SNIFFEN & SPELLMAN, P.A.

Education Law Alert

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University of Arizona is Being Sued Once Again for Alleged Discrimination Against Women in Terms of Salary and Promotions

University of Arizona is being sued over alleged discrimination against female faculty members in pay and promotions. This suit follows one by female deans. A female associate professor of Chemistry is bringing the suit, and alleges that women in the College of Science are consistently underpaid and passed over for promotions with respect to their male colleagues. She is seeking class action status to represent the women across the college.

The associate professor had been at Arizona since 2002, and alleges that she and other women in her department have not received raises since 2011, while men in the department have seen their pay increase. Additionally, the associate professor states that she was denied a promotion to full professor in 2016 by her dean and provost, even though her faculty colleagues recommended her for advancement.

The associate professor is seeking $20 million in damages at trial via her would-be class action case, and a change in the way her college does business.

Read more here.

Court Revives Lawsuit Over Online Threats Made to Feminist Students at University of Mary Washington

A federal appeals court ruled 2 to 1 that feminist students who sued the University of Mary Washington for failing to protect them from anonymous online harassment were entitled to pursue their lawsuit. The lower court threw out the lawsuit on First Amendment and other grounds. The suit, which alleges that an insufficient response by the university constituted illegal sex discrimination, could redefine how colleges respond to online threats on their campuses.

This recent ruling would place pressure on colleges to do more when their students receive anonymous online harassment. The dissenting opinion noted that it would be difficult for colleges to meet this newly established standard. However, it is important to note that this decision is not a final ruling, the case will now go back to the federal district judge to decide the case.

Read more here.

Can a County School Board Require Applicants for Substitute Teacher Positions Submit to and Pass a Drug Test?

On December 20, 2018, the Eleventh Circuit held that a School Board has a sufficiently compelling interest in screening its prospective teachers to justify the invasion of privacy rights of job applicants in the case: Joan E. Friedenberg v. School Board of Palm Beach County.

Drug testing substitute teacher applicants constitutes a suspicionless search under the Fourth Amendment. However, for Fourth Amendment purposes, public schools are unique and have a reduced standard to protect the safety and welfare of students. Specifically, suspicionless searches must be reasonable, which a court determines by weighing the public and private interest at stake.

The Eleventh Circuit balanced the individual's privacy interest with the school's interest in maintaining discipline, health, and safety and concluded that the School Board had not violated the Fourth Amendment.

Read the case here.

Does a Termination to Avoid "Racial Tension" Violate Title VII?

The underlying issue in Burton v. Gwinnett County School Dist. is whether an employer violates Title VII if it terminates an employee to avoid racial tension caused by that employee's conduct. Burton, who is white, was a Principal in the Gwinnett County School District. She and two African-American Assistant Principals removed a disruptive African-American student to a conference room. The student then repeatedly slammed a chair against a wall, causing a small indentation. When Burton met with the student's family, she lied and claimed that the student made a hole in the wall. After that meeting, Burton ordered one of the Assistant Principals to take a hammer and make a hole in the wall. She then e-mailed pictures to the student's family.

When Burton's actions were discovered, she was terminated from employment by the system's Superintendent. After she was terminated, an Associate Superintendent told Burton: "This could look like you framed children. This is a little black boy. This is two black APs."

Burton sued under Title VII claiming that her race was a factor in termination of her employment. The court concluded that the above comment showed the Associate Superintendent was concerned that Burton's conduct might inflame racial tension at the school, but provided no evidence that the superintendent was motivated or even aware of these concerns when terminating Burton.

Read the case here.

Court States Police Do Not Have a Duty to Protect Students under the Fourteenth Amendment

The shooting at Marjory Stoneman Douglas High School was one of the deadliest mass shootings in recent history and resulted in the deaths of 17 teachers and students. Recently, 15 students who survived the shooting brought suit against Broward County, the Sheriff for Broward County, the school superintendent, and the school resource officer for failing to protect them. Their primary argument was that as they were students attending a public high school, the state had a duty to protect them pursuant to the Fourteenth Amendment to the U.S. Constitution. The Fourteenth Amendment, in pertinent part, prohibits a state from depriving a person of life, liberty, or property without due process of law. While the Fourteenth Amendment does require a state to protect individuals who are in the state's custody such as prisoners, the US District Court Judge ruled that students are not in custody while attending school and therefore the Fourteenth Amendment cannot serve to attach liability for the shooting to any of the listed Defendants.

Read more here.

From the Lighter Side: The Case of the Missing Sandwich

The Polk County Sheriff's Office is on the hunt for an offender caught on camera secreting a foot-long sub down his pants. The suspect entered a Marathon Gas Station in Lakeland, shoved the submarine sandwich into the front of his pants, paid for a polar pop but not the sandwich, and then rode off into the sunset on a bicycle. It is unknown what became of the sandwich.

Read more here.