

NATIONAL

# Court rules in favor of male student in sexual-assault case

By **DAN SEWELL** Associated Press | FEBRUARY 9, 2018 — 5:45PM

CINCINNATI — A federal appeals court ruled Friday in favor of a male student who blames gender discrimination for an Ohio university's finding that he violated its sexual-assault policy.



A three-judge 6th U.S. Circuit Court of Appeals panel upheld a lower court's dismissal of several claims against Miami University and school officials, but found that the student presented enough factual allegations to support a "reasonable inference" of discrimination.

The student, identified in court documents as "John Doe," said most of Miami's sexual misconduct cases are against males who are then ruled responsible without fair hearings. He was suspended for a 2014 encounter with a female acquaintance who said he went ahead with sexual acts when she told him not to after they had some consensual activity.

The student said he was too drunk to remember anything that happened after she got into his bed.

Miami and other U.S. universities have been accused in other cases in recent years of violating male students' rights as the schools step up efforts against campus sexual assaults amid pressure by federal education authorities.

Pre-trial evidence "may reveal that the alleged patterns of gender-based decision-making do not, in fact, exist," Judge Karen Nelson Moore wrote, but added that the Miami student "has sufficiently pleaded circumstantial evidence of gender discrimination."

"We're extremely excited to see that the 6th Circuit has accepted our gender bias arguments and look forward to prosecuting our case," said his attorney, Eric Rosenberg.

The university said Friday that while several claims in the case were dismissed, "we are disappointed that others were not."

Miami continues to remain committed to a "fair and impartial student disciplinary process and denies any bias" in that process, the university said.

The original lawsuit asked for unspecified damages and legal costs and his university records of the case to be expunged.

The appeals court rejected other legal claims, including one that the school was "deliberately indifferent" to sexual misconduct by the female student because she kissed him when he was too inebriated to consent.