
Attorneys

Contributing author, “Organization, Finance, and Property,” *Illinois School Law*, Illinois Institute for Continuing Legal Education (2017)

“Look Before You Leap: Evaluating Your Joint Purchasing Options,” *UPDATE Magazine*, Illinois ASBO (2016)

Contributing author, “School Property and Environmental Issues,” *Illinois School Law*, Illinois Institute for Continuing Education Legal Education (2010 and 2012)

Recent Presentations

Bidding 101, Illinois ASBO Rising Leaders in School Business (July 2025)

Building Better Bid and RFP Documents, Illinois ASBO Annual Conference (April 2024)

Innovative Solutions to Student Transportation Challenges, Illinois ASBO School Business Essentials Lunch & Learn Series (January 2024)





KEVIN P. NOLL

Partner, Chicago

312.332.7760

knoll@robbins-schwartz.com

PRACTICE AREAS

Education
Labor & Employment
Litigation

EDUCATION

J.D., The University of
Illinois Chicago School
of Law

B.A., Indiana
University

ADMITTED TO PRACTICE

U.S. Court of Appeals
for the Seventh Circuit

U.S. District Court for
the Northern District of
Illinois

Supreme Court of
Illinois

Kevin P. Noll's practice focuses in the area of labor and employment law. Kevin counsels school districts, community colleges, libraries, park districts and municipalities with issues involving employee discipline, internal investigations, employee leaves of absences, and alleged discrimination and harassment claims. Kevin also defends clients in litigation and administrative charges in federal and state court, the U.S. Equal Employment Opportunity Commission, the Illinois Department of Human Rights, and the Illinois Department of Labor. In addition to his experience in labor and employment law, Kevin has trained school districts and community colleges pursuant to Title IX of the Education Amendments Act of 1972.

As an attorney, Kevin strives to cut through complexity to provide clients with practical answers and pragmatic solutions.

Beyond his legal work, Kevin's interests include golf and spending quality time with family and friends.

Awards

Illinois Emerging Lawyers

Illinois "Rising Star," by Super Lawyers Magazine

Recent Publications

Contributing author, "Employee Discrimination," *Illinois School Law*, IICLE (2021, 2024)

"OSHA Pauses Vaccination and Testing ETS Following Legal Challenges," *Employment and Labor Law Flashpoints*, IICLE (2021)

"NLRB Takes New Look at Charter Schools," *Chicago Daily Law Bulletin* (2019)

Recent Presentations

Calculating Overtime & FLSA Update, 2025 Illinois ASBO Bookkeepers Conference (March 2025)

Addressing Employee Mental Health Conditions, IAPD/IPRA Soaring to New Heights Conference (January 2025)



ORGANIZATIONS

Chicago Bar Association

Illinois State Bar
Association

LEADERSHIP

Higher Education Practice
Group Leader

Hiring Employees in an Age of New Regulations: Salary and other Job Posting Requirements, Application and Interview Do's and Don'ts, Background Screening Parameters, and More, IAPD Legal Symposium (November 2024)

Benefit or Burden: Navigating Ever-Expanding Employee Leave Rules, IAPD Legal Symposium (November 2023)

Managing Employee Leave Rights Under the FMLA, ADA, and Illinois Law, IAPD/IPRA Soaring to New Heights Conference (January 2023)

Best Practices for Responding to Harassment and Discrimination Complaints, IAPD/IPRA Soaring to New Heights Conference (January 2023)





CAROLINE A. ROSELLI

Partner, Chicago

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crocelli@robbins-schwartz.com

PRACTICE AREAS

Education
Special Education
Student Rights

EDUCATION

J.D., *cum laude*, Loyola
University Chicago
School of Law

B.A., University of
Notre Dame

ADMITTED TO PRACTICE

Supreme Court of the
United States

U.S. District Court for
the Northern District of
Illinois

Supreme Court of
Illinois

Caroline A. Roselli is a dedicated attorney specializing in education law, higher education, special education, and student rights related issues. Her unwavering commitment is to ensure educational institutions receive the support, advocacy and collaboration they require to deliver quality education to students throughout their programs.

In her practice, Caroline provides invaluable counsel to K-12 school districts and higher education institutions on a broad spectrum of student-related matters. This includes advising on Title IX, discrimination, free speech, student discipline, student records, and related policy development. Caroline's expertise also extends to representation of schools in responding to complaints filed with regulatory bodies such as the Illinois State Board of Education, the Office of Civil Rights and the Illinois Department of Human Rights.

One of the areas where Caroline excels is representing public school districts at various critical special education proceedings. These include Individualized Education Program (IEP) meetings, due process hearings, and alternative dispute proceedings, such as mediations and resolution sessions. Her track record is notable for successfully defending school district decisions and prevailing at due process hearings, particularly on issues related to eligibility, residential placements, transition programming and denial of Free Appropriate Public Education (FAPE) claims. Her work on disability related claims extends to representation of higher education institutions on accommodation requests and discrimination complaints.

Caroline also performs extensive work with educational institutions to ensure compliance with Title IX and related laws in all aspects of employment and education, including admissions, academic programs, athletics and extracurricular access, and facilities access. Caroline also works with educational institutions to ensure Title IX compliance in light of the changing regulations.

Caroline's commitment to the field is further highlighted by her active involvement in the education community. She is a member of the Illinois Counsel for School Attorneys Executive Committee and has been a speaker at annual conferences for both the Illinois Association for School Boards and the Illinois Alliance of Administrators of Special Education. She is also the author and co-author of multiple publications, contributing her expertise to the legal education of her peers and the broader community.



ORGANIZATIONS

Chicago Bar Association

Illinois Bar Association

Illinois Council of School Attorneys

National School Attorneys Association

Caroline frequently conducts workshops and in-service programs on various education related topics. Her dedication to educating others within the field demonstrates her passion for promoting a comprehensive understanding of the legal issues facing education institutions.

Caroline grew up in a supportive environment that emphasized the value of education and community service. Her mother, a dedicated teacher, instilled in her a love for learning and a commitment to helping others. Meanwhile, her father served as a school board member and attorney, which further highlighted the importance of education policy and advocacy in their household. This background not only shaped Caroline's academic pursuits but also inspired her to engage actively in her community, fostering a passion for both teaching and leadership.

Awards

Illinois Leading Lawyers, School Law

Illinois Emerging Lawyer, School Law (2017-2018)

Illinois "Rising Star," Super Lawyers Magazine, Schools and Education Law (2012-2017)

Recent Publications

Co-Author, "Special Education," 2024 Edition School Law Personnel and Student Issues, *Illinois Institute of Continuing Legal Education*

Recent Presentations

Anxiety and School Refusal Post COVID: Constructing the Path Back to School, Large Unit District Association 2025 February Conference (February 2025)

ABCs, FAQs, and More on Three Bills about Bullying, Racism, and Tenure, ED-RED Member Meeting (September 2024)

Hot Topics in Special Education Law, Loyola University Chicago School of Law Education Law: A Year in Review Seminar (June 2024)

Transition Programming: Preparing Students with Disabilities for Life After High School, Illinois Alliance of Administrators of Special Education 2024 Winter Conference (February 2024)

Accommodating the High Achieving Student: Where to Draw the Line under 504, Illinois Alliance of Administrators of Special Education 2023 Fall Conference (October 2023)

Navigating the IEP Process when DCFS is Involved, Illinois Alliance of Administrators of Special Education 2023 Winter Conference (February 2023)





MICHELLE L. WEBER

Partner, Chicago

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PRACTICE AREAS

Education
Special Education
Student Rights

EDUCATION

J.D., Loyola University
College of Law

M.A., Loyola Marymount
University

B.A., Trinity College

ADMITTED TO PRACTICE

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Illinois Council of School
Attorneys

National Council of
School Attorneys

Board of Directors, North
Park Elementary School

Michelle L. Weber practices in education law, with a primary focus on special education and student matters. Michelle brings a wealth of experience to her role at Robbins Schwartz, representing educational institutions, including school districts, community colleges and private schools. Michelle works with clients on a wide range of student-related legal issues, including special education, student discipline, student records, free speech, and board policy development. Michelle is also a member of the firm's Freedom of Information Act and Title IX working groups and provides counsel to clients in these areas as well.

Michelle is passionate about education and her strengths lie in finding creative and practical solutions to complex legal issues. Prior to joining Robbins Schwartz, she served as an in-house attorney for Waukegan Public Schools and Chicago Public Schools, focusing on special education. Michelle began her career as a Teach for America Corps Member and middle school language arts teacher; an experience that significantly influenced her career trajectory. Drawing on her experience as a classroom teacher, Michelle offers clients a unique perspective, aiming to partner with them to achieve their goals while prioritizing the best interests of students.

Beyond her legal practice, Michelle actively contributes to the community. She serves on the Board of Directors of North Park Elementary School, expanding her commitment to education and experience in the field. Outside of her professional pursuits, Michelle enjoys running, yoga, hiking, and spending quality time with her family.

Recent Publications

"DeVos Rollbacks Could Hit Schools Hard," *Chicago Daily Law Bulletin* (2017)

Recent Presentations

Student Discipline and Trauma-Informed Practices for School Boards, Illinois State Board of Education Approved Professional Leadership Development Training (May 2023)

Navigating the IEP Process when DCFS is Involved, Illinois Alliance of Administrators of Special Education (February 2023)

Removals to Interim Alternative Educational Setting for 45 School Days... Who, What, Where, When, Why, and How? Illinois Alliance of Administrators of Special Education Winter Conference (February 2022)





CLAIRE E. BUFALINO

Associate, Chicago

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PRACTICE AREAS

Special Education
Student Rights

EDUCATION

M.P.P., Loyola
University Chicago

J.D., Loyola University
Chicago

B.F.A., New York
University

ADMITTED TO PRACTICE

Supreme Court of
Illinois

Claire E. Bufalino is an attorney at Robbins Schwartz, focusing on Special Education and Student Rights. She counsels school districts regarding IDEA and Section 504, student discipline, Title IX, student records issues and policy development. She assists school districts in responding to complaints from the Office for Civil Rights, Office of the Attorney General and Illinois State Board of Education, and she represents public school districts at IEP meetings, due process hearings, mediations, student discipline hearings and residency hearings.

Before practicing law, Claire worked as a program analyst at the U.S. Department of Housing and Urban Development, where she researched federal housing policy and worked in legislative and regulatory analysis and development. This role strengthened her ability to analyze complex legal and policy issues and reinforced her commitment to ensuring institutions have the knowledge and tools to stay compliant while supporting their communities.

Her interest in education law grew from early experiences working with children in nonprofits, music education, and childcare roles. Seeing how institutions shape opportunities, she pursued a legal career to support schools in creating equitable learning environments. In law school, she worked with students with disabilities in special education matters, which deepened her commitment to education law.

Outside of work, Claire is a dedicated runner who has completed the Chicago Marathon twice. She also enjoys exploring new restaurants across the city. A lesser-known fact about Claire is that she originally studied music, which shaped her understanding of how storytelling influences law, policy, and institutions.



ORGANIZATIONS

Chicago Bar Association

Illinois State Bar
Association





AIDAN C. FALK

Associate, Chicago

312.332.7760

afalk@robbins-schwartz.com

PRACTICE AREAS

Education
Litigation
Student Related Issues

EDUCATION

J.D., Loyola University
Chicago School of Law

B.A., University of
Michigan

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of
Illinois

U.S. District Court for the
Central District of Illinois

U.S. District Court for the
Southern District of
Illinois

Supreme Court of Illinois

Aidan C. Falk is an Associate Attorney renowned for her dedication to advocacy and passion for equality in the legal profession. Through focusing on Litigation, Education Law, and Student Related Issues, Aidan brings a unique perspective to her practice. With a background rooted in sports and a commitment to serving her community, she has become known for her unwavering commitment to her clients and her strong advocacy skills.

Aidan takes pride in her ability to work hard and ensure her clients receive the fullest degree of representation. Her career highlights include successful motions to dismiss and motions for summary judgment, as well as her continuous improvement in deposition and courtroom skills.

Aidan's journey into law began with a diverse range of experiences. Before attending law school, she worked as a legal assistant in a Real Estate/Estate Planning law firm in Chicago.

Inspired by her father, a litigator in New York, Aidan pursued a career in law to advocate for those who cannot advocate for themselves. She was drawn to the competitive and dynamic nature of litigation and began her journey in the medical malpractice/general liability/insurance defense world. Recently, Aidan shifted her focus to Education Law, particularly Title IX, influenced by her experiences playing softball at the University of Michigan under Coach Carol "Hutch" Hutchins, a Title IX pioneer.

Growing up witnessing her father's zealous advocacy and playing for Coach Hutch at the University of Michigan instilled in Aidan a desire to make a positive impact through her career. She approaches the law with the same dedication and discipline as she did athletics, striving to improve every day and make equality more attainable for all.

Outside of work, Aidan enjoys staying active and spending time outdoors. Her hobbies include running, rollerblading, and Pilates. She cherishes moments outdoors with her dog and finds joy in being surrounded by nature.



ORGANIZATIONS

American Bar Association

Chicago Bar Association

Illinois State Bar
Association





DANIELLE B. MCNAMARA

Associate, Chicago

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PRACTICE AREAS

Commercial Transactions
Construction
Real Estate Development

EDUCATION

J.D., Loyola University
Chicago

B.A., University of
Illinois

ADMITTED TO PRACTICE

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Danielle B. McNamara is an Associate at Robbins Schwartz, where she practices in Commercial Transactions, Construction Law, and Real Estate Development.

Prior to joining Robbins Schwartz, Danielle gained valuable experience in the legal field. She worked for a residential real estate firm during her college years, where she gained insights into the intricacies of property transactions. Subsequently, she transitioned to a commercial real estate firm, where she handled a wide range of tasks, including purchases and sales of commercial properties. These experiences equipped her with a comprehensive understanding of real estate law, laying a solid foundation for her career as an attorney.

Danielle is an active member of the Chicago Bar Association, where she remains committed to staying updated on the latest developments in the legal field and connecting with fellow legal professionals. Her involvement in professional associations underscores her dedication to continuous learning and professional growth.

During her time at Loyola University's Business Law Clinic, Danielle had the opportunity to assist individuals and businesses in starting and expanding their ventures. This hands-on experience, coupled with her innate passion for helping others, solidified her decision to pursue a career in law.

Outside of her legal pursuits, Danielle enjoys spending time with her family and engaging in outdoor activities. She values work-life balance and strives to maintain a healthy and fulfilling lifestyle.

Recent Publications

Contributing author, "School Property and Environmental Issues," *School Law: Organization, Finance, and Property*, IICLE (2025)

Contributing author, "Competency in ADR: Assuring Ethical Practice through Competency and Communication," *DCBA Brief*, The Journal of the DuPage County Bar Association (2024)

Recent Presentations

Bridging SOPPA and NDPA: Key Change to Student Data Agreements in Illinois, SecurED Schools K-12 Data Privacy & Cybersecurity Conference (January 2025)





MATTHEW M. SWIFT

Associate, Chicago

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PRACTICE AREAS

Board Governance
DEI Compliance
Education
Employee Benefits
Labor & Employment

EDUCATION

J.D., University of
Chicago Law School

M.P.P., University of
Chicago, Harris School
of Public Policy

B.B.A., summa cum
laude, Baylor
University

ADMITTED TO PRACTICE

U.S. District Court for
the Northern District of
Illinois

Supreme Court of
Illinois

Matthew M. Swift is a member of the labor and employment practice group. He counsels employers in various aspects of employment law, such as employee discipline, employment contracts, wage and hour laws, and employment discrimination matters under the Americans with Disabilities Act, Family and Medical Leave Act, Age Discrimination in Employment Act, Illinois Human Rights Act, Title VII, and other federal and state anti-discrimination laws. He also helps clients with labor relations matters such as grievances and traditional and interest-based collective bargaining.

Matthew also frequently advises on legal issues that are unique to public-sector clients and educational institutions, including compliance with the Illinois Freedom of Information Act, the Open Meetings Act, the First Amendment, and Title IX. He works with clients on some of their most complex FOIA requests and board governance questions.

Before moving to Chicago for law school or attending college in Texas, Matthew grew up in a California mountain town, about a 20-minute drive from the nearest stoplight. He loves life in the big city—especially the museums and great food—but his more folksy roots still occasionally make an appearance.

Matthew has a soft spot for alliteration thanks to a family tradition—each Swift family member’s first initial matches their middle initial. He enjoys when his work requires careful interpretation or choosing precise language, and he always appreciates a clever turn of phrase.

Recent Publications

Contributing author, “Employee Discrimination,” *Illinois School Law*, IICLE (2024)

“All Together Now – Employment Law Issues in the New Title IX Rules,” *Chicago Daily Law Bulletin* (2020)

Recent Presentations

Illinois FOIA at 15: Recent Decisions and Developments, Illinois Association of School Administrators Legal Seminar (April 2025)



ORGANIZATIONS

Chicago Bar Association

Keep Calm and... Call a Lawyer? Spring 2025 Legal Updates, ICCCFQ Spring Conference (April 2025)

Legal ABCs of DEI EOs and OCR, Illinois Community College Trustee Association Meeting and Seminar (March 2025)

Please Proceed in an Orderly Fashion: Responding (or not) to Executive Orders, ED-RED Virtual Member Meeting (February 2025)

FOIA Fundamentals: The Bottom Lines for School Business Officials, Illinois ASBO Lunch & Learn Webinar (November 2024)

Beyond the Redaction Marker: Tools and Strategies for Managing Difficult FOIA Requests, Large Unit District Association Communications Conference (December 2023)

The Open Meetings Act: FAQs and Answers, Illinois Community College Trustee Professional Development Training (June 2023)

