



VERDICTS & SETTLEMENTS

\$2.4M awarded for ELCRA violation

Teacher alleged discrimination by principal

On June 15, 2002, the plaintiff, a 37-year-old high school mathematics teacher, was terminated from her employment in the Troy School District, at the end of her third year of probation (out of four).

The plaintiff, who is Chinese, claimed she was terminated because the defendant principal of her high school, who is white, discriminated against her based on her racial background. The plaintiff made a complaint to the EEOC, which issued a right-to-sue letter.

The plaintiff sued the defendant principal for violation of her federal civil rights and the Troy School District for violation of her state civil rights under respondeat superior.

The plaintiff testified that she began work for the Troy School District at Athens High School in 1999 as a four-year probationary employee. At that time, there was another principal in charge of the school. In her first year, the plaintiff's evaluations rated her teaching performance acceptable overall.

The defendant became principal of Athens High School in 2000. The plaintiff testified that she had meetings alone with the principal where the defendant made comments about the plaintiff's racial background.

In one of those meetings, the plaintiff

testified that when she challenged the defendant about why a computer science teaching job was given to a less qualified white teacher rather than her, the defendant said she thought that the plaintiff's ability to teach was affected by her race.

At another time, the defendant criticized the plaintiff for not patting her students on the back to show them they had done well. The plaintiff said she was uncomfortable with physical contact because of her cultural background. The plaintiff then alleged that the defendant said, "Maybe you need to adjust your customs a bit to do your job."

The plaintiff also testified that, during a meeting in 2001 about her teaching evaluation, the defendant told her that she didn't fit in with the group. When the plaintiff said she didn't think her Asian background affected her ability to teach, she claimed the defendant responded, "I believe it does."

The defendant testified, saying she never made any of the comments attributed to her by the plaintiff. The defendant also claimed that a number of the meetings didn't take place at all.

A number of administrators and teachers, including the plaintiff's department head, testified that during her three years of probation, the plaintiff failed in a number

of teaching competency areas including classroom management, interaction with students and presentation.

Other teachers, including her mentor, testified that the plaintiff was making progress.

The \$15,000 offer was made before trial, and an offer of \$325,000 was made while the jury was deliberating.

The jury returned a verdict of \$2,439,389 for the plaintiff.

Type of action: Title 42 USC §1983; Elliott-Larsen Civil Rights Act

Type of injuries: Back pay; front pay; emotional distress

Name of case: Auvenshine v. Troy School District, et al.

Court/case no./date: U.S. District Court, Eastern District of Michigan; #02-60233; April 28, 2006

Name of judge: Marianne Battani

Verdict amount: \$2.4 million

Attorneys for the plaintiff: Joseph A. Golden and Kevin J. Stoops

Attorney for the defendant: Withheld

Name/city of most helpful experts: Nitin Paranjpe, Ph.D.

Insurance carrier(s): Coregis