

HUSCHBLACKWELL

The Higher Education
Risk Landscape: What
Institutions Need to
Know in 2026

1

Presenters



Aleks O. Rushing

Partner, Husch Blackwell
314.345.6275
Aleks.Rushing@huschblackwell.com



TaRonda Randall

Senior Counsel, Husch Blackwell
816.983.8255
TaRonda.Randall@huschblackwell.com



Mackenzie Conway

Associate, Husch Blackwell
816.983.8242
Mackenzie.Conway@huschblackwell.com

HUSCHBLACKWELL

2

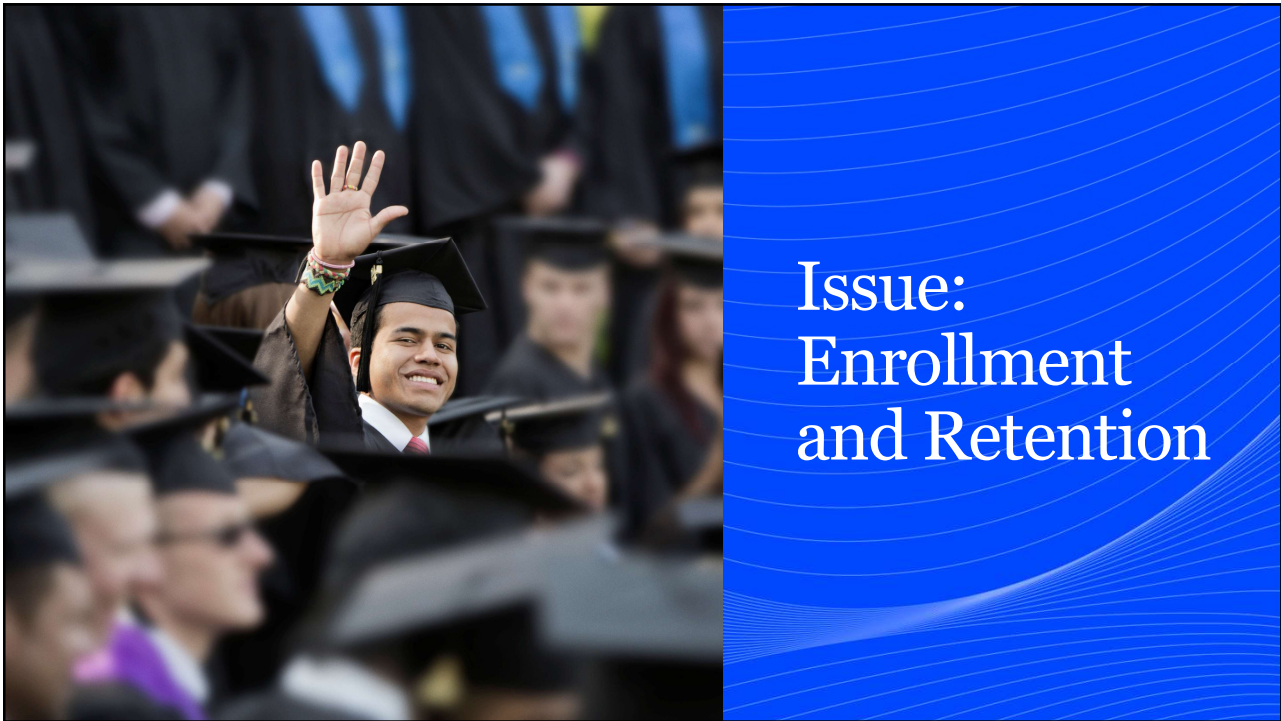
© 2026 Husch Blackwell LLP. All Rights Reserved.

Agenda – Issues in Higher Education

- Enrollment and Retention
- Financial Viability and New Financial Pressures
- Shifting Enforcement Landscape
- Artificial Intelligence
- Minors
- Data Security
- Student Mental Health and Wellbeing
- Athletics
- Hazing

HUSCHBLACKWELL

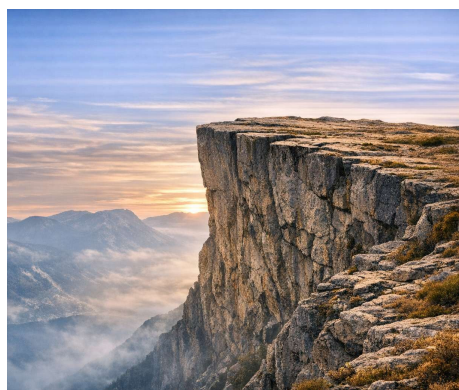
3



4

What's happening with enrollment and retention?

- Demographic and market shifts
- Heightened price sensitivity
- Changing student expectations
- Persistence and completion challenges



HUSCHBLACKWELL

5

Key Considerations for Institutions

- Consider whether policies are designed for non-traditional enrollment patterns
- Determine institutional risk tolerance for discounting tuition, attrition, and program viability
- Evaluate the quality and effectiveness of services impacting the student experience and redesign services as needed

HUSCHBLACKWELL

6



Issue:
Financial
Viability and
New Financial
Pressures

7

The Current Financial Landscape

- Rising operational costs
- Pressure on endowments
- Uncertainty related to federal funding
- Institutional closures and mergers



HUSCHBLACKWELL

8

Key Considerations for Institutions

- Viability analysis to evaluate institution's sustainability
- Program-level economic assessment
- Workforce restructuring and cost containment
- Contingency and scenario planning

HUSCHBLACKWELL

9



10

What is the landscape?

- U.S. Department of Education changes
- A Reduced Federal Footprint $\neq$ Reduced Risk
- DOJ investigations
- Increase in litigation
- State-level enforcement

HUSCHBLACKWELL

11

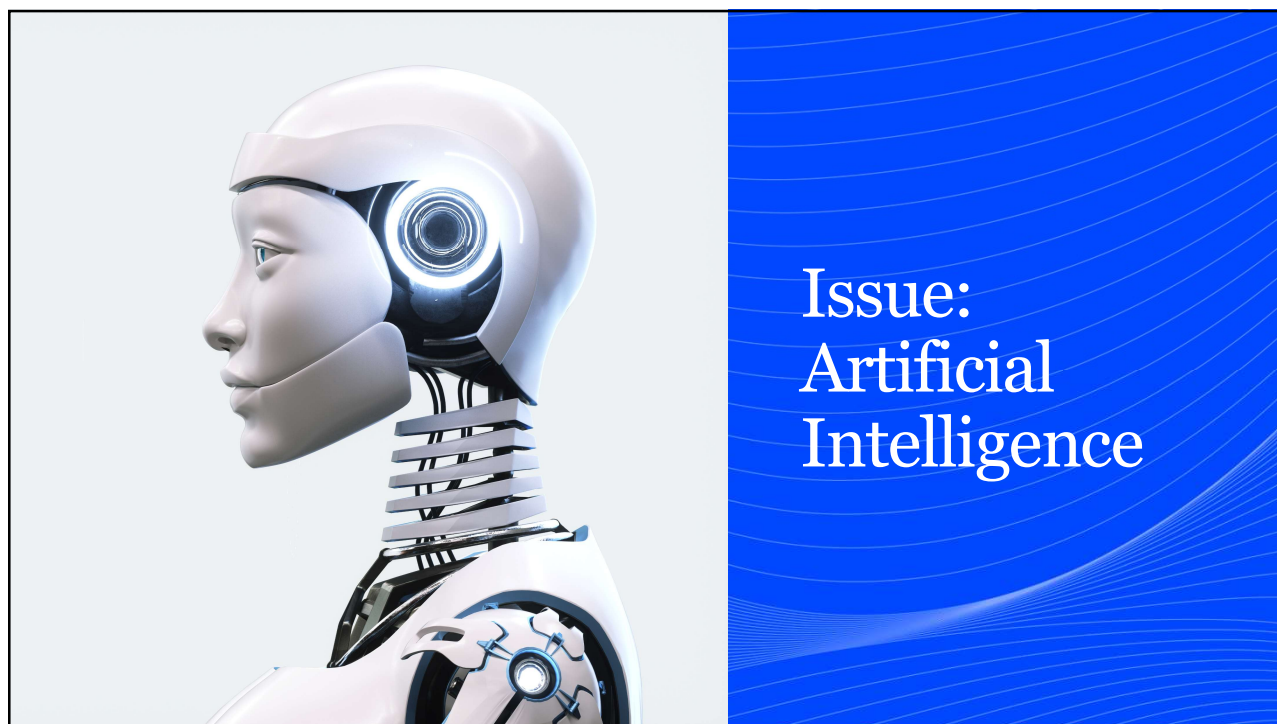
Key Considerations for Institutions

- Reassess compliance infrastructure
- Litigation readiness and document preservation
- Coordinating with outside counsel
- Internal reporting and awareness



HUSCHBLACKWELL

12



13

What's happening with AI?

- Federal and state legislatures are advancing AI-specific legislation
- Institutions are rapidly adopting generative AI tools for admissions, advising, grading, and research — often outpacing institutional policy development
- U.S. Department of Education has signaled increased scrutiny of AI use in student-facing processes,
- Academic integrity concerns continue to escalate

HUSCHBLACKWELL

14

Key Considerations for Institutions

- Establish an AI governance framework
- Audit AI tools for compliance with FERPA, anti-discrimination laws, and state AI regulations
- Review vendor contracts and procurement processes
- Invest in training for faculty, staff, and students on responsible AI use
- Increase in AI-related litigation

HUSCHBLACKWELL

15



Issue: Minors

16

When do Minors come to campus?

Summer camps

Dual enrollment

Research programs

Campus visits

Clinical programs

athletic camps

HUSCHBLACKWELL

17

What obligations do institutions have?

- Mandatory reporting obligations
- Background check requirements
- Institutional liability for harm to minors
- Clery Act obligations extend to crimes involving minors on campus

HUSCHBLACKWELL

18

Key Considerations for Institutions

- Adopt a comprehensive protection of minors policy
- Implement mandatory training for employees and volunteers who interact with minors
- Require third-party organizations using campus facilities for programs involving minors to comply with institutional policies



HUSCHBLACKWELL

19



Issue: Data Security

20

What's happening with data security?

- Potential for cyberattacks (ransomware, phishing, data exfiltration incidents)
- Expanding regulatory landscape
- FTC Safeguards Rule/Gramm-Leach Bliley Act
- Third-party vendor breaches

HUSCHBLACKWELL

21

Key Considerations for Institutions

- Ensure compliance with Safeguards Rule
- Strengthen vendor risk management
- Develop, document, and regularly test data breach incident response
- Review cyber insurance coverage



HUSCHBLACKWELL

22



23

Student Mental Health and Wellbeing

- Unprecedented increases in students seeking mental health and counseling services
- Challenges associated with staffing and resources
- Institutions are struggling with the extent of legal responsibility for student mental health and wellbeing and the creation of policies to address concerns

HUSCHBLACKWELL

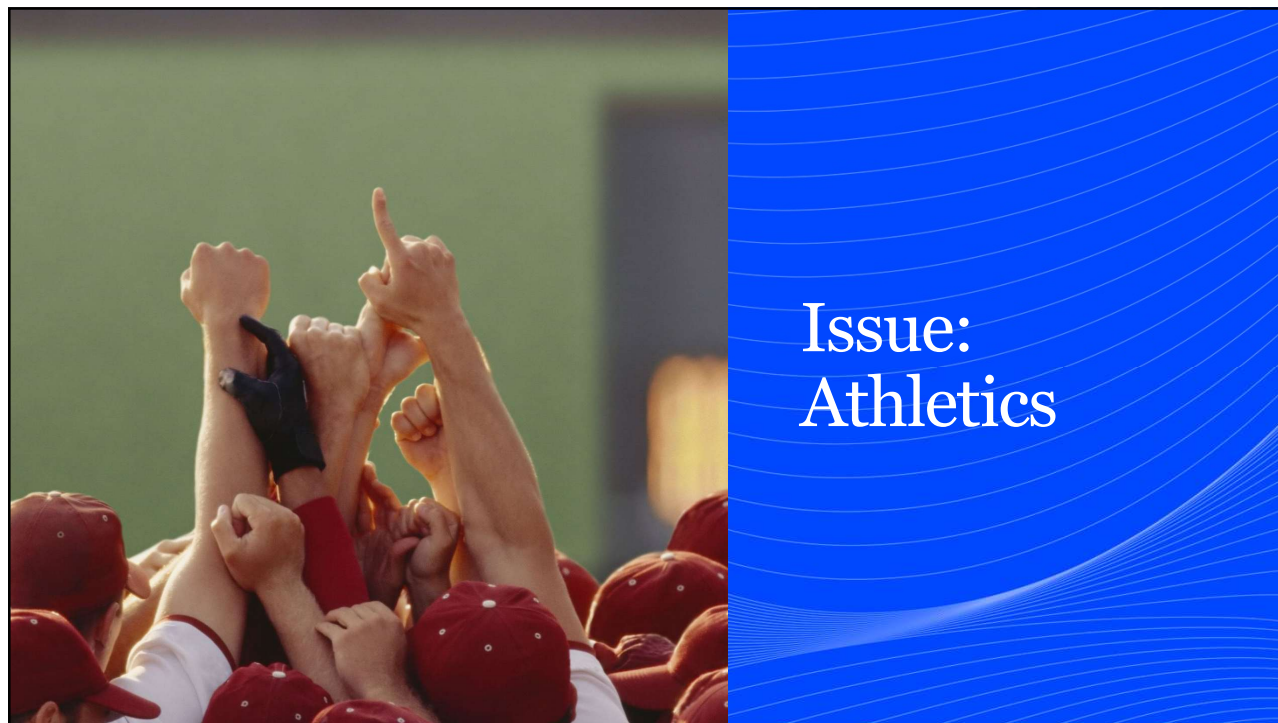
24

Key Considerations for Institutions

- Establish individualized response frameworks that balance student safety, autonomy and privacy
- Invest in prevention and early identification of potential mental health and wellbeing issues
- Educate students and staff regarding available resources
- Manage ongoing risk proactively

HUSCHBLACKWELL

25



26

Athletics

- NIL has changed the traditional financial model associated with college athletics
- Student-athlete expectations have changed
- Legal, compliance and reputational risks exist within athletics (e.g., Title IX)
- The impact of the “Urgent National Action to Save College Sports” Executive Order is TBD



HUSCHBLACKWELL

27

Key Considerations for Institutions

- Create a centralized NIL/revenue sharing governance structure (if applicable)
- Understand your current compliance status related to Title IX
- Assess current education and resources being provided to athletics and enhance as needed
- Monitor ongoing federal and legislative developments
- Be proactive

HUSCHBLACKWELL

28



29

Hazing

- 44 states have anti-hazing laws (as of 2024)
- The Stop Campus Hazing Act requires reporting of hazing incidents
- Hazing can occur across athletics, fraternities/sororities, bands, clubs and other student organizations
- Institutional risks can be financial, reputational, operational, and/or legal



HUSCHBLACKWELL

30

Key Considerations for Institutions



Education should be ongoing and role-specific



Establish and communicate reporting channels and protections



Coordinate across departments to ensure aligned investigations, consistent outcomes and appropriate information sharing



Documentation and recordkeeping are vital

HUSCHBLACKWELL

31



32

