

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN DOE,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	19-11626-DPW
v.)	
)	
TRUSTEES OF BOSTON COLLEGE,)	
)	
Defendants.)	

ORDER OF
PRELIMINARY INJUNCTION
August 20, 2019

Based upon the submissions of the parties and the arguments offered at the hearing this day, for reasons stated during and reflected in the stenographer’s notes of that hearing, I find and conclude that:

The Plaintiff John Doe has established adequate grounds for the within preliminary injunctive relief. This showing has demonstrated:

(i) that there is a substantial likelihood that John Doe will succeed on his claims that he was deprived of fair process in the Defendants’ adjudication of sexual misconduct charges against him resulting in the sanction of suspension from Boston College enrollment;

(ii) that the within interlocutory relief staying the suspension will serve the public interest in fair process for the determination of sexual misconduct charges by institutions of higher education;

(iii) that the balance of hardships in respect to interlocutory relief that may be caused respectively to John Doe, the complainant Jane Roe and the

Defendants' institution would decidedly weigh more heavily upon John Doe if the within interlocutory relief is not granted as compared with the significantly less weighty hardship that would be experienced by Jane Roe or by Boston College as a result of the within interlocutory relief's effective deferral of ultimate determination — preserving *pendente lite* the status quo before the suspension was definitively directed by Boston College — should the Defendants ultimately prevail in this action despite the prediction of likelihood of success by John Doe on the merits upon which the within interlocutory relief is being granted; and

(iv) that cognizable irreparable harm will be visited upon John Doe should the within interlocutory relief not be granted.

Accordingly, it is HEREBY ORDERED that:

1. The June 18, 2019 suspension (upheld by the denial of Plaintiff's appeal on July 24, 2019) of John Doe from Boston College is STAYED, and it is FURTHER ORDERED that:

2. The Defendants shall continue to facilitate Plaintiff John Doe's enrollment at Boston College under the same terms and conditions of enrollment as obtained during the pendency of the unresolved disciplinary allegations in the spring 2019 semester, including without limitation, registration for all classes for the fall 2019 semester which will begin on August 26, 2019 and participation fully in all University activities; and it is FURTHER ORDERED that:

3. This Order shall remain in effect pending any further Order of this Court.

4. By stipulation of the parties, John Doe is relieved of the obligation to give the security otherwise required by Fed. R. Civ. P. 65(c).

/s/ Douglas P. Woodlock

DOUGLAS P. WOODLOCK
UNITED STATES DISTRICT JUDGE