

## Teaching Assistant's Retaliation Claim Dismissed

A federal appeals court has upheld the dismissal of a graduate assistant's lawsuit for retaliatory discharge brought against the University of Missouri-Rolla's ("UMR"). The plaintiff, Alireza Bakhtiari, was an Iranian national who was employed as a teaching assistant in UMR's Chemistry Department and who was also a student in the department's Ph.D. program.

Bakhtiari lodged a number of complaints with various UMR offices. He appealed a grade in one of his courses, and, when his appeal was unsuccessful, he contacted the dean on numerous occasions about the grade and threatened to take his appeal to the Department of Education. During this same time period, Bakhtiari made complaints to UMR's international affairs office regarding UMR's alleged non-compliance with Department of Homeland Security regulations. He also filed a grievance with UMR's Equal Employment Opportunity/Affirmative Action office, alleging derogatory treatment by a student affairs office employee while the latter was investigating anonymous e-mails sent to a female student. About a month later, Bakhtiari was terminated from his teaching assistant's position, with no reason given. He filed suit under Title VII of the Civil Rights Act of 1964 (a federal law forbidding employment discrimination), claiming that his termination was an unlawful act of retaliation for the above-described complaints.

The federal district court granted summary judgment in favor of the defendants, and he appealed this decision to the Eighth Circuit Court of Appeals. The appellate court held that in a Title VII retaliation case, there must be a link between the plaintiff-employee and retaliatory practices prohibited by Title VII. In order to prove a *prima facie* case, the plaintiff-employee must, under U.S. Supreme Court precedent, prove that (1) he engaged in statutorily protected activity, *i.e.*, opposition to employment activities; (2) the employer took adverse action against him, and (3) a connection existed between the two occurrences. The appellate court held that all the actions complained of by Bakhtiari related to his status as a student, and none of them related to his status as an employee. Stated differently, Bakhtiari made complaints about UMR as a university, not about UMR as an employer. The court noted that Title VII simply does not protect against this type of alleged mistreatment, and it affirmed the lower court's dismissal of the case. *Bakhtiari v. Lutz, et al*, 507 F.3d 1132 (8th Cir. 2007)