



2021 JENKINS HONORS MOOT COURT COMPETITION

Richard Chase v. Plainsboro University

Richard Chase is a student in defendant Plainsboro University's two-year registered-nurse to bachelor-of-science-in-nursing program ("RN to BSN Program"). In addition to Chase's classroom and school-required clinical hours, Chase was an employee of the hospital affiliated with the University. At the outset of Chase's employment as an RN at the hospital, which began in September 2018, he worked in a general rotation, taking shifts on multiple floors with different specialties. To further his interest in maternal health, he became a regular RN on the labor and delivery floor.

To complete the requirements for his degree, Chase is required to complete research credits. A research committee matches students with research placements and monitors their completion of those credits. Given his background in pre- and post-natal nutrition and his interest in pursuing a master's degree in nurse-midwifery ("MSN"), Chase applied in March 2019 for research credits in maternal health. He listed Abigail Cameron, one of the nurses who supervised him on the labor and delivery floor, as a reference.

Chase expected to encounter professional hurdles as a male RN interested in labor and delivery. Indeed, all the doctors and nurses who worked on the labor and delivery floor were females, leaving Chase as the only male. Chase alleges that he experienced multiple incidents involving his intentional discrimination by female colleagues against him because of his sex.

First, in April 2019, one of Chase's fellow RNs, Regina June, approached a patient and asked the patient whether she was sure that she was comfortable having a male nurse take care of her. June allegedly solicited, manufactured, and escalated false complaints to supervising nurses about Chase's dealings with patients.

Second, in May 2019, weeks after the fact, supervising nurse Leslie Cuddy complained to the floor's managing nurse about Chase's treatment of a patient, even though Cuddy had provided satisfactory if cursory feedback to Chase during the relevant shift. Cuddy also teaches a course at the nursing school and is a member of the research committee.

Third, immediately following Cuddy's complaint, the floor's managing nurse, Annemarie Adler, reassigned Chase to the general rotation and prevented him from

obtaining additional shifts on the labor and delivery floor. Adler explained that Chase's recent performance issues led her to believe that he would find a "better fit" for his "demonstrated talents" in a different specialty.

Fourth, after Chase's reassignment, his former supervisors on the labor and delivery floor refused to provide him with the recommendation letters that he needed to apply to MSN programs.

In June 2019, Chase reported these issues to the University's human resources office. Two weeks later, the research committee notified him that he did not receive a placement for the required research credit, with the result of delaying the completion of his program and his ability to pursue his MSN. Although the University's research committee does not guarantee placements in a research credit, Chase alleges that the labor and delivery floor's supervising nurses, one of whom (Cuddy) is a member of the research committee, caused the research committee to discriminate against him in the placement process.

Chase filed claims in the United States District Court for the District of Mercer for employment discrimination and retaliation under Title IX of the Education Amendments of 1972. He alleged that the University discriminated against him on the basis of sex in the context of his employment at the hospital; further, he alleged that the University retaliated against him for complaining about that discrimination, in violation of Title IX.

The district court granted the University's motion for summary judgment and dismissed both counts, holding that Title VII of the Civil Rights Act of 1964 preempted Chase's employment discrimination claim and that Chase had failed to establish but-for causation on the retaliation claim. On January 14, 2020, Chase appealed the judgment to the United States Court of Appeals for the Fourteenth Circuit. The Fourteenth Circuit affirmed, with one judge dissenting on both issues.

Chase petitioned for, and the Supreme Court of the United States granted, certiorari to address the following issues:

- (1) Whether Title VII displaces Title IX with respect to sex-discrimination claims, in the employment context, against educational institutions that receive federal funding.
- (2) Whether but-for causation or motivating factor is the appropriate standard of causation for Title IX retaliation claims.