



## Barbara A. Lee, Ph.D.

### Of Counsel

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### Profile

Barbara provides higher education clients with legal counsel in all aspects of education law, including academic and student affairs, faculty tenure and promotion, diversity hiring initiatives, governance issues and sexual harassment issues. Prior to joining Bond, Barbara was Senior Vice President for Academic Affairs at Rutgers University where she continues on as a Distinguished Professor of Human Resource Management.

Barbara co-authored, and for decades regularly updated, the treatise, *The Law of Higher Education*, considered one of the most recognized treatises on higher education law in the country. She is a prolific author of other innumerable scholarly books and articles, including *A Legal Guide for Student Affairs Professionals*, and *Academics in Court: The Consequences of Faculty Discrimination Litigation*, as well as over 100 articles on employment discrimination and higher education issues. She is a former director for the National Association of College and University Attorneys (NACUA), is a regular speaker for the organization and is currently editor of NACUA's *Journal of College and University Law*. She frequently serves as an expert for her vast experience in faculty discipline matters and investigations across the country, especially as relates to discrimination. In addition to her academic experience, Barbara is also the former chair of the New Jersey Bar Association's Higher Education Committee.

### Honors & Affiliations

- New Jersey Bar Association, Labor and Employment Law Section Executive Committee; former chair, Higher Education Committee
- National Association of College and University Attorneys, former member, Board of Directors
- National Association of College and University Attorneys Distinguished Service Award, 2020
- Association for the Study of Higher Education
- Alice Paul Equality Award from the Alice Paul Institute for work on behalf of women in the workforce, 2011
- Elected to membership in the American Law Institute, 2010
- William A. Kaplin Award for Excellence in Higher Education Law and Policy Scholarship, Stetson University College of Law, 2010

### Education

- Ohio State University (Ph.D., Ramseyer Award for top higher education administration graduate student)
- Georgetown University Law Center (J.D., *cum laude*, 1982)
- Ohio State University (M.A. 1972)
- University of Vermont (B.A., *summa cum laude*, 1970)

### Bar/Court Admissions

- New Jersey
- District of Columbia
- \*Not Admitted to Practice in New York

### Practices

- Higher Education
- Labor and Employment

- Daniel Gorenstein Award, 2009, Rutgers University, in recognition of excellence in scholarship and service to Rutgers University over a sustained period of time
- Fellow, National Association of College & University Attorneys, 1995, in recognition of scholarship in higher education law
- University of Vermont, Award from Legal Issues in Higher Education Conference, for outstanding professional achievement and contributions to the fields of higher education and the law, 2003

## Representative Publications

- W.A. Kaplin, B.A. Lee, N. H. Hutchens, and J.H. Rooksby. *The Law of Higher Education, 6th ed., Student Version*. Jossey-Bass, 2020
- W. A. Kaplin, B. A. Lee, N. H. Hutchens, and J. H. Rooksby. *The Law of Higher Education, 6th ed.* Jossey-Bass, 2019
- E.M. Babbitt and B.A. Lee. "Accommodating Students with Disabilities in Clinical and Professional Programs: New Challenges, New Strategies." *Journal of College & University Law*, Vol. 42 (1), 2016, pp. 121-158
- E.M. Babbitt, A.H. Franke, and B.A. Lee. "'Shared Governance': New Pressure Points in the Faculty/Institutional Relationship." *Journal of College & University Law*, Vol. 41 (1), 2015, pp. 93-115
- B.A. Lee. "Dealing with Students with Psychiatric Disorders on Campus: Legal Compliance and Prevention Strategies." *Journal of College & University Law*, Vol. 40 (3), 2014, pp. 425-441
- B.A. Lee and M.R. Davies. "No More 'Business as Usual' in Higher Education: Implications for U.S. and U.K. Faculty." *Journal of College & University Law*, Vol. 40 (3), 2014, pp. 499-542
- B.A. Lee. "Student-Faculty Academic Conflicts: Emerging Legal Theories and Judicial Review." *Mississippi Law Journal*, Vol. 83 (4), 2014, pp. 837-861

## Representative Presentations

- Panel Member, Transgender Athletes in the US: Understanding the Legal Playing Field, Employment Law Alliance, September 1, 2022
- Podcast Guest Speaker, "Considerations and Protections for LGBTQ+ Students in Higher Education," Employment Matters: Episode 292, *Employment Law Alliance*, September 22, 2021
- "Economic (Un)Sustainability of Higher Education's Existing Business Model: Innovative Ways to Restructure Higher Education and Related Legal Issues," National Association of College and University Attorneys, March 11, 2021
- "Sticks and Stones: When Words are Weaponized in the Academic Setting." Paper presented at the annual conference of the National Association of College and University Attorneys, Denver, CO, June 23-26, 2019 (with Scott Schneider and Donica Thomas Varner)
- "Dwelling on Accommodations: Hot Topics in Residence Life Disability Issues." Paper presented at the annual conference of the National Association of College and University Attorneys, Minneapolis, MN, June 27, 2018 (with Susan Wheeler)

- “Is There a ‘Penumbra’ of Faculty Members’ Rights that Must be Considered in Formulating Reasonable Accommodations for Students?” Paper presented at the annual conference of the National Association of College and University Attorneys, Chicago, Illinois, June 26, 2017
- “No Classroom Does Not Mean No Risk” (with Jeanne Kincaid and Gerard St. Ours). Paper presented at the annual conference of the National Association of College and University Attorneys, San Francisco, CA, June 26, 2016
- “The Pedagogy of Faculty Compliance,” (with Sheryl Andrews and Destinee Waiters). Paper presented at the spring CLE Workshop of the National Association of College and University Attorneys, Denver, CO, March 31, 2016
- “The Intersection of Title VI, Title IX, the First Amendment and Academic Freedom” (with Pedro Ramos). Paper presented at the annual conference of the National Association of College and University Attorneys, Washington, DC, June 28, 2015
- “Accommodating Students with Disabilities in Clinical and Professional Programs: New Challenges, New Strategies” (with E.M. Babbitt). Paper presented at the Conference on Discrimination in Higher Education, National Association of College and University Attorneys, New Orleans, LA, March 12, 2015

## Other Activities

- Journal of College & University Law, Member of the Editorial Board
- National Association of College & University Attorneys Journal, Member
- Arnold P. Gold Foundation, Board Member