

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Fields v. Clark University

43 Fair Empl. Prac. Cas. 1247 (1st Cir. 1987) · No. Nos. 86-1989, 86-2036 · Decided May 8, 1987

SUMMARY

The First Circuit reviewed cross-appeals arising from a Title VII sex-discrimination challenge to Clark University's denial of Rona Fields's tenure. The court held that, where a plaintiff proves by direct evidence that unlawful discrimination was a motivating factor, the employer bears the burden of proving by a preponderance of the evidence that it would have made the same decision absent discrimination. The court vacated the district court's order and remanded for a new trial on all issues.

CASE DETAILS

COURT	United States Court of Appeals for the First Circuit
WRITING FOR THE COURT	Bownes; Coffin; Selya
JURISDICTION	Federal
DECIDED	May 8, 1987
DOCKET	Nos. 86-1989, 86-2036
DISPOSITION	vacated
PROCEDURAL POSTURE	Cross-appeals from a district court judgment following a nonjury Title VII trial in which the court found that Fields's tenure denial was tainted by sex discrimination, ordered reinstatement for a two-year probationary period followed by reconsideration for tenure, and awarded back pay, attorney's fees, and costs.
STANDARD OF REVIEW	The appellate court reviewed the district court's allocation of burdens of proof as a legal error and vacated the resulting judgment; the opinion does not state a separate standard of review for the factual findings.
PRECEDENTIAL VALUE	Published federal appellate opinion; precedential within the First Circuit subject to subsequent statutory and doctrinal developments.
PARTIES	Clark University, Rona Fields v. Rona Fields, Clark University

TOPICS

- title vii
- employment discrimination
- sexual harassment
- appellate procedure
- remedies

PRACTICE AREAS

employment law

civil rights

employment discrimination

Title VII litigation

academic tenure

QUESTIONS PRESENTED

1. When a Title VII plaintiff proves by direct evidence that unlawful sex discrimination was a motivating factor in an employment decision, which party bears the burden of proving that the same decision would have been made absent discrimination?
2. Did the district court err by ordering reinstatement and back pay without determining whether Clark University had proved that Fields would have been denied tenure even absent discrimination?
3. Should the district court's order be vacated and the case remanded for a new trial?

HOLDINGS

1. When a Title VII plaintiff proves by direct evidence that unlawful discrimination was a motivating factor in an employment decision, the employer bears the burden of proving by a preponderance of the evidence that it would have made the same decision absent the discrimination.
2. Proof that discrimination was a motivating factor does not alone entitle the plaintiff to reinstatement or back pay; the court must determine whether the employer proves that the same employment decision would have occurred absent discrimination.
3. The district court erred by placing on Fields the burden of proving that she was entitled to tenure after finding that sex discrimination directly motivated the tenure decision, and it also erred by ordering reinstatement and back pay without requiring Clark University to prove the same-decision defense.

KEY QUOTATIONS

"We hold that when a plaintiff has proved by direct evidence that unlawful discrimination was a motivating factor in an employment decision, the burden is on the employer to prove by a preponderance of the evidence that the same decision would have been made absent the discrimination." (at 935-36)

"Vacated and remanded for proceedings consistent with this opinion." (at 936)

FACTUAL BACKGROUND

Clark University hired Rona Fields as a full-time associate professor in sociology in 1972. After an all-male sociology department unanimously recommended against tenure, the university's personnel committee and board of trustees likewise declined to grant tenure, and Fields received a one-year terminal appointment. Fields alleged that the department was permeated by sex discrimination and that a male associate professor made sexual advances and warned her that rejecting them would not help her obtain tenure. The university attributed the tenure denial to poor teaching, relying principally on negative student evaluations and faculty recommendations.

PROCEDURAL HISTORY

Fields sued Clark University under Title VII after the university denied her tenure and gave her a one-year terminal appointment. After a nonjury trial, the district court found pervasive sexual discrimination in the

sociology department but also found that Fields had not proved entitlement to tenure; it awarded limited equitable relief, back pay, fees, and costs. Both parties appealed, challenging the allocation of burdens of proof and other evidentiary and remedial rulings. The First Circuit vacated the order and remanded for a new trial before a different district judge.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate the district court's order and conduct a new trial on all issues before another district court judge. The new trial must apply the rule that, after Fields proves by direct evidence that unlawful discrimination was a motivating factor, Clark University bears the burden of proving by a preponderance of the evidence that it would have made the same decision absent discrimination.

CASES CITED

- Texas Department of Community Affairs v. Burdine, 450 U.S. 248 (1981)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Trans World Airlines, Inc. v. Thurston, 469 U.S. 111 (1985)
- Loeb v. Textron, Inc., 600 F.2d 1003 (1st Cir. 1979)
- Kumar v. Board of Trustees, University of Massachusetts, 774 F.2d 1 (1st Cir. 1985)
- Banerjee v. Board of Trustees of Smith College, 648 F.2d 61 (1st Cir. 1981)
- Sweeney v. Board of Trustees of Keene State College, 604 F.2d 106 (1st Cir. 1979)
- International Brotherhood of Teamsters v. United States, 431 U.S. 324 (1977)
- Holden v. Commission Against Discrimination, 671 F.2d 30 (1st Cir. 1982)
- Goodman v. Lukens Steel Co., 777 F.2d 113 (3d Cir. 1985)
- Blalock v. Metals Trades, Inc., 775 F.2d 703 (6th Cir. 1985)
- Miles v. M.N.C. Corp., 750 F.2d 867 (11th Cir. 1985)
- Bell v. Birmingham Linen Service, 715 F.2d 1552 (11th Cir. 1983)
- Nanty v. Barrows Co., 660 F.2d 1327 (9th Cir. 1981)
- McDonald v. Santa Fe Trail Transportation Co., 427 U.S. 273 (1976)
- Bibbs v. Block, 778 F.2d 1318 (8th Cir. 1985) (en banc)
- Caviale v. State of Wisconsin, Department of Health and Social Services, 744 F.2d 1289 (7th Cir. 1984)
- Smallwood v. United Air Lines, Inc., 728 F.2d 614 (4th Cir. 1984)
- Marotta v. Usery, 629 F.2d 615 (9th Cir. 1980)
- Day v. Mathews, 530 F.2d 1083 (D.C. Cir. 1976) (per curiam)
- Toney v. Block, 705 F.2d 1364 (D.C. Cir. 1983)
- NLRB v. Wright Line, A Division of Wright Line, Inc., 662 F.2d 899 (1st Cir. 1981)

- Hunter v. Underwood, 471 U.S. 222 (1985)
- Mt. Healthy School District Board of Education v. Doyle, 429 U.S. 274 (1977)
- NLRB v. Transportation Management Corp., 462 U.S. 393 (1983)

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