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News

## Student Sues SMU After He was Suspended Over “Flirtatious” Joke Involving a Piece of Poultry

November 30, 2020 Rachel Snyder

A student is suing SMU after the university suspended him this semester after what the lawsuit calls an “innocent joke” involving another student. The “joke” involved placing a “cleaned and filleted dove breast” outside a neighbor’s door, according to the lawsuit.

The lawsuit, filed in Dallas County district court Nov. 17, alleges the university overreacted to the incident and failed to meet its contractual obligations by failing to provide the student, identified in the lawsuit as John Doe, with a fair conduct hearing as outlined in the school’s student handbook. The student, an 18-year-old freshman and his mother, who was identified in the court documents as Jane Doe, seek an injunction to stop the university from prohibiting

the student from coming on campus and participating fully in classes and activities, as well as monetary damages.

University spokeswoman Kim Cobb told the Dallas Morning News when asked about the case that SMU's policy "is not to comment on pending litigation but to respond in court."

The incident began, according to court records, in early October when the student's neighbor left a note under the door of his dorm room complaining about "loud" parties. The lawsuit also notes the student's roommate had been playing guitar.

The student then sent a note to the neighbor apologizing with his Instagram account information, according to the lawsuit.

The neighbor sent the student a follow request on Instagram, which he accepted, and the student thought he and the neighbor were "on friendly terms," according to court documents.

Soon after, the student learned the neighbor was a biology major and "thought it would be humorous" to put the dove breast in front of the neighbor's doorway and hoped they could "share a laugh and perhaps talk about things they had in common," like an interest in the outdoors and nature conservation, court documents state.

At about 3:30 a.m. Oct. 14, three SMU resident assistants noticed the dove breast outside the neighbor's doorway, but thought it looked like a piece of discarded fruit, the lawsuit states. Then, at 5:05 p.m., the neighbor told resident assistants about an "animal part" outside her door and the resident assistant notified campus police, court documents show.

About 12:30 p.m. the following day, the student was notified from the university about alleged violations of university policy regarding harassment and irresponsible conduct, the lawsuit shows.

The student was also accused of failing to wear a mask in common areas, but the lawsuit notes the student followed COVID-19 safety protocols. The lawsuit also notes that the student hadn't been accused of any conduct problems before.

The student was placed on temporary suspension and given until 5 p.m. the same day to pack his belongings and vacate the dorm, the lawsuit states.

The lawsuit alleges the university then failed to follow its policies and procedures regarding conduct hearings and "failed to provide Student Doe with a fair hearing" in part by failing to provide him the university's incident report and police report in a timely manner.

The student was suspended from Oct. 23-May 1, 2021, and he wasn't refunded tuition and fees, court records show.

The lawsuit calls the punishment “unreasonable and draconian.”

A judge granted a temporary restraining order against SMU Nov. 18 preventing the university from prohibiting Student Doe from being on campus and finishing his classes, court documents show.

A hearing is set for Dec. 2.