

Summary Judgment Review

Case Name: *Vincent Denson v. DeKalb County School District*

Nature of the Order: Order Adopting the Magistrate Judge's Report & Recommendation, Granting Defendant's Motion for Summary Judgment

Magistrate Judge: Alan J. Baverman

District Judge: Clarence Cooper

Claims & Outcomes:

1. **Claim:** Title VII – Discrimination (Race)
 - a. **Outcome:** Defendant's Motion for Summary Judgment is Granted
2. **Claim:** Title VII – Discrimination (Sex)
 - a. **Outcome:** Defendant's Motion for Summary Judgment is Granted
3. **Claim:** Title VII – Retaliation
 - a. **Outcome:** Defendant's Motion for Summary Judgment is Granted

Whether R&R Followed: Yes

For Race/Gender Discrimination Cases:

Race of Plaintiff: African American

Gender of Plaintiff: Male

Long Summary:

Plaintiff Vincent Denson worked as a principal in Defendant DeKalb County School District ("DCSD"). While Denson was principal, his school's performance score, according to the Governor's Office of Student Achievement, was in the lowest 5% of all Title I schools in the state for 2015-2017. In March or April 2018, the DCSD Superintendent, Dr. R. Stephen Green, decided that Denson should not be renewed as principal and would be reassigned and given a teacher's contract for the following year. A month after Denson's contract was signed, in June 2018, the Regional Superintendent, Dr. Bernetta Jones, made inappropriate comments at a principal's transition meeting that Denson attended. Dr. Jones used the term "white girl" and chastised Black male employees to not let white female employees outperform them. Denson complained about this incident to Jennifer Hackemeyer, then-general counsel. Denson then filed his first EEOC Charge alleging race and sex discrimination over being removed as principal.

Denson applied for several administrative positions with DCSD in the second half of the summer of 2018. He claims that he was the most qualified candidate, but her was not selected for any of these positions. He then filed a second EEOC Charge alleging relation in November 2018.

Denson initially brought claims for (1) race and sex discrimination, and retaliation, in the terms and conditions of his employment while principal and in the non-renewal of his position as principal; and (2) sex discrimination and relation in his unsuccessful applications for various administrative positions in the summer of 2018. Denson abandoned all his claims except for his sex discrimination claim for one unsuccessful application to an administrative position – the Assistant Principal position at Miller Grove Middle School.

Defendant argued that Denson’s remaining claim was not included in his Second EEOC Charge and should therefore be dismissed. The Court agreed. Denson’s second EEOC Charge was based on retaliation under Title VII. In this charge, he asserted that he had not been hired for two positions, including the Assistant Principal position at Miller Grove, because of retaliation. Denson did not include anything about discrimination. He only detailed how he was retaliated against for previously filing his first EEOC Charge and making internal complaints about discriminatory treatment. Additionally, Denson’s second EEOC Charge appeared to involve different people and events than the claims he asserted in his Complaint. The Court found that the claims asserted in Denson’s case could not be reasonably expected to grow out of his second Charge.

Therefore, the Court GRANTED Defendant’s Motion for Summary Judgment.