

Expelled USciences Student Suing Over Investigation, Expulsion

While the school is the only defendant, the lawsuit cites alleged failings in the investigation conducted by Philadelphia law firm Schnader Harrison Segal & Lewis.

By **Lizzy McLellan** | April 16, 2019 at 05:49 PM



University of the Sciences in Philadelphia. Photo: Google

A former student at the University of the Sciences in Philadelphia is suing the school, claiming he was unfairly investigated by the college and its law firm, Schnader Harrison Segal & Lewis, and wrongly expelled as a result.

The plaintiff, referred to in court documents by the pseudonym John Doe, filed an [amended complaint](#) against the school Monday in the U.S. District Court for the Eastern District of Pennsylvania. The first complaint was filed in late January.

Schnader is not named as a defendant in the case. However, the complaint describes the firm's role in investigating the allegations against the plaintiff, specifically noting that the school hired Anne Kane, co-chair of Schnader's litigation department, to handle the investigation.

The case involves two female students' allegations against the plaintiff, who are also referred to by pseudonyms in court documents. According to the complaint, both women alleged that John Doe had sex with them without their consent. The plaintiff has alleged in his complaint that the sexual encounters with both women were consensual.

His encounter with the first woman took place in 2017, the complaint said, and the encounter with the second woman was in 2018. The two women were sorority sisters, the complaint said.

John Doe alleged that the university, through Kane's investigation, violated its own policies by failing to interview witnesses who would have been helpful to his defense, and by not questioning inconsistencies in witness statements that were favorable to the women accusing him of sexual misconduct.

The complaint also alleged that the university encouraged the first accuser to tell others about her complaint "in an effort to find other women willing to make a complaint against John."

“Unfortunately for John, Ms. Kane and the university not only misused the witnesses, but the analysis of the evidence collected in each claim against John was intentionally skewed to ensure that John would be found to have sexually assaulted [the two women],” the complaint said.

The complaint said Kane concluded her investigation in November 2018, and John Doe was informed in December that he was expelled, based on her findings.

The plaintiff appealed the expulsion, but his appeal was denied, the complaint said.

“Expulsion from the university will cause John to be denied the benefits of education at his chosen school, damaged his academic and professional reputations, and will affect his ability to enroll at other institutions of higher education and to pursue a career,” the complaint said.

The plaintiff is alleging Title IX violations and breach of contract by the university, as well as intentional infliction of emotional distress, negligent infliction of emotional distress and negligence.

He alleges damages of more than \$75,000.

The complaint noted the national conversation around sexual misconduct on college campuses.

“There has been substantial criticism of universities, both in the student body and in the public media, accusing schools of not taking seriously complaints of female students alleging sexual assault by male students,” it said. “As a result, the university’s decision-makers and its investigators were motivated to favor the accusing female over the accused male, so as

to protect themselves and the university from accusations that they had failed to protect female students from sexual assault.”

Riley Ross III of Mincey Fitzpatrick Ross is representing the John Doe plaintiff.

“Schools owe the students a duty to treat them fairly,” Ross said.

Joe Tucker Jr. of Tucker Law Group is representing the university. He did not respond to a request for comment Tuesday.

A spokesman for Schnader Harrison Segal & Lewis did not respond to a request for comment, nor did Kane.

<https://www.law.com/thelegalintelligencer/2019/04/16/expelled-usciences-student-suing-over-investigation-expulsion/>

Lizzy McLellan



Lizzy McLellan writes about the Pennsylvania legal community and the business of law at firms of all sizes. Contact her at lmclellan@alm.com. On Twitter: @LizzyMcLell

[More from this author](#)