

Legal Implications of International Students

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Colleges and universities in the United States enjoy numerous benefits by enrolling international students who, in addition to providing tuition revenue, bring fresh talent and new perspectives to campus. While most international students in the United States complete their studies without incident, research in recent years has found that many international students believe they are treated harshly or unfairly by faculty, students, or institutional policies. In order to identify areas of potential legal concern for universities that seek to enroll international students, this paper explores 19 cases involving international students that have occurred in recent years. The purpose of this paper is to offer insight into potential legal issues and to determine how universities might avoid circumstances that could lead to grievances or lawsuits as well as undermine an institution's ability to attract more international students. Universities would be wise to assume that, as they enroll more foreign students, they will likely face policy and legal issues.

Legal Implications of International Students

Colleges and universities in the United States of America enjoy numerous benefits by enrolling international students who, in addition to providing tuition revenue, bring fresh talent and new perspectives to campus. For the most part U.S. efforts to recruit students from overseas have been successful. With the exception of the flat or decreased enrollments in the years following the terrorist attacks of September 11, 2001, U.S. enrollment of international students have trended upward over the last several decades with some of the largest one-year percentage-increases occurring in the last several years (Institute of International Education (IIE), 2014). Continued success is not a given, however. U.S. higher education competes for international students with other countries, some of which are stepping up efforts to attract foreign students

(e.g., Baird, 2010). While the United States continues to enroll the most international students of any country, it lost market share after the events of September 2011 while the number of students studying outside their home countries grew (IIE, 2007, 2008).

While the majority of international students in the United States complete their studies without incident, research in recent years finds that, when asked, many international students believe they were treated harshly or unfairly by faculty, students, or institutional policies (e.g. Hanassab, 2006; Sutton, 2002). However, foreign students may not act on their perception of being mistreated, in part because they may accept it as inevitable or they fear that speaking out could lead to more trouble, such as deportation (e.g., Hanassab, 2006; Sutton, 2002). While it is unclear whether an increase in international student enrollments has led to an increase in legal complaints or lawsuits, universities would be wise to assume they will face policy and legal issues as the number of foreign students on their campuses grow (Kaplin & Lee, 2007, p. 404).

This paper examines 19 cases that have occurred in recent years in order to identify areas of potential legal concern for universities that seek to enroll international students. Its purpose is to offer insight into legal issues that have arisen, or may arise, and to consider how universities might avoid circumstances that could lead to grievances or lawsuits. It also examines emerging issues, such as or whether legal issues may undermine an institution's ability to attract more international students, and offers recommendations on how universities might minimize legal problems as they build international enrollments.

Method

The study began with a broad search, primarily through legal databases and journals of international education and education law, for lawsuits and other potential legal conflicts over the last decade. Lawsuits in which a student's nationality was largely irrelevant to the legal question were excluded, as were cases that involved international college students but in which universities were not directly involved. The search was limited to cases occurring on domestic campuses and included both graduate and undergraduate students at public and private institutions. Finally, the search was not exhaustive given that an unknown number of lawsuits or legal confrontations are settled quietly, and therefore hard to document.

Of the nineteen cases, eight are lawsuits initiated by students and five are lawsuits initiated by a university faculty or administrator in which international students play a pivotal

role. Six examples involve incidents that raise legal considerations pertaining to international students but did not lead to immediate litigation. Information about those incidents was found online, in local, national, international and/or higher education trade publications.

Some issues relate specifically to a student's temporary, nonresident status, either as a nonimmigrant alien holding an F-1 or M-1 academic visa or a J-1 exchange visa. To capture some of the culturally based sources of conflict, the study also includes lawsuits involving foreign-born students who are permanent U.S. citizens, also known as immigrant or resident aliens. For example, one lawsuit involves a student of Korean descent who was born in the United States. This study does not address issues related to the immigration status of undocumented students, though some issues may be common to both groups.

Allegations and outcomes

If there is a common theme among the allegations, it is, not surprisingly, discrimination, specifically, discrimination based on national origin. In seven of eight lawsuits, accounts of unfair or unequal treatment played a prominent role in the conflict. Typically, a specific action sparked the lawsuit. In *Ikekwere v. Governing Board of Foothill-DeAnza Community College District* (2010) and *Senu Oke v. Jackson State University* (2007), the plaintiffs claimed that they had been unlawfully dismissed because of their national origin, at least in part. In *Nguyen v University of Massachusetts* (2008) the dispute centered on whether a fellowship had been awarded properly. No student who claimed discrimination as a charge ultimately won. Most cases were either dismissed or summary judgment favored the defendant. Lawsuits also typically included other charges, such as breach of contract, due-process violations, negligent misrepresentation, or discrimination based on sex, age or race.

Often, student-plaintiffs failed to meet the legal definition of discrimination. For example, the plaintiff in *Amir v. Marquette University* (2009) was an Iran native who said he had been unfairly dismissed due to poor academic performance, appealed his case twice but could not provide evidence to satisfy any judge or jury that the Caucasian classmate to whom he compared himself was similarly situated, as required by law.

Students were not always the plaintiff. Two faculty-initiated lawsuits, one at Santa Clara University and one at the University of Oregon, also examined whether international students were being treated fairly. One was a defamation suit; the other, wrongful termination. Both cases

were settled. Two other faculty-initiated lawsuits, both at Ohio University, sprang from a university investigation of widespread plagiarism that found each of the professors had failed to adequately supervise a large number of graduate students, nearly all of them from foreign countries. They each sued the university or principal administrators, alleging defamation, violation of due process, and similar charges. Their cases, in state and/or federal courts, are ongoing. In a case involving a vice president at Rend Lake College, the plaintiff, who is of Iraqi descent, claimed discrimination and retaliation after he was demoted. He appealed the district court ruling; the case eventually settled.

What the Courts Have Said

In cases involving national origin and higher education, the Supreme Court has primarily focused on the rights of resident (or immigrant) aliens. In *Nyquist v. Mauclet* (1977), the justices ruled that a New York state law that barred resident aliens from receiving state scholarships was unconstitutional. Two years later, in *Toll v. Moreno* (1979), the Supreme Court ruled in favor of a subgroup described as domiciled nonresident aliens, that is nonimmigrant aliens in the United States on G-4 visas, which are issued to employees and family members of someone employed by certain international organizations. The justices said that a policy barring domiciled nonresident aliens who live in Maryland from in-state tuition at the University of Maryland was unconstitutional.

The Supreme Court has called resident aliens a suspect class, which, by itself, can improve their chances of prevailing in a discrimination challenge to a state action. In *Graham v. Richardson* (1971) the court declared unconstitutional a New York state statute that barred resident aliens, or "aliens who have not resided in the United States for a specified number of years" from public welfare benefits. The court has not ruled on whether nonimmigrant aliens are a suspect class, but lower courts have addressed the question regarding international students. In *Tayyari v. New Mexico State University* (D.N.M. 1980), perhaps the most significant such case, a U.S. District Court found in favor of the plaintiffs, a group of Iranian students. The case arose after the university regents, in response to the ongoing U.S. hostage crisis in Iran, voted to deny "subsequent enrollment" to "any student whose home government holds, or permits the holding of, U.S. citizen hostages until the hostages are released unharmed." The 15 students, all but two of the nonresident aliens argued that the new rule violated the equal protection clause of the 14th

amendment. The court agreed, saying the university cannot discriminate against a "distinct subgroup of alien students", which, in this case were students from Iran. The opinion drew from several Supreme Court decisions, including *Graham v Richardson* (1971), *Nyquist v Mauclet* (1977) and *Sugarman v. Dougall* (1973), a case in which the court found that resident aliens should not be barred from holding state civil service jobs.

A U.S. District Court in at least one lower-court ruling, *Ahmed v. University of Toledo* (1986) with an appeal dismissed (6th Cir. 1987), distinguished between resident and nonresident aliens. The court ruled that a university "could single out nonresident aliens in order to meet a reasonable goal of the university", which, in this case, was ensuring that all nonresident aliens maintain health insurance. Four foreign students (who at one point hoped the case would become a class-action lawsuit) said that the requirement was discriminatory because the required insurance was merely voluntary for U.S. students. Some plaintiffs said their religion prohibits the purchase of insurance. The plaintiffs also said it would be cost-prohibitive for many immigrant aliens. The students appealed but it was dismissed because none of the students were enrolled in the college by the time the appeal was heard.

Key Areas of Concern

These court decisions, as well as legal documents that detail plaintiffs' experiences and perceptions, can help universities anticipate potential trouble spots and perhaps prevent conflicts. Several common themes were identified.

Academic integrity. Issues of academic integrity become complex when international students are involved because views on what constitutes cheating in the United States differ in significant ways from those of other countries. In *Alkhadra v Harvard* (2010), for example, a native of Saudi Arabia said she was forced to withdraw from Harvard's dental school for plagiarizing when, in response to an exam question, she reproduced a journal article nearly verbatim that she had memorized as preparation. She said the punishment was far too harsh; that it was an honest mistake and that rote memorization had been valued in the Saudi education system. She also argued that the student handbook did not prohibit memorization as a study aid.

Two widely publicized incidents suggest that institutions have been grappling, with mixed success, with the question of how much latitude international students should be given as they adjust to a new culture, and who should be held accountable when cheating occurs. In a

2007 Duke University scandal, in which 34 business students were punished for cheating, a lawyer for 16 Asian students said the penalty they received after confessing was disproportionately harsh compared with penalties for non-Asian students, and suggested cultural bias may have played a role. In an appeal to a Duke Judiciary committee, the lawyer argued that the Asian students had not understood the honor code, and had been pressured into confessing without understanding the consequences or realizing they had a right not to incriminate themselves (Stancill, 2007). An appeals committee upheld the penalties upon review.

By comparison, a 2006 investigation at Ohio University found "rampant and flagrant plagiarism" in the mechanical engineering department, and placed most of the blame on the supervising faculty who had failed to catch it (Meyer & Bloemer, 2006). Most, if not all, of the incidents of plagiarism involved foreign students (Tomsho, 2006). The controversy started after a student discovered that multiple masters' theses over several years carried the same language. One student's thesis was revoked; several other theses were removed from the library, only to be returned after they had been revised. In addition, one professor was demoted and another terminated. Both sued for defamation, among other charges. In their briefs, each plaintiff noted that the students had committed the lesser of two categories of plagiarism. For example, they failed to include quotation marks around material, but had credited the author in endnotes (a more serious form would have been copying research or conclusions without attribution). One plaintiff also claimed that students had received professional writing and editing assistance, permissible under department guidelines, which "minimized [the plaintiff's] ability to detect plagiarized material and lessened any concern about plagiarism" (*Mehta v Ohio University*, 2009).

In the wake of those incidents, each university established a campus-wide campaign to raise awareness about the importance of academic integrity. Neither Duke nor Ohio University officials singled out the students' nationalities or foreign status as making a difference in their handling of the cases, though Duke acknowledged that students "from three continents" had received the harshest penalties (Breedon, 2007). A year after the incident, Duke University had put most of the controversy behind it, characterizing the episode as an opportunity to underscore the importance of its honor code. The Ohio University court cases, meanwhile, garner occasional headlines. The student who first brought the problem to the attention of university

continued for several months to monitor developments on his blog (<http://ohiouniversityplagiarism.blogspot.com>).

Lack of faculty buy-in. Two cases suggest that some faculty members are skeptical of university motives behind the enrollment of international students. The plaintiff in *Alkhadra v Harvard* (2010) stated that the underlying issue was not whether she had plagiarized but that her professor wanted her removed from his program because he believed the Saudi government had pressured Harvard University into accepting unqualified students. In *Delacroix v Santa Clara University* (2006), a business professor sued for defamation, breach of contract, and bad faith, among other things, after learning he was under investigation by the university because two Chinese students had complained about him. According to his legal complaint, they said that he “spoke too fast in class”, assigned them to read the *National Enquirer*, and singled one of them out for being seven minutes late to class. The plaintiff said the university's investigation was designed not to discover the truth but to reach a “predetermined result ... so as not to offend Santa Clara's pipeline of foreign-based Chinese-speaking families which send their sons and daughters to be educated in the United States.” He argued that the university did not conduct the investigation using proper procedures.

Exploitation of students. Several examples reveal the vulnerability of international students, many of whom have no choice but to trust in and depend on others for guidance regarding standard campus practices. University of Oregon made changes to a graduate program after receiving a tip that the director had neglected his academic responsibility to South Korean students and charged them thousands of dollars for academic services that their tuition already covered (Gravois, 2007). In 2006, in a wrongful-termination suit, a retired department chair declared that she had been forced to leave her job because she had blown the whistle on the program director. The university, which admitted no wrongdoing in that lawsuit, settled for \$500,000, half of what the plaintiff had sought (Gravois, 2007).

A National Collegiate Athletic Association (NCAA) committee penalized Texas Southern University for inadequate compliance after concluding that the men's and women's tennis coach had lied to international student athletes and misused campus funds (NCAA, 2008). The coach had promised full scholarships to several students when no such scholarship existed. Initially, he covered their expenses with funds that were supposed to be used for other purposes. After the money ran out, "serious student-athlete well-being issues arose," an NCAA report says,

noting that "three of the students faced eviction from their apartments" and "were reduced to subsisting on bread and water" (NCAA, 2008).

In a class-action grievance against Yale in October 2005, the Graduate Employees and Students Organization (GESO), a campus group, took up the cause of international students, urging the university to end "a pattern of discrimination against Chinese scholars" (Jackson, 2006, Funding Security). The complaint was that faculty overworked Chinese graduate students, in part because professors knew those students likely wouldn't object for fear of losing funding and their visa eligibility. "If we are fired, we cannot find a job and cannot stay in the U.S. ... Faculty members know we only have this choice," according to one graduate student (Jackson, 2006, Funding Security, p. 4). Another student was at risk of losing a fellowship because no professor in her department would agree to serve as her adviser. She was told by a professor that "it takes more time to advise a Chinese student" (Jackson 2006, Funding Security, p. 2). Shortly after graduate students organized a rally protesting her treatment, the student learned she would not lose her fellowship or her visa eligibility (Marsden, 2005).

Cross-cultural miscues. An incident at Stevens Institute of Technology involving a Chinese student offers a cautionary tale of how cultural differences can make a difficult situation even worse. The school had suspended the student, Zhai Tiantian, in 2010 for disciplinary problems (Semple, 2010). A month later, following a confrontation with a professor, Zhai called the campus switchboard and said, "I am going to burn that building." That led to his arrest on charges of making "terroristic threats," and landed him in jail, upon which Chinese diplomats became involved. Then, Chinese media reported that he had been arrested on terrorism charges and in some cases, that he had attempted to set fire to a building (China Press USA), and some foreign reports seemed "to indicate that Zhai was arrested for questioning authority or clashing with a teacher" (Associated Press, 2010). Friends acknowledged that Zhai's word choice was unfortunate, especially in the wake of the still-fresh memory of the Virginia Tech killings in 2007, but said that he never intended violence (Semple, 2010). Some Chinese publications quoted a spokesman with the Chinese Consulate-General in New York as saying "what the Chinese regard as acceptable language may be deemed by Americans as a threat" (e.g. China Daily, 2010). The case was eventually dismissed as a grand jury found no evidence to support the charge. Zhai decided against suing the university, though he believes his due-process rights

were violated. "The school ... did not give him an opportunity to tell his side of the story," Hai Ming, his lawyer, says (personal communication, Nov. 8, 2010).

Court documents for *Shakir v Rend Lake College* (2010) provide evidence that 9/11 inspired fears continued to present challenges in 2008. The plaintiff, who is Iraqi, sued for retaliation and discrimination after he was passed over for a promotion in favor of a Caucasian man. The catalyst for the lawsuit was an anonymous letter sent to college officials raising suspicions about the plaintiff's motives and conduct, including whether he had allowed foreign students to enroll, despite earning lower-than required scores on exams assessing their English-language skills. The letter-writer asked, "Why are they interested in registering at a community college in Ina, Illinois?" according to the complaint. The author also accused the plaintiff of unethical behavior for practicing his Muslim religion, for speaking Arabic during school hours, and for hiring a non-English speaking computer programmer. The plaintiff alleged that college officials "encouraged a hostile and discriminatory atmosphere," giving an example of an administrator who locked herself in her office and requested extra security at the campus daycare facility "due to her safety concerns stemming from the presence of Saudi Arabian students at the college."

Institutional policy. International students on several campuses have raised questions about fairness in policies affecting students, such as access to a wellness center, health insurance, and adequate housing (e.g., Keaton, 2010; Wolf, 2010). Most complaints didn't lead to litigation; indeed, organized student protests led to improvements in some cases. Yale University's graduate student union says its campaign to improve housing conditions for Chinese students has prompted administrators to make some positive changes, albeit incrementally (Jackson, 2006). A group calling itself Stanford Discriminates against International Students was credited by university officials for a change in Stanford's health-insurance requirements (Harris, 2010). The group argued that the school had unfairly required that international students participate in a particular insurance plan while domestic students had the option of choosing their own insurance provider. International students also argued that the required policy was inferior to and costlier than other insurance plans that some students already had.

Colleges run into legal challenges when they do not enforce or comply with their own or state policies. As stated earlier, a U.S. District Court in *Ahmed v University of Toledo* (1986) said that universities should be allowed to single out nonresident aliens if the action meets "a

reasonable goal of the university" - in this case, health insurance coverage. The university won that case; however, the court noted that the policy had been on the books since 1972, but was not enforced "with any vigor" until 1986, when several uninsured foreign students were hurt in a car accident. Two days after the car accident, the administration informed international students by letter that the mandatory policy would be "strictly enforced" and set a deadline about three weeks later. Students who didn't show proof of insurance would be dropped from classes and lose university assistance.

In *Shim v Rutgers* (2007), the Supreme Court of New Jersey found that Rutgers acted too hastily in denying the resident-tuition rate to a student. The plaintiff was born in Pennsylvania but moved with her family to South Korea, where her parents still live, as a child and then lived with relatives in New Jersey for most of her high school years. Rutgers, noting that the plaintiff listed her parents as dependents, charged the higher, non-resident rate. She sued, arguing that she had provided the documentation required by the state to qualify for the lower rate. The court ordered Rutgers to review the request, and that this time it must "fully, fairly and dispassionately consider all submitted evidence." The court stated that its ruling was not meant to imply that the plaintiff should be granted the resident rate.

SEVIS compliance. Since 2003, universities have been required by federal law to collect certain data on international students for inclusion in the Student and Exchange Visitor Information System, or SEVIS, a database that helps immigration officials monitor the activities of foreigners who entered the United States on a student visa. The law was designed to close a gap that was exposed after the 9/11 terrorist strikes; one of the hijackers, Hani Hanjour, entered the United States on a student visa but never turned up for classes. SEVIS requires universities to designate a school official who is responsible for maintaining and updating information on certain visa holders. For example, a student with an F-1 visa can stay in the country as long as he or she is enrolled full time in an educational program and attends classes at least 18 hours a week.

Arrests in California in connection with a visa fraud scheme raised questions about whether a university could be held liable should another act of terrorism involve a student visa-holder. A U.S. citizen, who had posed as a foreign student to take tests and, in some cases take classes on behalf of student visa-holders who wanted to stay in the country, pleaded guilty and was sentenced to jail (Hernandez, 2010). He was suspected of providing services for at least 119

students, at least 16 of whom have been arrested and questioned. Officials detected no suspicious activity and said the students merely wanted to extend their stay (Carcamo, 2010). Universities were not directly faulted for failing to catch the imposters, but a deputy special agent in charge of Immigration and Customs Enforcement investigations in Los Angeles said that immigration officials plan to educate college and university officials about visa fraud "so they can guard themselves and protect themselves of such abuses in the future" (Carcamo, 2010, p. 39-40).

Sethunya v. Weber State University (2010) serves as a reminder that colleges cannot predict how students will react to every circumstance. Victoria Sethunya, a South African student, sued her university after learning from campus officials that a computer "glitch" had dropped her name from the school's roster of international students. The university allowed her to enroll despite the lapse and offered to pay for an attorney to help straighten out her situation with immigration officials, but she refused. Instead, she sued the university and nine campus officials, seeking \$890,000 and non-monetary relief, on several charges, including discrimination, defamation, negligence and libel. In court documents filed in 2008, Sethunya, acting as her own counsel, said she was unable to work, use health services, or travel outside the United States because of the error; also, she suffered loss of financial support and damage to her credit reports. All charges were eventually dismissed; an appeals court affirmed in 2010.

Reverse discrimination. A discrimination claim against Bowdoin College hints at simmering tensions regarding higher education's efforts to recruit foreign students. *Goodman v Bowdoin* (2004) was initiated by George Goodman, a white U.S. student who had been dismissed indefinitely by a judicial board after being held responsible for a fight with a Korean student, Namsoo Lee (who was also employed by the university as a bus driver). Lee, who was injured in the fight, was subject to a hearing and cleared of all charges. Goodman argued that the university favored Lee because Lee added to campus diversity, an established priority of the college. Bowdoin won the case, but only after legal entanglements lasting more than five years, including a seven-day jury trial and an appeal to the Supreme Court, which declined to hear the case.

Emerging Issues

Some of the concerns raised in *Goodman v Bowdoin* (2004) resonate today, particularly on public campuses where international students are becoming more prominent. One driving

issue for the increased presence of international students is financial. The federal government touts the economic benefits of international students, who typically pay higher non-resident tuition rates and pump billions of dollars into the U.S. economy each year (NAFSA, 2010). As higher education budgets face continued cuts, international students are becoming increasingly attractive to public universities not only because they add diversity but also because they pay a higher tuition rate (e.g. Keller, 2008).

The Supreme Court has stated, in *Grutter v Bollinger*, 539 U.S. 306 (2003) and *Gratz v Bollinger*, 539 U.S. 244r (2003), that student diversity is a valid goal for highly selective public universities. Much of the debate today about tuition eligibility centers on undocumented students. But conditions may be ripening for a challenge to enrollments of foreign students. In recent years, some community colleges have turned away students, mostly as a consequence of state budget cuts combined with growing demand (Whoriskey, 2010). Meanwhile, many community colleges are recruiting abroad (e.g. Marklein, 2009). The Houston Community College System in 2009 enrolled 6,125 foreign students, the most of any two- or four-year college in Texas (IIE, 2010).

In a 2007 testimony to House foreign affairs and higher education subcommittees, Jessica Vaughan, a former Foreign Service officer and senior policy analyst for the nonprofit Center for Immigration Studies, suggested that community colleges, which were founded to serve their local constituents, could face public pressure:

Community colleges are heavily subsidized by local taxpayers in order to make the programs accessible to members of the community. It is unclear if residents of these communities would support extending these subsidies to foreign students, who traditionally have been expected to pay their own way. ... In addition, it makes little sense to provide job training, often supplemented by local internships, to foreign students, who are unlikely to qualify to eventually work here afterwards, and may possibly displace members of the community in those same programs. (Community colleges, 2007, p. 3)

Moreover, she says, even though they pay higher tuition, foreign students "are not a free lunch" because campuses devote resources to full-time staff and programs to help foreign students adapt to their new surroundings.

A storm also may be brewing around the fast-growing population of college-bound professional athletes recruited from foreign countries, often with handsome institutional scholarships, to play on U.S. college teams. In 2008-09, international students overall represented 3.6% of all U.S. college students (IIE 2009, 2010), while international student-athletes represented 6.0% of male and 7.4% of female student athletes in Division 1 teams (NCAA, 2010). Those students are helping to build winning teams, but some critics argue that they're also crowding out U.S. students who have maintained amateur status (Abbey-Pinegar, 2010). In some instances, including the University of Texas El Paso's 2008 cross-country team, an entire team is made up of foreign students (Abbey-Pinegar, 2010). As one parent of a disappointed student-athlete put it:

The bitter pill for me is that my kid, who chased the dream and did everything right and was honest on all the paperwork, was told no... . . . As an American taxpayer, it seems we're educating a lot of foreign kids who chased the dream, too, and didn't have it work out, but they're getting the benefit of the doubt. (Drape, 2006. para. 36)

In her analysis, Abbey-Pinegar (2010, p. 361) urges administrators to create a level playing field. If they do not, she says, "the reality will be a large amount of litigation on behalf of both (international student athletes) and domestic student-athletes."

Conclusions

Many of the cases identified in this paper add context to research suggesting that a fair number of international students believe they are treated poorly on campus, both in and outside the classroom. Only occasionally do their experiences lead to litigation. Universities have tended to win discrimination lawsuits filed by international students. But the goal for universities should be to avoid the circumstances that led to the lawsuit in the first place. Even if an incident never escalates into a court battle, it is in the best interest of colleges and universities to anticipate the unique needs of international students.

The goal is not just to avoid a costly lawsuit. An institution's reputation abroad may also be at stake. A study of international students at one public university found that the perception of having received fair and equal treatment "was the most important influence leading [an international] student to recommend the host university to others" (Lee, 2010, p.77). That sentiment can be expressed in the opposite direction, too. In one court document a Saudi Arabian

student recounts his frustrations trying to attend college in the United States. His problems started with an eight-hour delay by U.S. immigration officials; apparently, the registrar had removed his name from registration rolls without telling him. His problems did not end there:

My current plan is to leave at the end of the semester too and I wanted to inform of the unfair treatment we all suffered and lack of customer service from the registrar. Because of this unjust treatment and other events happened to us many of our friends who are on full scholarship from the government wanted to attend Rend Lake College have changed their mind. ... I hope you see this matter looked into and not to occur to other foreign students (sic). (*Shakir v Rend Lake College*, document 84-28, exhibit D)

A few cases examined in this paper suggest universities will take appropriate action when made aware of potentially discriminatory situations. Stanford's rethinking of its insurance plan, for example, probably led to fairer policies and, perhaps, a sense of ownership among international students. Officials at the University of Oregon and Santa Clara University responded promptly to concerns about mistreatment of international students, though their handling of the matters created friction with faculty. Ohio University might have avoided its two lawsuits -- along with the expense and public embarrassment -- had department heads looked more seriously into concerns raised when a student first brought the plagiarism problem to their attention.

Universities cannot control individual behavior or interpersonal conflict, but they can and should create conditions to reduce differences and misunderstandings. It is unclear from the discrimination cases in this paper whether universities could have prevented any particular lawsuit. But universities might be able to minimize cases they consider to be without merit by educating students on discrimination law, and by raising awareness of alternatives such as mediation.

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