

in the presence of the MPD officers, Officer Sirleaf, and in view of students, while she was asking Officer Woodland, of MPD, about the constitutionality of the D.C. stalking law as applied to Harrison's actions as of that date, the chances that he would actually be prosecuted, and the possible repercussions of pressing charges against Harrison and having him immediately released rather than prosecuted.

7. Plaintiff disputes that the word "eventually" is appropriately used with respect to when Plaintiff notified Sirleaf of the letters and message from Harrison. Plaintiff immediately looked for Sirleaf, but he was patrolling and she could not reach him until she arrived home, where she reached him by phone. Plaintiff also disputes any inference that Newsom or anyone other than Plaintiff contacted Sirleaf about Harrison. Plaintiff disputes that Officer Sirleaf called MPD twice on November 20, 1997. He called once on November 20, 1997, at Plaintiff's request (MSJ, Ex. B, Sirleaf at 81-82) and once, on November 21, 1997, with Plaintiff, who explained the to MPD officers on the phone, to set up an immediate meeting with MPD. (MSJ, Ex. B, Sirleaf at 80-81)
9. Plaintiff disputes Defendant's portrayal of protection from Officer Sirleaf at any time from November 22, 1997 through late January of 1997. Plaintiff did not see Officer Sirleaf during this time period. He was visiting his homeland of Liberia during that time. (MSJ, Ex. B, Sirleaf at 38) Plaintiff does not dispute that Officer Sirleaf, on occasion, during the spring semester of 1998, at some time between late January and June of 1998, walked with Plaintiff in the hallway, and/or to or from her office, and checked on her in her office, of his own accord, with no instruction from his superiors to do so. Officer Sirleaf also approached Plaintiff on November 21, 1997, to speak with her after he consulted with MPD officers regarding the criminal record of Leonard Harrison. Officer Sirleaf may have walked with Plaintiff in the hallway while he informed her of Harrison's criminal record.
10. Plaintiff disputes that she was "not upset," on November 20, 1997, after receiving the voice mail message and letters from Harrison, citing Plaintiff's deposition, page 82, lines 15-17. **Defendant has falsely represented the record.** The citation to Plaintiff's deposition only states that she went to

teach her class. Nowhere on page 82 of her deposition, or anywhere else has Plaintiff ever said that she was “not upset” after receiving the letters and voicemail message on November 20, 1997. To the contrary, Plaintiff immediately sought assistance because she was upset. She approached the administration, campus security, colleagues and MPD for such assistance. (MSJ at 6-7; Facts, ¶¶ 33-34)

11. Plaintiff disputes any implication that MPD officers came to Howard law school, on November 21, 1997, in response to calls placed by Officer Sirleaf alone and that the two officers who responded were both female. **Defendant has misrepresented the record**, citing Plaintiff’s Complaint, ¶ 46, Plaintiff’s deposition, page 94. Plaintiff’s Complaint, ¶ 46 actually states: “Plaintiff, along with Officer Sirleaf of Howard University School of Law’s security staff, at Plaintiff’s request, called and set up a meeting with Metropolitan Police Department.” Officer Sirleaf testified that Plaintiff asked him to call the police for her (MSJ, Ex. B, Sirleaf at 76-77) and that Plaintiff explained to the MPD officers what had happened (MSJ, Ex. B, Sirleaf at 80-81). The citation to Plaintiff’s deposition provided by Defendant only states that MPD officers arrived for the meeting on November 21, 1997, with no statement as to who called them.
13. Plaintiff disputes that Officer Sirleaf actually requested a “mug shot” of Leonard Harrison from MPD. Sirleaf wrote in his draft report that a mug shot should be requested from MPD. (MSJ, Ex. B, Sirleaf at 22-23, 80-81)
14. Plaintiff disputes that MPD officers talked to “witnesses;” the only witness to any of the events related to the stalking was Plaintiff, who discovered the physical evidence (letters and voicemail messages). **Defendant has misrepresented the record.** None of the citations listed by Defendant refer to any “witnesses.”
15. Plaintiff disputes that the Dean responded to Plaintiff’s November 25, 1997 memorandum. Dean Bullock’s December 1, 1997 (delivered to Plaintiff’s campus mailbox on December 3, 1997), was not responsive to Plaintiff’s memorandum and did not acknowledge or address any of her concerns regarding Harrison or being stalked on campus; however, Plaintiff does not dispute that memo stated

that it was written in response to Plaintiff's November 25, 1997 memorandum. Plaintiff disputes that the Dean "informed plaintiff that she was discussing the November 20th incidents with Mr. Dawson, Director of Campus Police." **Defendant has misrepresented the record.** Dean Bullock's memo made no mention of the stalking or any incidents of November 20th, but stated only that she was discussing matters of security "generally" with Lawrence Dawson. Furthermore, the word "informed" implies that Bullock actually did discuss the November 20th incidents with Lawrence Dawson, when in fact, Bullock admitted that she never discussed any Plaintiff's concerns, the stalking incidents, or Harrison with Director Lawrence Dawson, Deputy Director Armstrong or any other person in campus security (including any of the incidents involving Harrison on November 20th, 1997, November 25th, 1997, December 1st, 1997 or January 12, 1998 or any ongoing fear of Harrison). (MSJ at 8, Facts ¶¶ 55, 58)

16. Plaintiff disputes that she received the call from Harrison on "the very same day" that she received a memo from Dean Bullock. Plaintiff did not receive Bullock's letter until December 3, 1997, two days after Harrison announced his arrival, appeared at Plaintiff's office and began to enter, and was chased out of her office, out of the law school, down Van Ness and into the woods, by Officer Dowdy. (MSJ at 9-10; Facts ¶ 55)
20. Plaintiff disputes the inference that Officer Dowdy simply "observed" Harrison in the library, without an order directing him to the library based on another person's complaint about Harrison. **Defendant has misrepresented the record.** Officer Dowdy was ordered to respond to a call, placed by Howard law student, Rolanda Jefferson, who called campus security and told the dispatcher that the homeless man who was stalking her professor was in the library. This information was not conveyed to Officer Dowdy, so he did not detain Harrison for MPD. (MSJ at 10-11; Facts ¶ 41)
22. Plaintiff disputes that Harrison "peeped" into the door of her office. **Defendant has misrepresented the record.** Earlier that day, a man identifying himself as Harrison angrily announced that he would be at Plaintiff's office to see her at 1:30, prompting Plaintiff to ask Dean Bullock for protection from campus security. At approximately 1:30 p.m., a man, fitting the

description of Harrison,¹ appeared at Plaintiff's office. He began to enter the office and actually crossed the threshold, with his left foot inside the open door and his left hand leaning on the doorknob of the open door. He looked Plaintiff directly in the eyes, and she turned to Officer Dowdy, who was sitting in a chair to her right, with the open door blocking his view of the doorway. (Facts ¶ 51, MSJ, Ex. A, Martin at 116-117; Ex. AA, Dowdy at 33-34) Harrison then peeked around the opened door to his left, apparently to see what Plaintiff saw. Apparently seeing Dowdy, Harrison ran. Plaintiff said, "There he is," and Dowdy chased him. (MSJ, Ex. AA, Dowdy at 33-34)

23. Plaintiff disputes Defendant's claim that she did not say anything when she saw Harrison at her office door. **Defendant has misrepresented the record.** Plaintiff said, "There he is," as is indicated by Officer Dowdy on page 113 of his deposition, cited by Defendant. (MSJ, Ex. AA, Dowdy at 33-34)
25. Plaintiff disputes the implication that Plaintiff should have provided Dowdy with a description of Harrison before he gave chase. First, Plaintiff did not realize, until Dowdy's deposition, that Dowdy did not actually see Harrison at the door. She was unaware that Dowdy had been looking at her and not at the door at the time that Harrison peeked around the open door. Second, there was no time to stop for a description since Harrison was running away. Third, Dowdy had already seen Harrison and knew what he looked like; he did not need a description of Harrison from Plaintiff, who only saw him for a second or two at her office door on that one occasion. Fourth, Plaintiff said, "There he is." Since Harrison had announced his arrival and Dowdy was assigned to protect her from Harrison, it was clear to Dowdy that "he" referred to Harrison.
27. Plaintiff disputes that the sidewalk outside of the apartment building on Van Ness, which is the building immediately adjacent to Howard University property, is not "in the vicinity of the law

¹ The description of Harrison was provided by MPD (from his criminal record), the homeless shelter where he had stayed (before he was evicted for violent behavior) and Officer Dowdy (who had checked his identification on November 25, 1997, when he escorted him off campus). (MSJ, Ex. A, Martin at 129; Exs. FF, W)

school.” The law school consists of at least three buildings. Officer Dowdy testified that Harrison was not in the immediate vicinity of “the law school building.” Defendant has cut off the last word of Dowdy’s testimony to distort it, knowing that the word “building” indicated the main building, where Plaintiff’s office and classrooms were held.

30. Plaintiff disputes the implication that Plaintiff offered a description of Harrison without a backpack.

Plaintiff did not offer a description of Harrison at all, since she believed that Dowdy saw him when he was at the door, and because Dowdy had seen him in the past. **Defendant has misrepresented the record.** Dowdy never asked Plaintiff for a description of Harrison. Plaintiff has testified, however, that she did not see Harrison’s right hand because his entire body was not in her office and that Harrison could have been carrying something in that hand that she did not see. (MSJ, Ex. A at 117-120)

31. Plaintiff disputes that Dowdy only “approached” Harrison. **Defendant has misrepresented the record.** Dowdy testified that he asked Harrison to return to the law school with him to talk to him and that Harrison then fled, with Dowdy chasing him down Van Ness and finally, into the woods. (MSJ, Ex. AA, Dowdy at 74)

32. Plaintiff disputes Defendant’s claim that she was “not aware” that Harrison was in her presence on any occasion other than December 1, 1997. **Defendant has misrepresented the record.** Harrison’s messages and description of her made it clear that Harrison had been in her presence on other occasions and been watching her, although she did not see him. (MSJ at 3-4, MSJ, Ex. T, Facts ¶ 31)

34. Plaintiff disputes Defendant’s claim that MPD investigated the matter “vehemently.” There is no foundation for Officer Dowdy, of Howard campus security, to testify as to how MPD investigated the case.

35. Plaintiff disputes Defendant’s claim that she never heard from Harrison after December 1, 1997. Although he did not contact her directly, she learned, through a letter forwarded to her by another attorney whom Harrison pursued as his “natural wife,” that Harrison had a pattern of pursuing African-

American professors/attorneys in search of a fictional character in the book, *And We Are Not Saved*, by Prof. Derrick Bell. (Facts ¶ 62; MSJ, Ex. T)

36. Plaintiff disputes Defendant’s use of the word “thereafter,” leaving a time frame undefined. Plaintiff also disputes that Newsom asked Plaintiff to prepare a “description” of Harrison. **Defendant has misrepresented the record.** Newsom asked Plaintiff to prepare a security notice for posting that included a description. It was not necessary for Plaintiff to prepare a description of Harrison since it was already available to Newsom from: a) Sirleaf’s incident report; 2) Officer Dowdy; 3) Plaintiff’s memo of November 25, 1997. Newsom gave Plaintiff no sample of a security notice or any guidance at all as to what should be included in such a notice. Plaintiff immediately prepared the notice and gave it to Newsom, but neither that notice nor any other notice regarding Harrison was ever posted. (MSJ at 8-9, 12, Facts ¶ 85-86; MSJ, Exs. FF and GG)
37. Plaintiff disputes Defendant’s claim that she never requested that a University special police officer be near her person. **Defendant has misrepresented the record.** On December 1, 1997, Plaintiff clearly and specifically requested that Dean Bullock provide her with protection from campus security. Plaintiff repeatedly requested protection and referred to campus security, and security problems in her memos to Dean Bullock. Finally, Plaintiff did not request a full time special police officer to act as her guard since Officer Sirleaf had already made this request for her, as Plaintiff stated in the deposition testimony cited by Defendant.
38. Plaintiff disputes Defendant’s claim that any memo from Dean Newsom to campus security requesting any action with respect to Harrison or the stalking of Plaintiff, was ever delivered to Director Dawson or anyone else in campus security. No copy of the memo was produced as part of the requested campus security records. Neither the Director or the Deputy Chief of security recalls seeing the memo. None of the officers deposed, including Sgts. Sirleaf, Dowdy, Captain Parker recalled seeing the memo from Newsom. Newsom admits that the notice was never posted and that he never followed up to ensure that it was posted – nor did the law school administration simply post or distribute the notice on any portion of its own three building campus itself. Plaintiff disputes that the memo “told campus police of the

immediate need to take steps to allay the safety and fears of faculty and staff.” **Defendant has misrepresented the record.** There is no such language in the memo, nor is there any reference to anyone’s fear of, or concern about Harrison, other than that of Plaintiff. The memo is entitled, “Stalking of Professor Dawn Martin, Vagrants and Other Unauthorized Persons on the West Campus, and theft of Printer from the Library Computer Laboratory.” The references to the concern about the “entire law school community,” on the second page of the memo, is to vagrants in the student lounge. The comments are not related at all to Newsom’s discussion of Harrison’s stalking of Plaintiff. The focus of the memo was not the stalking and Newsom wrote no memos about the stalking or safety at the law school until a printer was missing from the library.

39. Plaintiff disputes that she only applied for a permanent, tenure track position. She also applied for a renewed visitorship.
40. Plaintiff disputes that she had been at the law school “for well over a year” when she applied for a permanent position or renewed visitorship on October 2, 1997. She had been at the law school for one year and two months. Plaintiff disputes the inference that either her *911...* article or her *Lights...* article should have been, or was expected to be, accepted for publication at that time. (MJS at 33, 23; Facts, ¶¶ 169-170) Plaintiff received a 1997 summer grant, based on her April 11, 1997 application, including drafts of both articles. (MSJ at 25-26; Facts, ¶ 133) The receipt of a summer grant, particularly where the professor has received a grant the year before, as did Plaintiff, indicates that the professor has met scholarship requirements. (Id.)
41. Plaintiff disputes that Dean Bullock told her that her contract “would not be renewed.” The October 31, 1997 letter written by Bullock to Plaintiff states clearly that the APT Committee had not yet made its decision regarding appointments for the following year. **Defendant has misrepresented the record.** Dean Bullock told Plaintiff that the letter and meeting were simply formal notice that the contract was ending at the end of the year and was required by the Faculty Handbook. In its own Opposition to Plaintiff’s MSJ, page 9, Defendant has taken the contradictory position to the one taken in its MSJ, admitting that the October 31, 1997 letter was a form letter written to all professors whose contracts

were expiring at the end of the year and was no indication of whether they would be renewed or hired permanently for the following year. (Defendant's MSJ, Exs. No.11 and 12)

43. Plaintiff disputes this claim because "this memo" is not identified, so the date is not stated. Plaintiff also disputes the inference that her *911...* article should have been published at the time. Plaintiff notes also that the selectee, Christi Cunningham, had not had her article published by the December 18, 1997 APT Committee decision, and that it, like Plaintiff's article, was accepted for publication, but not yet published, on that date. (MSJ at 34-35; Facts ¶159)

44. Plaintiff disputes that she expressed "extreme embarrassment" over the delay in her article, without expressing her extreme pride in the finished product. **Defendant has distorted the record by taking this comment out of context.** Plaintiff's November 5, 1997 reads, in pertinent part:

Scholarship. I am extremely proud of the quality and scope of my 190 pages article (possibly a book) entitled "911: How Will Police and Fire Departments Meet Public Safety Needs and Comply with the Americans with Disabilities Act? However, I am extremely embarrassed at how long it has taken to be ready to send out. It has been substantially "finished" many times; however, I have had incredible difficulties with "cite checking" methods used by various research assistance which I have had over the course of this article. Because this area is developing rapidly, cites have been changing rapidly as well – from unofficial to official cites, from trial court cites to appellate court cites (and the resulting change in how the case is used), and the number of cases which I must read, screen, assess, and include every time the article has sat dormant while cites are checked.

....

As much as I would have liked to have had "911..." published at least a year ago, I must say that it is a much better and more complete analysis than it would have been at that time. This is simply because when I began this article, I used predictions and recommendations, analogizing ADA problems to cases decided under related statutes; now, however, I have been vindicated" by many of the cases, and I can use others to demonstrate why deviating from my recommended analysis yields an undesirable and often dangerous result. "The Lord works in mysterious ways," and I wonder if the delays fall under that category.

In addition to "911..." I do have a draft of a much shorter, second article, entitled "Lights, Camera, Discrimination! 'Playing' the Victim under Title VII." I see no reason why I should not finish this over the winter break. In the spring, I plan to begin an article entitled, "Still Racist after all these Years – and Covered by the Americans with Disabilities Act?"

46. Plaintiff disputes that the APT Committee reviewed plaintiff's application and supporting materials. The depositions of four members of the APT Committee, Leggett, Nolan, Smith and LaRue, prove that they were confused and misinformed about the status of Plaintiff's and Christi Cunningham's scholarship. (MSJ at 31-36; Facts ¶159, 163-165) it appears that they instead relied on representations

of the remaining APT Committee member, Vice Chair Taslitz, to assess the candidates. The Committee did not recommend that Plaintiff be selected for one of the three advertised tenure-track positions; however, the Committee made no recommendation as to whether Plaintiff would be “reappointed” as a Visiting Professor, since the Committee was not authorized by the Dean to make recommendations for visitors at that time.

47. Plaintiff was informed that she had not been selected for one of the three advertised positions and that no visitorships were available. **Defendant incorrectly cites Exhibit # 22 for this alleged fact**, but Exhibit 22 has nothing to do with this issue. It is the deposition of Officer Dowdy.
48. Plaintiff disputes any inference that her article was not actually accepted by Pepperdine because it was not published by Pepperdine. **Defendant has distorted the record through omission.** The article was not published by Pepperdine because it was published by NYU, which accepted the article after Pepperdine. (MSJ, Ex. MMMM) Plaintiff selected between these two and other interested schools.
50. Plaintiff disputes this entire paragraph regarding the determinations made by Dean Bullock with respect to academic needs and the timing of those determinations. (MSJ at 41-44, Facts ¶ 236-250) These assertions are supported only by the changing and unreliable “word” of former Dean Bullock.

Defendant has misrepresented the record by omission of memoranda and APT Committee member testimony. Memoranda of record and the testimony of all five APT Committee members demonstrate that Bullock did not authorize the Committee to hire any professor to teach tax until April of 1998. (Facts ¶ 238) She made no changes in her instructions to the Committee in December of 1997 or at any point before April of 1998 – after Plaintiff learned and informed the entire Committee that the advertised Constitutional law/Civil Rights position had never been filled, since the selectee declined the offer. (Id.) It was only after Plaintiff specifically applied for this position, in March of 1997, that Bullock converted the position to a tax position so that Plaintiff would not be selected. (MSJ at 41-44, Facts ¶ 236-238) Neither Dean Bullock nor Dean Newsom had been teaching any classes² since they had become deans, in August/September of 1996 (MDJ. Ex. H, Bullock at 182-184); consequently,

² Newsom briefly substituted for a professor who was suspended in the spring of 1998.

when the school's needs were determined in the spring/summer of 1997, to be advertised in the summer/fall of 1997, Bullock was well aware that she and Newsom would not be teaching any classes, as they had not been doing so for a year. Nothing about this situation changed in December of 1997 or throughout the spring of 1998. Changes did occur because a property professor retired at the end of 1998 and a tax professor extended her leave for an additional year; however, since these events occurred in late spring of 1998, these newly opened faculty positions left two additional vacancies in addition to the three advertised positions. (MSJ at 41-44, Facts ¶ 236-250) Defendant has also incorrectly cited its reference as "Id." "Id" refers to the deposition of Plaintiff, which clearly does not establish any of these points.

51. Plaintiff repeats her response to # 50. **Defendant has misrepresented the record.** In addition, Plaintiff disputes Defendant's claim that a property professor was on suspension for the 1998-1999 academic year. There is no indication, anywhere in the record, that his suspension lasted through any portion of the 1998-1999 academic year. Bullock testified that the professor was suspended during the spring of 1998 and that he retired thereafter, never to return to teaching at Howard. (MSJ, Ex. H, Bullock at 269-270)
53. Plaintiff repeats and incorporates her response to # 50. In addition, the needs of the law school only "dictated" that the Dean hire someone to teach "employment law" (actually called "equal employment opportunity law") and "torts" was because Plaintiff, who had been teaching these courses at Howard for two years, was being excluded from the faculty. Plaintiff also had the expertise and background to teach labor law and had many more years of experience in this area than did the selectee for this position, Christi Cunningham, who had never previously taught any of these courses. In addition, the new professor, Mtima, had expertise in property/intellectual property law (Facts ¶ 243), but was assigned Torts instead of property. Bullock specifically manipulated courses to assign courses in Plaintiff's areas of expertise to professors who had never taught them before, even where it meant significant reassigning of both Cunningham and Prof. Patricia Worthy, then withheld vacant faculty positions and claimed that there was nothing left that Plaintiff could teach. Even then, despite her testimony that any

professor can teach any first year class, Bullock never considered Plaintiff to teach property – a first year course. Of course, if Plaintiff had been retained and assigned property, she and Mtima would, in all likelihood, have asked to “switch” their property-torts assignments so that each could have taught the class that he/she preferred and/or had the most experience.

54. Plaintiff disputes Defendant’s claim that Reginald Robinson declined Howard’s offer as late as February of 1998. In her memorandum to Howard University’s General Counsel, provided to the EEOC by Howard and now part of the EEOC file, Bullock admitted that Robinson declined the offer in January. (MSJ, Ex. KKK; Facts ¶ 230) Bullock did not inform the APT Committee that Robinson had declined the offer, or authorize the Committee to recommend another candidate for the position, or to fill the vacant faculty position with another need, until well after Plaintiff learned of the vacancy and applied for the position. (MSJ, Ex. MMM; Facts ¶ 230) At that time, April 6, 1998, Bullock still did not authorize the Committee to fill the vacant position, but instead, authorized the Committee to fill a tax position and specifically recommended that it be filled, on a visiting basis, with adjunct professor, Angela Vallario. (Facts ¶ 238) Vallario was the only person interviewed for the position and she was hired. Plaintiff was never considered for the Con Law/Civil Rights position. (Id.) Two to three authorized faculty slots remained vacant for the 1998-1999 academic year; however, Bullock never authorized the Committee to fill them (Id.); consequently, Plaintiff was never considered for any of them, although the school had teaching needs in areas that Plaintiff was well qualified to fill. (MSJ at 41-44; Facts ¶ 236; Bullock’s Answer to Complaint, ¶ 313, 3326)
55. Plaintiff disputes Defendant’s claim that Robinson’s decision not to accept Howard’s offer provided the law school with “the opportunity to meet, on a short-term basis, other needs, specifically in tax, trusts and estates and related subjects.” The only faculty member extended an offer for the 1998-1999 academic year during the spring term of 1998, was Angela Vallario, as a visitor. Prof. Argett’s extension of her leave to include the 1998-1999 academic year provided the opportunity to hire Vallario as a visitor, as Howard did. (MSJ at 41-44) Vallario’s visiting appointment was, therefore, not dependant upon, or related to, Robinson’s rejection of Howard’s offer.

56. The Dean's denial of "unlawful" conduct is not a material fact, but only an irrelevant, self-serving, purported legal conclusion.
59. Plaintiff disputes Defendant's claim that, on April 8, 1997, Plaintiff applied only for a tax, trusts and estates position. **Defendant has misrepresented the record.** Plaintiff's memo is entitled, "Reapplication for **Any** Available Teaching Position for the 1998-1999 Academic Year." Plaintiff's application included, but was not limited to, one to teach tax and trusts and estates. Plaintiff disputes Defendant's claim that "Plaintiff even instructed the Dean about how the Dean could reassign faculty to other classes so that she, plaintiff, could teach courses in which she was qualified." **Defendant has misrepresented the record.** Plaintiff offered to teach any course needed by the law school, for which the Dean was willing to consider her. (MSJ at 42-43; MSJ, Ex. LLL; Facts ¶¶ 243-247) Plaintiff noted her understanding that there were "other available slots," which have not yet been "designated by course needs." (MSJ, Ex. LLL) Plaintiff offered to fill needs that were then taught by adjunct professors, a survey EEO class (which was needed, but not offered, to prepare for the offered seminar in EEO law), and/or to continue teaching Torts I and II, and EEO law, as she had been teaching for the past two years, which would have allowed Cunningham to continue teaching the four courses that she had developed in her two years of teaching and allow Mtima to teach property and intellectual property, which were his areas of expertise, and, as she understood it, his preferences. (Id.) In addition, Plaintiff pointed out that if Cunningham kept her four courses, Worthy would not have to take over one of those abandoned courses and forfeit teaching Ethics, for which there was a high demand. (Id.) It was Bullock who "reassigned" Cunningham and Worthy and assigned Mtima a course that he had not asked to teach. (Id.) Bullock manipulated the courses so that Plaintiff's courses were "reassigned" to professors who had never taught them before. Bullock "reassigned" faculty members and left vacant (and secret) additional faculty positions, for the purpose of excluding Plaintiff from the faculty. Plaintiff pointed out that the needs and best interests of Howard students and her colleagues would be best served by retaining her and allowing the professors already at the law school continue teaching what they had been teaching, while the new professor, Mtima, could teach what he had asked to teach.

Plaintiff never “instructed” Dean Bullock to do anything, nor did Plaintiff ever use the term “reassignment.” (Id.) This word was used by Bullock, in a sarcastic response to Plaintiff’s memo, along with Bullock’s false statement that contracts had been executed with Cunningham and Mtima months earlier, with course commitments and that she could not renege on those contracts. (MSJ, Ex. PPP) Bullock later admitted that no contracts had been executed with Cunningham or Mtima at that time, and that, in any case, no professor is guaranteed to teach a particular course. (MSJ, Ex. H, Bullock at 347) **Bullock had simply lied in her memo to Plaintiff.** (*Contrast* MSJ, Ex. PPP with MSJ, Ex. H, Bullock at 347)

60. Plaintiff disputes Defendant’s claim that Dean Bullock wrote Plaintiff a memo “thanking her for her suggestions on how to reassign law school faculty so that she, plaintiff, could teach classes in which she had experience.” Dean Bullock’s memo was clearly not “thanking” her, but Bullock used the term sarcastically to demean Plaintiff and her suggestions, accusing Plaintiff of demanding that she be hired and other professors be reassigned. Bullock followed this sarcasm by **lying** about the status of contracts with Cunningham and Mtima and Howard’s obligations to them with respect to course assignments. (See # 59, above; *contrast* MSJ, Ex. H, at 257 with Ex. TTTT) Bullock further admitted that she never asked Cunningham whether she would prefer to continue teaching the courses that she had developed for two years or asked Mtima whether he would prefer to teach the courses that he listed, on his application, that he would prefer to teach, rather than torts. (Facts ¶ 246-247) Plaintiff reasserts her answer to # 50. Finally, Plaintiff disputes Defendant’s claim that Dean Bullock requested that the APT Committee consider Plaintiff for the tax position. In the same memo that Bullock authorized the APT Committee to make a recommendation for the tax position, she recommended that the Committee recommend Angela Vallario. (Facts ¶ 257; MSJ, Ex. TTTT) Since Bullock only authorized the Committee to file one position, and made a recommendation to hire Vallario for that position, Dean Bullock clearly did not forward Plaintiff’s application to the Committee for a decision, but was recommending that Plaintiff not be hired. Plaintiff was formerly rejected for the tax position on April 16, 1998 – by memo dated *four days later*, April 20, 1998. APT Committee Chair Isaiah Leggett had

asked Mrs. Bruner, Director of Faculty Services, to “hold” the sealed envelope, addressed to Plaintiff, for four days before delivering it; however, someone slipped a copy under Plaintiff’s door on April 16, 1998.

63. Although Plaintiff does not dispute Vallario’s credentials or her qualifications for the tax position, Plaintiff does dispute Defendant’s statement that Vallario was unanimously recommended by the APT for the position based solely on these qualifications. As stated in # 60, Dean Bullock recommended Vallario for the position in the same memo that she notified the APT Committee that it could make a recommendation for the position, at this late point in the year. The APT Committee only interviewed Vallario and, essentially, carried out the Dean’s instruction to recommend her. The decision was not the result of an independent selection process by the APT.
64. Former Dean Bullock’s purported opinion of what constitutes and executed contract is not conclusive of what does constitute a contract.
65. Plaintiff disputes Defendant’s claim that she suffered no adverse action during her tenure at Howard. Plaintiff never claimed that she suffered financial harm while at Howard, but rather, he injuries were in the form of terms and conditions of employment. Plaintiff endured a hostile work environment, based on sexual harassment, during her tenure at Howard. Plaintiff disputes Defendant’s claim that she was able to use her office to complete he law school work. Plaintiff was afraid to be in her office alone and so, avoided being there as much as possible, since Howard took no actions to keep the stalker, Harrison, out of her workplace. (MSJ at 3-12)
66. Plaintiff disputes the inference that the work required of her by Howard ended on the date that her contract expired. Although Howard’s teaching contracts end on May 15th, grades are not due for many courses until June; consequently, work is required of professors even after the date that the contract technically ends. Plaintiff was even called upon to perform Committee work after May 15, 1997, and did so. The comparator, Prof. Betsy Levin, the other departing visitor, was never asked to leave her office and did not remove her belongings until sometime in July of 1998. Plaintiff was asked to vacate

her office, on three days' notice, by May 26, 1998. Plaintiff refused to do so, but worked under the stress of not knowing whether her belongings would be removed at any time. (Facts ¶¶ 261-264)

68. Plaintiff disputes Defendant's claim that: "The EEOC was unable to conclude that HUSL had violated any Title VII provision," to the extent that it infers that the EEOC found "no cause" to believe that Howard had violated Title VII, as alleged in Plaintiff's charge. Plaintiff first disputes Defendant's characterization of an EEOC finding, had there been one in this case, is material. Federal litigation is a *de novo* proceeding where an EEOC determination is not determinative; nevertheless, **the EEOC did not** determine that there was "no probable cause" to believe that Plaintiff was discriminated against, but simply issued the requested Right to Sue Letter, as required by law, so that Plaintiff could file this lawsuit instead of continuing to wait for the EEOC to complete its investigation. **Defendant has misrepresented the record by omission.** Defendant fails to mention that Plaintiff requested her Right to Sue Letter prior to the conclusion of the EEOC investigation, after waiting a year for the EEOC to conduct and complete its investigation. Again, Defendant has attempted to mislead the Court by inferring that the EEOC found that Howard had not discriminated against Plaintiff, when this was not the case at all.