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Ex-UMass student sues over expulsion in sex assault case

By **Matt Rocheleau** | GLOBE CORRESPONDENT AUGUST 08, 2014



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NANCY PALMIERI/FILE

UMass Amherst campus officials declined to comment on the lawsuit, citing a university policy to not speak about specific cases in litigation.

A former University of Massachusetts Amherst student who said he was expelled last fall over allegations he sexually assaulted a female student is suing the school, saying administrators unfairly and mistakenly found him responsible and discriminated against him because he is a man.

The suit, filed Thursday in US District Court in Springfield, said the university violated Title IX, a federal law banning gender discrimination on college campuses, when the student “was met with overall hostility, dismissal and pre-judgment as ‘guilty’ before the decision was even rendered.” The suit was filed under the pseudonym John Doe to protect the student’s identity.



“The university displayed a distressing lack of due process and rush to judgment, undermining the most basic tenets of our judicial system,” the student’s lawyer, Andrew T. Miltenberg, said in an e-mail.

The suit demands that the student be paid damages “in an amount to be determined at trial” and that the university reverse its decision and expunge his disciplinary record.

UMass Amherst declined to comment on the lawsuit, citing a university policy to not speak about specific cases in litigation.

“The university does take allegations of sexual assault seriously and conducts reviews through a detailed procedure specified in the Code of Student Conduct,” a statement from campus spokesman Edward Blaguszewski said.

Amid a rise in reports of sexual assaults at colleges, a growing number of alleged assailants — including at Amherst College, Brandeis University, and Brown University — have pushed back recently, appealing the school’s disciplinary rulings and filing lawsuits saying they have been falsely and unfairly accused.

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UMass Amherst is one of more than 70 colleges under investigation by the US Department of Education about whether administrators have properly handled reports of sexual assaults.

The recent lawsuit against UMass Amherst contends that the male student, a Connecticut native and a sophomore at the time, met the female student, identified in the suit as Jane Doe, at a party in a friend's dorm room.

During a night of drinking, playing card games, and dancing with friends, the two students became friendly and flirted, and she later invited him to her room to have sex, the lawsuit said. They had consensual sex, and the female student at no point showed signs of intoxication, according to the suit.

The next day, the female student could not remember what had happened, according to the lawsuit. At her roommate's urging, the female student went to the campus health center for an evaluation. The following day, she filed a complaint with the dean of students' office.

In her written complaint, she never called what happened harassment, assault, or rape, according to the lawsuit.

Three days later, the university told the male student he was under investigation for threatening behavior, sexual harassment, sexual misconduct, and violating community living standards, the lawsuit said. He was immediately ordered to move off campus and was barred from the premises except to attend classes, the lawsuit said.

Two months later, the university held a disciplinary hearing, the lawsuit said. But the male student had not been given copies of case documents beforehand, key pieces of evidence were not presented during the hearing, the male student was repeatedly interrupted, and questions he had were ignored, the suit said.

Two days later, the student was told he had been found "responsible" for three violations: "sexual harassment, sexual misconduct and community living standards," and he would be expelled.

The student's appeal was denied.

The suit said the student's academic career is ruined and "his overall economic future is completely compromised." He has suffered adverse health effects as a result of stress about the case, the lawsuit said.

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