“Will We Be Next?”
Protecting Our Students and Keeping the University’s Environment Safe

Illegal Discrimination Case Studies
From the State of South Carolina
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FOUNDATIONAL TITLE IX CASES

STATUTE: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Three ways a student may assert a Title IX sexual harassment claim against the institution:
1. Sue the institution in court and seek monetary damages;
2. Sue the institution in court and seek injunctive or declaratory relief;
3. File an administrative complaint, i.e. internal grievance with U.S. Dept. of Ed. Office for Civil Rights (OCR)

Franklin versus Gwinnett Public School -- Private Right of Action
U.S. Supreme Ct. (Feb. 26, 1992)
Gwinnett involves sexual harassment by a teacher; hence, the incident did not implicate institutional liability. The case, however, also created a private right of action for damages under Title IX.
- In 1992, the U.S. Supreme Court decided Franklin v. Gwinnett County Public Schools, which established that sexual harassment constituted sex discrimination under Title IX.
- Gwinnett also provided a private right for recovery of monetary damages under Title IX.
- Gwinnett did not address issues concerning the educational institution’s liability.

Gebser v. Lago Vista Indep. School – Institutional Liability
U.S. Supreme Ct. (June 22, 1998)
The case involved a faculty/student sexual harassment. The Supreme Court created a high standard that a student must meet in order to prevail on a sexual harassment claim against the institution when an employee to student consensual relationship is the basis of claim. The Court said you cannot recover monetary damages against the school unless the behavior has been reported to someone with the power to alter the situation (“actual notice”) and an act “deliberate indifference” has been demonstrated by the school.
- An official of the educational institution must have had “actual knowledge” of harassment;
- The official must have authority to “institute corrective measures” to resolve the harassment problem; AND
- The official must have “failed to adequately respond” to the harassment and, in failing to respond, must have acted with “deliberate indifference.”

Davis v. Monroe County – Deliberate Indifference
U.S. Supreme Ct. (May 24, 1999)
This case involved a prolonged pattern of student-to-student sexual harassment of a 5th grade girl by one of her classmates. Her parents complained to three teachers & the principal, but the school took no action until the boy was charged with and pled guilty to sexual battery. The victim’s family filed a Title IX action, alleged that persistent harassment and deliberate indifference resulted in her inability to attend school and participate in activities.
The Supreme Court applied same standards as in the Gebser case: the institution must have “actual notice” of the harassment; and the institution must have responded to the harassment with “deliberate indifference”. Additionally the court held that:
1. Harassment must be “severe, pervasive, and objectively offensive,” and the indifference “systemic,” to the extent that the victim is deprived of educational opportunities or services
2. Justice O’Connor added a framework to determine deliberate indifference – stating that deliberate indifference constitutes a response that is “clearly unreasonable in light of the known circumstances.”
Institutions in the Media in the State of South Carolina

Lander University
“Three females sexually assaulted by former football players from Presbyterian College”

The Citadel
“The Citadel dealing with more sexual assault charges. Two former students report incidents”

Technical Colleges of South Carolina
“Civil rights agreement reached with South Carolina Technical College System on accessibility of websites to people with disabilities”

College of Charleston
“College of Charleston faculty accused of sexual abuse and misconduct”
FACULTY COMPLAINT

“College of Charleston professor accused by student of sexual abuse and misconduct will not be criminally charged”

INCIDENT

- Internationally acclaimed pianist and tenured professor at the College of Charleston had an alleged “inappropriate” relationship with an unidentified male student during the course of a 4 year period, according to the incident report.

- After an extensive investigation, and given the advice of law enforcement, it was determined that the “facts did not rise to the level of Criminal Sexual Conduct because there is no evidence of coercion,” the report stated. According to the Prosecutor, “the professor did stop” at the student’s request.

- The ruling of lack of enough information to press charges came on the heels of the administration’s recommendations to dismiss the faculty member from the college earlier the same year after their own investigation into the allegations. The professor submitted his resignation alleging the college was not conducting a fair investigation and that the allegations were false.

- College officials stated that the lack of criminal charges does not undermine the school’s internal investigation that led to the recommendation to fire the faculty member.

- The school investigation also covered the allegations of drug and alcohol use between the faculty member and his students.

- A Freedom of Information Request revealed that there had been two previous cases alleging inappropriate sexual behavior harassment of male students by the professor—1994 and 1980.

- The professor was found guilty of violating the school’s sexual harassment policy in 1994. However, the student withdrew his complaint and the matter was dropped.

- In the midst of conducting the most recent complaint, administrators discovered an allegation made by a former piano student in Maryland who accused the faculty member of sexually abusing him in the 1980’s beginning when he was 16.

- The school launched an internal review of their policies and procedures in reporting alleged sexual misconduct and harassment.

- The professor, who also taught at the prestigious Carnegie Mellon University in Pittsburgh, was reportedly suspended from the school when the 2012 allegation was made, according to the police report.

IMPLICATIONS

- Negligent retention
- Importance of thorough background checks
- Difference in criminal and civil investigations
- Deliberate indifference
- Importance of reporting systems
SEXUAL ASSAULT

“Women sexually assaulted at Lander sue school”

INCIDENT

- Three women who were sexually assaulted on the campus of Lander University sued the school for failing to keep them safe.

- The suit accused the Greenwood school of negligence and breach of contract for letting two non-students into a dorm the night of the March 2012 attack. The university, according to the lawsuit, promises a “non-threatening” environment in its student handbook and should have had better security, including locked doors and a resident assistant who could have prevented the men from entering the building.

- The school’s lack of protection, the women said, led them to experience physical and mental pain.

- Lander officials would not talk about the lawsuit, but the Vice President of Student Affairs asserted that the campus is safe.

- Two former football players at Presbyterian College tied three women up and taped their mouths during the attack, according to authorities.

- In December, one of the attackers was sentenced to 18 years in prison after pleading guilty to first-degree burglary, three counts of kidnapping and three counts of criminal sexual conduct.

- Another is serving a 23-year sentence.

IMPLICATIONS

- Importance of campus safety – the door was propped open with a pizza box

- Importance of on-going quality improvement and risk management measures

- Seriousness of sexual assault and the need for appropriate campus responses and resources

- The need for clear policies and procedures and ongoing education about these policies and procedures
STUDENT DISABILITY

“Civil rights agreement reached with South Carolina Technical College System on accessibility of websites to people with disabilities”

INCIDENT

- The U.S. Department of Education’s Office for Civil Rights (OCR) entered into an agreement with the South Carolina Technical College System (SCTCS), the state's largest higher education system, that will ensure that the websites of SCTCS and its 16-member colleges are accessible to persons with disabilities.

- Colleges and universities increasingly provide information to employees, applicants, students and others through their websites.

- As part of a proactive compliance review, OCR assessed the accessibility of websites operated by SCTCS and two of its colleges to people with visual disabilities.

- OCR found that the sites were not readily accessible to persons who are blind, have low vision, or have other print-related disabilities.

- The office determined that the sites were not in compliance with two federal laws enforced by the Department of Education -- Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.

- In response to this finding, SCTCS and its governing board, the State Board of Technical and Comprehensive Education (SBTCE), entered into a voluntary resolution agreement to ensure that all content on the websites will be accessible to students with visual and other print-related disabilities.

- Under the terms of the agreement, SCTCS and its board will:
  - Develop a resource guide that provides information about web accessibility requirements;
  - Direct that the SCTCS website and the websites of all the member colleges be accessible to students with disabilities; and
  - Annually review the system’s and colleges’ websites and monitor steps taken to correct any accessibility problems identified.

- OCR will closely monitor SCTCS's implementation of the agreement. OCR will not stop monitoring the case until OCR determines that SCTCS has fulfilled the terms of the agreement and is in compliance with the provisions of Section 504 and Title II that were at issue in this review.

IMPLICATIONS

- The growth of disability issues – new diversity frontier
- Increasing oversight of compliance agencies such as OCR
- The need for online course and websites to be in compliance with ADA regulations
DELIBERATE INDIFFERENCE
“The Citadel ‘profoundly sorry’ for not investigating sex abuse charges after alumnus arrest”

INCIDENT
- In the wake of the Penn State scandal, officials at The Citadel had to confront accusations of child abuse on its own campus after an alumnus was arrested on sex abuse charges.
- A decorated alum of the famed military college and principal at a Christian prep school in Mount Pleasant, S.C, was arrested on Oct. 28 and admitted to molesting or performing oral sex on some of the nearly dozen teen boys who have come forward, according to local reports.
- The alum allegedly had a history of preying on boys dating back to his years at The Citadel, but the military college dropped the ball on investigating allegations that surfaced four years ago, the school said.
- While working as a counselor at the college's summer camp in 2002, the ex-cadet allegedly lured two campers into his room with pizza and Chinese food and showed them porn on his computer, the school said. While there was no touching involved, the ex-camper who complained to the school in 2007 said the trio "engaged in sexual activity," the statement said.
- The alum denied the accusations and the school eventually dropped an investigation into the matter after talking to the accuser’s family but finding no proof. The incident was not reported to the police. The alum graduated from The Citadel and went on to work and coach at nearly a dozen schools, churches and youth programs around the Charleston area before becoming principal of Coastal Christian Preparatory school last year.
- His arrest devastated the local community and left shaken Citadel officials saying they were "profoundly sorry" for missing an opportunity to report a potential predator to police.
- According to University officials, "At the time we took what we thought were the necessary steps. It's now clear we should have done more." "We’re profoundly sorry. We’re sorry we didn’t pursue it more. We acted on our best information and after the fact we did not follow up on this."
- The school didn’t go to the police because the complaint "was not criminal in nature" and the accuser's family wanted to settle the matter privately and not get the cops involved. But a lawyer for the accusers' family said The Citadel is accountable and if they had reported the incident what they were seeing now might not have happened.

IMPLICATIONS
- Deliberate indifference, stemming from failure to respond to an investigation allegations
- The danger of preferential treatment – “a decorated alum”
- Failure to understand the seriousness of allegations of sexual assault and to view it as a crime
Institutions in the Media in the United States of America

University of Alabama
“U. of Ala. sororities barred blacks: A report alleges sororities on campus would not invite black women to pledge”

Birmingham School Board
“Girls’ basketball coach sues Board of Education for retaliation”

University of Colorado at Bouldenos
“Athletics ambassador sues University for sexual assault by high school football recruits”

University of Georgia
“University of Georgia student gang raped by members of the University of Georgia football team”

University of North Carolina at Chapel Hill
“Member of women’s soccer team sues University for sexual harassment by soccer coach”
RACIAL DISCRIMINATION

“U. of Ala. sororities barred blacks: A report alleges sororities on campus would not invite black women to pledge”

INCIDENT
- A new report in *The Crimson White* alleges that sororities on the Tuscaloosa, Ala., campus failed to invite two black women to pledge, and says that in some cases, alumni stepped in to bar them.
- The catalyst for the piece was the failure of all 16 of the school's Panhellenic organizations in extending a bid to pledge two black women, one who, by all measurements, appeared to fit the requirements for a competitive pledge. She has a 4.3 grade point average, was salutatorian in her high school graduating class and comes from a well-connected family that has ties to the school, *The Crimson White* reports.
- The head of one of the organizations said the sorority "proudly" accepts all for membership.
- Leadership in the Greek organization said, "If any of those allegations are found to be true, those members, alumna or collegiate, will be held accountable for their actions."
- A student in the organization told the school news organization that she questioned the motives of sorority leadership after learning a bid would not be extended to the black woman with the competitive record. She said other sorority members also stood up in support of the black student.
- John England Jr., an Alabama Circuit Court judge in Tuscaloosa and a member of the university's board of trustees, told *The Crimson White* that he learned that several black women did not receive bids to pledge and he has asked school leaders to investigate.
- The dust-up is not the university’s first foray into issues of race. Black students Vivian Malone and James Hood managed to successfully register in 1963 despite attempts by Gov. George Wallace to physically block them in an incident known as the "Stand in the Schoolhouse Door."
- In 2011, a black student reported to the administration that a white member of a fraternity had called him a racial slur. The university responded with an e-mail on campus saying such behavior would not be tolerated, and the fraternity suspended the student.

IMPLICATIONS
- History of discrimination that is ongoing and replication year after year in student organizations.
- Separate but potentially dangerous nature of Greek Letter organization traditions.
- The complex web of relationships that exist in higher education. Greek organizations are chartered on our campuses, but also have national affiliations and both are liable in these kinds of incidents.
ATHLETICS
“Girls’ basketball coach sues Board of Education for retaliation”

INCIDENT
JACKSON V. BIRMINGHAM BD. OF ED.

- A girls’ basketball coach at a public high school discovered that his team was not receiving equal funding and equal access to athletic equipment and facilities.

- He complained unsuccessfully to his supervisors.

- He then received negative work evaluations and ultimately was removed as the girls’ coach.

- He brought this suit alleging that respondent school board (Board) had retaliated against him because he had complained about sex discrimination in the high school’s athletic program, and that such retaliation violated Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a), which provides that “[n]o person ... shall, on the basis of sex, be ... subjected to discrimination under any education program ... receiving Federal financial assistance.”

- The District Court dismissed the complaint on the ground that Title IX’s private cause of action does not include claims of retaliation.

- The Eleventh Circuit agreed and affirmed.

- The appeals court also concluded that, under Alexander v. Sandoval, 532 U.S. 275, the Department of Education’s Title IX regulation expressly prohibiting retaliation does not create a private cause of action, and that, even if Title IX prohibits retaliation, petitioner is not within the class of persons the statute protects.

- The Supreme Court overturned the situation and held that retaliation is covered under Title IX.

IMPLICATIONS
- Private right of action does not only apply to the victim, but also those who advocated on their behalf.

- Title IX also protects against retaliation.
ATHLETEICS

“Athletics ambassador sues University for sexual assault by high school football recruits”

INCIDENT
SIMPSON v. UNIVERSITY OF COLORADO Boulder. 06-1184, 07-1182.

1. Plaintiffs were sexually assaulted in Ms. Simpson’s apartment by CU football players and high-school students on a recruiting visit.

2. The CU football team recruited talented high-school players each fall by bringing them to campus. Part of the sales effort was to show recruits "a good time.”

3. To this end, recruits were paired with female "Ambassadors,” who showed them around campus, and player-hosts, who were responsible for the recruits' entertainment. At least some of the recruits who came to Ms. Simpson's apartment had been promised an opportunity to have sex.

4. By the time of the alleged assaults of Plaintiffs, there were a variety of sources of information suggesting the risks that sexual assault would occur if recruiting was inadequately supervised. These included reports not specific to CU regarding the serious risk of sexual assaults by student-athletes. There was also information specific to CU. In 1997 a high-school girl was assaulted by CU recruits at a party hosted by a CU football player.

5. The local district attorney initiated a meeting with top CU officials, telling them that CU needed to develop policies for supervising recruits and implement sexual-assault-prevention training for football players.

6. Yet CU did little to change its policies or training following that meeting. In particular, player-hosts were not instructed on the limits of appropriate entertainment.

7. Moreover, events within the football program did not suggest that training relating to recruiting visits was unnecessary. Not only was the coaching staff informed of sexual harassment and assault by players, but it responded in ways that were more likely to encourage than eliminate such misconduct.

The Procedure

1. District Court – Finds for CU on summary judgment.

2. 10th Circuit Court of Appeals – Overturns finding:
   1. That CU had an “official policy” of showing high-school football recruits a “good time” on their visits to the CU campus
   2. That the alleged assaults were caused by CU’s failure to provide adequate supervision and guidance to player-hosts chosen to show the football recruits a “good time”; and
   3. That the likelihood of such misconduct was so obvious that CU’s failure was the result of deliberate indifference (another legal standard)

IMPLICATIONS

1. Deliberate indifference
2. Failure to investigation allegations
3. Failure to provide training and oversight
4. Official policies that makes the University liable
**AHLETICS**  
_“University of Georgia student gang raped by member of the University of Georgia football team”_

**INCIDENT**  
Tiffany Williams alleges that in 2002, she was gang-raped by several members of the University of Georgia football and basketball teams.

The athletes, Tony Cole, Brandon Williams and Steven Thomas, were indicted but not convicted of criminal charges. The University had knowledge of Cole’s sexual misconduct which predated his recruitment. While they were suspended from their respective teams (after or near the end of their college careers), the university did not levy other sanctions against them because by the time judicial hearings were held, the athletes were no longer enrolled.

Williams brought charges under Title IX against the University of Georgia, the University of Georgia Athletic Association, and a number of individuals including the University President, the UGAA President, and the coach of the men’s basketball team.

A district court granted the individual and institutional defendants’ motion to dismiss. But a three-judge panel of the Eleventh Circuit Court of Appeals partially reversed the district court, ordering it to reconsider plaintiff’s Title IX claims against UGA and the UGAA.

The District Court:
- dismissed Williams’s Title IX and §1983 claims,
- denied her requests for declaratory and injunctive relief, and
- denied in part and granted in part her motion to amend her complaint.

The Circuit Court of Appeals:
- Reversed the district court’s decisions to dismiss Williams’s Title IX claims against UGA and UGAA;
- reversed the district court’s decision to deny Williams’s motion to amend her complaint;
- affirmed the other holdings of the district court, including the dismissal of the §1983 claims.

The case was then settled out of court for an undisclosed amount.

**IMPLICATIONS**
- The fact that the university decided to recruit Cole (whom Williams alleges had orchestrated the rape) even though it had knowledge of his prior sexual misconduct constitutes an initial act of discrimination against Williams.

- Next, the fact that the University had not responded to suggestions by student-athletes that the UGAA needed to do a better job informing all student athletes of the sexual harassment policy would constitute deliberate indifference to that initial act of discrimination. Finally, this indifference exposed Williams to further discrimination, the alleged rape incident itself.

- The court further clarifies that the rape incident itself is also (a) an act of discrimination, to which (b) the university responded with indifference, that (c) resulted in more discrimination.

- The court agreed that the university’s decision to wait until the alleged rapists were no longer enrolled to conduct a judicial hearing was an inadequate and indifferent response to the allegations of rape. This resulted in further discrimination against Williams because it effectively denied her an opportunity to continue to attend UGA.
“Member of women’s soccer team sues University for sexual harassment by soccer coach”

INCIDENT

- On Jan. 14, 2008 the University of North Carolina at Chapel Hill reached a settlement, including $385,000 to former soccer player Melissa Jennings.

- Melissa Jennings, a former member of the women’s soccer team and a former student at the University of North Carolina at Chapel Hill from August 1996 until May 1998 sued the University alleging that the head coach of the soccer team, Anson Dorrance, sexually harassed her. She sought to hold the University liable for his actions.

- The evidence indicates that Dorrance used vulgar language and participated in sexual banter at practice with some of the players. There is no evidence that Dorrance ever touched, threatened, ogled, or propositioned Jennings.

- In the fall of 1996, Jennings met with Susan Ehringhaus, the Assistant to the Chancellor and Senior University Counsel. Jennings told her about Dorrance’s actions. Ehringhaus advised Jennings to talk to Dorrance about the issues. Jennings alleges that Dorrance continued to sexually harass the players.

- In May 1998, Dorrance cut Jennings from the soccer team. That same month, Jennings’ father wrote a letter to Ehringhaus expressing his concern about Dorrance’s behavior. Ehringhaus forwarded the letter to Richard Baddour, the Athletic Director. Soon thereafter, the University began an investigation.

- In June 1998, Baddour wrote Jennings a letter stating that Dorrance admitted to participating in group discussions of a “jesting or teasing nature” with soccer team members. Baddour’s letter also stated that the University told Dorrance that his behavior was inappropriate and that an “appropriate intervention” had occurred with Dorrance. It does not appear that the University reprimanded Dorrance in any other manner.

- In August 1998, Jennings filed a lawsuit in the Middle District of North Carolina. The University filed a motion for summary judgment.

- The Middle District Court of North Carolina awarded summary judgment to the defendants.

- The panel of the Fourth Circuit Court of Appeals affirmed that decision.

- After granting Jennings’ petition for rehearing en banc, the Fourth Circuit reversed the panel decision. Now, the University has filed a Petition for a Writ of Certiorari to the Supreme Court.

IMPLICATIONS

- The case examines the power-relationship between coach and player
- It determined the speech was not protected
- It determined that coach’s “locker room banter” was severe and pervasive
- The “deliberate indifference” of the response (and other failings)
- Sexual Harassment in violation of Title IX of the Education Amendments of 1972.
REPORTING
Office of Equal Opportunity Programs
1600 Hampton Street, Suite 805
Columbia, South Carolina 29208
(803) 777-3854
http://www.sc.edu/eop/

Who should report?

1. According to Title IX, anyone who in the eyes or opinion of a student is considered a “reasonable employee” or anyone the student perceives as someone who has the power to address the harassment or discrimination must report the allegations or incident to the Title IX Coordinator.

2. According to Title VII, anyone who is in a supervisory position must report all allegations of discrimination that is reported to him or her by employees, or that he or she witnesses, or is informed of by a 3rd party source must report the incident or allegations immediately to the Office of Equal Opportunity Programs.

3. According to the campus security act, selected campus officials who are on the front lines working with students should report any criminal act or offense to campus police.

4. Anyone in doubt should report.

How to Report

Acts of sexual assault should be reported to the Title IX Coordinator. If the situation is within 72 hours of the alleged act, please refer the student to campus police or Sexual Assault and Intervention Programs immediately. All acts must also be reported to the Title IX Coordinator.

- Student Health Center is available to provide medical care.
- Student Counseling Services is available to provide emotional support.
- Student Conduct can offer a hearing panel to review charges and provide sanctions if warranted.
- The Office of Equal Opportunity Programs investigates the allegations.

Acts of discrimination or harassment should be reported to the Office of Equal Opportunity Programs, even if resolved within individual departments. The Title IX Coordinator as well as the Office of Equal Opportunity Programs in general provide oversight and are charged with detecting campus-wide patterns and/or areas of concern.

All crimes should be reported to campus police.

When to Report

As soon as the individual who received the information, or as soon as the complaint is made, it should reported to the appropriate campus personnel.
APPENDIX
Mandatory Reporting

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Admissions Decisions at USC

INCIDENT

- The Complainant appealed her rejection to admissions to a graduate program. The program upheld its initial decision to reject the applicant (The Complainant). The graduate program initially looked at the Complainant’s GRE scores and then other aspects of her files – grades, letters of recommendation, etc.

- The Complainant, a student with a learning disability, then asked the Graduate School to waive her GRE score. She was informed that, "the graduate school does not have a required test and sets no requirements for the GRE score or any other kind of score, that is left up to the individual program."

- Then the graduate college school connected her with the program to which she was applying.

- The program then informed the Complainant that the reason her application was declined was due to very low GRE scores. The criterion was a minimum of 1000 combined and the Complainant scored 770. She was then informed that while the graduate committee was sympathetic to her situation, it simply could not use different standards for different applicants.

- The Complainant then asserted:

  Regretfully, my application’s lack of appeal is based on "mediocre" GRE scores. These scores are based on an exam that I took without any of the testing accommodations I typically receive because of my learning disabilities. At the time I took the exam, ETS had recommended that I request a waiver for the GRE requirement by my prospective institutions. Regardless of this, it is neither here-nor-there, I am sure you - being an accomplished researcher yourself - I am sure you are well aware that research acknowledges that the standardized testing metrics and curriculum derived from the superficial demands of standardized testing are deficient as predictors for academic success (Brimi, 2012; Downey, Lee, & Stough, 2011; ETS, 2013; Teniell & Fouts, 2011; and Tumkaya, 2012).

- The program still upheld its initial rejection.

- The Complainant filed charges with the Office of Equal Opportunity Programs. EOP upheld the Department’s decision.

- The Complainant filed with OCR. OCR upheld EOP’s decision.

IMPLICATIONS

GRE scores should not be used alone as cut off, but should be consider as one of several factors used to determine admission status.

The need for communication between the Graduate School and Academic Departments is very critical.
STUDENT COMPLAINTS

Student Discrimination Complaints 2011-2012

- Increasing Complaints: Disability and Title IX
- Decreasing Complaints: Race

Student Discrimination Complaints 2013

- Increasing Complaints: Disability and Title IX
- Decreasing Complaints: Race
TITLE IX GRIEVANCE

- A female faculty member is married to a male graduate student. The couple experiences a series of domestic issues – physical abuse, divorce, child custody battle, etc. In the midst of the divorce, the male graduate student discovers that he has a same sex orientation. This issue is being used against him in the custody battle.

- The male graduate student reports this series of familial issues to several University officials. He also informs them that he feels that he is being harassed as a result of his sexual orientation by his wife, (soon to be ex-wife). The student reports that the ex-wife threatens to tell his future employer (he is close to graduation and has a full-time employment offer) about his sexual orientation.

- During the course of 2 years, the student reports this matter to 6 University offices. Each of the offices takes the position that this is a domestic issue and not an issue for the University.

Questions:
Is this an issue for the University?
Why or why not?

SEXUAL ASSAULT OFF CAMPUS

A student reports to you that she was sexually assaulted by her ex-boyfriend over spring break. As a result, she is having difficulty sleeping, concentrating and functioning. She is considering withdrawing from classes.

Questions:
Is this an issue for the University?
Why or why not?

SEXUAL HARASSMENT

A female student reports that a male faculty member who supervises her field assignment was intoxicated during the assignment and attempted to engage her in topics that made her feel uncomfortable. The faculty member did not touch her or proposition her. He only made her feel uncomfortable. She reports that he said, “I love you.” He also gave her a hug. During the course of the same evening, this faculty member “slapped the buttocks” of a female faculty member and immediately said, “I should not have done that.” The student files a complaint, not the faculty member.

Questions:
Is this a concern of the University?
Why or why not?
SEXUAL HARASSMENT

A student reports to you that while walking to class, a construction worker used sexually suggestive words to describe her and her body parts. The construction worker was not directly employed by the University and was speaking in Spanish, assuming that she did not understand what he was saying.

**Questions:**
Is this a concern for the University?
Why or why not?

TITLE IX

A student’s grades fall just above the cut-off point of a 2.5, the requirement to stay in her program of study. The program’s policy is that students who are in jeopardy of falling below the cut off must meet with the graduate director. During the period in which the student is scheduled to meet with the graduate director and the semester just prior, the student reports to 2 faculty members that she is pregnant. The graduate director for the program meets with the student the following semester and informs her that she should consider finding another program, given the grades and the fact that she missed the meeting to discuss her grades. The pregnancy ended in a miscarriage and the time during which the student was scheduled to meet with the graduate director she was sick and recovering.

**Question**
Is this a Title IX issue?
Why or why not?