

**FILED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
NORTH CAROLINA**

APR 04 2012

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY  DEP CLK

Mary E. Lyons-Felton  
105 Princess Anne Circle  
Elizabeth City, North Carolina 27909  
(252) 339-1388  
mfelton7@yahoo.com

Mary E. Lyons-Felton,	)	<b>CASE NO.</b>
	)	
Plaintiff,	)	<b>COMPLAINT</b>
v.	)	
	)	
Edenton-Chowan Schools,	)	<b>(JURY TRIAL DEMAND)</b>
	)	
Defendant.	)	
	)	
_____	)	

**NATURE OF ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended to correct the unlawful employment practices on the basis of race and retaliation, and to provide appropriate relief to Plaintiff Mary E. Lyons Felton, (hereinafter, "Plaintiff Felton" or "Felton"). As stated with greater particularity in paragraphs 1 through 52 below, the Plaintiff Felton alleges that Defendant, Edenton-Chowan Schools discriminated against her based on her race (Black), by refusing to promote her to the position of Director of Secondary and Career Technical Education. Plaintiff Felton claims that she was more qualified than the person selected for the position, but she was retaliated against by not being selected for filing an EEOC Charge of Discrimination against the Defendant Edenton-Chowan Schools.

## **JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331. This action is authorized and instituted pursuant to §§ 703 (a) and 704 of Title VII of the Civil Rights Act of 1964, as amended , (42 U.S.C. §2000e, et seq.) (hereinafter, referred to as "Title VII").

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States Court for the Eastern District of North Carolina.

## **PARTIES**

3. Plaintiff Felton is a African-American adult female and a citizen of the United States who currently resides in Pasquotank County, North Carolina. Plaintiff Felton has standing to bring this suit.

4. At all relevant times, the Defendant Edenton-Chowan Schools, is a public school entity has been continuously had least more than fifteen (15) regular employees. There are approximately 2,400 students and 175 teachers including counselors and instructional staff in the Edenton-Chowan School system. The school system is ranked among the top two school systems in North Carolina for the percentage of teachers with "National Board for Professional Teaching Standards" certification, but currently there are no African-Americans occupying Principal positions.

## **STATEMENT OF CLAIMS**

5. On or about July 1, 2005, Plaintiff Felton has been employed as an Assistant Principal. She has always received outstanding performance evaluations.

6. On or about May 8 2009, Plaintiff Felton was denied a promotion to the

position of Principal at the high school that she served as Assistant Principal.

7. On or about June 17, 2009, Superintendent, Dr. Allan Smith, Caucasian male, informed Plaintiff Felton that she was being transferred to the position of Career Development Coordinator at the Chowan Middle School. The school board changed the title to Director of Student Advancement and Career Development. Plaintiff Felton considered this action was a demotion because she was no longer supervising any employees. All of the Principals in the school system are Caucasian females. Plaintiff Felton was told that she was denied the Principal position, and being transferred because the Defendant Edenton-Chowan Schools wanted someone with broad experience transfer in order to give the new principal the opportunity to choose her administrative team.

8. In August of 2009, Defendant Edenton-Chowan Schools advertised for the position of Director of Secondary and Career Technical Education. The application deadline was on August 31, 2009. Plaintiff Felton submitted a letter of interest and applied for the position on August 31, 2009.

9. On or about August 3, 2009, Plaintiff Felton, who was frustrated by what she perceived to be discrimination against herself by management officials in her area of responsibility, as well as the failure of Defendant Edenton-Chowan Schools to adequately deal with the allegations, filed EEOC Charge No. 437-2009-0092 on the basis of race, Black, in violation of Title VII against Defendant, Edenton-Chowan Schools.

10. On or about September 1, 2009, while Plaintiff Felton was home on sick Leave when she received a telephone call from the Director of Human Resources, Michelle Maddox, Caucasian female, who informed her that she had scheduled a date for Plaintiff Felton to be interviewed. The interview was scheduled for September 3, 2009, at 2:00 PM. On or about September 1, 2009, Michelle Maddox sent Plaintiff Felton an e-mail as a follow-up regarding the interview.

11. On or about September 2, 2009, Plaintiff Felton called informed Michelle Maddox and informed that she was unable to attend the interview because she was still sick. Michelle Maddox indicated that she would ensure that Plaintiff's letter of interest and supporting documents would be available to the interview committee. Michelle Maddox did not offer Plaintiff Felton a phone interview nor did she offer to reschedule the interview.

12. On or about September 14, 2009, Principal Tanya Turner Caucasian female, informed Plaintiff Felton that she was under the impression that Mrs. Felton was serving in the position that Tammi Ward, Caucasian female held the previous year. Tammi Ward at the time was a guidance counselor. Plaintiff Felton told the principal that she had received a letter from the school board advising her that they had approved transferring her to the position of Director of Student Advancement and Career Advancement.

13. On or about September 14, 2009, Plaintiff Felton sent an e-mail to Dr. Allen Smith, Superintendent, asking him to clarify if she was serving in the position of director or as a counselor.

14. On or about September 16, 2009, Dr. Smith responded, but he did not

answer her question. Instead he indicated that he would be happy to review her duties and responsibilities.

15. On or about September 16, 2009, Plaintiff Felton requested a hearing with the Edenton-Chowan School Board regarding her working conditions because she was expected to serve in an area outside of licensed area. Plaintiff Felton did not have the appropriate license to be a counselor.

16. On or about September 16, 2009, Plaintiff Felton sent an e-mail to the school board indicating that she was serving in an area which she did have the appropriate license and requested to be appointed to the position of Director of Secondary Education & Career & Technical Education. In addition, she informed the school board that she was still interested in the position.

17. On or about September 17, 2009, Human Resources Director, Michelle Maddox, informed Plaintiff Felton that notifications were not sent out because a decision had not been finalized regarding the position.

18. On or about September 18, 2009, Plaintiff Felton received an email from a school counselor that Tammi Ward, Caucasian female, previously held position of Career Development Coordinator.

19. On or about September 24, 2009. Plaintiff Felton received a letter indicating that her request for a hearing had been denied, but she would be allowed to address the school board during their regular meeting. Plaintiff Felton was advised that Attorneys Will Crow and Jonathan Blumberg would be in attendance. Plaintiff Felton believes this was a form of retaliation because she had filed a previous Charge of Discrimination with the EEOC.

20. On or about September 25, 2009, Plaintiff Felton received a letter notifying that Defendant, Edenton-Chowan Schools would not be filing the position of Director of Secondary Education & Career Technical Education and should the position be re-advertised they will keep her materials on file for consideration.

21. On or about September 28, 2009, Plaintiff emailed a school employee from another school district and asked her to verify the information that she had received regarding the position of Director of Secondary Education & Career Technical Education.

22. On or about September 29, 2009, Plaintiff Felton received an e-mail confirming that a Caucasian female from another school district had been offered the position and initially accepted, but later declined the offer. They closed the position to prevent Plaintiff from having the position. Plaintiff met the qualifications applied for the position.

23. On or about October 5, 2009, Plaintiff Felton informed the school board that she did not desire to serve in the capacity of a Guidance Counselor or Career Development Coordinator.

24. On or about October 7, 2009, Plaintiff Felton discovered the position of Director of Secondary Education & Career Technical Education was re advertised on the school's webpage. The application deadline was on October 31, 2009.

25. On or about October 22, 2009, Plaintiff Felton received a certified letter

dated October 6, 2009, from Ricky Browder, Chairman, Board of Education, informing her that the Edenton Chowan School Board had changed her job title to Career Development Coordinator, a position that required a teacher's certification outside of her responsibilities. However, when Plaintiff Felton was made to work as a Counselor, in writing she informed the Edenton Chowan School Board that she was expected to perform the job duties of a Counselor without being properly licensed, but the school board showed no concerns at that time.

26. On or about November 2, 2009, Plaintiff Felton received a from the Principal, Tanya Turner, Caucasian male/female, informing her that she would be evaluated on the requirements that were used for school counselors.

27. On or about November 2, 2009, Plaintiff Felton responded to the email and informed the principal that she was not licensed as a counselor.

28. On or about November 13, 2009, Plaintiff Felton received a letter dated November 12, 2009, informing her that another applicant had been selected for the position. Plaintiff Felton was not given an interview before selection was made to fill the position.

29. On or about November 18, 2009, Plaintiff Felton received an email from Michelle Maddox, Director of Human Resources, which informed her that Ms. Maddox, had found an appraisal instrument for the position of Career Development Coordinator.

30. On or about November 30, 2009, Michelle Maddox emailed Plaintiff Felton and informed her that Ms. Maddox was initiating provisional license application regarding the Career Development Coordinator, which is classified as a teaching

position. Plaintiff Felton claims that candidates were interviewed who had no supervisory experience and only teaching experience.

31. On or about November 30, 2009, Plaintiff Felton, who was frustrated by what she perceived to be discrimination against herself, by management officials in her area of responsibility, as well as the failure of Defendant Edenton-Chowan Schools to adequately deal with the allegations, filed EEOC Charge No. 437-2010-00178 against Defendant Edenton-Chowan Schools. Plaintiff Felton filed her charge based on race, Black, and retaliation for filing a previous charging of discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, §704(a).

32. On or about December 3, 2009, Plaintiff Felton responded by email informing Michelle Maddox, Director of Human Resources, that she did "not" submit an application for the position of Career Development Coordinator.

33. On or about December 4, 2009, Dr. Allen Smith, Superintendent, sent an email to all employees announcing that Stacey Leggett, Caucasian female, had agreed to assume the responsibilities for the position Director of Secondary Education. Plaintiff Felton was not given an interview before a selection was made to fill the position.

34. On or about December 4, 2009, Plaintiff Felton, who was frustrated by what she perceived to be discrimination against herself, by management officials in her area of responsibility, as well as Defendant Edenton-Chowan Schools to adequately deal with the allegations of discrimination, filed EEOC Charge No. 437-2009-00992 against Defendant Edenton-Chowan Schools. Plaintiff Felton filed her charge based on race, Black and retaliation.

35. On or about August 27, 2010, Defendant Edenton-Chowan Schools



terminated Plaintiff Felton's employment. Plaintiff Felton was told that she was being terminated for insubordination, refusal to comply with reasonable request of the school board, and neglect of duty.

36. On or about September 13, 2010, Plaintiff filed EEOC Charge No. 430-2010-03097.

37. On or about December 30, 2011, Herbert Brown, Director/EEOC Norfolk Local Office made a "reasonable cause" determination regarding EEOC Charge No. 437-2009-0092 (Amended) and EEOC Charge No. 430-2010-03097. EEOC invited the parties to join with it in a collective effort toward a just resolution of the matter, but Conciliation failed. EEOC transferred the aforementioned charges to the Department of Justice Civil Rights Division for further action.

38. On or about December 30, 2011, the EEOC issued Plaintiff Felton a Dismissal & Notice of Rights with regard to EEOC Charge No. 437-2010-00178 (a copy which is attached hereto).

39. As a result of Defendant's actions, Plaintiff Felton has suffered lost of income, lost benefits, mental anguish, emotional distress, inconvenience, and loss of enjoyment of life.

40. As a result of Defendant's actions, Plaintiff Felton will continue to suffer lost of income, lost fringe benefits, mental anguish, emotional distress, inconvenience, and lost of enjoyment of life.

**COUNT ONE**  
**(Disparate Treatment Pursuant to Title VII)**

41. Plaintiff Felton incorporates by reference each and every allegation contained in paragraphs 1 through 40 as through fully set forth herein.

42. Plaintiff met requirements and was more qualified than the Caucasian applicant selected for the position of Director of Secondary Education & Career Technical Education.

43. Defendant Edenton-Chowan School's management officials were aware that Plaintiff Felton did not have the appropriate license when they forced her to serve as a Career Development Coordinator.

44. Plaintiff Felton was subjected to adverse employment actions by Defendant Edenton-Chowan Schools.

45. Similarly situated individuals outside of Plaintiff Felton's protected class were treated more favorably than Felton.

46. Defendant Edenton-Chowan School willfully, intentionally, and unlawfully discriminated against Plaintiff Felton on the basis of her race in violation of Title VII.

47. Defendant's actions were done with malice or with reckless indifference to Plaintiff Felton's federally protected rights.

**COUNT TWO**  
**(Retaliation Pursuant to §704(a) of Title VII)**

48. Plaintiff Felton incorporates by reference each and every allegation contained paragraphs 1 through 52 as though fully set forth herein.

49. In complaining about discriminatory acts, Plaintiff Felton engaged in protected activity under Title VII.

50. A causal link exist between Plaintiff Felton's protected activity and Defendant's adverse actions.

51. Defendant willfully, intentionally, and unlawfully discriminated against

Plaintiff Felton in violation of Title VII.

52. Defendant's actions were done with malice or with reckless indifference to Plaintiff Felton's federally protected rights.

**WHEREFORE**, Plaintiff Mary E. Lyons Felton request that this Honorable Court grant judgment against Defendant and:

- (A) Issue an order awarding Plaintiff Felton back pay pre-judgment interest, fringe benefits, and pay any other appropriate relief necessary to make Felton whole and compensate her for civil rights violations described above;
- (B) Award Plaintiff Felton front pay, fringe benefits, and other compensation;
- (C) Award Plaintiff Felton attorney's fees and costs of this action; and
- (D) Award Plaintiff Felton such other legal and equitable relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of April, 2012.

  
Mary E. Lyons Felton  
Pro Se