

## Wrongful Termination Suit Filed in Rutgers Basketball Scandal

By Aaron Kase Former basketball assistant Eric Murdock has filed a wrongful termination suit against Rutgers University amid the fallout following the disclosure of head coach Mike Rice's abusive behavior toward the players. Murdock, a former NBA player, worked for Rutgers as director of player development for men's basketball from 2010 to 2012. He says that he initially met with university officials to bring up Rice's behavior last summer; however, no action was taken against the coach, while Murdock lost his job. After using Freedom of Information Act requests to acquire video footage of the team's practices, he compiled a reel of Rice hurling balls at players, shoving them around the court and peppering them with profane, homophobic slurs. Murdock showed the video to the university last fall, at which point Rice was fined and suspended for three games. Last week, the video finally went public after it was acquired by ESPN, and the fallout has been swift. Rice was fired immediately, an assistant coach who exhibited similar behavior resigned, and Athletic Director Tim Perneti resigned Friday after expressing regret that he didn't fire Rice when he initially viewed the video.

### Protected Classes and Protected Disclosures

Wrongful termination laws vary by state, but there are some federal protections that apply to everybody. "What we're really talking about is if an employer takes adverse employment action based on some sort of protected class, the big ones being age, race, gender, religion and national origin," says Michael W. Macomber, a labor and employment attorney for Tully Rinckey. "Those are the federally protected areas." Murdock is suing under the New Jersey Conscientious Employers Protection Act, among other counts, alleging that he was let go for disclosing conduct he believed to be illegal. "There are additional protections which we call whistleblower protections. It's a state specific issue," Macomber says. "The pitch might be, 'I told you this was happening and this was causing a harm to our athletes.' If you take an adverse employment action based on a protected disclosure, that can also be considered wrongful termination or retaliation." In addition to various New Jersey laws against assault, intimidation and discrimination, Rutgers has its own policy against verbal abuse and bullying that was implemented following the 2010 suicide of Tyler Clementi after he experienced anti-gay harassment. "Mr. Murdock never experienced a coach whose behavior and treatment of his players and others crossed the line into aforementioned assaultive, abusive and other unlawful conduct," the lawsuit states. **How To Take Action**

Murdock's situation is complicated because he was not technically fired; rather, he was not rehired at the end of his second one-year contract. However, he alleges that he would have been rehired had he not brought up Rice's behavior. The university has said they didn't renew him because he missed a mandatory camp. In another twist to the story, Murdock is now apparently the subject of an FBI investigation over whether he tried to extort the university last winter, amid reports that he asked for nearly a million dollars in exchange for not filing a

lawsuit. "It is unfathomable to think that Mr. Rice's employment with the University continues while Mr. Murdock remains unemployed for simply having done the right thing," states a letter written by his attorneys. "To resolve claims for damages inclusive of attorney fees and costs, Mr. Murdock is willing to accept \$950,000.00." Employees who think they have been subject to adverse action based on any kind of state or federally protected classification should document everything and consult with a labor and employment attorney. Most large companies have an internal system for grievances; complaints can also be taken up with the federal Equal Employment Opportunity Commission or the relevant state agency. "At the end of the day what you need to prove is that the reason that the employer terminated or suspended you or took other adverse action was based on one of those protected classifications," Macomber says. "With any kind of employment case, there are always so many moving parts. They are some of the more difficult cases to prove."