

Summary Judgment Review

Case Name: *Natasha Grimes v. Technical College System of Georgia, Lori Durden, and Ryan Foley*

Nature of the Order: Magistrate Judge's Final Report & Recommendation

Magistrate Judge: John K. Larkin III

District Judge: William M. Ray, II

Claims & Outcomes:

1. **Claim:** Disability retaliation under Rehabilitation Act
 - a. **Outcome:** Defendant's MSJ recommended
2. **Claim:** Disability retaliation under Title VII
 - a. **Outcome:** Defendant's MSJ recommended
3. **Claim:** Gender discrimination under Section 1983
 - a. **Outcome:** Defendant's MSJ recommended
4. **Claim:** Race discrimination under Section 1983
 - a. **Outcome:** Defendant's MSJ recommended

Whether R&R Followed: N/A

For Race/Gender Discrimination Cases:

Race of Plaintiff: African American

Gender of Plaintiff: Female

Long Summary:

Plaintiff, an African American woman, was hired as Ogeechee Technical College's first and only Assistant Dean for Academic Affairs. Lori Durden was President of Ogeechee and Ryan Foley served as its Executive Vice President for Academic and Student Affairs. When she was hired, she was told that she was going to be "groomed" to take over as Dean when he retired. However, when the Dean retired, a white, male candidate was given the position.

First, Plaintiff claimed she was subjected to an adverse employment action when she wasn't given the Dean position. The Court disagreed, stating that because she never applied for the position, and instead merely stated she was interested, that it was not an adverse employment action. The Court also held that Plaintiff was unable to establish a causal link between her protected activity in filing an EEOC charge and the elimination of her position a year later, but even if she could, the Court stated her claim would fail because she had no evidence overcoming Defendant's legitimate non-discriminatory reasons for letting her go.

Plaintiff's claim for retaliation under the Rehabilitation Act also failed, because it was predicated on the same protected conduct and adverse employment actions as her Title VII

retaliation claim. Plaintiff's discrimination claim under the Rehabilitation Act failed as well, due to the fact that she did not have the requisite credentials for the job and thus, could not overcome Defendant's legitimate nondiscriminatory reason for terminating Plaintiff. Plaintiff's failure to accommodate claim also failed due to lack of evidence.

Plaintiff's sole claim against Durden and Foley is that they "consistently denied Grimes opportunities to serve as a Dean of Academic Affairs due to her gender (female) and race (African American) while instead filling the position with Caucasian and male candidates with significantly inferior qualifications and experience." She contends that Durden and Foley "intentionally discriminated against her on the basis of her race by continuously and repeatedly failing to promote [her] and by denying [her] the same opportunities as lesser qualified, similarly-situated non-African American administrators and instructors." Again, Plaintiff's claim failed because she could not show an adverse employment action and she also couldn't establish a comparator, as the person who received one of the positions she had wanted, was also an African American woman.

Plaintiff's final claim is that she presented a convincing mosaic of evidence that clearly establishes discriminatory/retaliatory intent, systematic better treatment of similarly-situated employees, and pretext. The Court disagreed, as she merely included a five-page long list of facts without any legal argument as to why the facts would allow a jury to infer intentional discrimination.