

Kathryn M. Nash

Principal, Labor, Employment and Higher Education Practice Group Chair



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Industries

- Higher Education

Practices

- Employment Law
- Employment Litigation & Class Actions
- Litigation
- Labor, Employment & Higher Education

Education

- University of Minnesota Law School, J.D., *cum laude*, 2001
- Bethel University, B.A., *cum laude*, 1998

Bar Admissions

- Minnesota
- North Dakota
- South Dakota

Court Admissions

- U.S. Court of Appeals Eighth Circuit
- U.S. District Court District of Minnesota
- U.S. District Court District of Colorado

Kathryn Nash chairs the firm’s Labor, Employment, and Higher Education practice group. Kathryn regularly advises colleges and universities on a wide range of issues unique to higher education institutions such as Clery, Title IX, the Violence Against Women Reauthorization Act, HEOA, FERPA, student affairs, and faculty issues. She is well known among higher education attorneys and policymakers for her work advising and leading sexual misconduct and harassment investigations and revising institutional policies.

Kathryn has extensive experience conducting independent compliance reviews for organizations across the United States, including reviews involving issues of sexual harassment and sexual misconduct. As a founder of **trainED**, Kathryn also regularly provides training and conducts audits for companies and higher education institutions.

In addition, Kathryn advises employers on a variety of legal issues, including terminations and RIFs; disability and leave issues; affirmative action plans; employment and severance agreements; unemployment compensation matters, employee handbooks, and policies; noncompetition and other post-employment restrictions; wage and hour issues; child labor issues; and independent contract arrangements.

Kathryn regularly represents institutions and businesses in administrative actions and litigation when employment or student affairs related claims arise. She also assists clients in responding to state and federal audits relating to affirmative action and wage and hour compliance. Kathryn has extensive experience advising faith-based nonprofits, churches and religious K-12 schools, and higher education institutions on issues that are unique to these organizations.

Kathryn has been quoted in *The Economist* and *The Atlantic*, as well as local television and radio outlets, as an authority on matters pertaining to Title IX, VAWA, and sexual violence on campus. Kathryn was honored as one of the 2014 Minnesota Attorneys of the Year by *Minnesota Lawyer* for her engaging and innovative approach to providing legal services to higher education institutions.

Experience

- Conducted independent compliance review relating to a college’s anti-hazing policies and procedures
- Conducted an independent compliance review of a public institution’s policies and procedures relating to the abuse or neglect of minors
- Conducted multiple investigations of allegations of sexual misconduct involving students, faculty, and/or staff at higher education institutions
- Represented a higher education institution, in connection with an investigation by the U.S. Department of Education into Title IV funding issues
- Represented a for-profit higher education institution, in connection with the two-year investigation of the for-profit higher education industry conducted by the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee with no materially adverse findings against the institution

- Conducted a privileged compliance review of Clery and Title IX policies, procedures, and practices of a private college located in Iowa
- Represented a higher education institution in connection with a government investigation into an alleged breach of confidential student data with no materially adverse findings against the institution
- Obtained summary judgment for education client in lawsuits brought by two former students alleging a widespread pattern and practice of fraud and other improper conduct relating to recruiting and compensation practices
- Obtained defense verdict for education client in trial on breach of contract claim brought against it by former student
- Obtained dismissal on behalf of employer in discrimination and retaliation claim brought by former employee
- Obtained summary judgment on behalf of employers in sexual harassment, discrimination, and workers' compensation retaliation claims brought by former employees
- Obtained dismissal of wage and hour claim brought against employer in Florida
- Obtained judgment as a matter of law in court trial on claim for failure to pay commissions
- Defense through jury trial of age discrimination claim against large South Dakota employer
- Represented employer in class action discrimination claim brought by current and former employees
- Obtained dismissal of charges of discrimination filed with the St. Paul Department of Human Rights; the Minnesota Department of Human Rights; the EEOC's district offices in Minnesota, New Mexico, and Colorado; and the Department of Education, Office of Civil Rights
- Advised clients on issues relating to hiring and terminating employees in foreign countries
- Prepared affirmative action plans for multi-state health care, nonprofit, and manufacturing clients
- Represented employer in wage and hour tip pooling case brought by former employee on behalf of others similarly situated in Massachusetts

Honors / Activities

Professional Activities

- Minnesota State Bar Association
- Hennepin County Bar Association
- Christian Legal Society

Honors and Distinctions

- Chambers USA: America's Leading Lawyers for Business, Labor and Employment, 2019
- "North Star Lawyers," Minnesota State Bar Association, 2018

- “Attorney of the Year,” Minnesota Lawyer, 2014
- “Minnesota Rising Star,” Thomson Reuters, 2011

Community Involvement

- Junior Achievement, volunteer
- New Life Academy, Governing Council, board member
- Feed My Starving Children, former board member