

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**FILED**  
MAR 22 2012  
USDC WP SDNY

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GALE E. GIBSON

Complaint

Plaintiff,

Jury Trial Demand

-against-

THE CITY UNIVERSITY OF NEW YORK; WILLIAM L. POLLARD, as President, Medgar Evers College and HOWARD C. JOHNSON, as Senior Vice President and Provost, Medgar Evers College, each being sued Individually as employees of defendant THE CITY UNIVERSITY OF NEW YORK

**12 CV 2126**

**BATTS**

Defendants'  
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The plaintiff GALE E. GIBSON by her attorney The Sanders Firm, P.C., as and for her Complaint against defendants' THE CITY UNIVERSITY OF NEW YORK; WILLIAM L. POLLARD and HOWARD C. JOHNSON, respectfully set forth and allege that:

**INTRODUCTION**

This is an action for equitable relief and money damages on behalf of the plaintiff GALE GIBSON, (hereinafter referred to as "Plaintiff") who was and is being deprived of her statutory rights as an employee as a result of defendants' THE CITY UNIVERSITY OF NEW YORK; WILLIAM L. POLLARD and HOWARD C. JOHNSON'S race and gender discrimination.

**JURISDICTION AND VENUE**

1. The jurisdiction of this Court is invoked pursuant to 18 U.S.C. § 1965, 28 U.S.C. §§ 1331, 1343 and 2202 to secure protection of and to redress deprivation of rights secured by:

- a. Title VII of the Civil Rights Act of 1964 (hereinafter referred to as "Title VII") providing for injunctive and other relief against discrimination in

employment on the basis of race and gender;

- b. the Civil Rights Act of 1866, 42 U.S.C. § 1981, providing for the protection of all person's right to make and enforce contracts under the color of State Law; and
- c. the Civil Rights Act of 1871, 42 U.S.C. § 1983, providing for the protection of all persons in her civil rights and the redress of deprivation of rights under color of law.

2. The unlawful employment practices, violations of plaintiff's civil rights complained of herein were committed within the Eastern and Southern Districts of New York.

3. The pendent jurisdiction of the federal district court is invoked with respect to the plaintiff's claims under New York State Executive Law § 296; and New York City Administrative Code § 8-107, pursuant to 28 U.S.C. 1367, because the entire action before the court comprises one constitutional and civil rights case, and the claims arise out of the same common nucleus of facts and are such that the Plaintiff would ordinarily be expected to try them in one judicial proceeding.

#### **PROCEDURAL REQUIREMENTS**

4. Plaintiff has filed suit with this Court within the applicable statute of limitations period.

5. Plaintiff is not required to exhaust any administrative procedures prior to suit under the Civil Rights Act of 1866 or the Civil Rights Act of 1871.

6. On or about February 23, 2011, plaintiff sought assistance from the United States Equal Employment Opportunity Commission (hereinafter referred to as the "EEOC").

7. On or about December 27, 2011, plaintiff received a Dismissal and Notice of Right to Sue from the United States Department of Justice.

**PLAINTIFF**

8. Plaintiff GALE GIBSON is a female citizen of the United States of America and is over twenty-one (21) years of age, a resident of Queens County and is a former employee of defendant THE CITY UNIVERSITY OF NEW YORK (hereinafter referred to as the "CUNY") more specifically Medgar Evers College (hereinafter referred to as the "MEDGAR"). For the purposes of this litigation, defendant CUNY may be identified interchangeably using CUNY or MEDGAR to identify the employer which is CUNY.

**DEFENDANTS'**

9. Defendant CUNY was and is a public university system organized and existing under and by virtue of the law of the State of New York, and at all relevant times plaintiff's employer, with its central offices in the county of New York, and diverse other offices and facilities throughout the State of New York.

10. Defendants' WILLIAM L. POLLARD, as President, Medgar Evers College and HOWARD C. JOHNSON, as Senior Vice President and Provost, Medgar Evers College.

**BACKGROUND**

11. Plaintiff is an African-American female employee of CUNY.

12. Plaintiff alleges that defendant CUNY through its agents have a long history of discriminating against its minority female employees.

13. Plaintiff alleges that defendant CUNY through its agents have a long history of performing flawed and unfair internal investigations whenever minority female employees complain about discrimination in the workplace.

14. Plaintiff alleges that defendant CUNY through its agents engage in such biased behavior because of the decision makers preconceived notions that minority females employees are incredible, immoral, sexually charged, unchaste and worthy of less-protection.

15. Plaintiff alleges that defendant CUNY through its agents engage in such biased behavior because the decision makers tend to validate, fully investigate and sustain charges of discrimination whenever they involve Caucasian female employees because of their preconceived notions that Caucasian female officers are more credible, pure, and deserving of greater protection.

16. Plaintiff alleges that since the beginning of her employment with defendant CUNY in 1995 at Medgar Evers College, she and the other female employees are treated differently due to their race and gender.

17. Plaintiff alleges that throughout her employment, she and the other female employees are required to report to male employees with fewer credentials, passed over for positions within Medgar Evers College to only be filled by less qualified male employees with fewer credentials and are paid less than our male counterparts with fewer credentials and less responsibilities.

18. Plaintiff alleges that since August 2009, the hostile work environment at Medgar Evers College created by defendants' WILLIAM L. POLLARD (African-American Male) and HOWARD C. JOHNSON (African-American Male) has intensified and is condoned by CUNY Chancellor Matthew Goldstein (Caucasian Male) and the Board of Trustees.

19. Plaintiff alleges that defendant HOWARD C. JOHNSON have a long and disturbing history of abusing female employees at other educational institutions such as Syracuse University and the University of North Texas.

20. Plaintiff alleges that although Chancellor Goldstein, the Board of Trustees and defendant WILLIAM L. POLLARD being on actual and/or constructive notice of defendant HOWARD C. JOHNSON'S employment history he was appointed to his current position.

21. Plaintiff alleges that since August 2009, defendant HOWARD C. JOHNSON bullies the female employees with yelling cursing and screaming fits, underfunding and understaffing their departments, usurping their roles as decision-makers, marginalizes their roles as valued employees, overloads them with administrative tasks and consistently makes sexist remarks.

22. Plaintiff alleges that these same behaviors and attitudes are not directed towards the male employees.

23. Plaintiff alleges that since August 4, 2009, at least thirteen (13) female employees have been demoted, forcibly retired, resigned or transferred due to defendant HOWARD C. JOHNSON'S abusive behavior.

24. Plaintiff alleges that the only female executive level staff member Vice President of Adult & Continuing Education and School of Professional Development Carolyn Beck (African-American Female) was demoted to Dean under defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S tenure.

25. Plaintiff alleges that since her employment with defendant CUNY, there has never been any male executive level staff member demoted.

26. Plaintiff alleges that as a result of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S actions, there are no female vice presidents appointed at MEDGAR.

27. Plaintiff alleges that since August 2, 2009, at least four (4) female employees including she were required to handle one (1) or more positions without extra compensation.

28. Plaintiff alleges that male employees were not required to maintain one (1) or more positions without extra compensation.

29. Plaintiff alleges that on or about August 4, 2009, former Provost Elizabeth Nunez (Hispanic Female) was terminated by defendant WILLIAM L. POLLARD.

30. Plaintiff alleges that from this point on defendant WILLIAM L. POLLARD began hiring a mostly all male staff to the highest positions at MEDGAR.

31. Plaintiff alleges that on or about September 2, 2009, during the Dean's Meeting, defendant HOWARD C. JOHNSON expressed open hostility towards the female employees.

32. Plaintiff alleges that defendant HOWARD C. JOHNSON would comment "If you have nothing to contribute to the meeting then you are not needed."

33. Plaintiff alleges that defendant HOWARD C. JOHNSON made no such comments towards the male employees.

34. Plaintiff alleges that on or about September 16, 2009, during a meeting with defendant HOWARD C. JOHNSON, they discussed his removal of former Education Chairperson Donna Wright (African-American Female), he replaced her with Nancy Lester (Caucasian Female).

35. Plaintiff alleges that defendant HOWARD C. JOHNSON became upset when she expressed the opinion that Donna Wright should not have been replaced by Nancy Lester who was less qualified.

36. Plaintiff alleges that defendant HOWARD C. JOHNSON became upset and threatened to get rid of all of the deans.

37. Plaintiff alleges that on or about September 18, 2009, defendant HOWARD C. JOHNSON called her and said "You work at the pleasure of the provost."

38. Plaintiff alleges that on or about October 1, 2009, she notified defendant HOWARD C. JOHNSON that she was the only executive employee that did not receive a salary increase.

39. Plaintiff alleges that on or about October 1, 2009, Professor Keisha Graham (African-American Female) asked her about vacancies in the Freshman Year Program because of the hostile work environment she was experiencing under defendant HOWARD C. JOHNSON.

40. Plaintiff alleges that from June 2010 to November 2010, she was forced to function as the Director of College Now without extra compensation.

41. Plaintiff alleges that on or about September 22, 2010, defendant HOWARD C. JOHNSON sent Dean Jennifer Sparrow (Caucasian Female) a nasty email.

42. Plaintiff alleges that since October 2010, defendant HOWARD C. JOHNSON inappropriately joked that Chief Operating Officer Dr. Lloyd Blanchard (African-American Male) needs to leave her alone.

43. Plaintiff alleges that defendant HOWARD C. JOHNSON further stated that he and Chairperson of the Faculty Senate Jean Gumbs (African-American Female) were waiting to see who the baby look like.

44. Plaintiff alleges that the implication being that she is an unchaste woman.

45. Plaintiff alleges that on or about October 5, 2010, Chief Operating Officer Dr. Blanchard was very offended by such comments and tendered his resignation to defendant WILLIAM L. POLLARD but, it was not accepted.

46. Plaintiff alleges that Chief Operating Officer Dr. Blanchard told her about the aforementioned comments.

47. Plaintiff alleges that she expressed her dissatisfaction with Chief Operating Officer Dr. Blanchard.

48. Plaintiff alleges that upon information and belief, Chief Operating Officer Dr. Blanchard told defendant WILLIAM L. POLLARD about defendant HOWARD C. JOHNSON'S comments.

49. Plaintiff alleges that defendant HOWARD C. JOHNSON was not disciplined.

50. Plaintiff alleges that she did not report defendant HOWARD C. JOHNSON'S conduct because of her past experiences with defendant CUNY where her and other female employee discrimination complaints were not taken seriously.

51. Plaintiff alleges that on or about November 1, 2010, Registrar Johanna Rivera (Hispanic Female) told her that supervisor Warren Heusner (African-American Male) warned her to be careful of her relationship with plaintiff and Dean Jennifer Sparrow (Caucasian Female) because they are allies of Chief Operating Officer Dr. Blanchard.

52. Plaintiff alleges that on or about December 2, 2010, an anonymous email was distributed through defendant CUNY'S server regarding the comments made by defendant HOWARD C. JOHNSON regarding the paternity of her child.

53. Plaintiff alleges that this email also included other inappropriate comments about female employees being unchaste women.

54. Plaintiff alleges that this email was distributed to everyone on the Medgar Evers Listserv.

55. Plaintiff alleges that she expressed her dissatisfaction with the other female employees mentioned in the email.



56. Plaintiff alleges that she did not report defendant HOWARD C. JOHNSON'S conduct because of her past experiences with defendant CUNY where her and other female employee discrimination complaints were not taken seriously.

57. Plaintiff alleges that on or about December 2, 2010, in retaliation for her previous complaints, defendants' CUNY; WILLIAM L. POLLARD and HOWARD C. JOHNSON opened a bogus grade tampering investigation in an outright attempt to besmirch her character.

58. Plaintiff alleges that on or about December 16, 2010, defendant CUNY protected Dean Sparrow from defendant HOWARD C. JOHNSON by transferring her to defendant CUNY'S Central Office to work at the School of Professional Studies.

### **VIOLATIONS AND CLAIMS ALLEGED**

#### **COUNT I SEXUAL HARASSMENT IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

59. Plaintiff re-alleges Paragraphs 1 through 58 and incorporates them by reference as Paragraphs 1 through 58 of Count I of this Complaint.

60. Plaintiff alleges that defendant CUNY through its agents engaged in a pattern and practice of discrimination against her with respect to the terms, conditions and privileges of employment because of her gender.

61. Plaintiff alleges that as part of its pattern and practice of employment discrimination, defendant' CUNY through its agents treated her in a manner indicative of gender discrimination, with respect to its investigation, analysis, and subsequent cover-up, of their discriminatory behavior.

62. Plaintiff alleges that defendant CUNY knew or should have known about gender discrimination in the workplace because of their prior history of discriminatory conduct against

her and other similarly situated individuals.

63. Plaintiff alleges that defendant CUNY failed and refused to take appropriate action to end the discriminatory treatment and conditions which she was subjected to, which was clearly motivated by gender discrimination.

64. Plaintiff alleges that as a result of the discriminatory acts of Defendant CUNY through its agents, she suffered depression and anxiety.

65. Plaintiff alleges that defendant CUNY acted in an outrageous and systematic pattern of oppression, bad faith and cover-up, directed at her and continued from in or around August 2009, through her resignation.

66. Plaintiff alleges that as a result of the acts of defendant CUNY through its agents under color of law, plaintiff suffered emotional distress, humiliation and embarrassment, medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT II  
RACE DISCRIMINATION  
IN VIOLATION OF  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

67. Plaintiff re-alleges Paragraphs 1 through 66 and incorporates them by reference as Paragraphs 1 through 66 of Count II of this Complaint.

68. Plaintiff alleges that defendant CUNY through its agents engaged in a pattern and practice of discrimination against her with respect to the terms, conditions and privileges of employment because of her race.

69. Plaintiff alleges that as part of its pattern and practice of employment discrimination, defendant' CUNY through its agents treated her in a manner indicative of race discrimination, with respect to its investigation, analysis, and subsequent cover-up, of their

discriminatory behavior.

70. Plaintiff alleges that defendant CUNY knew or should have known about race discrimination in the workplace because of their prior history of discriminatory conduct against her and other similarly situated individuals.

71. Plaintiff alleges that defendant CUNY failed and refused to take appropriate action to end the discriminatory treatment and conditions which she was subjected to, which was clearly motivated by race discrimination.

72. Plaintiff alleges that as a result of the discriminatory acts of defendant CUNY through its agents, she suffered depression and anxiety.

73. Plaintiff alleges that Defendant CUNY acted in an outrageous and systematic pattern of oppression, bad faith and cover-up, directed at her and continued from in or around August 2009, until her resignation.

74. Plaintiff alleges that as a result of the acts of defendant CITY through its agents under color of law, plaintiff suffered emotional distress, humiliation and embarrassment, medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT III  
RETALIATION  
IN VIOLATION OF  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

75. Plaintiff re-alleges Paragraphs 1 through 74 and incorporates them by reference as Paragraphs 1 through 74 of Count III of this Complaint.

76. Plaintiff alleges that defendant CUNY through its agents engaged in various retaliatory actions against her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with defendant CUNY and the EEOC.

77. Plaintiff alleges that as a result of the illegal acts of defendant CUNY through its agents, she suffered depression, anxiety and loss of job opportunities.

**COUNT IV  
HOSTILE WORK ENVIRONMENT  
IN VIOLATION OF  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

78. Plaintiff re-alleges Paragraphs 1 through 77 and incorporates them by reference as Paragraphs 1 through 77 of Count IV of this Complaint.

79. Plaintiff alleges that defendant CUNY through its agents engaged in various severe and hostile actions towards her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with defendant CUNY and the EEOC.

80. Plaintiff alleges that as a result of the severe and hostile acts of the defendant CUNY through its agents, she suffered depression, anxiety and loss of job opportunities.

**COUNT V  
RACE DISCRIMINATION  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981**

81. Plaintiff re-alleges Paragraphs 1 through 80 and incorporates them by reference as Paragraphs 1 through 80 of Count V of this Complaint.

82. Plaintiff alleges that by the aforesaid discriminatory acts and omissions of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acting individually interfered with her right to enforce contracts under the color of state law because of her race.

83. Plaintiff alleges that the purpose of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON in so acting was to prevent her, through economic and psychological intimidation, from seeking the equal protection of the laws.

84. Plaintiff alleges that pursuant to their conduct, defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acted to deprive her of her civil rights, by repeated and insidious acts of harassment, intimidation, bad faith and threats.

85. Plaintiff alleges that as a result of the aforesaid acts, depriving her of her civil rights, she suffered mental anguish, emotional distress, and loss of employment opportunities.

**COUNT VI  
RETALIATION  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981**

86. Plaintiff re-alleges Paragraphs 1 through 85 and incorporates them by reference as Paragraphs 1 through 85 of Count VI of this Complaint.

87. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON engaged in various retaliatory actions against her acting individually as a result of her opposition to race discrimination.

88. Plaintiff alleges that the purpose of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON in so acting was to prevent her, through economic and psychological intimidation, from seeking the equal protection of the laws.

89. Plaintiff alleges that pursuant to their conduct, defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acted to deprive her of her civil rights, by repeated and insidious acts of harassment, intimidation, bad faith and threats.

90. Plaintiff alleges that as a result of the aforesaid acts, depriving her of her civil rights, she suffered mental anguish, emotional distress, and loss of employment opportunities.

**COUNT VII  
HOSTILE WORK ENVIRONMENT  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981**

91. Plaintiff re-alleges Paragraphs 1 through 90 and incorporates them by reference as Paragraphs 1 through 90 of Count VII of this Complaint.

92. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON engaged in various severe and hostile actions against her acting individually as a result of her opposition to race discrimination.

93. Plaintiff alleges that the purpose of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON in so acting was to prevent her, through economic and psychological intimidation, from seeking the equal protection of the laws.

94. Plaintiff alleges that pursuant to their conduct, defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acted to deprive her of her civil rights, by repeated and insidious acts of harassment, intimidation, bad faith and threats.

95. Plaintiff alleges that as a result of the aforesaid acts, depriving her of her civil rights, she suffered mental anguish, emotional distress, and loss of employment opportunities.

**COUNT VIII  
SEXUAL HARASSMENT  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

96. Plaintiff re-alleges Paragraphs 1 through 95 and incorporates them by reference as Paragraphs 1 through 95 of Count VIII of this Complaint.

97. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON under color of law personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

98. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acting individually and having been fully advised that she was being deprived of her

constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

99. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

100. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around August 2009, until her resignation.

101. Plaintiff alleges that as a result of the acts of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON under color of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT IX  
RACE DISCRIMINATION  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

102. Plaintiff re-alleges Paragraphs 1 through 101 and incorporates them by reference as Paragraphs 1 through 101 of Count IX of this Complaint.

103. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON under color of law personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.

104. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C.

JOHNSON acting individually and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

105. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

106. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around August 2009, through her resignation.

107. Plaintiff alleges that as a result of the acts of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON under color of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT X  
RETALIATION  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

108. Plaintiff re-alleges Paragraphs 1 through 107 and incorporates them by reference as Paragraphs 1 through 107 of Count X of this Complaint.

109. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON under color of law personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free from deprivation of life, liberty, and property without due process of law.



110. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acting individually and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

111. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

112. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around August 2009, until her resignation.

113. Plaintiff alleges that as a result of the acts of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON under color of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT XI  
HOSTILE WORK ENVIRONMENT  
IN VIOLATION OF  
THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983**

114. Plaintiff re-alleges Paragraphs 1 through 113 and incorporates them by reference as Paragraphs 1 through 113 of Count XI of this Complaint.

115. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON under color of law personally interfered with and deprived her of her constitutional rights, including the rights to petition her government for redress of her grievances and to be free

from deprivation of life, liberty, and property without due process of law.

116. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acting individually and having been fully advised that she was being deprived of her constitutional rights, either acted in a concerted, malicious intentional pattern to further discriminate against her, or knowing such discrimination was taking place, knowingly omitted to act to protect her from continuing deprivations of her rights.

117. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON in acting to deprive her of her rights, acted intentionally, knowingly, willfully, and with gross disregard of her rights.

118. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON acted in an outrageous and systematic pattern of discrimination, oppression, bad faith and cover-up, directed at her and continuing from in or around August 2009, through her resignation.

119. Plaintiff alleges that as a result of the acts of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON under color of law, she suffered emotional distress, monetary damage, and incurred medical and legal expenses, and out of pocket expenses for telephone, postage, and other costs of pursuing the claims herein.

**COUNT XII  
SEXUAL HARASSMENT  
IN VIOLATION OF  
NEW YORK STATE EXECUTIVE LAW § 296**

120. Plaintiff re-alleges Paragraphs 1 through 119 and incorporates them by reference as Paragraphs 1 through 119 of Count XII of this Second Amended Complaint.

121. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because

of their gender.

122. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON discriminated against her because of her gender.

123. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON, she suffered the indignity of gender discrimination and great humiliation.

124. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

**COUNT XIII  
RACE DISCRIMINATION  
IN VIOLATION OF  
NEW YORK STATE EXECUTIVE LAW § 296**

125. Plaintiff re-alleges Paragraphs 1 through 124 and incorporates them by reference as Paragraphs 1 through 124 of Count XIII of this Complaint.

126. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their race.

127. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON discriminated against her because of her race.

128. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON, she suffered the indignity of race discrimination and great humiliation.

129. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S violations caused her mental anguish, emotional distress, and loss of employment

opportunities.

**COUNT XIV  
RETALIATION  
IN VIOLATION OF  
NEW YORK STATE EXECUTIVE LAW § 296**

130. Plaintiff re-alleges Paragraphs 1 through 129 and incorporates them by reference as Paragraphs 1 through 129 of Count XIV of this Complaint.

131. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender and/or race.

132. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where retaliation is encouraged and/or tolerated.

133. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON engaged in various retaliatory actions against her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with defendant CUNY and the EEOC.

134. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON, she suffered the indignity of gender and race discrimination and great humiliation.

135. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

**COUNT XV  
HOSTILE WORK ENVIRONMENT  
IN VIOLATION OF  
NEW YORK STATE EXECUTIVE LAW § 296**

136. Plaintiff re-alleges Paragraphs 1 through 135 and incorporates them by reference as Paragraphs 1 through 135 of Count XV of this Complaint.

137. Plaintiff alleges that New York State Executive Law § 296, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender and/or race.

138. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where gender and/or race discrimination and/or retaliation are encouraged and/or tolerated.

139. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON engaged in various hostile actions against her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with defendant CUNY and the EEOC.

140. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON, she suffered the indignity of gender and race discrimination and great humiliation.

141. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

**COUNT XVI  
SEXUAL HARASSMENT  
IN VIOLATION OF  
NEW YORK CITY ADMINISTRATIVE CODE § 8-107**

142. Plaintiff re-alleges Paragraphs 1 through 141 and incorporates them by reference as Paragraphs 1 through 141 of Count XVI of this Complaint.

143. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of

employment because of their gender.

144. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON discriminated against her because of her gender.

145. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON, she suffered the indignity of gender discrimination and great humiliation.

146. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

**COUNT XVII  
RACE DISCRIMINATION  
IN VIOLATION OF  
NEW YORK CITY ADMINISTRATIVE CODE § 8-107**

147. Plaintiff re-alleges Paragraphs 1 through 146 and incorporates them by reference as Paragraphs 1 through 146 of Count XVII of this Complaint.

148. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their race.

149. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON discriminated against her because of her race.

150. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON, she suffered the indignity of race discrimination and great humiliation.

151. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S violations caused her mental anguish, emotional distress, and loss of employment

opportunities.

**COUNT XVIII  
RETALIATION  
IN VIOLATION OF  
NEW YORK CITY ADMINISTRATIVE CODE § 8-107**

152. Plaintiff re-alleges Paragraphs 1 through 152 and incorporates them by reference as Paragraphs 1 through 152 of Count XVIII of this Complaint.

153. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender and/or race.

154. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where retaliation is encouraged and/or tolerated.

155. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON engaged in various retaliatory actions against her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with defendant CUNY and the EEOC.

156. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON, she suffered the indignity of gender and race discrimination and great humiliation.

157. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

**COUNT XIX  
HOSTILE WORK ENVIRONMENT  
IN VIOLATION OF  
NEW YORK CITY ADMINISTRATIVE CODE § 8-107**

158. Plaintiff re-alleges Paragraphs 1 through 157 and incorporates them by reference as Paragraphs 1 through 157 of Count XIX of this Complaint.

159. Plaintiff alleges that New York City Administrative Code § 8-107, makes it unlawful to discriminate against any individual in the terms, conditions, or privileges of employment because of their gender and/or race.

160. Plaintiff alleges that the law also makes it unlawful to create an atmosphere where gender and/or race discrimination and/or retaliation are encouraged and/or tolerated.

161. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON engaged in various hostile actions against her as a result of her opposition to gender and race discrimination and as a result of her filing such complaints with defendant CUNY and the EEOC.

162. Plaintiff alleges that as a direct and proximate result of the unlawful employment practices of defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON, she suffered the indignity of gender and race discrimination and great humiliation.

163. Plaintiff alleges that defendants' WILLIAM L. POLLARD and HOWARD C. JOHNSON'S violations caused her mental anguish, emotional distress, and loss of employment opportunities.

#### **JURY TRIAL**

164. Plaintiff demands a trial by jury of all issues in this action that are so triable.



**PRAYER FOR RELIEF**

Wherefore, plaintiff demands compensatory and punitive damages from defendants' CUNY; WILLIAM L. POLLARD and HOWARD C. JOHNSON in an amount to be determined at trial, plus any and all available statutory remedies, both legal and equitable, and interests and costs.

Dated: March 20, 2012  
New York, NY

Respectfully submitted,

By:   
Eric Sanders (ES0224)

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