

University of Minnesota Case Clarifies Intersection of Title VII and Title IX Claims in Sexual Harassment Suits

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In Jenkins v. Univ. of Minnesota, D. Minn. Civil Action No. 13-1548, A former Ph.D. student at the University of Minnesota has brought claims of sexual harassment against a collaborating research scientist, as well as the University itself and her faculty advisor. The student alleges that while she was conducting research for her Ph.D. program with the University, a collaborating scientist from the U.S. Fish and Wildlife Service made repeated unwanted sexual advances toward her, and that when she reported the conduct to her advisor, neither the advisor nor others at the University took steps to remedy the situation. In addition to claims brought against the scientist in his individual capacity, the student brought hostile work environment sexual harassment claims against the University and the faculty advisor under both Title IX of the Education Amendments Act and Title VII of the Civil Rights Act of 1964, because the alleged harassing conduct occurred in the context of the student's employment relationship as a Ph.D. candidate at the University.

All three defendants individually moved to dismiss the case on summary judgment. In its Order, the Court found that the faculty advisor and the University took reasonable steps to investigate the student's claim, changed her work assignment and office location, and supervised later meetings between the student and the scientist. On the Title IX claim, the Court clarified that while sexual harassment clearly constitutes discrimination under the statute, a university will only be held liable where it is found to have been "deliberately indifferent" to known acts of discrimination which occur under its control. Under this standard, the Court found that the University had taken reasonable steps to address the students' concerns and had not acted with "deliberate indifference." The Court also reiterated the Supreme Court's holding in Fitzgerald v. Barnstable Sch. Comm., 555 U.S. 246 (2009), that Title IX does not authorize suit against individual school officials, and dismissed the Title IX claim against the faculty advisor.

On the Title VII claim, however, the Court allowed the case to proceed against the University. Under Title VII, which applies to all employment relationships, a plaintiff must show that unwanted sexual harassment affected a term, condition, or privilege of employment, and that the employer knew or should have known of the harassment and failed to take appropriate remedial action. The Court found that genuine issues of fact remained as to whether the scientist

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could have taken actions that would have affected the conditions of the student's employment with the University, and whether the University took sufficient action to remedy the situation.

Client Tip: *This case is a reminder that where a student's claim of sexual harassment relates to any employment relationship with the school, such as teaching assistants, researchers, or work-study participants, the institution is subject not only to Title IX, but also to the employment protections of Title VII, which may require a heightened investigation and response by the institution to avoid liability.*

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