

AE

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

LAL

JOHN GREEN,

AUG 15 2005)

Plaintiff, **MICHAEL W. DOBBINS**

CLERK, U.S. DISTRICT COURT

vs.

No. 05 C 3016

The Honorable Judge Conlon

LOYOLA UNIVERSITY CHICAGO,

Magistrate Judge Brown

Defendant.

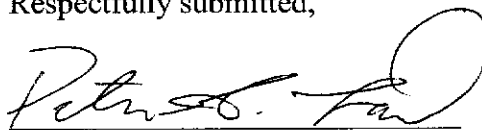
NOTICE OF FILING AND CERTIFICATE OF SERVICE

To: Armand L. Andry
7801 S. Reilly
Chicago, Illinois 60652-1868

PLEASE TAKE NOTICE that, on August 15, 2005, the undersigned filed Defendant Loyola University of Chicago's Answer and Defenses to Complaint with the United States District Court, true and correct copies of which are hereby served upon you.

The undersigned certifies that this Notice and the attached Answer were served by placing the same in the U.S. Mail, first class, postage prepaid, and addressed to the person to whom notice is directed, before 5:00 p.m. on August 15, 2005, before 5:00 p.m.

Respectfully submitted,



An Attorney for Loyola University

Ellen M. Babbitt
Peter G. Land
Babbitt & Melton LLP
332 South Michigan Avenue, Suite 710
Chicago, IL 60604
(312) 427-5555
Fax: (312) 427-5556

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EASTERN DIVISION

JOHN GREEN,

Plaintiff,

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LOYOLA UNIVERSITY OF CHICAGO

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ANSWER AND DEFENSES TO COMPLAINT

Defendant Loyola University of Chicago ("Loyola" or "the University") responds to Plaintiff John Green's Complaint as follows:

JURISDICTION

1. This is an action by a student of the Defendant, LOYOLA UNIVERSITY OF CHICAGO. This action arises under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1688); and The Civil Rights Act of 1866, 42 U.S.C. 1981. This court has jurisdiction under 28 U.S.C. 1331 (a), 1337 and 1343, in that the claims involved violation of federally protected rights and charges of discrimination and retaliation. All administrative procedures have been exhausted.

ANSWER: Loyola admits that Plaintiff is a student at Loyola, that this lawsuit raises claims pursuant to the statutes cited in Paragraph 1 of the Complaint, and that, except to the extent this action complains about Plaintiff's receipt of a Ph.D, this Court has jurisdiction over this action as alleged in Paragraph 1 of the Complaint. Loyola denies the remaining allegations contained in Paragraph 1 of the Complaint.

2. Plaintiff JOHN GREEN is an African American student of the LOYOLA UNIVERSITY OF CHICAGO school of Education.

ANSWER: Loyola denies that Plaintiff is a student in the University's School of Education but otherwise admits the allegations contained in Paragraph 2 of the Complaint and further answers that Plaintiff is a student in The Graduate School at Loyola.

3. Defendant, LOYOLA UNIVERSITY OF CHICAGO, is a recipient of federal funds as defined by Title VI of the Civil Rights Act of 1964 as amended Title IX of the Education Amendments of 1972 Title 20 U.S.C. Sections 1681-1688) and is the University where Plaintiff is enrolled in the graduate school of education.

ANSWER: Loyola admits the allegations contained in Paragraph 3 of the Complaint, except that Loyola states that Plaintiff is a student in The Graduate School at Loyola, not the "graduate school of education."

FACTS

4. Plaintiff, JOHN GREEN, is a student at Defendant LOYOLA UNIVERSITY.

ANSWER: Loyola admits the allegations contained in Paragraph 4 of the Complaint.

5. Plaintiff was previously a teacher with the Chicago Board of Education and an administrator, acting as an assistant principal.

ANSWER: Loyola lacks information sufficient to admit or deny the allegations contained in Paragraph 5 of the Complaint and therefore denies those allegations.

6. Plaintiff has also held other positions of trust in the community including an agent for the Illinois Bureau of Investigation.

ANSWER: Loyola lacks information sufficient to admit or deny the allegations contained in Paragraph 6 of the Complaint and therefore denies those allegations.

7. Plaintiff was admitted to the School of Education at Defendant LOYOLA UNIVERSITY in the D3 COHORT PROGRAM seeking an Ed. D. degree in 1999.

ANSWER: Loyola admits the allegations contained in Paragraph 7 of the Complaint.

8. Others who entered the Cohort D3 program at the same time as Plaintiff were Clara Paul; Beverly Anderson-Coleman; Sharon Baksh; Marion Dozier, Carmia Fuqua; Ruth Prince; and Ivry Hobbs.

ANSWER: Loyola admits that Plaintiff was one of several students in the D3 Cohort Program but, pursuant to the Family Educational Rights and Privacy Act of 1974 (“FERPA”), 20 U.S.C. § 1232(g), Loyola cannot admit or deny whether other people were students in that program.

9. Until April 2000 Plaintiff had fulfilled all the legitimate requirements of the Cohort D3 program.

ANSWER: Loyola admits that Plaintiff fulfilled all requirements of the D3 Cohort program that had arisen as of April 2000 but denies that Plaintiff had fulfilled all requirements necessary to complete that program.

10. In April 2000, Plaintiff was attacked and struck by female student, Clara Paul without justification.

ANSWER: Loyola admits that a physical altercation between Plaintiff and Ms. Paul occurred in April 2000, but Loyola lacks information sufficient to admit or deny the remaining allegations contained in Paragraph 10 of the Complaint and therefore denies those allegations.

11. Plaintiff filed charges against Clara Paul with the Chicago Police and the Cook County States Attorney.

ANSWER: Loyola lacks information sufficient to admit or deny the allegations contained in Paragraph 11 of the Complaint and therefore denies those allegations.

12. One of Plaintiff's professors, Dr. Gene McGrew told Plaintiff that if he did not drop the charges against Mrs. Paul, charges would be made against Plaintiff.

ANSWER: Loyola denies the allegations contained in Paragraph 12 of the Complaint.

13. Another of Plaintiff's professors, Dr. Robert Roemer, prepared a document to be signed by Plaintiff indicating he would drop the charges against Mrs. Paul.

ANSWER: Loyola admits that a document was prepared for Plaintiff's signature indicating that he would drop charges against Mrs. Paul and that Dr. Robert Roemer discussed that document with Plaintiff. Loyola denies the remaining allegations contained in Paragraph 13 of the Complaint.

14. Plaintiff refused to sign the document as instructed by Drs. McGrew and Roemer and litigated the matter in court.

ANSWER: Loyola admits that Plaintiff did not sign a document indicating that he would drop charges against Mrs. Paul. Loyola denies that anyone "instructed" Plaintiff to sign that document. Loyola lacks information sufficient to admit or deny the remaining allegations contained in Paragraph 14 of the Complaint and therefore denies those allegations.

15. After pursuing the matter in court Plaintiff was continually harassed and had false allegations made against him by other cohort members with the aid and assistance of Drs. McGrew and Roemer.

ANSWER: Loyola denies the allegations contained in Paragraph 15 of the Complaint.

16. Plaintiff was advised he would never receive an Ed. D. degree.

ANSWER: Loyola denies the allegations contained in Paragraph 16 of the Complaint.

17. Plaintiff was transferred out of the Ed. D. program and into the Ph.D. program in Education.

ANSWER: Loyola admits that Plaintiff transferred out of the Ed.D program and into the Ph.D. program in Education voluntarily and denies any suggestions in Paragraph 17 that Plaintiff's transfer was not voluntary.

18. Professors in the Ph.D. program were aware of the incidents in the Cohort D3 Ed. program involving Plaintiff, Mrs. Paul and Drs. McGrew and Roemer.

ANSWER: Loyola admits that some professors in the Ph.D. program also taught in the D3 Cohort program and that some of those professors were aware of the physical altercation between Plaintiff and Mrs. Paul. Loyola denies the remaining allegations contained in Paragraph 18 of the Complaint.

19. In order to obtain the PhD, Plaintiff had to assemble an advisory committee of three faculty members to approve the writing of his dissertation.

ANSWER: Loyola admits that Plaintiff, like all other Ph.D students, was required to assemble a dissertation committee comprised of at least three faculty members to approve his dissertation. Loyola denies the remaining allegations contained in Paragraph 19 of the Complaint.

20. Plaintiff sought advisers from the faculty of the Defendant.

ANSWER: Loyola admits the allegations contained in Paragraph 20 of the Complaint. Further answering, Loyola states that its faculty members have since served as Plaintiff's advisors and also on Plaintiff's dissertation committee.

21. Professors he sought as advisers repeatedly refused to act on his advisory committee except three advisers.

ANSWER: Loyola denies that Plaintiff had an “advisory committee” and therefore denies the allegations contained in Paragraph 21 of the Complaint. Further answering, Loyola states that three faculty members have continuously served on Plaintiff’s dissertation committee since its formation.

22. Plaintiff was advised that he would never get his Ph.D.

ANSWER: Loyola denies the allegations contained in Paragraph 22 of the Complaint.

23. Plaintiff has fulfilled all the legitimate requirements necessary to obtain the Ph.D. in Education or is in the process of fulfilling any remaining requirements.

ANSWER: Loyola admits that Plaintiff has fulfilled many requirements of the Ph.D. program in which he is enrolled and that he is making satisfactory progress on all remaining requirements. Loyola denies the remaining allegations contained in Paragraph 23 of the Complaint, including any inference that Plaintiff is being asked to fulfill “illegitimate” requirements.

24. Plaintiff has been given additional requirements and modifications to the normal legitimate requirements for the Ph.D. that other white and female students and students who do not oppose discrimination have not had imposed on them by the Defendant LOYOLA UNIVERSITY.

ANSWER: Loyola denies the allegations contained in Paragraph 24 of the Complaint.

25. All the students in the D3 cohort program have now received their Ed. D’s.

ANSWER: Loyola denies the allegations contained in Paragraph 25 of the Complaint.

26. One student from the D3 cohort program, Sharon Baksh, transferred from the Ed. D. D3 cohort program to the Ph.D. program.

ANSWER: Loyola refuses, pursuant to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232(g), to admit or deny the allegations regarding another student at the University contained in Paragraph 26 of the Complaint.

27. Mrs. Baksh has now received her Ph. D. in Education.

ANSWER: Loyola admits the allegations contained in Paragraph 27 of the Complaint.

28. Plaintiff continues to be denied his Ph. D. in Education and continues to have requirements imposed on him unlike any other Ph. D. candidates.

ANSWER: Loyola denies the allegations contained in Paragraph 28 of the Complaint.

29. Plaintiff has three faculty advisers who determine if this dissertation is accepted and, therefore, whether he will receive his degree.

ANSWER: Loyola admits that three of the University's faculty members have continuously served on Plaintiff's dissertation committee since its formation and that this committee will determine whether Plaintiff's dissertation is accepted and whether he will receive a Ph.D degree. Loyola denies any remaining allegations contained in Paragraph 29 of the Complaint.

30. Plaintiff has been advised that one of the three, the chairman of the advisory committee, will be resigning his position.

ANSWER: Loyola admits that the director of Plaintiff's dissertation committee plans to retire from Loyola after the spring 2006 semester. Loyola denies any remaining allegations contained in Paragraph 30 of the Complaint.

31. Plaintiff was previously told that if a member of his advisory committee resigned he would have to begin the entire process for acceptance of his dissertation again.

ANSWER: Loyola denies that any Loyola faculty member or administrator involved in Plaintiff's Ph.D program made the statement alleged in Paragraph 31 of the Complaint. Loyola lacks information sufficient to admit or deny the remaining allegations contained in Paragraph 31 of the Complaint and therefore denies those allegations.

32. The different requirements imposed on Plaintiff have caused him to spend additional time and monies not required of other Ph.D. or Ed. D. candidates.

ANSWER: Loyola denies the allegations contained in Paragraph 32 of the Complaint.

33. Plaintiff was subjected to a hostile environment and suffered adverse action from the Defendant LOYOLA UNIVERSITY.

ANSWER: Loyola denies the allegations contained in Paragraph 33 of the Complaint.

34. The actions taken by Defendant LOYOLA UNIVERSITY against Plaintiff are based on his gender, and/or race, and/or his opposition to discrimination.

ANSWER: Loyola denies the allegations contained in Paragraph 34 of the Complaint.

**COUNT ONE – TITLE VI OF THE
CIVIL RIGHTS ACT OF 1964, U.S.C. 2000d**

35. Plaintiff adopts and realleges as paragraph 35 of his complaint, paragraphs 1 – 34 above.

ANSWER: As its answer to Paragraph 35 of the Complaint, Loyola restates its responses to Paragraphs 1-34 of the Complaint as stated above.

36. Title VI of the Civil Rights Act of 1964 makes it an unlawful for persons receiving federal funds to treat persons differently because of their race or because of opposing discrimination.

ANSWER: Loyola admits the allegations of Paragraph 36 of the Complaint but denies that any unlawful or discriminatory conduct occurred with respect to Plaintiff's enrollment and studies at Loyola.

37. The Defendant, LOYOLA UNIVERSITY OF CHICAGO, through its agents, has violated the abovementioned laws by subjecting Plaintiff to a hostile environment and treating Plaintiff differently because of his race and/or national origin and because of opposing discrimination.

ANSWER: Loyola denies the allegations contained in Paragraph 37 of the Complaint.

38. The justifications for permitting this hostile environment and any adverse actions taken against Plaintiff are pretextual.

ANSWER: Loyola denies the allegations contained in Paragraph 38 of the Complaint.

39. Plaintiff was thus denied his rights under the above Act.

ANSWER: Loyola denies the allegations contained in Paragraph 39 of the Complaint.

40. Plaintiff was damaged in amounts to be proven at trial as a result of the violation of his rights including suffering lost fees paid, humiliation, embarrassment, stress and other compensatory damages.

ANSWER: Loyola denies the allegations contained in Paragraph 40 of the Complaint.

WHEREFORE, Plaintiff prays for judgment in amounts to be proven at trial for reasonable attorney's fees and costs and such other relief as the court deems appropriate.

ANSWER: Loyola denies that Plaintiff is entitled to any relief sought in Count I of the Complaint.

**COUNT TWO – TITLE IX OF THE EDUCATION
AMENDMENTS OF 1972, 20 U.S.C. 1681-1688**

41. Plaintiff adopts and realleges as paragraph 41 of his complaint, paragraphs 1-34 above.

ANSWER: As its answer to Paragraph 41 of the Complaint, Loyola restates its responses to Paragraphs 1-34 of the Complaint as stated above.

42. Title IX of the Education Amendments of 1972, 20 U.S.C. 1681-1688 makes it unlawful for persons receiving federal funds to treat persons differently because of their gender or because of opposing discrimination.

ANSWER: Loyola admits the allegations of Paragraph 42 of the Complaint but denies that any unlawful or discriminatory conduct occurred with respect to Plaintiff's enrollment at Loyola.

43. The Defendant, LOYOLA UNIVERSITY OF CHICAGO, through its agents, had violated the abovementioned laws by subjecting Plaintiff to a hostile environment and treating Plaintiff differently because of his gender and because of opposing discrimination.

ANSWER: Loyola denies the allegations contained in Paragraph 43 of the Complaint.

44. The justifications for permitting this hostile environment and any adverse actions taken against Plaintiff are pretextual.

ANSWER: Loyola denies the allegations contained in Paragraph 44 of the Complaint.

45. Plaintiff was thus denied his rights under the above Act.

ANSWER: Loyola denies the allegations contained in Paragraph 45 of the Complaint.

46. Plaintiff was damaged in amounts to be proven at trial as a result of the violation of his rights including suffering lost fees paid, humiliation, embarrassment, stress and other compensatory damages.

ANSWER: Loyola denies the allegations contained in Paragraph 46 of the Complaint.

WHEREFORE, Plaintiff prays for judgment in amounts to be proven at trial for reasonable attorney's fees and costs and such other relief as the court deems appropriate. PLAINTIFF DEMANDS TRIAL BY JURY.

ANSWER: Loyola denies that Plaintiff is entitled to any relief sought in Count II of the Complaint.

COUNT THREE – CIVIL RIGHTS ACT OF 1866, 42 U.S.C. 1981

47. Plaintiff adopts and realleges as paragraph 47 of his complaint, paragraphs 1 – 34 above.

ANSWER: As its answer to Paragraph 47 of the Complaint, Loyola restates its responses to Paragraphs 1-34 of the Complaint as stated above.

48. The Civil Rights Act of 1866 makes it unlawful to treat persons differently because of their race or because of opposing discrimination.

ANSWER: Loyola admits the allegations of Paragraph 48 of the Complaint but denies that any unlawful or discriminatory conduct occurred with respect to Plaintiff's enrollment at Loyola.

49. The Defendant, LOYOLA UNIVERSITY OF CHICAGO, through its agents, had violated the abovementioned laws by subjecting Plaintiff to a hostile environment and treating Plaintiff differently because of his gender and because of opposing discrimination.

ANSWER: Loyola denies the allegations contained in Paragraph 49 of the Complaint.

50. The justifications for permitting this hostile environment and any adverse actions taken against Plaintiff are pretextual.

ANSWER: Loyola denies the allegations contained in Paragraph 50 of the Complaint.

51. Plaintiff was thus denied his rights under the above Act.

ANSWER: Loyola denies the allegations contained in Paragraph 51 of the Complaint.

52. Plaintiff was damaged in amounts to be proven at trial as a result of the violation of his rights including suffering lost fees paid, humiliation, embarrassment, stress and other compensatory damages.

ANSWER: Loyola denies the allegations contained in Paragraph 52 of the Complaint.

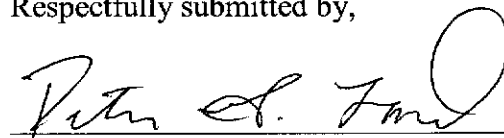
WHEREFORE, Plaintiff prays for judgment in amounts to be proven at trial for reasonable attorney's fees and costs and such other relief as the court deems appropriate.

ANSWER: Loyola denies that Plaintiff is entitled to any relief sought in Count III of the Complaint.

DEFENSES

1. Counts I, II, and III are based upon events that occurred outside the statutes of limitations applicable to Title VI, Title IX, and Section 1981 claims and are time-barred.
2. This Court lacks jurisdiction over Plaintiff's claims to the extent that any of them complain about his receipt of a Ph.D because Plaintiff has not yet finished all requirements for receipt of such a degree and any such claims are not ripe.
3. Plaintiff is barred from recovery because the University exercised reasonable care to prevent and correct promptly any discriminatory or harassing behavior alleged to have occurred, and Plaintiff unreasonably failed to take advantage of preventive and correct opportunities offered by the University.

Respectfully submitted by,



An Attorney for Defendant Loyola University of Chicago

Ellen M. Babbitt
Peter G. Land
Babbitt & Melton LLP
332 South Michigan Avenue, Suite 710
Chicago, Illinois 60604
(312) 427-5555

Dated: August 15, 2005