



APPEALS COURT REVERSES COLLEGE PROFESSOR'S AWARD OF \$345,020 FOR RETALIATION



A college professor, teaching primarily economics, was passed over for a promotion in 2006 and sued the college, alleging that it was in retaliation for her participation in a racial discrimination lawsuit. A jury found in her favor, and she was awarded 345,020 dollars in damages. An appeals court, however, recently overturned the decision. The woman had worked at Hinds Community College in Mississippi. She claims that she was no longer allowed to teach economics courses and was denied the opportunity to chair the Business Administrative Department because she was named a witness in a 2002 lawsuit against the college. The suit had been filed by another instructor and settled before it reached trial. Appellate judges, with regard to the former professor losing her economics classes, noted the accrediting Southern Association of Colleges and Schools' requirement that an economics teacher have at least 18 semester hours of graduate study in said subject. The woman had only six hours. The 18-hour requirement became a serious burden when Hinds' accreditation process was initiated, and the vice president told the faculty in January 2006 that teachers who lacked hours would need to take courses to meet the required standard. The department chair discussed this concern with the plaintiff in February 2006, but she did not apply for courses to increase her hours. She also said that the department chair was "unethical" and "unfair" for not allowing her to teach economics. Despite the VP's reminder in March 2007 of the availability of reimbursement for courses to improve credits, the woman did not make a request until December, a request that was denied because, by that time, the "load was too great." The appeals court believes that the college had no choice but to comply with the Association's request for graduate study and that the woman was clearly given the chance to take courses. Furthermore, she was treated no differently than other instructors with



the same problem.

Regarding the position named to another instructor, the plaintiff's proof that she was more qualified was longer teaching hours and a "personal belief of her superiority," which appellate judges did not find sufficient. Additionally, the nomination for the person awarded chair was made by the Dean. He was also a potential witness for the 2002 lawsuit and testified that he had no knowledge of the woman being a witness on behalf of the plaintiff. The appeals court acknowledged that a jury may not accept the Dean's claim, but also noted that there was no further evidence of the Dean's knowledge or any adverse reaction to the woman's testimony in the suit. As such, appellate judges did not believe that the woman had substantiated a causal connection between her participation in the lawsuit and any adverse action from the college. They stated that the district court should have granted Hinds' motion for summary judgment, seeing no basis for a reasonable jury to find in favor of the plaintiff. The district court's decision was reversed, and the case was dismissed.

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