



Former Yale Basketball Captain Sues University Over Sexual Misconduct Expulsion

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Jack Montague, who was expelled from Yale University earlier this year following his involvement in an alleged sexual assault, recently filed a lawsuit against the University for allegedly mishandling the investigation and his expulsion. The lawsuit names Yale, Angela Gleason, then-Deputy Title IX Coordinator in the Office of the Provost, and Jason Killheffer, then-senior deputy Title IX coordinator as defendants. The complaint pled several breaches of contract theories, defamation, and a Title IX claim, alleging that the University's decision to expel him was "a product of disparate treatment of Montague based on his gender."

By way of background, Montague served as the captain of the school's basketball team and led them to their first appearance in the NCAA basketball tournament since 1962. After he was accused of rape in October 2014, Montague's teammates showed solidarity, sporting shirts with his nickname at a game. This incident engendered negative feelings toward the basketball team on campus, saying that the team was allegedly promoting "rape culture."

Following the allegations, Montague went through an investigation and hearing in front of the University-Wide Committee on Sexual Misconduct (UWC). After finding that Montague was involved in sexual misconduct beyond a preponderance of the evidence, the standard required under the school's disciplinary rules, the UWC elected to expel him.

The complaint, in part, alleges that the University "targeted and ultimately expelled Mr. Montague in order to make a public example of a prominent male figure on campus and demonstrate that, contrary to the opinion of Yale's internal and external critics, the University is indeed tough on men who 'victimize' female students."

As evidence, the complaint points to several instances in which the University allegedly mishandled the hearing and subsequent expulsion. First, Montague alleges that the sexual interaction with the complainant was consensual and that the "fact-finder" at the hearing had allegedly failed to independently verify this information. Second, Montague claims that the UWC pressured the complainant into filing a complaint with the University, who used a previously-filed allegation from Montague's freshman year to convince her that she was not the first who he had victimized. The complaint further asserts that this older incident was also improperly analyzed and that it should not have been used in the current investigation. Finally, the complaint points out several instances in which the University found a student was accountable for sexual misconduct but the student was not expelled, thus pointing to his theory that Montague's expulsion was "Yale's ticket to restoring its tarnished image," as a statement accompanying the lawsuit purported.

Yale publicly responded to Montague's complaint, stating that the lawsuit is "factually inaccurate and legally baseless, and Yale will offer a vigorous defense." The complaint was filed in federal court in Connecticut on June 9. The lawsuit seeks reinstatement at Yale and punitive damages.

Montague's complaint comes amidst a time when an exceptional number of colleges and universities have been accused by both complainants and respondents of mishandling complaints of sexual misconduct in violation of Title IX. In the wake of the current increase in Title IX lawsuits brought by both complainants and accused students, institutions are advised to review their sexual misconduct policies and update them if necessary to ensure Title IX compliance. We encourage schools to provide regular Title IX training to students, educators and all members of the school community on how to properly recognize, prevent and respond to allegations of sexual misconduct. We also advise that institutions consider training their athletics as well as coaching staff on a regular basis in these types of matters so that everyone understands their rights and responsibilities.

If you or your institution has any questions or concerns regarding education or employment related issues, please contact Hayley B. Dryer at hdryer@cullenanddykman.com or at 516-357-3745.

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