

Federal Court Denies Bid to Dismiss Hostile Education Environment Claim Where Student Was Unaware of Remedial Measures Taken

BY ROBERT G. YOUNG • JUNE 30, 2017

In the recent case of *Doe v. University of North Texas Board of Regents*, the United States District Court for the Eastern District of Texas denied the University's motion for summary judgment on a claim of hostile education environment harassment. The student, Doe, had reported a sexual assault by a former adjunct professor who also worked in the school library. Following the report, the University reassigned the accused's teaching responsibilities, and though it kept him on as a full-time library employee, the University assigned him to a remote location in the library. The University did not inform Doe of the measures that it took to reduce, if not eliminate, the chances that Doe would encounter the accused on campus, and Doe asserted that she remained fearful of running into him and therefore remained in her apartment for weeks at a time, missing classes and avoiding social activities. Ultimately, Doe filed a claim against the University, claiming that its actions created a hostile education environment.

The Court allowed Doe's claim to go to a jury. In particular, the Court rejected the University's argument that Doe's subjective fear of running into the accused on campus could not create a hostile education environment. Instead, the Court decided that the University's failure to inform Doe of the remedial actions it had taken to lessen the chances of any encounter with the accused could have created a hostile education environment, particularly where Doe in fact missed classes, skipped social activities and otherwise withdrew from campus life in order to avoid the accused. The Court found that it was for a jury to decide whether Doe's claim was valid.

Client Tip: *This case underscores the need for institutions to take prompt and effective remedial action in the Title IX context, and further highlights the need to keep the student informed of the status of the investigation and any measures that have been implemented in response to the complaint.*

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