

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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SC Court of Appeals

ON FURTHER APPELLATE REVIEW FROM A JUDGMENT OF THE
COURT OF APPEALS

Opinion No. 5504

JOHN DOE 2Appellant

v.

THE CITADEL Respondent

MOTION OF THE WOMEN'S AND CHILDREN'S ADVOCACY PROJECT
AT NEW ENGLAND LAW|BOSTON FOR LEAVE TO FILE BRIEF AS
AMICUS CURIAE IN SUPPORT OF APPELLANT'S APPLICATION FOR
FURTHER APPELLATE REVIEW

WENDY MURPHY

Women's and Children's Advocacy Project
Center for Law and Social Responsibility
New England Law|Boston
154 Stuart Street
Boston, MA 02116
617-422-7410
Wmurphy@nesl.edu
BB0#550455 (MA)

August 22, 2017

Now comes the Women's and Children's Advocacy Project (WCAP) pursuant to Rule of Appellate Practice 213, and hereby moves for leave to file an amicus brief in this matter. In support thereof, WCAP submits that it seeks to advance arguments not previously adequately addressed by the parties, on behalf of women as a class and persons subject to sex discrimination, whose rights and interests are at stake in this litigation.

The WCAP is a public interest law project of the Center for Law and Social Responsibility at New England Law|Boston. The WCAP engages in direct litigation, and submits amicus briefs in state and federal court on behalf of the rights and interests of abused women and children. The WCAP seeks to submit a brief in this matter on behalf of women as a class because this Court is poised to address whether the lower appellate court erred in holding that the class of people protected by Title IX includes only students and participants in educational programs and activities, rather than all "persons" subject to sex discrimination.

This is a critically important issue for women, girls, and all persons subject to serious sex-based civil rights injuries when they occur in connection with education in South Carolina, and around the country. The lower appellate court ruled that Title IX only covers individuals who are actively students or participants in a particular school's educational

programs. This ruling necessarily excludes people such as family members of students, guests, prospective students, and even visiting athletes from other institutions, who are frequently present on college campuses, and/or are exposed to civil rights harms in connection with campus activities. These “persons” are entitled to the same legal protections as formally enrolled students not only because Title IX is a civil rights law intended to protect especially women and girls as a class from sex-based harm, but also because Title IX is explicitly written to cover “persons,” not “students.”

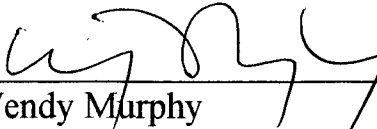
WCAP’s amicus brief is offered to assist the court because the parties did not adequately address the issue below on behalf of the interests of women, girls, and others at risk for sex-based harms that occur in connection with education.

Conclusion

For the foregoing reasons, the WCAP respectfully requests that this Court grant its motion for leave to file brief as *amicus curiae*.

Respectfully submitted,

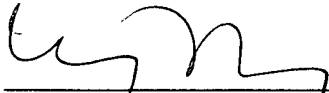
Counsel for amicus,


Wendy Murphy

Women's and Children's Advocacy Project
Center for Law and Social Responsibility
New England Law|Boston
154 Stuart Street
Boston, MA 02116
617-422-7410
Wmurphy@nesl.edu
BB0#550455 (MA)

CERTIFICATE OF SERVICE

Amicus hereby certifies that service of this motion has been made on this date on all parties of record, by first class mail.


Wendy Murphy

Date: August 22, 2017

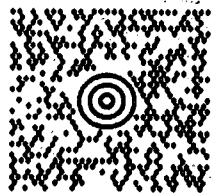
WENDY MURPHY
(617) 422-7410
154 STUART ST
BOSTON MA 02116

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