

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

JANE ROE,

Plaintiff,

v.

THE STATE OF OKLAHOMA, *ex rel.*,  
UNIVERSITY OF CENTRAL  
OKLAHOMA,

Defendant.

Case No: 22-cv-237-SLP

**ANSWER**

Defendant University of Central Oklahoma (“UCO”), by and through its counsel of record, submits the following Answer to Plaintiff’s Complaint. Each allegation contained in the Complaint is denied unless specifically admitted herein.

1. UCO admits Plaintiff was a student attending UCO, but denies Plaintiff experienced gender discrimination while attending UCO. UCO is without sufficient information to admit or deny the remaining allegations in Paragraph 1 and therefore denies them.

2. UCO admits the allegations in Paragraphs 2-8.

3. Paragraphs 9-17 of Plaintiff’s Complaint quote and/or discuss administrative actions undertaken by the Department of Education, including the Department’s Revised Sexual Harassment Guidance (“Guidance”) and the April 2011 Dear Colleague Letter, and do not require a response. The Guidance and the Dear Colleague Letter speak for themselves.

4. In response to Paragraphs 18 and 19, UCO denies the stated effective date, and further states that the Final Rule was not in effect at the time of the alleged incident set forth

in Plaintiff's Complaint and the Department of Education expressly stated the Final Rule would not have retroactive effect. UCO admits the remaining allegations.

5. UCO admits the allegations in Paragraph 20.

6. Paragraphs 21-23 quote and reference the RUSO Title IX policy. The policy speaks for itself, and therefore these allegations do not require a response.

7. In response to Paragraph 24, UCO denies that its Title IX Office has issued any definition of Non-Consensual Sexual Contact. UCO admits that a definition of Non-Consensual Contact has been adopted by UCO leadership in its University Policy Prohibiting Discrimination and Harassment as Defined, Including Sexual Misconduct and which was published on the UCO website at the time of the incident. The published policy speaks for itself.

8. The allegations in Paragraph 25 are inapplicable to the incident in question, which occurred in March 2020. UCO's 2021-2022 Student Code of Conduct speaks for itself.

9. UCO admits the allegations in Paragraphs 26 and 27.

10. UCO lacks sufficient knowledge or belief to either confirm or deny the allegations in Paragraph 28, and therefore denies the allegations. UCO is aware that the UCO Chapter of the American Association of University Professors ("AAUP") maintains a Title IX accountability subcommittee but that such subcommittee is not officially sanctioned or recognized by UCO.

12. In response to Paragraph 29, UCO admits that President Neuhold-Ravikumar received an email from a faculty member purporting to act on behalf of the unsanctioned

subcommittee, which included a letter of questions regarding several areas of campus operations including the campus Title IX office. UCO denies any remaining allegations.

13. Paragraphs 30-34 are argumentative, somewhat irrelevant and do not require a response. The letter speaks for itself.

14. In response to Paragraph 35, UCO admits that UCO's General Counsel responded to questions raised in the letter on March 18, 2021. UCO denies that the letter avoided concerns outlined in the letter. UCO denies any remaining allegations.

15. In response to Paragraph 36, UCO admits Jane Roe was enrolled at UCO as an undergraduate at the time of the incident and was involved in at least one student organization. UCO is without sufficient information or knowledge to admit or deny the extent of Roe's involvement on campus, and therefore denies such allegations.

16. UCO admits that John Doe was a student worker employed by the UCO Office of Information Technology at the UCO Technology Desk located in the UCO Chambers Library prior to campus closure March 31, 2020, due to the national emergency related to the COVID-19 pandemic. UCO lacks sufficient knowledge or belief to either admit or deny the relationship of Jane Roe and John Doe in the Fall of 2019, and therefore denies such allegations.

17. UCO lacks sufficient knowledge or belief to either admit or deny the allegations in Paragraph 38 of the Complaint, but admits that Roe made similar statements to the UCO Title IX Coordinator investigating her formal complaint of sexual misconduct. UCO denies the remaining allegations.

18. UCO lacks sufficient knowledge or belief to either admit or deny the allegations in Paragraph 39 of the Complaint, and therefore denies such allegations.

19. In response to Paragraph 40, UCO admits Roe contacted the UCO Police Department on March 23, 2020. UCO lacks sufficient knowledge to either admit or deny facts surrounding Roe's communication with the Edmond Police Department, information voluntarily withheld by Roe in communications with the Edmond Police Department or whether Plaintiff submitted to a SANE exam, and therefore denies such allegations.

20. UCO admits the allegations in Paragraph 41.

21. In response to Paragraph 42, UCO admits that Plaintiff emailed the UCO Title IX office at 11:03 p.m. on the night of March 31, 2020, briefly describing the incident. Paul Goertemiller, UCO's Title IX Coordinator and Director of Student Conduct responded to Plaintiff's email at 8:15 a.m. on June 1, 2020, and phoned Plaintiff later that morning to discuss the reported incident. UCO denies the remaining allegations.

22. UCO lacks sufficient knowledge or belief to either admit or deny the allegations in Paragraph 43 of the Complaint; however, public records will speak for themselves.

23. In response to Paragraph 44, UCO admits that John Doe, along with many students living on campus, moved out of campus housing following UCO's March 25, 2020, announcement of the closure of campus to all but essential employees due to the COVID-19 pandemic. UCO denies the allegation that Goertemiller disregarded information relating to the Oklahoma County Sheriff department's inability to serve John Doe with an emergency Victims Protective Order, and denies the remaining allegations.

24. UCO denies Roe's allegation in Paragraph 45 that she continued to see Doe on campus. UCO extended its Spring Break to include the week of March 23-27, 2020 and UCO's campus was closed to all but essential employees until May 31, 2020, and all classes were delivered by alternative instructional methods due to the COVID-19 pandemic from March 30, 2020, through the end of the Summer 2020 term. UCO admits that Plaintiff provided copies of text messages exchanged between Plaintiff and John Doe dated March 30 and April 2, 2020, to Paul Goertemiller on April 3, 2020. UCO is without sufficient knowledge or information to admit or deny that Roe experienced panic attacks or the causation of any such attacks, and therefore denies the allegations and requires strict proof thereof.

25. UCO lacks sufficient knowledge or belief to either admit or deny the allegations in Paragraph 46 of Plaintiff's mental health treatment and Goertemiller's specific statements made to Plaintiff, and therefore denies the allegations. UCO denies that Goertemiller failed to notify Plaintiff's instructors of her mental health status and denies any remaining allegations.

26. UCO denies the allegations in Paragraph 47 of the Complaint.

27. In response to Paragraph 48, UCO admits Plaintiff described a text message exchange and the impacts such exchange had on her mental health on or before the first telephone call between Plaintiff and Goertemiller. UCO admits a Non-Contact Order was issued by Goertemiller on June 17, 2020, nearly a month prior to campus reopening, and denies the remaining allegations. UCO denies the remaining allegations.

28. UCO admits the allegations in Paragraph 49 of the Complaint.

29. UCO denies the allegations in Paragraph 50 of the Complaint.

30. UCO lacks sufficient knowledge or belief to either admit or deny the allegations in Paragraph 51 of the Complaint, and therefore denies the allegations.

31. UCO denies the allegations in Paragraph 52 of the Complaint.

32. In response to Paragraph 53, UCO denies Plaintiff's allegation that she encountered John Doe on the way into the library. In accordance with Goertemiller's instruction, John Doe left the library before Plaintiff entered the library. Goertemiller investigated the alleged encounter in response to Plaintiff's report. UCO denies the remaining allegations.

33. UCO lacks sufficient knowledge or belief to either admit or deny the allegations in Paragraph 54 of the Complaint, and therefore denies the allegations.

34. UCO denies the allegations in Paragraph 55 of the Complaint.

35. UCO lacks sufficient knowledge or belief to either admit or deny the allegations in Paragraph 56 of the Complaint, and therefore denies the allegations..

36. UCO denies the allegations in Paragraph 57 of the Complaint.

37. In response to Paragraph 58, UCO admits Plaintiff requested an appeal of the July 24, 2020, finding of responsibility and imposition of sanctions, and admits that the request for appeal was granted by letter to Plaintiff dated August 14, 2020. UCO denies that any records were incomplete or inaccurate, and denies the remaining allegations.

38. In response to Paragraph 59, UCO admits that Goertemiller sent both Plaintiff and John Doe notice of the UCO Appeal Panel's decision finding John Doe responsible for violating UCO policy prohibiting non-consensual contact and UCO policy prohibiting non-consensual intercourse, and issuing modified sanctions for John Doe.

39. In response to Paragraph 60, UCO admits that it implemented the Appeal Panel sanctions and moved the location of John Doe's work to a non-public area. UCO lacks sufficient knowledge or belief to either admit or deny whether or where Plaintiff may have encountered John Doe following the change to his work location, and therefore denies the allegations.

40. In response to Paragraph 61, UCO admits that John Doe was required to complete a threat assessment as required by the sanctions imposed by the Appeal Panel. UCO admits that John Doe complied with the sanction. UCO further admits that the findings of the assessment are mental health records protected from disclosure under federal law and were not disclosed to Plaintiff.

42. In response to Paragraph 62, UCO denies that John Doe violated the sanction prohibiting participation in student organizations in which Plaintiff was also a member. UCO admits that John Doe's participation in a student organization not listed in the Appeal Panel Outcome Letter or in which Plaintiff was also a participant was terminated upon notice of John Doe's continued participation. UCO denies the remaining allegations in this paragraph.

43. UCO admits the allegations in Paragraph 63 of the Complaint.

44. UCO denies Plaintiff's allegations in Paragraph 64 that UCO did not respond to her report. UCO admits that it investigated Plaintiff's reports of encounters with Doe at the library, and that the library footage did not reveal an encounter between Doe and Roe.

45. UCO denies the allegations in Paragraph 65 of the Complaint.

46. UCO lacks sufficient specificity to either admit or deny the allegations in Paragraph 66 of the Complaint. Despite such lack of specificity, UCO admits that the Appeal

Panel found John Doe responsible for violation of both charges and notified Plaintiff and John Doe by Outcome Letter dated October 14, 2020. UCO denies any remaining allegations.

47. UCO denies that Plaintiff has been denied her education records, as alleged in Paragraph 67.

48. UCO admits that John Doe is a UCO student, as alleged in Paragraph 68. UCO lacks sufficient knowledge and information to admit or deny the remaining allegations, and therefore denies such allegations.

49. UCO lacks sufficient knowledge or belief to either admit or deny the allegations in Paragraph 69 of the Complaint, and therefore denies the allegations.

50. In response to Paragraph 70, UCO admits that the administrative No Contact Order will expire May 31, 2022. UCO denies the remaining allegations.

51. Paragraph 71 does not require a response. Insofar as a response is required, it is denied.

52. UCO denies the allegations in Paragraphs 72-79.

53. UCO lacks sufficient knowledge or belief to either admit or deny the allegations in Paragraph 80 of the Complaint, and therefore denies the allegations.

54. UCO denies Plaintiff is entitled to any of Plaintiff's requested relief or other relief.

#### **AFFIRMATIVE DEFENSES**

1. The Complaint fails to state a claim upon which relief can be granted.
2. Plaintiff fails to state a cause of action against Defendant under Title IX.

3. Defendant has not deprived Plaintiff of a right secured by the Constitution or by statute.

4. Defendant is immune under the doctrine of Eleventh Amendment immunity.

5. Defendant is immune under the doctrine of sovereign immunity.

6. Plaintiff's injuries, if any, were not foreseeable as a result of any action or inaction of Defendant.

7. Plaintiff's claims may be barred, in whole or in part, by the applicable statute of limitations.

8. Defendant asserts all immunity to which it may be entitled under the Oklahoma Governmental Tort Claims Act.

9. Defendant and its agents and employees took reasonable steps in response to information known at the time.

10. Plaintiff's Complaint fails to state a cause of action for intentional infliction of emotional distress.

WHEREFORE, Defendant, UCO, denies liability and seeks judgment in its favor against Plaintiff on all claims averred in the Complaint.

Respectfully submitted,

/s/ Dixie Coffey

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*Attorneys for Defendant*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of April 2022, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing. I further certify that a true and correct copy of the foregoing document was sent via the ECF System to all counsel of record who are ECF participants.

/s/ Dixie Coffey

Dixie Coffey