



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

Employment Discrimination on Campus – Administrative Restructuring Not Pretext for Discrimination

BY ANTHONY J. DRAGGA • FEBRUARY 21, 2018

On February 13, 2018, the Fourth District of the California Court of Appeals issued an Order and [Opinion](#) affirming summary judgment for the Defendant, Riverside Community College District (RCC), on employment discrimination and whistleblower claims. The Plaintiff, a tenured faculty librarian and former college administrative dean at RCC, alleged that the College retaliated against her when it eliminated her administrative position at RCC pursuant to an administrative decision to restructure the deanship. Specifically, the Plaintiff alleged that RCC's decision to restructure the deanship was pretext for retaliatory actions taken to punish the Plaintiff for taking medical leave, reporting a hostile work environment, and objecting to student hiring decisions.

RCC brought a summary judgment motion on the grounds that it had acted for legitimate administrative and budgetary reasons that were nonretaliatory, and that government claims requirements had not been satisfied. The motion was granted, and the Plaintiff appealed.

The Appeals Court took each of the Plaintiff's allegations of pretext in turn, and found that "temporal proximity, without more support from other evidence, is insufficient to establish pretext for an adverse employment decision." In affirming judgment for the College, the court found that the Plaintiff was unable to show, beyond mere speculation, that RCC's decision to restructure the deanship was pretext for retaliatory animus, rather than a legitimate business decision that the position was no longer essential or beneficial to the operation of RCC.

Client Tip: When undertaking administrative reorganization, institutions should be prepared to provide evidence of legitimate, non-retaliatory reasons for any and all adverse employment actions that result.