

ETHICS IN PRACTICE

From Challenges to Strategies

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OVERVIEW

- **TWO RECENT CASE STUDIES**

- *Case Summary*
- *Key Facts*
- *Legal Framework*
- *Broad Considerations*

- **ETHICAL THEMES**

- **RECOMMENDATIONS**

CASE STUDY #1

Foley v. Drexel University



CASE SUMMARY

Dr. Marilyn Foley, a philosophy professor at Drexel University, found herself in what she believed was an unfair workplace. After publishing important academic works, she noticed patterns that troubled her – female professors were assigned more introductory courses than male colleagues, her concerns about treatment were dismissed, and she was paid less than a male colleague with less experience. When she raised these issues through proper channels at the university and faced what she felt was retaliation, she took legal action. She sued under several laws protecting against workplace discrimination and unequal pay.



FORMAL CLAIMS

CASE STUDY #1

Foley v. Drexel University

- Dr. Foley sued for hostile work environment, retaliation, and equal pay violations
- She alleged gender-based discrimination including:
 - *Disproportionate assignment of introductory courses to female professors*
 - *Cancellation of her courses*
 - *Issues around use of her married vs. maiden name*
 - *Being excluded from departmental decisions*
- She filed complaints with the university and the EEOC

ETHICAL CONSIDERATIONS

CASE STUDY #1

Foley v. Drexel University

- **Academic Power Dynamics & Gender Equity**

- Unequal distribution of teaching loads: heavier introductory course assignments to women
- Imbalance in departmental decision-making power
- Questions about career advancement barriers
- Impact on academic freedom and scholarship opportunities

- **Professional Identity & Respect**

Name usage (married vs. maiden name) raises issues about personal autonomy, professional identity, respect for individual preferences, and gender-based expectations in academia

- **Institutional Response Ethics**

- Questions about the institution's moral obligations to:
- Address systemic inequities
 - Support faculty development
 - Create inclusive environment
 - Handle complaints fairly and thoroughly

OUTCOME

CASE STUDY #1

Foley v. Drexel University

- Summary judgment partially granted:
 - Dismissed the hostile work environment claims under Title VII, Title IX, and PHRA
 - Dismissed the retaliation claims
 - Allowed the Equal Pay Act claim to proceed to trial, finding disputed facts about wage disparities between male and female professors
- The court found insufficient evidence that the alleged discrimination was severe or pervasive enough for a hostile work environment claim
- However, the court found enough evidence of potential gender-based pay discrimination to warrant a trial on that issue

CASE STUDY #1

Foley v. Drexel University

Discussion

CASE STUDY #2

Hodge v. Spalding University



CASE SUMMARY

Emily Hodge and Genesis Kenney were freshman volleyball players at Spalding University who faced a difficult situation on their team. They experienced bullying from teammates, including being left out of team carpools and activities. Hodge had anxiety and was later diagnosed with ADD and autism. When she shared this with her coach, the situation got worse - the coach told the team about her mental health issues without permission, benched her "for her mental health" despite her wishes to play, and eventually kicked her off the team. Kenney, who stood up for Hodge, also faced retaliation and eventually left the school due to depression. They sued the university and several officials, claiming negligence, discrimination, and retaliation.



FORMAL CLAIMS

CASE STUDY #2

Hodge v. Spalding University

- The university was sued, alleging bullying, discrimination, retaliation, and emotional distress
- Key allegations included:
 - *Being excluded from team activities and carpools*
 - *Bullying by teammates that coaches failed to address*
 - *Discrimination against Hodge based on her anxiety, ADD and autism diagnoses*
 - *Being benched for "mental health reasons" despite her protests*
 - *Being kicked off the team after complaining*

ETHICAL CONSIDERATIONS

CASE STUDY #2

Hodge v. Spalding University

- **Duty of Care to Student Athletes**
 - Coach's responsibilities beyond just athletic performance
 - Balance between mental health concerns and athletic participation
 - Protection of vulnerable students from bullying
 - Responsibility for team culture and dynamics
- **Mental Health Stigma & Privacy**
 - Ethical implications of disclosing student's mental health status to team
 - Balance between safety concerns and privacy rights
 - Treatment of students with mental health challenges
 - Impact of public disclosure on student well-being
- **Power Imbalance in Athletics**
 - Coach-player relationship dynamics
 - Team social dynamics and exclusion
 - Use of athletic participation as leverage
 - Treatment of players who raise concerns

OUTCOME

CASE STUDY #2

Hodge v. Spalding University

Some claims allowed to proceed and some were dismissed.

- **Allowed to proceed:**

- Negligence claims against Coach Glass and Spalding
- NIED (Negligent Infliction of Emotional Distress) claims against Glass and Spalding
- ADA discrimination claim against Spalding
- ADA retaliation claim against Spalding

- **Dismissed:**

- Claims against other individual administrators
- Intentional Infliction of Emotional Distress claims
- "Willful and wanton negligence" claims
- Negligent hiring/supervision claims

CASE STUDY #2

Hodge v. Spalding University

Discussion

ETHICAL THEMES

- **Institutional Culture**
- **Response to Vulnerable Individuals**
- **Professional Responsibility**
- **Communication Ethics**
- **Systemic Issues**

RECOMMENDATIONS

- **Be Proactive**

- Clear ethical guidelines
- Regular training and discussion
- Transparent decision-making processes
- Regular assessment of practices

- **Attention to Culture**

- Address underlying biases
- Promote inclusive leadership
- Create supportive environment
- Encourage open dialogue

- **Accountability Systems**

- Regular review of practices
- Clear reporting mechanisms
- Fair investigation procedures
- Meaningful consequences for misconduct



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