

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Filed: June 29, 2021

Mr. Adam Michael Brown

Mr. S. Michael Lear

Mr. Brian Andrew Murray

Mr. Cary Matthew Snyder

Mr. David Hamilton Wallace

Mr. Larry W. Zukerman

Re: Case No. 20-3482, *John Doe v. Oberlin College, et al*
Originating Case No. 1:20-cv-00669

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Monica M. Page
Case Manager
Direct Dial No. 513-564-7021

cc: Ms. Sandy Opacich

Enclosure

No. 20-3482

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JOHN DOE,)
)
Plaintiff-Appellant,)
)
v.)
)
OBERLIN COLLEGE, et al.,)
)
Defendants-Appellees.)

<p>FILED Jun 29, 2021 DEBORAH S. HUNT, Clerk</p>

ORDER

Before: GRIFFIN, KETHLEDGE, and MURPHY, Circuit Judges.

This lawsuit arises from a college sexual misconduct investigation initiated against Plaintiff John Doe under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* While the investigation was ongoing, Doe filed this lawsuit against Defendants Oberlin College, its Board of Trustees, its Title IX Coordinator, and various unnamed officials (collectively, “the College”), asserting violations of Title IX, denial of his federal right to procedural due process, and related state law claims. The district court denied Doe’s motion for a temporary restraining order, dismissed his due process claim on the merits, and dismissed his remaining state and federal claims without prejudice as premature. Doe appeals. During the pendency of this appeal, a disciplinary hearing panel found that Doe did not violate the College’s sexual misconduct policy with respect to the complainant’s allegations. The College now moves to dismiss the appeal as moot. Doe responds in opposition and the College replies.

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The College argues that Doe's case is moot because the disciplinary hearing panel absolved him of any wrongdoing, and we can afford him no effective relief. "To satisfy the irreducible constitutional minimum of Article III standing, a plaintiff must not only establish (1) an injury in fact (2) that is fairly traceable to the challenged conduct, but he must also seek (3) a remedy that is likely to redress that injury." *Uzuegbunam v. Preczewski*, 141 S. Ct. 792, 797 (2021) (internal quotation marks omitted) (quoting *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016)). Doe does not dispute that his requests for injunctive relief are now moot. But a prayer for damages, even nominal damages, "satisfies the redressability element of standing where a plaintiff's claim is based on a completed violation of a legal right." *Id.* at 802. Doe's complaint seeks monetary relief for alleged completed violations of his legal rights. For instance, he seeks damages for emotional and psychological suffering he claims to have experienced as a result of the College's determination that a Title IX sexual misconduct investigation should proceed against him. Thus, Doe's case is not moot.

The College also suggests that Doe cannot challenge its Title IX sexual misconduct investigation because the statute makes such investigations mandatory. But this position, which is tantamount to an assertion that a college can never be sued as the result of a Title IX sexual misconduct investigation, is untenable. *Cf. Doe v. Miami Univ.*, 882 F.3d 579, 589 (6th Cir. 2018) (identifying "at least four theories of liability that a student who is 'attacking a university disciplinary proceeding on grounds of gender bias,' *Yusuf v. Vassar Coll.*, 35 F.3d 709, 715 (2d Cir. 1994), can potentially assert under Title IX"). Finally, the College argues that Doe's underlying claims fail as a matter of law. In doing so, however, the College conflates mootness with the merits.

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Accordingly, the motion to dismiss is **DENIED**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", written in a cursive style.

Deborah S. Hunt, Clerk