

COURT VICTORIES FOR THE UNIVERSITY

Elon University has two decisive wins in discrimination suits against former university employees

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Rodriguez

Elon University has won an appeal to a discrimination lawsuit.

Michael Rodriguez, former assistant professor of business, sued Elon University in January 2017 for discrimination based on the fact that Rodriguez was not granted tenure, nor was his contract renewed.

Rodriguez lost the original lawsuit in April 2018 after a series of responses from both Rodriguez and Elon.

Two years after the original lawsuit was filed, Rodriguez appealed his case on Oct. 30, 2018.

On Nov. 30, U.S. Court of Appeals for the Fourth Circuit agreed with the district court's conclusion of no evidence of discrimination, according to the court opinion.

The decision says that previously, Elon argued correctly in that it originally recommended Rodriguez for tenure, which negated any discrimination claim.

Originally, Rodriguez argued that the white faculty member hired to replace him as Director of Chandler Family Professional Sales Center was less qualified than he was.

The Chandler Family Professional Sales Center in the Love School of Business promotes professional selling and management techniques to students and sales executives.

The court said that this was not discrimination because the faculty member that received the promotion "was not a non-tenure-track professor and thus does not qualify as an adequate comparator."

Rodriguez was recommended for tenure by his department chair, but ultimately it was denied. He was then offered a one-year, non-renewable contract before resigning, proving Elon "did not intend" for Rodriguez to resign.

According to the court opinion, Ro-

driguez also argues that the district court "erred" in rejecting his claim of constructive discharge, which means resigning because of a hostile work environment.

But the appeals court agrees with the district court's rejection of this claim by stating even though Rodriguez felt "unwelcomed" after being denied tenure, that this is not a reason to show he suffered from intolerable working conditions.

Matias

Elon University won a case against a former custodian after he failed to prove he was passed up for a promotion and terminated because of racial discrimination.

Teofilo Matias is Hispanic and a naturalized U.S. citizen. He was employed by Elon University for 17 years as a custodian before being fired in February 2016 following a sexual harassment investigation, according to the original lawsuit filed back in May 2017.

On Monday, Nov. 26, a U.S. District Court for the Middle District of North Carolina ruled that Matias was unable to prove "his qualifications were demonstrably superior" to the man they ended up hiring, according to the lawsuit.

Matias also argued a fellow employee had "been accused of sexual harassment multiple times by different employees on different occasions," and remained on the job while Matias was let go "under apparently similar circumstances."

Human Resource investigations found the employee never violated Elon University's code of conduct. This compares to the HR investigation against Matias and found he "created a hostile work environment for [his coworker]," according to the court opinion. Thus, the court found these two incidences not "similarly situated."

According to court opinion, Matias was also unable to prove discrimination was a reason for his termination, but failed to show "evidence of conduct or statements that both reflect directly the alleged discriminatory attitude and that bear directly on the consented employment decision."

Alex Simon, Margaret Malone, Anton L. Delgado, Grace Morris and Jack Norcross contributed reporting.

MATIAS V. ELON UNIVERSITY

MATIAS FILES A LAWSUIT

Matias filed a lawsuit claiming he was wrongfully fired and passed over for promotion because of his ethnicity and because the information used to fire him was fabricated. This came after his February 2016 termination, which resulted from a sexual harassment investigation, marking the end of his 17 years as a custodian at Elon University.

MAY
2017

YEARS OF SERVICE

17

years Matias worked as a custodian for Elon before being terminated.

COURT RULES IN FAVOR OF THE UNIVERSITY

The U.S. District Court for the Middle District of North Carolina ruled in favor of Elon University.

The court said Matias was unable to prove he was more qualified than the new hire in response to Matias' claims that he was passed over for the supervisor of support services position in 2014 and had to then train the young white male that was hired instead. The court also added that Matias was unable to prove that racial discrimination was a reason for his termination.

NOV. 26
2018

RODRIGUEZ V. ELON UNIVERSITY

ALAMANCE COUNTY SUPERIOR COURT LAWSUIT FILED

JAN. 25
2017



Michael Rodriguez

Rodriguez filed a lawsuit in Alamance County Superior Court, claiming he was racially discriminated against while working at Elon University. He sought more than \$25,000 in damages, court costs and attorney fees. The lawsuit stated that Elon removed Rodriguez from his role as faculty director of the Chandler Family Professional Sales Center, reduced his compensation and offered him a terminal contract. Rodriguez alleged that he did not receive a similar salary increase as his white peers did. He also claimed he was told by Elon senior administrators to not "rock the boat" by reporting the discrimination while he applied for tenure. Rodriguez was denied tenure in February 2015.

ELON DENIES DISCRIMINATION ALLEGATIONS

Elon University denied all of Rodriguez's discrimination claims and requested that the case be dismissed because a claim with the Equal Employment Opportunity Commission within the statute of limitations. The university said Rodriguez's faculty director role expired at the end of May 2015 and that he refused a standard one-year letter of agreement for the next academic year.

MAR. 15
2017

RODRIGUEZ FILES DECLARATIONS AND EXHIBITS

Rodriguez filed 2,270 pages' worth of declarations and exhibits in response to Elon's motion to dismiss his case. Included were declarations from former colleagues and students who had worked closely with Rodriguez, and each declaration praised Rodriguez's qualifications for promotion and tenure. Rodriguez's response also included two evaluations from the promotions and tenure committee - one voting 5-3 in favor, another voting 2-6 against tenure and promotion and 3-5 against tenure only. In an affidavit, a written statement for use as evidence in court, Provost and Vice President of Student Life Steven House said he "received 'no' recommendations from both the [Promotions and Tenure] Committee and the appropriate dean, Raghu Tadepalli."

JAN. 19
2018

ELON FILES REPLY TO RODRIGUEZ'S DECLARATIONS AND EXHIBITS

Elon University filed a 15-page reply to Rodriguez's 2,270-page response. In the document, Elon countered many of the main points Rodriguez made in his response, including the affidavits from former colleagues and students claiming he was more than qualified for tenure. The university concluded its reply by restating its original request to dismiss Rodriguez's claims and by adding a new request to disregard certain sections of one of Rodriguez's affidavits.

FEB. 2
2018

RODRIGUEZ APPEALS

Rodriguez appealed his case after losing the original lawsuit in April 2018.

OCT. 30
2018

COURT RULES IN FAVOR OF THE UNIVERSITY

The U.S. Court of Appeals for the Fourth Circuit ruled in favor of Elon University, agreeing with the district court's conclusion of no evidence of discrimination. The court opinion said that Elon previously argued correctly that it originally recommended Rodriguez for tenure, which negated any discrimination claim. In response to Rodriguez's argument that the white faculty member hired to fill his faculty director role was less qualified than him, the court said this was not discrimination because the faculty member "was not a non-tenure-track professor and thus does not qualify as an adequate comparator."

NOV. 30
2018

IN DAMAGES

\$25,000

is the amount of monetary compensation Matias sought in damages.

