

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Patricia Garrison,	§	CIVIL ACTION NO. H-11-2368
Plaintiff,	§	
	§	
vs.	§	
	§	
	§	
Texas Southern University,	§	
Defendant.	§	A JURY IS DEMANDED

**Plaintiff's Second Amended Complaint**

Texas Southern University treated one of the hardest working employees in its law school poorly for one reason and one reason alone – she is Caucasian. It denied this woman compensation she earned, it stripped her of job duties she was performing well, and steadfastly put up road blocks in an attempt to make her life so difficult that she would resign. When she formally complained, the treatment became worse and the retaliation began. Now, the University has denied her a promotion for which she is well-qualified. There is no place for such treatment in this day and age.

PARTIES

1. The plaintiff Patricia Garrison is an individual who resides in Spring, Harris County, Texas.

2. The defendant Texas Southern University is a public university located in Houston, Harris County, Texas. It has previously appeared in this lawsuit and thus is served through its counsel of record.

JURISDICTION

3. This case is brought under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. This Court has jurisdiction of this case according to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

4. Venue is invoked pursuant to 28 U.S.C. § 1391.

STATEMENT OF THE PLAINTIFF'S CASE

5. Garrison serves as Assistant Dean of Academic Support at Texas Southern University's Thurgood Marshall School of Law. She has worked at the law school since May 2007, when she was hired by former Dean McKen Carrington to oversee the operations of the Academic Support Program Department. She was excited at this opportunity to give back to her alma mater in a way that fit her background and experience so well. While she was a recent law school graduate, Garrison had decades of experience in the private sector developing and refining her communication skills while working closely with people with all kinds of skill sets. She had attended law school only after a lengthy and successful career in business. And, while in law school, she was an excellent student, on the Dean's list, and won the law school's best brief award, five Cali Awards, and three statewide writing awards from the State Bar of Texas.

6. As soon as she was hired, she immediately focused on developing new programs for the law school, such as skills and writing workshops that included case briefing, outlining, note taking, time management, class preparation, and study skills. She was keen on designing programs that would ensure that all law students had the skills they needed to succeed both in school and as lawyers.

7. Not only did she design courses, but she taught them. She has taught the bar essay writing course, and the essay writing and reading workshop series for second and third year students. She also coordinated and taught the orientation, summer academic enrichment, and bar exam preparation workshops. She coordinated the first year tutorial program, where she worked closely with faculty to design curriculum and methods of assessment. She has also worked closely with students and has extended office hours to serve their needs. Her efforts have been recognized by students, who have repeatedly told her how much they appreciate the work she has done to prepare them for a successful law career.

8. At first, Garrison was recognized for her hard work, not only by students as discussed above, but also by the dean, who recognized her work with two highly favorable performance appraisals. But, as soon as Dean Carrington left and Dean Holley began his tenure as interim dean in September 2009, all that changed. Despite all her accomplishments (including increasing the bar passage rate by over 10 percent in three years' time), the new dean quickly embarked on a campaign to make her life extremely difficult. The truly disappointing thing is that he targeted her just as the students she had mentored from the beginning were starting their third and final year of law school. He did not allow her to complete the cycle of preparing these students for the bar examination and their legal careers.

9. Instead of allowing her to run her own department, as he does with her peers, Dean Holley has micromanaged every detail and refused to give her the authority she needs to do the job. Because of his intervention, she no longer teaches the bar essay class, she was removed from the faculty curriculum committee, she no longer controlled the bar assistance program, and she was not permitted to send emails directly to the faculty clarifying her employees' working

arrangements. Dean Holley has even denied her the right to evaluate the employees under her supervision.

10. Not only has the dean worked hard to make Garrison's day-to-day work life difficult, but he withheld \$5,000 in pay she is owed for a course taught in the fall of 2009, for which she expected pay, at the earliest, in January 2010. And, in this academic setting where titles are so very important, the dean has publicly referred to her, not by her assigned title, but instead as a director. He made a point to use this reference when she was introduced to the entire first year class in September 2010 and again in August 2012, yet curiously introduced every other assistant dean by his or her correct title. His actions send a very strong message that he does not value either her or her accomplishments.

11. And, if that were not bad enough, the dean has also made sure she does not have the staff support she needs to do her job. First, he refused her efforts to remove a seriously deficient employee and then, while she was out on medical leave in January 2010, he hired two subordinates to work in academic support roles under her without even the slightest effort to consult her. The dean took this action even though she had gone to great lengths to ensure that all her responsibilities were handled while she was on leave and despite the fact that she had discussed her interest in interviewing other candidates for the positions. In other words, there was no need for this precipitous action without obtaining her input.

12. The adverse consequences of Holley's precipitous hiring decisions were quickly apparent once Garrison returned from leave. One of these subordinates, Kris Krishna, had a host of performance deficiencies, including his failure to be at work during business hours, his failure to complete assigned work, and his consistent disrespect of her as a manager. But, the dean did

not support her efforts to ensure that the law school received a full day's work from this employee. Indeed, Holley told her that he did not want her to document this man's performance issues because he did not want to fire him. Krishna is African-American, as is the dean.

13. Instead of ensuring that Mr. Krishna was accountable for his performance deficiencies, the dean turned his sights on Garrison for having the temerity to suggest that this African-American employee be held to reasonable performance and behavior standards. The dean consistently stifled each and every effort Garrison made to hold Krishna accountable, instead rewarding the man's poor performance. For example, Holley approved Krishna for attendance at an out-of-state conference, a decision Garrison questioned, suggesting that such perks should be a reward for hard-working employees. Rather than seeking to engage her about such an important issue, the dean's response was stark: "If you do not wish to work for me, you have options, and I suggest you begin to consider them." Ironically, Krishna did not complete the conference application by its due date and thus was unable to attend.

14. Holley's refusal to hold Krishna and other African-American employees accountable for their repeated misconduct has created problems for both employees and students that continue. Director of Communications Charlotte Washington was a prime example. On one occasion Washington, who was responsible for room reservations at the law school, refused to find a room for 80 students who were waiting in the hallway to attend a bar exam study session and found their room double booked. Instead of trying to solve the problem, Washington insisted on searching her past emails so she could assess blame, then verbally assaulted Garrison when Garrison told her that the first order of business should be accommodating the students. Washington stomped out of her office, screaming that she would not be talked down to. She left

Garrison to have to deal with the issue. And, rather than being a one-time occurrence, this kind of unprofessional behavior was Washington's modus operandi. To make matters worse, Washington often worked in the middle of the night and was often unreachable during normal school hours to address problems she had created. Garrison raised a number of Washington's egregious failings with Holley, but he did nothing to address her performance deficiencies. Washington was finally laid off because of budget issues, but never held accountable for her misconduct.

15. The dean's discrimination is both varied and repeated. He has removed a number of Garrison's job duties, he has failed to give her assignments, he has bypassed her in dealing with her subordinates, and he has consistently portrayed her as filling a reduced role. He even micro-managed her department by insisting that staff meetings take place in his office and then allowing Krishna to filibuster at length. He did not require this of other managers. He even sat in on Garrison's interview of a prospective receptionist, rather than allowing her to initiate the hiring process – as he permits for every person of color at her level of authority at the law school. She is not even provided with a key to get into the law school rooms she needs to access on weekends and holidays when she is teaching and coordinating critical bar preparation programs. Other employees of color are provided keys, but not the white woman. She has to go to a subordinate to obtain one each time it is needed or rely on the fact that this subordinate has left it in an accessible place, which seldom occurs. The intended message is crystal clear: Holley wants Garrison out of her position.

16. Garrison raised a complaint of discrimination in two separate ways. First, she wrote the University's president on September 27, 2010 and received a response the following

day from the University's legal department that referenced "Pat Garrison – Discrimination Complaint." Then she filed an EEOC charge on October 22, 2010. After receiving notice of her discrimination complaint, TSU moved quickly to make Garrison's situation even more difficult. On November 5, 2010, Garrison was informed that her compensation had been moved from the law school budget to a Title III budget (temporary grant monies) that must be approved each month. No other dean or member of the law school faculty was treated in this fashion. Again, only the white woman was singled out - and this time as an obvious retaliatory move after she challenged discriminatory treatment.

17. Rather than taking any steps to investigate the serious matters that Garrison has raised, TSU has approached Garrison's complaint in a decidedly underhanded fashion. It claimed that she failed to exhaust administrative remedies when its own representative assured her via her counsel that nothing more needed to be done on her part. Indeed, the day after Garrison made her original complaint, the Office of General Counsel advised her that it had referred the complaint for investigation.

18. None of this mistreatment makes any sense given Garrison's record but, then again, discrimination is by its very nature irrational. If Dean Holley could see beyond race, he would have treated Garrison with respect rather than disdain. He would have treated her as a professional colleague rather than a pariah. But, as it stands now, he has stripped away her responsibilities over time and has given them to an African-American woman he is paying \$50,000 more per annum than Garrison, even though he knows the woman needs Garrison's assistance on a regular basis to do her job. The discrimination could hardly be clearer.

19, Since the filing of the original complaint, Dean Holley has deliberately chosen to make matters worse. When he created a new position for the law school – executive director of academic assessment – he deliberately avoided posting the position and instead filled it on an interim basis with an African-American employee, Docia Rudley. Rudley was a professor at the law school but had failed to meet the requirements for obtaining tenure. Past practice had been that a professor who failed to make tenure was required to leave the University, but Dean Holley ignored that too. Even though she had failed to meet the requirements for her prior job, he handed her this promotion instead of asking her to leave. Later, he went through a sham process of posting the position, but then admitted he selected Rudley for the permanent position because of her experience in the job - experience that he chose to give to her. Even though Garrison is well qualified for the position of executive director of assessment and applied for the position, Dean Holley refused to consider her for this position because of her race and in retaliation for her protected activity.

### CAUSES OF ACTION

#### Race Discrimination and Retaliation

20. The defendant's conduct violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of race. It also violates Title VII's prohibition on retaliation against a person who complains of mistreatment.

21. The plaintiff timely filed a charge of discrimination on October 22, 2010, to challenge the initial race discrimination she suffered. She timely filed a lawsuit to vindicate her rights to challenge race discrimination and the retaliation that followed it. Later, Dean Holley chose not to promote the plaintiff to a position for which she was very well qualified. This

necessitated a new charge of discrimination, which she timely filed on February 8, 2012. More than 180 days have now passed since the filing of that charge and she has received a right to sue letter. She thus timely files this amended complaint to address discrimination in the promotion process.

Damages

22. The damages suffered by the plaintiff include lost wages as well as compensatory damages for the injuries she suffered at the hands of the defendants, including, but not limited to, her mental anguish.

RELIEF REQUESTED

The plaintiff asks this court to enter a judgment:

1. Declaring that the acts and practices described in this Complaint are in violation of Title VII;
2. Enjoining and permanently restraining these violations of Title VII;
3. Directing the defendant to pay plaintiff actual and compensatory damages that she suffered, past and future;
4. Awarding plaintiff pre-judgment interest on the amounts owed at the maximum rate allowed by law;
5. Awarding plaintiff the costs of this action, together with reasonable attorneys' fees and expert witness fees;
6. Awarding plaintiff post-judgment interest on the amount of judgment until paid at the maximum rate allowed by law; and
7. Awarding plaintiff such other relief, legal or equitable, as may be warranted.

Respectfully submitted,

BUTLER & HARRIS

/s/ Katherine L. Butler\*

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**Certificate of Service**

I certify that a true and correct copy of this document has been served upon the defendant by means of the Court's electronic filing system on August 28, 2012.

/s/ Katherine L. Butler