

Saiber Wins Appeal for Higher Education Client in Title IX Lawsuit

June 24, 2022

Saiber attorneys Sean Kelly and Catherine Soliman earned a key victory on behalf of a major state university in connection with a Title IX lawsuit filed by a former student against the university and two former members of the university's football team.

In the lawsuit, the plaintiff alleged that the university failed to take appropriate actions to protect the plaintiff against misconduct by the two football players, and that the university was therefore liable under federal and state laws including Title IX, the NJ Law Against Discrimination, and negligence. Saiber argued that the evidence developed in discovery showed that the university properly responded to prior misconduct by one of the football players, supported the plaintiff, investigated the incident, and ultimately sanctioned the two former football players, expelling one and suspending the other.

In a written opinion by United States District Court in February 2021, the court found that, based upon the undisputed evidence, no reasonable jury could find the university liable. The court also found that the university was entitled to charitable immunity under New Jersey's Charitable Immunity Act.

On June 22nd, 2022, The Third Circuit upheld the District Court's ruling, finding that the plaintiff failed to show the trial court was incorrect in rejecting the former student's claims that the university was "deliberately indifferent" in its response to the incident. Specifically, the Third Circuit agreed with the District Court that the record did not support a finding that the university's response to the incident was clearly unreasonable. The Third Circuit also agreed that the university was entitled to charitable immunity under New Jersey's Charitable Immunity Act.