

**BOISE, FRIDAY, JUNE 7, 2019 AT 10:00 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>JUN YU,</b>	)	
	)	
<b>Plaintiff-Appellant,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>IDAHO STATE UNIVERSITY, MARK</b>	)	
<b>ROBERTS, individually and his official</b>	)	
<b>capacity as a faculty member of Idaho State</b>	)	
<b>University; SHANNON LYNCH, individually</b>	)	
<b>and in her official capacity as a faculty</b>	)	
<b>member of Idaho State University; KANDI</b>	)	<b>Docket No. 46364</b>
<b>TURLEY-AMES, individually and in her</b>	)	
<b>official capacity as a faculty member of Idaho</b>	)	
<b>State University; CORNELIS J. VAN DER</b>	)	
<b>SCHYF, individually and in his official</b>	)	
<b>capacity as a faculty member of Idaho State</b>	)	
<b>University, and JOHN/JANE DOES I</b>	)	
<b>through X, whose true identities are presently</b>	)	
<b>unknown,</b>	)	
	)	
<b>Defendants-Respondents.</b>	)	
_____	)	

Appeal from the District Court of the Sixth Judicial District, State of Idaho,  
Bannock County. Robert C. Naftz, District Judge.

Idaho Employment Law Solutions, Eagle, for appellant.

Kelly Law, PLLC, Garden City, for respondents.

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This appeal arises from a discrimination case brought by Jun Yu against Idaho State University. Jun Yu is a citizen of the People's Republic of China who was completing his Ph.D. in clinical psychology at Idaho State University. He completed all the requisite coursework, and wrote and defended his dissertation, but he still had to complete a one-year clinical internship. After not matching any programs with the Association of Psychology Postdoctoral and Internship Centers, Yu set up an alternative internship with the Cleveland Clinic Center for Autism in Ohio. However, he was dismissed from the Ohio internship early and subsequently dismissed from Idaho State University's doctoral program. After exhausting his appeals at the

university, Yu received a final letter on October 2, 2013, that denied Yu's appeal and immediately made his dismissal effective.

Yu filed a notice of claim on March 10, 2014, against ISU, and brought a federal action in the U.S. District Court for the District of Idaho the following year. Yu ultimately alleged violations of procedural and substantive due process under the Fourteenth Amendment's Due Process Clause, a violation of Title VI of the 1964 Civil Rights Act, negligent infliction of emotional distress, promissory estoppel, and 13 claims for breach of contract. At the federal court, ISU won summary judgment on 17 of 18 claims, resulting in dismissal of those claims from court. Only Yu's Title VI claim remains before the federal court. The following month, Yu filed a complaint and demand for a jury trial in the Sixth Judicial District of Idaho, naming six defendants: ISU and five faculty members of varying roles in ISU's Graduate School and clinical psychology program. The defendants filed a motion to dismiss Yu's 17 claims, alleging that applicable statutes of limitations barred his claims and that Yu failed to comply with the Idaho Tort Claims Act. The district court dismissed all of Yu's claims with prejudice. Yu timely appealed.