

4. Declaratory, injunctive and equitable relief is sought pursuant to Title 28 U.S.C. §2201 and Title 28 U.S.C. §2202.
5. Costs and attorney fees may be awarded pursuant to Title 42 U.S.C. §1988 and Rule 54 of the Federal Rules of Civil Procedure.

III. VENUE

6. This action properly lies in the United States District Court for the District of Connecticut pursuant to Title 28 U.S.C. §1391(b), because the claims of the plaintiff arose in this judicial district, and the defendant resides within the District of Connecticut.

IV. PARTIES

7. The plaintiff, Tina M. Manus, is a citizen of the United States, and a resident of the State of Connecticut.
8. The plaintiff has been employed by CTECS since 2010 and was appointed by CTECS to the position of General Education Department Head in 2014.
9. CTECS is a subdivision of the State of Connecticut Department of Education, which, in turn, is an administrative agency of the State of Connecticut.
10. The defendant, Jeffrey Wihbey (“Wihbey”), who is named in his individual and official capacities, has been, at all times relevant to this action, the Superintendent of CTECS.
11. The defendant, Wihbey, has, at all times relevant to this complaint, acted under color of law.
12. The defendant, Wihbey, is a person as that term is recognized under the provisions of Title 42 U.S.C. § 1983.

13. The plaintiff seeks equitable relief against the defendant, Wihbey, in his official capacities to enjoin his violation of the plaintiff's First Amendment rights, bringing the defendant, Wihbey, in his official capacity within the jurisdiction of this Court.
14. The plaintiff seeks monetary damages and punitive damages against the defendant, Wihbey, in his individual capacity, for his violation of the plaintiff's First Amendment right to freedom of speech, bringing the defendant, Wihbey, within the jurisdiction of this Court.

V. FACTS

15. From 2014 to the present, the plaintiff has served in the position of General Education Department Head for CTECS.
16. From 2017 to the present, the plaintiff has been assigned to Bullard Havens Connecticut Technical High School ("Bullard Havens").
17. As the General Education Department Head, the plaintiff coordinates the teaching duties of teachers instructing at Bullard Havens in the fields of Social Studies, English, English Language Learner, Physical Education, and Health.
18. In her position as the General Education Department Head, the plaintiff does not have supervisory authority or responsibility over the teachers whom she coordinates.
19. As the General Education Department Head, the plaintiff does not have any role in the teaching of Black History.
20. As the General Education Department Head, the plaintiff does not have a role in the activities implemented at Bullard Havens for the observance of Black History Month.

21. The United States has declared February to be “National African American History Month, recognizing “through bravery, perseverance, faith, and resolve — often in the face of incredible prejudice and hardship — African Americans have enhanced and advanced every aspect of American life. Their fight for equality, representation, and respect motivates us to continue working for a more promising, peaceful, and hopeful future for every American. During National African American History Month, we honor the extraordinary contributions made by African Americans throughout the history of our Republic, and we renew our commitment to liberty and justice for all.”
22. Similarly, the State of Connecticut, has proclaimed February to be “Black History Month,” declaring that “WHEREAS, it is important that public officials, educators and all of the people of our state observe this month with appropriate programs and activities that recognize and raise awareness of the many accomplishments of Connecticut's African-American citizens.
23. Black History and its celebration are matters of public concern in that it is the stated public policy of the United States and the State of Connecticut to recognize and raise awareness of the many accomplishments of African American citizens.
24. In her observance of Black History Month, a co-worker of the plaintiff, Danielle Jones, who teaches Mathematics at Bullard Havens, authored an article, entitled “Honoring Overlooked Black Heroes.” *Plaintiff's Exhibit 1*.
25. On February 27, 2020, the article was published on the Connecticut Post’s online edition.

26. In some sense, the article voiced criticism of the customary observance of Black History Month in honoring only the traditional African-American heroes, the author relating “[t]ruthfully, the more I analyzed the situation, the more it vexed me. I reflected upon the model African Americans showcased during Black History Month such as Martin Luther King Jr. and Rosa Parks. Maybe Angela Davis? It resonated with me why they are the chosen few; because our history books only included those who fit the narrative of making white people feel comfortable. Nipsey Hussle didn’t fit the prototype. I wondered if she knew Nipsey Hussle was murdered one day before his scheduled meeting with the LAPD to discuss how they can reduce gang violence in his community? Well, much to my disappointment the teacher declined my response and insisted the student couldn’t choose the rap artist because he ‘already knew who he was.’” *Plaintiff’s Exhibit 1.*
27. The author’s article stemmed from the experience of one of her students in another class at Bullard Havens, who informed Ms. Jones that “he was asked to do a project on black Americans who were overlooked or not well-known.” *Plaintiff’s Exhibit 1.*
28. The student reported that “[h]e chose Nipsey Hussle. Unfortunately, the teacher declined his selection because they (sic) heard that Nipsey Hussle was shot and killed due to gang violence.” *Plaintiff’s Exhibit 1.*
29. The author expressed support for the student, commenting “I presume the teacher was unaware of the activism, art and investments Nipsey contributed to people of color and his community. I challenged the young man to stand up for what he believed in and he countered my challenge by highlighting my influence as a teacher and pleaded with me to use my power to say something. His words replayed through

my mind as the evening fell and by that night I wrote an email supporting both my student and students across America.” *Plaintiff’s Exhibit 1*.

30. Ms. Jones concluded her article by defining her role as a “black educator,” asserting “[a]s a black educator, I’m not here to force students into a mold that makes the world feel comfortable. Or to encourage students to give silent consent to our history being whited out. I’m here to empower our students to not only be a better version of themselves everyday but, inspire others to do the same. Today, we decide who the heroes are. We are no longer looking for a seat at the table but, building our own and bringing our communities with us.” *Plaintiff’s Exhibit 1*.
31. On February 27, 2020, the plaintiff, having read the article while at home in the evening, agreed with the substantive content of the article, which focused on the celebration of “overlooked black heroes,” and was proud of the author’s courage in publicly raising the topic.
32. The plaintiff shared the document with the Bullard Havens’ faculty by sending them by email a link to the Connecticut Post article, with the comment, “was a very well-written opinion piece” and that the door was “fantastic and relevant.”
33. In sharing the article, the plaintiff remarked, that it “was a very well-written opinion piece,” and that the door, which was a central topic of the article, was “fantastic and relevant.”
34. In sharing and favorably commenting on the article, the plaintiff was acting in the role of a citizen addressing a matter of public concern, not in her role as General Education Department Head.

35. The favorable position espoused by the plaintiff regarding the article authored by Danielle Jones was voiced as an American citizen and related to a matter of public concern.
36. In sharing and favorably commenting on the article authored by Danielle Jones, the plaintiff did not create disharmony in the workplace, and her actions clearly involved a matter of public concern.
37. The plaintiff's actions in disseminating the article authored by Danielle Jones, and favorably commenting on its contents, was an exercise of her right of free speech.
38. The defendant, Wihbey, retaliated against the plaintiff for disseminating the article authored by Danielle Jones, and favorably commenting on its contents, by placing her on indefinite administrative leave.
39. The plaintiff's interest in commenting on an article discussing Black History Month, and the honoring of "unknown black heroes," far outweighed any disruption, if any, the plaintiff's actions may have caused to her employment relationship CTECS.
40. The plaintiff's comments and activities about an article discussing Black History Month, and the honoring of "unknown black heroes," were of a public concern and protected by the First Amendment to the United States Constitution.
41. The following morning, February 28, 2020, the plaintiff had a conversation with a co-worker, Lalita Ghei, who expressed that even though she liked the article, she did not believe that Ms. Jones needed to throw the teacher under the bus, to which the plaintiff replied, "It was well written. I didn't think it was doing that at all."
42. During the day on February 28, 2020, the plaintiff had a conversation with the principal of Bullard Havens, Susan Foss, who stated that she felt the article was

divisive and blamed “white teachers,” going on to say teachers were divided and angry, and that she “couldn’t take sides.”

43. On March 4, 2020, the plaintiff received a letter from Wihbey notifying her that she had been placed on administrative leave with pay, “pending an investigation into a recent incident at Bullard Havens Technical High School. *Exhibit 2*.
44. Wihbey falsely claimed that he had the authority to place the plaintiff on administrative leave pursuant to Conn. Agencies Regs. 5-240-5a, which states, in relevant part, “An appointing authority may place an employee on leave of absence with pay for up to fifteen (15) days to permit investigation of alleged serious misconduct which could constitute just cause for dismissal under C.G.S. Section 5-240-1a (c). Such leave shall only be utilized if the employee's presence at work could be harmful to the public, the welfare, health or safety of patients, inmates or state employees or state property. Following a decision to place the employee on such leave, the appointing authority shall provide written notice to the employee stating the reasons for the leave, the effective date of the leave and the duration of the leave which shall not exceed fifteen (15) days.
45. Other than for the nebulous statement, “an investigation into a recent incident at Bullard Havens Technical High School,” Wihbey has not “provide[d] written notice to the employee stating the reasons for the leave, the effective date of the leave and the duration of the leave which shall not exceed fifteen (15) days.”
46. Wihbey exceeded his authority under Conn. Agencies Regs. 5-240-5a, since he could only place the plaintiff on such leave if her “presence at work could be

harmful to the public, the welfare, health or safety of patients, inmates or state employees or state property.”

47. The plaintiff’s presence at Bullard Havens as the General Education Department Head would not “be harmful to the public, the welfare, health or safety of patients, inmates or state employees or state property”
48. As a result of Wihbey’s unlawful and unconstitutional action in placing the plaintiff on administrative leave with pay, the plaintiff has suffered economic losses in that, while on administrative leave, she is only receiving her base salary to the exclusion of stipends and supplemental pay in excess of \$10,000.00; online tutoring compensation of \$28.00 per hour for five hours per week; supervision of credit recovery \$38.00 per hour for twenty hours per week; mentoring new teacher \$1,500.00 per year, a stipend for student teaching supervision of \$500.00 per year; homebound tutoring of \$28.00 per hour for ten hours per week; and freshmen class advisor stipend in the amount of \$300.
49. Wihbey placed the plaintiff on administrative leave with pay in retaliation for the plaintiff having disseminated the article authored by Danielle Jones and commenting favorably on its contents.
50. Wihbey violated the plaintiff’s First Amendment rights when he placed the plaintiff on indefinite administrative leave.
51. The plaintiff’s activities and communications for which she was placed on administrative leave involve matters of a public concern.

52. The plaintiff's activities and communications, for which she was placed on administrative leave, did not interfere or conflict with the legitimate operations of CTECS.

53. The violation of the plaintiff's free speech rights, as guaranteed by the First Amendment to the United States Constitution, is made actionable pursuant to Title 42 U.S.C. §1983.

VI. FIRST CAUSE OF ACTION (Violation of the Plaintiff's First Amendment Rights Guaranteeing Him Free Speech)

54-106. The plaintiff incorporates as if re-alleged paragraphs 1 through 53.

107. The actions of the defendant constitute violations of the plaintiff's right to freedom of speech, which right is protected by the First Amendment to the United States Constitution.

108. The plaintiff's activities and communications for which she had been placed on administrative leave, involve matters of a public concern.

109. The plaintiff's activities and communications for which she had been placed on administrative leave, did not interfere or conflict with the legitimate operations of the CTECS.

110. As a result of Wihbey's unlawful actions in placing the plaintiff on administrative leave, the plaintiff has suffered monetary damages including loss of pay and benefits.

111. As a further result of Wihbey's unlawful actions in in placing the plaintiff on administrative leave, the plaintiff has suffered emotional distress.

VII. PRAYER FOR RELIEF

WHEREFORE, THE PLAINTIFF PRAYS THAT THIS COURT:

- (a) Declare the conduct engaged by the defendant to be in violation of the plaintiff's rights under the First Amendment to the United States Constitution;
- (b) Enjoin the defendant from engaging in such conduct;
- (c) Reinstate the plaintiff to her position as a General Education Department Head with all privileges and responsibilities of such position;
- (d) Issue a preliminary injunction barring the defendants from enforcing the order of the defendant, Wihbey, which physically barred the plaintiff from Bullard Havens' property; banned the plaintiff from performing any of her normally assigned responsibilities as General Education Department Head; prohibited the plaintiff from contacting any staff, parents, or students on this matter;
- (e) Issue a preliminary injunction prohibiting the defendant and his agents from proceeding to initiate and from conducting disciplinary proceedings against the plaintiff until the Court decides the merits of the plaintiff's case; and
- (f) In the event the defendant terminates the plaintiff's employment, award the plaintiff the equitable remedy of reinstatement together with back pay and benefits until reinstatement;
- (g) Award monetary damages against the defendant in his individual capacity;
- (h) Award punitive damages against the defendant in his individual capacity;
- (i) Award the plaintiff costs and attorney fees; and
- (j) Grant such other and further relief as the Court may deem just and proper.

VIII. JURY DEMAND

THE PLAINTIFF REQUESTS A TRIAL BY JURY.

THE PLAINTIFF – TINA M. MANUS

BY /s/ Thomas W. Bucci
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HAND DELIVERED

March 4, 2020

Ms. Tina Manus
315 Fox Hill Road
Stratford, CT 06614

Dear Ms. Manus:

This is to confirm that effective immediately, you are being placed on administrative leave with pay in accordance with CT State Regulation 5-240-5a pending an investigation into a recent incident at Bullard-Havens Technical High School.

Please be reminded that while on this leave with pay status you are to be available by telephone during your regular working hours in the event we need to contact you regarding this investigation. Other than as your presence may be so requested, you are not to be present at Bullard-Havens Technical High School during the period of leave or any other Connecticut Technical High Schools. Also, while on this leave you are not to contact or communicate with any staff parents or students on this matter.

Any questions concerning this leave should be directed through your union representative to Rafael Palacio, Agency Labor Relations Manager at 860-713-6696.

Sincerely,

Jeffrey Wihbey

Jeffrey Wihbey
Superintendent

JW/RP

- c: Dr. Nikitoula Menounos, Assistant Superintendent
- Richard Cavallaro, Assistant Superintendent
- Susan Foss, Principal Bullard-Havens Technical High School
- Karen L. Zuboff, Human Resources Administrator
- Rafael Palacio, Agency Labor Relations Manager
- Ellen Morris, Agency Labor Relations Specialist
- Alicia Palmer, Payroll Manager
- Annette Segarra-Negron, Fiscal Administrative Officer
- Robert Riccitelli, SVFT Executive Union Representative
- Personnel File



ctpost

<https://www.ctpost.com/opinion/article/Opinion-Honoring-overlooked-black-heroes-15085952.php>

Opinion

Opinion: Honoring overlooked black heroes

By Danielle Jones Published 12:00 am EST, Thursday, February 27, 2020



This file photo shows rapper Nipsey Hussle at an NBA basketball game between the Golden State Warriors and the Milwaukee Bucks.

As Black History Month approached, I toiled over how I wanted to decorate my classroom door to celebrate black history and inspire my students. The month began and alongside my responsibilities my door went on untouched – until I overheard a student expressing

disappointment over a course they were taking. The student explained he was asked to do a project on black Americans who were overlooked or not well-known.

He chose Nipsey Hussle. Unfortunately, the teacher declined his selection because they heard that Nipsey Hussle was shot and killed due to gang violence. I presume the teacher was unaware of the activism, art and investments Nipsey contributed to people of color and his community. I challenged the young man to stand up for what he believed in and he countered my challenge by highlighting my influence as a teacher and pleaded with me to use my power to say something. His words replayed through my mind as the evening fell and by that night I wrote an email supporting both my student and students across America.

Truthfully, the more I analyzed the situation, the more it vexed me. I reflected upon the model African Americans showcased during Black History Month such as Martin Luther King Jr. and Rosa Parks. Maybe Angela Davis? It resonated with me why they are the chosen few; because our history books only included those who fit the narrative of making white people feel comfortable. Nipsey Hussle didn't fit the prototype. I wondered if she knew Nipsey Hussle was murdered one day before his scheduled meeting with the LAPD to discuss how they can reduce gang violence in his community? Well, much to my disappointment the teacher declined my response and insisted the student couldn't choose the rap artist because he "already knew who he was."

Since the moment I stepped foot into a classroom, I meditated on what it means to be a black educator. How does my experience influence my work? How does my lens on education transpire in the classroom? Especially while teaching in an urban district. Truthfully, there is no one answer to any of those questions. My responses evolve and transform day by day as I respond to my student's needs. However, my overarching goal is to empower students from all walks of life to use their voice and their education to advocate for themselves and their communities.

I decided to refocus my energy into my student. Since he was unable to celebrate Nipsey Hussle's contributions to black Americans, then I would. I

featured Nipsey Hussle on my classroom door for Black History Month, citing his contributions as an entrepreneur, rapper, real estate investor and activist, followed by a dedication to all the unsung heroes who are excluded because they don't fit the mold or "look" the part.

Coronavirus Outbreak: The Worst Is 'Ahead for Us,' Says Fauci



As a black educator, I'm not here to force students into a mold that makes the world feel comfortable. Or to encourage students to give silent consent to our history being whited out. I'm here to empower our students to not only be a better version of themselves everyday but, inspire others to do the same. Today, we decide who the heroes are. We are no longer looking for a seat at the table but, building our own and bringing our communities with us.

Danielle Jones is a math teacher at Bullard-Havens Technical School. She is also a member of Educators for Excellence-Connecticut.

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