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Professor's suit dropped; case lacking evidence

By Robert Niles

Indiana Daily Student

A federal judge on Tuesday dropped a \$2 million lawsuit filed against IU by former law Professor Richard Fraher who claimed the University violated his civil rights during a sexual harassment investigation.

In the suit, which was filed in May, Fraher said he was "coerced" into resigning in 1990 during a law school investigation into charges that he sexually harassed students and staff members.

Fraher in his suit sought reinstatement as a tenured faculty member, more than \$70,000 in back pay and \$2 million in punitive damages from the University.

U.S. District Court Judge Larry McKinney dismissed the lawsuit because of lack of evidence supporting Fraher's charges.

In a transcript of depositions filed with the court, Fraher admitted he had affairs with one student and one staff member and had "improper relationships" with at least two other students

between 1987 and 1990.

But he said in the depositions that all the women consented to the relationships and this should not be considered sexual harassment.

"That is a matter of ethics, not University regulations," Fraher said in his testimony.

Documents from the trial were not made public until August.

Fraher refused to comment Tuesday afternoon about the suit's dismissal.

"I do not now, nor in the future, have any comment regarding my relationship with Indiana University," Fraher said.

Fraher said in his court testimony that the law school faculty members violated his constitutional rights in the investigation by not properly informing him about the charges against him and not giving him the chance to confront his accusers.

Former law school Dean Bryant Garth, who was a co-defendant in the suit, denied these charges and told the court Fraher could not cross-examine his accusers because he resigned

before the investigation could be completed.

Fraher in the suit also accused Garth of withholding \$10,250 the law school owed him.

Fraher said Garth withheld the money pending the outcome of the investigation.

"Withholding \$10,250 of my money that would be released only on my resignation seems coercive, especially when it is taken without notice or hearing," Fraher said in his testimony.

Fraher in the suit said he resigned in March 1990 because his marriage was beginning to crumble as a result of the investigation.

Attorney Susan Tabler, the University's lawyer in the suit, said in the suit that Fraher decided to sue only when he discovered that other universities would not hire him because of the allegations.

"What (Fraher) is trying to do here is renege on a deal," Tabler told the court.

Fraher claimed in the suit other universities turned him down because of the investigation. He said Harvard, Syracuse, New York and Northwestern Universities all turned him down.