

Supreme Court, U.S.
FILED

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No. ___

In the Supreme Court of the United States

Melissa Ing, DMD, EMBA, Petitioner

v.

Tufts University, Respondent

On Application for Extension of time to file a Petition for
Writ of Certiorari to
The United States Supreme Court

**Application to Justice Ketanji Brown Jackson for an extension of time
within which
To file a Writ of Certiorari**

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SUPREME COURT, U.S.

Justice Ketanji Brown Jackson
Supreme Court of the United States
1 First Street, North East
Washington DC 20543

November 20, 2023

To the Honorable Ketanji Brown Jackson, Associate Justice of the Supreme Court of the United States and Circuit Justice for the First Circuit:

Pursuant to Supreme Court Rule 13.5, I, Melissa Ing, applicant, respectfully requests that the time to file a petition for a Writ of Certiorari be extended by 60 days, up to and including **February 16, 2024**. In support thereof, I state as follows:

1. The judgement from which review is sought is *Ing v. Tufts*, Case No. 23-1030, which was decided by First Circuit on **August 29, 2023**. A copy of that decision is attached as Appendix 1.
2. I, the applicant, sought rehearing by the Court (Pro Se as my attorney recused himself from the case), which was denied on **September 19, 2023**. A copy of the First Circuit's ordering denied rehearing is attached as Appendix 2.
3. The current deadline for filing a petition for the Writ of Certiorari is 90 days from September 19, 2023 which would be **December 18, 2023**. This application has been filed at least 10 days prior to that date pursuant to Supreme Court Rule 13.5. I have not previously sought an extension of time.
4. Declaration of Service, specifying names, addresses, was completed as per Rule 29.5, and copy of this application were served to respondent via first class mail November 20, 2023. A copy of Declaration of Service is attached as Appendix 3.

BACKGROUND:

This case presents substantial, important questions, and omissions involving U.S. Title IX law.

U.S. Title IX law prohibits sexual harassment, abuse, retaliation, and discrimination at any federally funded institution. Title IX law MANDATES that we speak up of any known sexual predation/abuse, gender harassment, retaliation, and or discrimination. More than 50 years later, Title IX is not working. (*Title IX: Falling Short at 50 USA Today Investigation*) Sexual harassment is found in EVERY sector, but it is especially rife in academia. (*When It Comes to Sexual Harassment, Academia is Fundamentally Broken, Scientific American, 2018*) In 2018 the National Academies of Science, Engineering, and Medicine (NASEM) reported that more than 50% of faculty are sexually harassed on the job. More than 38% of female graduate students and more than 23.4% male graduate students report sexual harassment by faculty or staff. The latest research from U. Massachusetts, Amherst shows that 99.8% victims do not report so most likely these numbers are underreported. Victims do not come forward in fear of not being believed and of being retaliated against. Those that come forward are punished.

Title IX institutional infractions continue to make national headlines. When the Department of Education's Office of Civil Rights has found blatant institutional Title IX violations, the only way to sanction is to remove federal funding, but that has NEVER happened. As a result, institutions skirt Title IX law. In 2014 the Department of Education cited Tufts University with Title IX infraction involving a student rape case. This nationally highlighted case was toothless, and Tufts was nudged into compliance. Gender-based violations continue in academia accompanied by a lack of fiduciary responsibility. Each

institution chooses their own Title IX Compliance Officers, resulting in a conflict of interest. Their own schools' reputations are protected by minimizing sexual abuse/retaliation complaints and reports.

Victims are often silenced with mechanisms such as protective orders, NDAs, and confidentiality agreements. Silencing mechanisms are contradictory to Title IX's mandate because we are required to report sexual abuse. Sexual harassment, abuse, gender harassment, retaliation, and discrimination thrive in secrecy and perpetual cover-up. If society ever wants to solve academic sexual harassment, then we must abide by or amend Title IX law and allow victims to speak up without the fear of retaliation. This problem is so flagrant that NASEM points to a public health crisis resulting in a loss of educators, researchers, and STEM talent.

There is little, if any punishment to harassers, which are typically serial. Harassers can transfer from institution to institution, from state to state, go on sabbatical, or retire. This phenomenon is so frequent that it is coined "Pass the Harasser". In 2019 The Chronicle of Higher Education called Pass the Harasser Higher Education's "Worst Kept Secret".

I lost my entire 30-year career as a national multiple award-winning associate professor of dentistry. I followed Title IX law. I spoke up, advocated against sexual harassment, while working at Tufts University, my alma mater. Yet, I was the one who was punished.

I was subjected to persistent sexual harassment and stalking by a faculty colleague, Dr. Roland Vanaria, who had a known but neglected HISTORY as a serial sexual harasser at Tufts University. Formal complaints were filed against Dr. Vanaria for sexual and gender harassment including from at least one other female faculty member, a male faculty leader (on behalf of his students and patients), and dental students. My ORAL complaints were IGNORED. I submitted an email complaint mid-June 2017. I trusted Title IX and Dr. Peter Arsenault, my direct supervisor. Both assured that I would not be retaliated against, but they were the first to punish me, following a flawed Title IX "investigation".

Dr. Arsenault deliberately changed my established clinic schedule, forcing me to work with Dr. Vanaria. Dr. Arsenault said that if I did not like it then to find my own schedule switch back. Defense Court documents say that Tufts and Dr. Arsenault changed the clinic schedule to separate Dr. Vanaria and me, which is completely opposite of what transpired. Dr. Arsenault perjured statements. After my sexual harassment complaints, Dr. Arsenault threatened multiple times to prevent me from being Tufts' representative at a dental conference where I gave an annual presentation, and where I held national leadership positions. I required these leadership positions towards promotion. Dr. Arsenault was hostile during my 2018 annual review, telling me he did not believe the number of extracurricular hours that I worked but he said in the past that I worked way too much. Dr. Arsenault disparaged my character, describing me as "dramatic", "weird", and a liar.

Title IX asked if Dr. Vanaria was staring at me from 3, 6, or 10 feet away, as if that made a difference. Title IX claimed that Dr. Vanaria was "cross-eyed" so, he could not have possibly stared at my breasts and legs, negating that Dr. Vanaria performs dentistry in tenths of a millimeter, and that he drives a car. Title IX tried to convince me that there were no other faculty or student complaints against Dr. Vanaria. To intimidate me further, Title IX yelled at me; accused me of capitalizing on Harvey Weinstein news and the #metoo movement, even though I reported many months prior.

I dreaded going to work, being surrounded by incivility, and subjected to a sexual predator despite my complaints. I had to find ways to avoid Dr. Vanaria. Since Tufts refused to remove Dr. Vanaria's swipe key access and remove him from my office space I finally hired an attorney November 2017, to advocate against sexual harassment, stalking, bullying, and retaliation. Once my attorney was hired, Tufts finally

moved Dr. Vanaria back downstairs to his OWN department and office. However, to retaliate against me further, Dr. Arsenaault changed my established schedule another time so I had to work with Dr. Vanaria's friends and my bullies, who asked me: "why are you here?" Title IX did not stop Dr. Vanaria from spreading false gossip, or protect me from bullying and mobbing. By November 2017, my physician referred me for emergent sexual harassment therapy.

In 2018 Tufts denied my promotion to the rank of full professor, even though I met and superseded the published Promotional Guidelines. At least 8 men were promoted, even if they did NOT meet the published criteria. I found out during litigation that Dean Huw Thomas changed my promotional status to a complete denial, yet he claimed nothing to do with the Promotions Committee decisions. Dean Thomas was accused (twice) of sexual harassment while at Tufts Dental but was promoted to Professor Emeritus and Dean Emeritus. Dean Thomas did not finish his term, left early; he demoted my long-time (6 plus years) chairman, who wholeheartedly endorsed me for promotion, and replaced him with Dr. Andrea Zandona. I met Dr. Zandona immediately after I recuperated from brain surgery.

At our initial meeting Dr. Zandona praised my many accomplishments for Tufts Dental. I told her how Dr. Vanaria sexually harassed me, how I was bullied, and denied promotion. Three weeks later, Dean Thomas called a meeting, January 9, 2019. Dr. Zandona's tune changed as she turned to me and said: "I most likely am not going to promote you." At this very same moment in time, newly arrived at just 1.5 months, not knowing ANY faculty, Dr. Zandona had already endorsed and assisted Dr. Richard Harold, my colleague, for promotion. Dr. Zandona told me to hold off on ALL promotions talk for 5 months because she was "too busy" for me...yet not for Dr. Richard Harold. Per Dr. Zandona's request, I tabled promotion discussion to July 18, 2019. But when I arrived, Dr. Zandona asked: "Why are you here? You didn't file a grievance. The rules for promotion have changed." Dr. Zandona invaded my privacy, asked how often I was attending sexual harassment therapy; then said: "You need to go more often". Dr. Zandona forced me to attend PUBLIC sexual misconduct class, until my physician intervened, requesting that I be given private/alternate training. Ten months after meeting her, October 2019, Dr. Zandona refused promotion endorsement, even though I once again superseded the published criteria. Dr. Zandona kept tacking on new, unpublished hurdles for me, but not for anyone else. Dr. Zandona requested a SECOND meeting on November 13, 2019, to reiterate that she would not be promoting me. Dr. Zandona criticized my prestigious national teaching and leadership award, national award nominations, and my multiple publications. She belittled my international webinars, interviews, presentations, and discredited my 18 plus research projects. Dr. Zandona diminished my ability to conduct celiac disease research. Yet, celiac and gluten are areas of expertise that I am nationally and internationally known for. Dr. Zandona perjured statements, submitted falsified letter with fake dates, which were accepted as Court evidence.

I endured persistent sexual harassment. I advocated against sexual harassment at Tufts, trying to help students and my alma mater. I was bullied, hated, ostracized, and retaliated against, denied promotion and promotion reapplication opportunities, and was treated differently. I was diagnosed with severe depression and PTSD due to sexual harassment and toxic work environment.

REASONS FOR GRANTING EXTENSION OF TIME:

I respectfully request for a 60-day extension to the time within which a writ of certiorari is filed.

1. My lawyer has recused himself and I am no longer represented by counsel. I am working hard at trying to find an appellate attorney. In the meantime, I am petitioning Pro Se. I require extension of time to seek legal advice and obtain finances.
2. I required the time to educate myself, research, document, petition Pro Se.

3. This case presents important and pertinent national Title IX issues to students, staff, and faculty. I require time to include comprehensive Title IX research, news, and reports.
4. Tufts perjured depositions and Court documentation. Tufts falsified documents, letter, dates, affidavits that were entered into official Court briefs. Tufts spoliated. Tufts misrepresented themselves. I require extension of time to expose.
5. I abided by the Hippocratic Oath "to do no harm" to the staff, students and patients of Tufts Dental. In July 2019 Tufts announced in a confidential meeting that for almost 2 years they were unable to control the high amounts of bacteria in dental water lines (used on patients) by over 26 times EPA acceptable limit. I ended up in the ER due to acid and contaminated water exposure to my right eye. I was retaliated against for reporting patient and provider safety. I require time to expose Tufts dental waterline safety issues.
6. Tufts placed a protective order, saying their documents contain HIPAA and FERPA materials, which is false. There is MULTIPLE hidden sexual harassment and retaliation evidence within the protective order which are contradictory to Title IX and VII statutes.

Just because an institution is well-known and powerful does not indemnify them from sexual abuse, retaliation, perjury, falsification of documents, misrepresentation, and patient safety issues. The Justice system should not be taken advantage of, regardless of a party's ability to fund high profile counsel; nor support unjust submissions and omissions.

CONCLUSION:

U.S. Title IX law was created to ensure equality and equity, prohibit sexual abuse, retaliation and discrimination. Title IX, as written, is not working.

Institutions should be places of illumination, not of sexual harassment, bullying, or retaliation. Our youth, faculty and staff deserve to study and work in safe and comfortable environments.

For the forgoing reasons, I am requesting the extension of 60 days of up to and including February 16, 2024. Thank you very much for your consideration.

Sincerely,



Melissa E. Ing, D.M.D., EMBA