

Jury awards former Brandeis administrator \$2.46 million in discrimination case

By [Nick Stoico](#) Globe Correspondent, Updated September 2, 2023, 1:07 a.m.

A Middlesex Superior Court jury ruled last week in favor of a former Brandeis University administrator who said she had faced racial discrimination and retaliation by school officials in the wake of a scandal over the handling of complaints against a basketball coach, who was later fired.

The jury awarded Robin Nelson-Bailey, 47, of Framingham, \$2.46 million Wednesday following a seven-day trial in Woburn. The award includes \$310,000 in wages, \$650,000 in emotional distress, and \$1.5 million in punitive damages, according to court documents.

Nelson-Bailey, a Black woman who is the university's former vice president of human resources, [sued the Waltham school](#) in 2019 after she was demoted as part of Brandeis's response to a critical report by a third-party investigator that probed its athletic department and students' complaints of abusive and racist behavior by men's basketball coach Brian Meehan.

Nelson-Bailey's attorneys, Matthew J. Fogelman and Jeffrey Simons, argued that their client was used as a scapegoat by the university as it faced public backlash for its delay in addressing the allegations against Meehan.

"It's been a long journey for Robin and she really sought to reclaim her name and her reputation," Fogelman said in an interview Friday. "That was really the driving motivation for her, and she is very gratified that we were able to do that."

Julie Jette, a Brandeis spokesperson, said the university is "very disappointed with the verdict, and we plan to file an appeal."

Six students, including five Black students, came forward to report Meehan's behavior to the school in May 2017 and were disappointed when, about six months later, they were told that Meehan had been "disciplined" following an investigation by the human resources department but no further details would be released.

Nelson-Bailey, who was hired in 2016, oversaw the HR investigation into Meehan and pushed for the findings to be recorded in a written report, an idea that she said was initially met with resistance from the university's lawyers, who did not want the information to be discoverable in litigation, her attorney wrote in a court filing.

The human resources investigation found Meehan had violated the school's racial discrimination policy as well as its policies on conduct and profanity, but it was not the department's role to recommend discipline, according to the court filing.

In the filing, Fogelman wrote that Nelson-Bailey and the woman who led the investigation, Linda Shinomoto, found Meehan's "conduct abhorrent and sickening" and believed he should have been fired.

A redacted version of the report was sent to Sheryl Sousa, then the vice president of student affairs and the university's former athletic director, who would make the final decision on Meehan, according to court documents. Sousa, who Fogelman said had a close relationship with Meehan and his wife, felt that Meehan should receive a warning and attend anger management classes, according to the filing.

Shinomoto was supposed to inform the students of the ruling, but she was fired before they could meet, leaving Nelson-Bailey to hold the meeting herself, according to the filing.

Several months later, in the spring of 2018, another Black student who played basketball under Meehan came forward and reported that the coach had told him he would "ship" him "back to Africa" and made a reference to the Ebola virus, according to the court filing.

Meanwhile, Brandeis administrators became aware that a Deadspin reporter was working on an article about the allegations against Meehan, according to court documents. The article was published online and Meehan was placed on leave before being fired the next day.

The [Deadspin article](#) prompted immediate public backlash and scrutiny of the university's handling of earlier complaints against Meehan, who had been the men's basketball coach since 2003.

The university launched an independent investigation into the athletic and human resources departments that concluded that Meehan, who found early success as a coach, seemed to have become "untouchable" and above the rules, even to his superiors. After the program took a downturn in 2010, he "gradually became 'pissed off at everything Brandeis,'" an unnamed source told investigators.

Investigators recommended discipline for Sousa, then-athletic director Lynne Dempsey, and unspecified human resources staff, according to court documents.

In September 2018, Brandeis president Ron Liebowitz [announced](#) that Dempsey and Nelson-Bailey had been demoted in title and salary and would be placed on probation, while Sousa had resigned as vice president of student affairs.

Fogelman noted in a court filing that three people who received discipline were all women, and Nelson-Bailey was the only Black woman working in the upper levels of the university. He said there were "several men who were candidates for discipline" who escaped scrutiny, including Nelson-Bailey's supervisor and other high-ranking university officials who could have terminated Meehan following the initial human resources investigation.

Fogelman also claimed his client received harsher treatment than Dempsey and Sousa, who are both white. He said in a court filing that Sousa took a severance package and left the university, while Dempsey and Nelson-Bailey received pay cuts of 21 percent and were placed on probation.

He said Dempsey did not face the same level of scrutiny as his client while they were on probation. Dempsey continues to work at Brandeis as an associate director of athletics.

Following her demotion, Nelson-Bailey was fired from Brandeis in 2019 and did not work for a year, Fogelman said. She now works in human resources for City Year, he said.