

**IN THE CIRCUIT COURT FOR PRINCE GEORGE'S
COUNTY, MARYLAND**

FRANK J. PHILLIPS
8169 Shoal Creek Drive
Laurel, MD 20724

Plaintiff

v.

Case No.:

CA17-08011

CHARLENE M. DUKES
President
Prince George's Community College
301 Largo Road
Largo, Maryland 20774-2149

and

SAMUEL PARKER, JR.
Chairman
Board of Education for
Prince George's
Community College
1100 Mercantile Lane
Suite 115A
Largo, MD 20774

Defendants

Serve On:

Mr. Jered McCarthy, Esq., County Attorney
County Administrative Building
14741 Governor Oden Bowie Drive
Upper Marlboro, MD. 20772

2017 APR 28 PM 2:10
PR GEO CO MD #17
Clerk of the
Circuit Court

Dr. Charlene M. Dukes, President
Prince George's Community College
301 Largo Rd.
Largo, Maryland 20774-2149

Mr. Samuel Parker, Jr., Chairman
Board of Education for Prince George's Community College
1100 Mercantile Lane
Suite 115A
Largo, MD 20774

* * * * *

Dr. Charlene M. Dukes, President
Prince George's Community College
301 Largo Rd.
Largo, Maryland 20774-2149

Mr. Samuel Parker, Jr., Chairman
Board of Education for Prince George's Community College
1100 Mercantile Lane
Suite 115A
Largo, MD 20774

* * * * *

COMPLAINT

COMES NOW, Plaintiff, Frank J. Phillips ("Phillips"), through Counsel James C. Strouse, Strouse Legal Services, and states:

VENUE

1. The Prince George's Community College ("PGCC") Board of Education is located in Largo, Maryland.
2. Phillips, who was a professor of Theatre and Speech at PGCC lives at 8169 Shoal Creek Drive, Laurel, Maryland.
3. Venue is appropriate in Prince George's County since Philips taught primarily at the Largo campus of PGCC.

JURISDICTION

4. This Complaint has four (4) counts: Defamation, Harassment/Hostile Work Environment, Retaliation, and Racial Bias.
5. Jurisdiction is proper in Prince George's County.

FACTS COMMON TO ALL COUNTS

6. Paragraph 6 includes paragraphs 1 through 5 as if fully stated herein.
7. Philips began working at PGCC in January 2008 as an Associate Professor.
8. For approximately 7 years, he received stellar reviews by students and faculty alike.

9. However, in 2015, the Department Chair, Tammy O'Donnell accused him of being unprofessional and that she had been receiving complaints about his teaching style.
10. Ms. O'Donnell verbally reprimanded him for not completing his Major Functional Responsibilities Report. ("MFR")
11. Because O'Donnell gave Phillips a difficult teaching schedule that interfered with his Ph.D. program at Morgan State University, Phillips was forced to withdraw from the program.
12. O'Donnell constantly harassed Phillips, saying that he was unprofessional and had received student complaints.
13. Phillips claimed that O'Donnell gave out schedules punitively and gave Phillips a schedule with four to five preparations.
14. Phillips filed a grievance against O'Donnell in 2015 for harassment.
15. O'Donnell informed the whole department of Phillips' grievance.
16. She then asked individual students to file a complaint against Phillips.
17. O'Donnell changed grades of two students, Asia Nicholson and Eliu Barahona, without Phillips' knowledge or consent.
18. O'Donnell then, in 2016, put Phillips on a Performance Improvement Plan.
19. Phillips, under constant stress, went on Family Medical Leave based on stress, insomnia, sleep apnea, major depression and triggered Post Traumatic Stress Disorder (PTSD).
20. He was approved for disability by the Social Security Administration.

21. The new Dean, Darlene Antezana, who initially investigated his charges, later said Phillips would be on Performance Improvement plan ("PIP") when he returned.
22. The hostile work environment was due to harsh scheduling and a multiple preparation workload.
23. O'Donnell has treated black male faculty harsher than white faculty, firing one black faculty member and sanctioning another, and placing Phillips, on a Performance Improvement Plan.
24. O'Donnell scheduled a retreat on Martin Luther King's Holiday weekend, showing a distain for racial sensitivities.
25. In 2015, Phillips ran for Chairperson of the Communication and Theatre Department and lost to Ms. O'Donnell.
26. A faculty opinion poll indicated at 42 percent (42%) of the faculty expressed deep concern with Ms. O'Donnell's leadership, with accusations of favoritism and lack of leadership.

COUNT I DEFAMATION

27. Paragraph 27 includes paragraphs 1 through 26 as if fully stated herein.
28. In 2015, O'Donnell reported to students that she wanted to fire Phillips based on untrue events.
29. This was untrue and resulted in Phillips' embarrassment and public humiliation.
30. Phillips' reputation in the community was damaged severely.
31. As a result, Phillips left PGCC and applied for disability due to his triggered Post Traumatic Stress Disorder (PTSD).

32. Phillips was forced to give up his promising teaching career at PGCC due to the misrepresentation about him.
33. The misrepresentation was malicious and with reckless disregard for the truth.

WHEREFORE, Mr. Phillips demands judgment and prays this Honorable Court award him:

- A. Compensatory damages of \$48,896;
- B. Punitive damages of \$1million;
- C. Legal fees and court costs;
- D. Legal interest, and
- E. Such further relief as the Court deems justified in the interest of justice.

COUNT II RETALIATION

34. Paragraph 34 includes paragraphs 1 through 33 as if fully stated herein.
35. In 2015, Phillips filed a grievance against Ms. O'Donnell with PGCC.
36. He claimed a hostile work environment with Ms. O'Donnell playing favorites and giving Phillips a schedule with four to five preparations and in subject matter (English as a 2nd language) that he was without sufficient training to teach.
37. Ms. O'Donnell continued to give Phillips harsh schedules and courses for which he was untrained to teach and resulted in Phillips having to withdraw from his Ph.D. program at Morgan State University.

38. Ms. O'Donnell gave favored schedules with fewer preparations to other white teachers in the Department.

39. This retaliation continued during the 2015 year and subsequently.

40. Phillips suffered damages to his career in terms of a lost opportunity for his Ph.D. as well as increased stress and anxiety which triggered his PTSD.

WHEREFORE, Mr. Phillips demands judgment and prays this Honorable Court award him:

- A. Compensatory damages of \$48,896;
- B. Punitive damages of \$1 million;
- C. Legal fees and court costs;
- D. Legal interest, and
- E. Such further relief as the Court deems justified in the interest of justice.

III. HARASSMENT AND HOSTILE WORK ENVIRONMENT

41. Paragraph 41 includes paragraphs 1 through 40 as if fully stated herein.

42. Ms. O'Donnell harassed Phillips by calling him unprofessional and giving him harsh teaching schedules with 4 to 5 preparations and courses he was untrained to teach.

43. She spoke to him harshly and refused to communicate in a respectful manner.

44. She put him on a PIP and declared his teaching was unsatisfactory.
45. She tried to get Phillips fired.
46. She forced him, because of stress and anxiety, as well as triggering his PTSD, to go on Family Medical Leave.
47. She told mistruths about him; that he was an ineffective and uncaring Professor.
48. Phillips loved teaching and interacting with students.
49. O'Donnell's actions led directly to Phillips filing for a disability retirement with PTSD, enhanced by stress and anxiety related to the workplace.
50. Ms. O'Donnell acted with malice to force Phillips from the faculty of PGCC.

WHEREFORE, Mr. Phillips demands judgment and prays this Honorable Court award him:

- A. Compensatory damages of \$48,896;
- B. Punitive damages of \$1 million;
- C. Legal fees and court costs;
- D. Legal interest, and
- E. Such further relief as the Court deems justified in the interest of justice.

COUNT IV RACIAL BIAS

51. Paragraph 51 includes paragraphs 1 through 50 as if fully stated herein.
52. Phillips stated that black faculty members of the Communications and Speech Department were treated in a biased manner.

53. White faculty were given easy schedules with few preparations.
54. Black faculty were fired or put on a PIP program.
55. White faculty were hired to replace black faculty.
56. O'Donnell encouraged students to make complaints about Phillips teaching and grading.
57. O'Donnell held a professional development retreat on Dr. Martin Luther King's Weekend Holiday.
58. O'Donnell has consistently ignored racial sensitivities.

WHEREFORE, Mr. Phillips demands justice and prays this Honorable Court award him:

- A. Compensatory damages of \$48,896;
- B. Punitive damages of \$1 million;
- C. Legal fees and court costs;
- D. Legal interest, and
- E. Such further relief as the Court deems justified in the interest of justice.

JURY TRIAL

Mr. Phillips requests a Jury Trial.

Dated: April 26, 2017

Respectfully Submitted,



James C. Strouse, Ph.D., J.D.
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