

DID PROFESSOR LOSE JOB FOR FAILING TO REPORT TEACHER-STUDENT RELATIONSHIP?



Schools tend to frown on teacher-student relationships, particularly when a pregnancy is the result. But what about a co-worker who doesn't report the relationship? That's the reason an assistant professor claims her probationary period of employment was not extended. The woman was in the midst of a five-year probation for tenure when she worked with a male professor at the University of Puerto Rico School of Law's Legal Aid Clinic. Her co-worker became involved with a female student, who ended up pregnant. Near the end of her probation, the plaintiff requested a one-year extension before her tenure review. The Dean of the university then questioned the woman and criticized her for not reporting the relationship between her co-teacher and the student. The personnel committee voted 2-to-1 to grant the extension request. The professor who voted against it cited, in reference to the teacher-student relationship, the woman's "poor judgment" and apparent inability to handle "complex and sensitive situations." The Dean recommended the extension but stated that he agreed with the professor's concerns, adding that the plaintiff, while intelligent, was also "immature" and "fragile." When the plaintiff learned of the remarks made of her, she wrote a letter to the University Chancellor, who was also the head of the committee. Her reason for the letter was clarification of her actions and to condemn the allegedly discriminatory comments. The Dean responded to the woman's letter by writing one of his own – informing the committee that he was reversing his prior decision and recommending denial of the extension. The committee later voted to deny, which



ended the woman's employment at the conclusion of her probationary period.

The ensuing lawsuit alleged various claims, chief among them retaliation and gender-based discrimination, both violations of Title VII of the Civil Rights Act. The defendants – the Dean, the professor, members of the committee and the University itself – made a motion to dismiss, asserting that the woman had not stated an "actionable claim" – enough facts or evidence to support the lawsuit. The motion was granted. The woman appealed the charges of gender-based discrimination and retaliation. She argued a claim of gender stereotyping, stating that the Dean and others expected her to report the relationship because she was a woman. Appellate judges noted that such a claim was not a "widely-known perception" of women and was consequently speculation on the plaintiff's part – with no facts to support it. Likewise, the criticisms attributed to the plaintiff were not gender-specific, ones that could have easily been said of a male or a female. Stray remarks – discriminatory comments not necessarily spoken near the time of a decision-making process – generally need further evidence to sustain an argument. The claim of retaliation stemmed from the plaintiff's letter and the Dean's apparent decision to reverse his recommendation as a result. However, if the woman couldn't prove discrimination, then her act of writing the letter is not considered a protected activity – meaning that any supposed adversity in response is not, by law, retaliation. The appeals court affirmed the district court's dismissal of all charges. Where can you find the most Teacher jobs? [Click here.](#)