

# Deep Knowledge of Government Enforcement Practices Was Crucial in Defending University Accused of Discriminating in Admissions

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**Where we started:** An elite university was rumored to be discriminating against certain students based on race, by holding them to higher college admissions standards than applicants of other races. The university found itself the subject of a private Title VI discrimination lawsuit and a potential separate federal government probe. Federal law permits the U.S. Department of Justice to open its own investigation into alleged discriminatory admissions practices of universities that receive federal funds and to participate in private litigation related to admissions practices. Federal government involvement poses a substantial risk to a university's reputation, and an adverse government finding may result in a loss of federal funding.

**Our strategy – plus more:** The McGlinchey Education team's strategy centered on minimizing the federal government's involvement in the private litigation and persuading government lawyers not to engage in a separate discovery process or collateral proceedings, but to instead participate "on the briefs." Drawing on decades of experience and historical knowledge of the Justice Department's civil rights enforcement practices, our team was able to convince the government to have limited involvement in the private litigation.

**Upshot:** Our team successfully abated government involvement – persuading the Justice Department to forego opening its own investigation in favor of monitoring the private lawsuit, which remains ongoing. The federal government has not made a finding on whether the university has violated Title VI, and negotiations with the government regarding access to certain university records—among other legal issues—continue.