

What to Expect When Students Sue?

Description

People the world over have heard of the woman who sued McDonald's when she spilled hot coffee and burned her legs. She won and went home with a \$460,000 settlement. Other people laughed when they heard a judge in Washington, D.C. sued a dry cleaner for losing his pants. He requested \$67 million in damages, lost the case, and ended up being suspended. He spent over 15 years litigating the case before that happened. Today, several students are choosing to sue their universities for a variety of reasons. What should a school expect when a student sues?

Notable Cases

The University of Winnipeg in Canada faced a lawsuit when a professor gave a student a B+ as opposed to an A. The B.C. The Ministry of Advanced Education ended up in court when a student sued after the university stopped payment on his student loan. He sued for \$1.5 million when he dropped out of Dalhousie University and failed to let anyone know he had done so. People might assume the lawsuits are rare, but nothing remains further from the truth.

The University of British Columbia came out on top when a woman pursuing her master's degree in English sued for religious discrimination. She requested \$18 million only to have a Supreme Court of B.C. judge dismiss the case, saying there was no evidence to support her claim. The judge also awarded costs to the university. Students may wonder if they should pursue a claim with so many coming out on the losing end. Schools lose regardless of whether they win or lose the suit. It's best to speak to an attorney at feldman.law to determine the best course of action when a school finds they are being sued.

Legitimate Claims

Many students sue their school and win. The problem lies in knowing which cases have merit and which are frivolous. Men and women who read the headlines need to dig deeper, as the newspaper cannot show the complexity of the case in a few words. Certain cases need to go to court, as when the student was a victim of discrimination or wrongdoing. This doesn't consider intellectual property ownership cases that often end up being decided in the student's favor. Nevertheless, schools often find they are being sued without a valid basis for the legal action.

Speaking to an attorney serves as the best option, as many schools choose to settle when a case has substance. Furthermore, a successful lawsuit often leads to changes in the school's policies and procedures. This ensures the school doesn't face similar challenges in the future. The reason it seems so many frivolous cases make it to court lies in the fact schools refuse to settle when they realize the student is trying to get money with no basis. These cases make it into the newspaper, where they draw a great deal of attention. Nevertheless, schools don't find these cases amusing.

The Problem Behind These Lawsuits

Attorneys representing schools today rarely want to speak to the press, as they worry about being sued for slander, breaching the confidentiality of their clients, or encouraging others to file similar suits. The United States has a reputation for being a litigious society, and other nations continue to see an increase in lawsuits. People in those countries watch what happens in America and want to see if they get similar results.

Schools dread lawsuits, as do their attorneys. These legal cases take time and disrupt operations for the legal team and the academic staff. The school spends large amounts of money to fight the suit, which may take years before reaching a conclusion. This wastes resources. However, certain suits have merit and need to be heard in a court of law. For this reason, people must take every claim seriously until authorities finish an investigation. This ensures schools and courts address legitimate suits, as they bring to light necessary reforms.

A Place to Turn

Lawyers in Canada recognized this was a problem decades ago. They opted to come together as a group to share information. This group, known as CAUS, often looks to case law coming from the United States, as they recognize many trends start south of their border. What they have noticed over the years is some claims have merit, but the plaintiff requests an outrageous sum of money. This leads to the case being deemed frivolous when the facts call for legal action.

The problem lies in the costs associated with fighting a charge, even one that has no merit. A school has no choice but to fight the claim, even when doing so can take years before the matter is settled. The Maughan case serves as a good example of the damage that occurs when a frivolous lawsuit makes its way into the legal system.

The Maughan Case

In November of 2000, a student sent out an email to graduate students in the English department. This email joked about how he recalled with fondness a time when the stoning of Christians was acceptable. He followed this statement with a smiley emoticon, but not everyone took it as a joke. Cynthia Maughan, an Anglican Christian graduate student, became offended and shared her opinion with those who received the email.

Months later, the student held a meeting at his home for students in a graduate-level seminar. Ms. Maughan refused to attend, although she was in the class. She didn't bring up religion in relation to her reason for not attending the meeting. Time passed and the professor gave Ms. Maughan unsatisfactory marks on some coursework. The bad marks, along with the e-mail and meeting, led her to conclude atheism was being encouraged and that the school denied her academic and religious freedom.

Ms. Maughan complained to the university. This complaint went through the internal appeal process to the Senate Appeal Committee and Ms. Maughan lost. Besides complaining to the university, she did the same under the Human Rights Code. Finally, Ms. Maughan took her case before the Supreme Court of British Columbia, naming the university and four English professors in the suit. Three of these professors did nothing more than write letters of support for Dr. Weir during the internal investigation.

UBC claimed the lawsuit was frivolous when it reached the Supreme Court in March 2003. Attorneys for the school argued it was without merit and offered to pay Ms. Maughan \$1 to end the case. She rejected the offer, and it was another four years before [the case ended](#). By then, Ms. Maughan was representing herself and even gave six weeks of personal testimony in 2007 in the courtroom.

The court ordered Ms. Maughan to pay legal costs, but the attorney for UBC states she will only end up paying approximately 60 percent of what the school spent defending itself. In the past, students wouldn't question the judgment of a professor, and lawsuits were unheard of. Today, students contradict their instructors, but this serves as only one reason schools have seen an increase in legal suits.

Additional Factors Contributing to Lawsuits Against Schools

Students believe schools have large amounts of money, due in part to the [rising cost of tuition](#). Furthermore, liberal values continue to be promoted, ones that emphasize individual rights and personal freedom. Men and women see these schools as soft targets and choose to sue. This doesn't consider how students feel about their school records and how it will impact their future.

Students worry bad grades will prevent them from getting into their school of choice or their desired job. They have a sense of entitlement and blame others when they don't get the grade they feel they desire, for example. This doesn't mean a student should sit quietly when treated unfairly. Lawsuits have a role in society, as a lawsuit provides individuals with a place to turn when they receive unfair treatment. For this reason, each case needs to be examined independently. Additionally, schools need to put measures in place that allow students to be part of the decision-making process in school matters. Internal reviews and investigations provide students with a means to have their voices heard.

The reviews and investigations become of great help when there is a complaint, a dispute, or a student is disciplined. A clear and fair process helps to prevent lawsuits. Students may present their case, much as they would in a legal setting. Until every school has this type of system, however, students need to learn from Ms. Maughan's case. She is looking at years to pay off the legal costs incurred by the school. This may be enough to deter other students from filing lawsuits that have no merit. When these cases stop, everyone wins.

Any school facing a lawsuit from a student needs to seek legal advice immediately. This ensures the rights of the educational institute remain protected at all times. Nobody wants to learn when a student is suing, as schools are there to help people grow and learn. Sadly, this does happen, and every school needs to be prepared. A good attorney handles these cases regularly and knows how best to proceed to get the matter resolved. Get help right away to allow the school to move past the suit and continue with its purpose of educating students for a better future.

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