

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION
The Springfield State Office Building
436 Dwight Street, Rm. 220, Springfield, MA 01103
Phone: (413) 739-2145 Fax: (413) 784-1056

SERVICE OF COMPLAINT AND NOTICE OF INVESTIGATIVE CONFERENCE

Date: July 11, 2023

Michael Morris
C/o Amherst-Pelham Regional School District
170 Chestnut Street
Amherst, MA 01002

RE: Doreen Cunningham vs Amherst-Pelham Regional School District, Michael Morris, and Douglas Slaughter
MCAD Docket Number: 23SEM01748
EEOC/HUD Number: 16C-2023-01852

Dear Respondent:

The Massachusetts Commission Against Discrimination (MCAD) has received the above complaint of discrimination which alleges that you have committed an act of discrimination against the Complainant. A copy of the complaint is enclosed. The Commission has assigned **Joseph Greenhalgh** to conduct an impartial investigation of the complaint. This MCAD Investigator will keep the parties informed of the course of the investigation.

You must preserve all information and documents that may be (or lead to) evidence relevant to the charge of discrimination, as required by MCAD regulations found at 804 CMR 1.05(1) (2020).

You are also required to submit a formal written answer to the complaint, called a position statement, in accordance with 804 CMR 1.05(8)(a) and (d) (2020). The position statement must be submitted 21 days of receipt of this notification. You must sign the position statement **under the pains and penalties of perjury, and, if you have an attorney, your attorney must also sign the position statement.** A copy of the position statement must also be forwarded to the Complainant at the address listed on the enclosed complaint. Failure to file a position statement within the prescribed time may result in sanctions being imposed in accordance with 804 CMR 1.07 (2020).

In order to reduce the time necessary to investigate and resolve complaints of discrimination, the MCAD has scheduled an investigative conference with the parties, which will be held on **03/13/2024 at 9:30 AM.** **The Investigator will contact you regarding the logistics (telephone, video conference, or in person) for the investigative conference. Your attendance at the investigative conference is mandatory, and a failure to attend may result in an investigative default in favor of Complainant, or other consequences as outlined in 804 CMR 1.05(10)(e) (2020).**

Pursuant to 804 CMR 1.06 (2020), the Commission may be able to offer the parties free mediation of the dispute as an alternative to often lengthy and expensive litigation. Please note, however, that absent special circumstances, the Commission will not conduct a mediation prior to the filing of the position statement.

Please be advised that position statements should be addressed to Carol Murchison, Administrative Assistant. If you have any questions concerning position statements please contact Carol Murchison at (413)314-6129 or email at carol.murchison@mass.gov.

If you have any questions pertaining to the investigative conference, please contact Joseph Greenhalgh at 413-314-6113 or joseph.greenhalgh@mass.gov.

Sincerely,

Joseph Greenhalgh
Investigator

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Amherst-Pelham Regional School District
Attn: Human Resources/Legal Department
170 Chestnut Street
Amherst, MA 01002

Michael Morris
Amherst-Pelham Regional School District
Attn: Human Resources/Legal Department
170 Chestnut Street
Amherst, MA 01002

Douglas Slaughter
Amherst-Pelham Regional School District
Attn: Human Resources/Legal Department
170 Chestnut Street
Amherst, MA 01002

Person Filing Charge:
This Person (Check One):

Doreen Cunningham
(x) Claims to be aggrieved
() Is filing on behalf of

Date of Alleged Violation:
Place of Alleged Violation:
EEOC Charge Number:
MCAD Docket Number:

03/20/2023
Amherst, MA
16C-2023-01852
23SEM01748

NOTICE OF CHARGE OF DISCRIMINATION WHERE AN FEP AGENCY WILL INITIALLY PROCESS (See Attached Information Sheet For Additional Information)

You are hereby notified that a charge of employment discrimination under
 Title VII of the Civil Rights Act of 1964
 The Age Discrimination in Employment Act of 1967 (ADEA)
 The Americans Disabilities Act (ADA)

Has been received by

The EEOC and sent for initial processing to MCAD
(FEP Agency)

The Mass. Commission Against Discrimination
(FEP) Agency and sent to the EEOC for dual filing purposes.

While the EEOC has jurisdiction (upon the expiration of any deferral requirements if this is a Title VII or ADA Charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's issuing a final finding and order. If the agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provisions of Title VII and the ADEA as explained on the second page of this form apply.

For further correspondence on this matter, please use the charge number(s) shown.

An Equal Pay Act Investigation (29 U.S.C 206(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.

Enclosure: Copy of the Charge

Basis of Discrimination

Race Color Gender Religion National Origin
 Age Disability Retaliation Other

Circumstances of alleged violation:

SEE ENCLOSED COPY OF THE CHARGE OF DISCRIMINATION (or EEOC FORM 5)

Date	Type Name/Title of Authorized EEOC Official	Signature
7/11/2023	Feng An, Director	

EEOC Charge Number 16C-2023-01852, EEOC Transmittal Letter to Respondent

MCAD Springfield Office
436 Dwight St. Rm. 220, Springfield, MA 01103
Springfield Main Phone (413) 739-2145/3330
Springfield FAX (413) 784 1056

MCAD DOCKET NUMBER: 23SEM01748
FILING DATE: 06/30/23

EEOC/HUD CHARGE NUMBER: 16C-2023-01852
VIOLATION DATE: 03/20/23

Name of Aggrieved Person or Organization:

Doreen Cunningham
c/o Peter Vickery
27 Pray Street
Amherst, MA 01002

Named is the employer, labor organization, employment agency, state/local government agency, or other entity who discriminated against me:

Amherst-Pelham Regional School District
Attn: Human Resources/Legal Department
170 Chestnut Street
Amherst, MA 01002

Michael Morris
Amherst-Pelham Regional School District
Attn: Human Resources/Legal Department
170 Chestnut Street
Amherst, MA 01002

Douglas Slaughter
Amherst-Pelham Regional School District
Attn: Human Resources/Legal Department
170 Chestnut Street
Amherst, MA 01002

No. of Employees: 25+

Work Location: Amherst, MA

Cause of Discrimination based on:
Religion (associational); Sex (Female; Race/Color (African American)).

The particulars are:

I, Doreen Cunningham, the Complainant, believe that I was discriminated against by Respondents Amherst-Pelham Regional School District, Michael Morris, and Douglas Slaughter, on the basis of Religion, Sex, and Race/Color. This is in violation of M.G.L. c. 151B, Section 4, Paragraphs 1, 4A and 5, and Title VII of the Civil Rights Act of 1964, as amended.

See Attached Particulars.

I hereby verify, under the pains and penalties of perjury, that I have read this complaint and the allegations contained herein are true to the best of my knowledge.

(Signature of Complainant)

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

MCAD DOCKET NO.
EEOC CHARGE NO.

DOREEN CUNNINGHAM,
Complainant,

v.

**AMHERST-PELHAM REGIONAL
SCHOOL DISTRICT,
MICHAEL MORRIS, and
DOUGLAS SLAUGHTER,**
Respondents.

COMPLAINT

AGGRIEVED PERSON

1. Doreen Cunningham is an individual residing in Chicopee, Massachusetts.

EMPLOYERS

2. The Amherst-Pelham Regional School District is a body politic established under the provisions of G.L. c. 71, § 15, whose powers, duties, and liabilities are vested in and exercised by the Amherst-Pelham Regional School Committee under G.L. c. 71, § 16A, and is an employer within the meaning of G.L. c. 151B and Title VII of the federal Civil Rights Act of 1964, with 15+ employees. The District and the Committee have a principal office at 170 Chestnut Street, Amherst, MA 01002.
3. Michael Morris is the Superintendent of the Amherst, Pelham, and Amherst-Pelham Regional Schools and is an employer within the meaning of G.L. c. 151B and Title VII of

the federal Civil Rights Act of 1964, as amended. The Superintendent has a principal office at 170 Chestnut Street, Amherst, MA 01002.

4. Douglas Slaughter is the Acting Superintendent of the Amherst, Pelham, and Amherst-Pelham Regional Schools and is an employer within the meaning of G.L. c. 151B and Title VII of the federal Civil Rights Act of 1964, as amended. The Acting Superintendent has a principal office at 170 Chestnut Street, Amherst, MA 01002.

CLAIM OF DISCRIMINATION

5. Respondents discriminated against Complainant on the basis of race/color (Black/African-American), sex (woman), and religion (association with Christians) in violation of G.L. c. 151B, § 4, and Title VII of the federal Civil Rights Act of 1964, as amended.

PARTICULARS

6. Complainant Doreen Cunningham is an African-American woman and is an employee of Respondents within the meaning of G.L. c. 151B and Title VII of the federal Civil Rights Act of 1964, as amended.
7. On or about July 1, 2017, Respondent Amherst-Pelham Regional School Committees and Respondent Michael Morris as Superintendent of Schools entered into a contract with Complainant whereby Respondents hired Complainant as Assistant Superintendent of the Amherst, Pelham, and Amherst-Pelham Regional Schools. The addendum to Complainant's contract allows her to engage in consulting during non-working hours.
8. At all times, Complainant has performed her job satisfactorily. Respondents assigned Complainant the title of Assistant Superintendent for Diversity, Equity, and Human Resources and asked her to increase the racial diversity of the workforce. At the time of

Complainant's hire, teachers of color were approximately 20% of the faculty. By 2021-22, the figure had risen to approximately 31%.

9. The union that represents teachers in the District is the Amherst-Pelham Education Association (APEA). Some members of APEA harbor an animus toward Complainant because of her role in helping increase the racial diversity of the workforce.
10. In January 2023, Complainant learned that [REDACTED] a special education teacher (White), had verbally berated a special education student on or about December 1, 2022. On or about January 18, 2023, Complainant sent the employee a written notice of the District's intent to dismiss him. Respondent School District subsequently terminated [REDACTED] employment.
11. [REDACTED] child, [REDACTED] subsequently made allegations against three employees of Respondent School District (Hector Santos, Delinda Dykes, and Tania Cabrera). Those employees are Christians and Respondent believes Complainant to be friends with them.
12. Respondent School District publishes *The Graphic*, which it describes as a "student newspaper of Amherst Regional High School... An after-school staff is responsible for the paper's layout, editorial policy, content decisions, and finances."¹ Statements in *The Graphic* are statements of Respondent School District. The teacher who edits *The Graphic*, Sara Barber-Just, is White.
13. Through *The Graphic*, Respondents published allegations and innuendo regarding Complainant with the goal of causing her to resign.

¹ <http://thegraphic.arps.org/about/>

14. On or about May 9, 2023, Respondent School District published in *The Graphic* an article alleging that three employees of Respondent School District (Hector Santos, Delinda Dykes, and Tania Cabrera, who are Christians) had engaged in conduct that could amount to discrimination on the basis of sex in violation of Title IX of the Education Amendments of 1972, as amended.

Over the last two years, Amherst Regional Middle School students, parents, and staff members voiced concerns to district leadership about adjustment counselor Hector Santos and current eighth-grade guidance counselor Delinda Dykes, noting that the two routinely misgendered and deadnamed transgender students and staff, invoked anti-LGBTQ prayer at school, allowed religion to overflow into conversations with students and staff, and failed to provide support to students who were facing gender-based bullying or intimidation at school. Santos also posted religiously worded anti-LGBTQ material on a public Facebook page.

This year, when Santos's daughter Tania Cabrera was brought on to serve as the seventh-grade guidance counselor, staff and students told *The Graphic* she also misgendered trans kids, told staff that a trans student had reverted to using their legal name when they had not, did not report on an anti-LGBTQ harassment incident that was reported to her, and told a trans male student who went to her for support that she sympathized with his parents, who had "lost their daughter."

15. The article did not allege that Complainant herself had engaged in unlawful discrimination contrary to Title IX but that she was associated with the accused counselors socially.

Cunningham has personal ties to the three counselors. In addition to Santos being slated to officiate at Cunningham's wedding in July, Santos referred to Dykes and her husband as his "siblings in faith" in a previously public Facebook post, which included pictures of him, Dykes, and Cunningham at a party.

Fearing retaliation if they filed a complaint against the counselors with Cunningham, multiple staff members say they dropped their complaints and took to trying to create alternative forms of support to safeguard kids.

Respondents knew that alleging that Hector Santos, Delinda Dykes, and Tania Cabrera had discriminated unlawfully because of their religious beliefs would tend to reduce their standing in the community and expose them to hatred, ridicule, and contempt, and would tend to reduce Complainant's standing in the community and expose her to hatred, ridicule, and contempt. Respondents used the religious beliefs of Hector Santos, Delinda Dykes, and Tania Cabrera in order to diminish their social standing and -- on the basis of Complainant's association with Hector Santos, Delinda Dykes, and Tania Cabrera -- to diminish the social standing of Complainant. Respondents also knew that as a result, Complainant's consulting clients would seek to distance themselves from her, and that Complainant would suffer damage as a result. In this way, Respondents discriminated against Complainant on the basis of religion.

16. On May 13, 2023, the Amherst Pelham Education Association (APEA), the union that represents the District's teachers, published an open letter to the Amherst-Pelham Regional School Committee that accused Complainant of "unethical hiring practices; use of position of professional power to enrich self on school time; acting in ways that undermine the district's stated mission of equity and excellence; unsafe environment, where people do not come forward out of fear; toxic work environment that stifles open communication and collaboration," and called for Complainant's "immediate resignation."
17. On or about May 15, 2023, the Superintendent (Michael Morris) informed the *Boston Globe* that he had "worked with the district's Title IX officer to 'secure an outside attorney' who specializes in Title IX investigations." According to the *Globe*, Respondent Morris stated:

This action was taken over a month ago, before the media coverage of ARMS began, and is continuing with additional concerns and complaints that have come in since then, which have been immediately forwarded to the investigator.

18. The president of APEA is Lamicko Magee (Black/African American), who had previously made statements lauding the increased racial diversity of the workforce following Complainant's hire but later expressed the desire to replace Complainant as the Assistant Superintendent. In September 2022, Ms. Magee said to Complainant, "I want your job." Subsequently, Ms. Magee obtained from the Department of Elementary and Secondary Education an Assistant Superintendent license, effective April 7, 2023.
19. At a meeting of the Amherst-Pelham Regional School Committee on May 16, 2023, some of Respondents' White and Hispanic employees displayed signs that criticized Complainant and made statements calling for the termination of her employment. To the best of Complainant's knowledge, Respondents have not taken any adverse employment actions against these employees.
20. At the meeting on May 16, one of Respondents' employees, William Chapman (a Black/African-American para-educator in the High School) read a statement in support of Complainant. Mr. Chapman also placed a sign at the back of the room that displayed statistics regarding the increasing racial diversity of the workforce plus a tweet published by APEA president Lamicko Magee. Two days later, Respondents transferred Mr. Chapman away from the High School against his wishes to a different school called the Summit Academy.
21. Respondents School District and Slaughter also took adverse action against another of their employees, Otis Collins, a Black/African-American para-educator in the Middle

School, who had engaged in speech supportive of Complainant. Respondents re-assigned Mr. Collins away from the Middle School against his wishes, supposedly because CCTV footage appeared to show him distributing fliers in the parking lot on the night of the School Committee meeting, fliers that contained statistics regarding the increasing racial diversity of the workforce plus a tweet published by APEA president Lamicko Magee.

22. Respondents' adverse employment actions against William Chapman and Otis Collins, who are Black/African-American, because of their expression of support for Complainant, who is also Black/African-American, but not against White employees or Hispanic employees who expressed criticism of Complainant, shows that race is a factor in Respondents' treatment of Complainant.
23. Respondents are directing those with concerns related to the allegations in *The Graphic* to contact the District's Title IX officer, Marta Guevara, who is helping facilitate Respondents' Title IX investigation. Ms. Guevara has a personal animus against Complainant. [REDACTED]
[REDACTED] Ms. Guevara blames Complainant for [REDACTED]
24. In the May 9 article in *The Graphic*, Respondents stated that Ms. Guevara had learned of the allegations against Hector Santos, Delinda Dykes, and Tania Cabrera. As Title IX Officer, Ms. Guevara (who is Hispanic) could have instituted a Title IX investigation. But she did not. Nevertheless, Respondents have not placed Ms. Guevara on administrative leave. In fact, Respondents are ensuring that Ms. Guevara has active role in Attorney Mitnick's investigation, soliciting employees to speak with Attorney Mitnick and scheduling their interviews.

25. On or about May 22, 2023, Respondent Slaughter and Ben Herrington, chair of the Amherst-Pelham Regional School Committee, met with Complainant and informed Complainant that Respondents were placing her on administrative leave. When Complainant asked the reason for placing her on administrative leave, Respondent Slaughter stated that the reason was “political.”
26. During Complainant’s time in Respondents’ employ, no other administrator has been placed on administrative leave during an investigation. In addition to placing Complainant on administrative leave, Respondents took away her email access. Of the approximately 20 employees that Respondents have placed on administrative leave during investigations in the last 6 years, not one has had their email access removed. Placing Complainant on administrative leave (something Respondents had not done to other administrator-level employees during investigations) and denying her access to email were adverse employment decisions.
27. After the meeting on May 22, Mr. Herrington publicly disclosed the fact that the Acting Superintendent had placed Complainant on administrative leave. He released the information to the media, including TV news channels, so that it became breaking news. Affirmatively publicizing the decision to place Complainant on administrative leave was an adverse employment action.
28. Similarly, at a School Committee meeting on June 20, 2023 (during open session as opposed to executive session) Mr. Herrington stated among the things that the School Committee could do “right now” would be to remove Human Resources from the job of Assistant Superintendent for Diversity, Equity, and Human Resources (Complainant’s position). Unilaterally altering Complainant’s responsibilities, role, and title would be an

adverse employment action. Publicly declaring that Respondents should do so prior to the conclusion of the Title IX investigation is itself an adverse employment action.

29. The May 9 article in *The Graphic* alleged that a “nonbinary child... endured frequent misgendering by adults and transphobic bullying by peers at ARMS in seventh and eighth grade.” *The Graphic* article states:

But James was targeted more times across his eighth-grade year by yet another student, and while the boy was mostly transphobic toward James, he also mocked James’s race and culture.

In the moments when he was harassed in the middle of the day, he tended to go to Gayle-Brissett to report it rather than to Dykes. In this case, he discussed the act of racial discrimination one-on-one with Gayle-Brissett and subsequently agreed to be in a restorative circle with the student.

But the next time the same student singled James out for abuse, it was more extreme, and he and his family were not satisfied with the school’s response—more restorative justice.

When James entered the boys’ bathroom one day, that student “told me to get out,” he said, “and when I resorted to using the girls’ bathroom, he yelled in a hallway full of students, ‘I thought you were a boy; what are you, trans?’” This ended up not just stigmatizing James but outing him to seventh-grade students who had not previously known he was trans and later harassed him about his gender identity, calling him a “tranny.”

The student is [REDACTED]

30. On or about May 22, 2023, Respondent Slaughter stated publicly via an email to parents and others that “based on concerns raised in recent days, Assistant Superintendent Doreen Cunningham has been placed on administrative leave pending the conclusion of the current Title IX investigation.” Respondent Slaughter thereby implied that Complainant was a subject of the investigation.
31. On June 13, 2023, Respondents published another article in *The Graphic* that began:

On May 13, when members of the Amherst Pelham Education Association (APEA)-the union representing teachers, paraeducators, and clerical staff-announced an all-district no-confidence vote in Superintendent Michael Morris and Assistant Superintendent of Diversity, Equity, and Human Resources Doreen Cunningham, they flagged Cunningham's alleged "unethical hiring practices" and "unsafe environment in which people do not come forth out of fear" as two of their reasons. They also said Morris had allegedly failed to supervise Cunningham's office and appropriately deal with "complaints of anti-LGBTQIA+ behavior on the part of some staff which created an unsafe environment for children, especially those whose identities are marginalized."

In the opening paragraph of the article, Respondents re-published, without qualification, the statement attributed to some APEA members that accused Complainant of "unethical hiring practices." Respondents published no factual statements that would tend to support the accusation of unethical hiring practices, and no statements disclosing the animus that the APEA president harbors toward Complainant.

32. The June 13 article in *The Graphic* also states:

... An additional reason the APEA voted no confidence was Cunningham's alleged "use of position to enrich self on school time."

... Student reporters found that in addition to her district position, Cunningham is or was the manager or resident agent of four limited liability companies (LLCs): a diversity, equity, and inclusion (DEI) consulting firm, Another Lens Staffing & HR Consulting Firm LLC in Foxborough, Mass.; an insurance firm, The Cunningham Agency LLC in East Hartford, Conn., which dissolved in 2021; a wellness business, Western Mass Wellness LLC in Feeding Hills, Mass.; and a home improvement company, Millennial Contractors LLC in Chicopee, Mass. Cunningham is also a general partner in a limited partnership (LP) called Shorty's Autosales in New Bedford, Mass.

When Respondents published these statements, Respondents knew that the addendum to Complainant's contract expressly permits Complainant to engage in paid consulting work. In the article, Respondents even quote the pertinent language of the contract:

The Assistant Superintendent may, with notification to the Superintendent, undertake writing and speaking engagements, teach classes or seminars,

engage in consultative work, and provide training and workshops for other school districts, organizations and agencies. The Assistant Superintendent may accept compensation for these activities without loss of pay under this Agreement provided that they are accomplished during vacation, holiday time or other non-working time, excluding sick or bereavement leave. Such activities shall not interfere, conflict or be incompatible with the performance of the duties required of the Assistant Superintendent under this Agreement and shall at all times comply with Chapter 268A of the General Laws.

Respondents re-published the APEA's false statement that Complainant had used her position to "enrich herself on school time," but offered no evidence that Complainant had used school time as opposed to non-working time. Respondents knew that publishing these statements in *The Graphic* would tend to reduce Complainant's standing in the community and expose her to hatred, ridicule, and contempt. Respondents also knew that Complainant's clients would seek to distance themselves from her, and that Complainant would lose business as a result.

33. In the June 13 article in *The Graphic*, Respondents further stated:

According to a person who was interviewed by Title IX investigator Ed Mitnick of Just Training Solutions, Mitnick has spoken to over 50 people since the investigation was launched in April (each interviewee is granted a number). The results of the investigation will likely not be delivered until late summer. If Mitnick confirms a transphobic school environment at ARMS that limited students' access to education, the report will include serious recommendations for the district.

Though Cunningham's contract expires on June 30, it may automatically renew on July 1. The terms of her contract require the School Committee and the superintendent to give 180 days' notice in order to terminate her contract, but she may be "paid for the 180 days in lieu of such notice."

By way of these statements, Respondents sought to generate an expectation in the community -- and in the mind of Complainant -- that Respondents will terminate Complainant's contract.

34. In the June 13 article in *The Graphic*, Respondents further stated that during the 6-year period 2017-2023 (since Complainant commenced work for Respondents), “There was a decrease of 31.5 white teachers.”
35. Through counsel, Complainant has asked to know the reason for being placed on administrative leave (something that -- to the best of Complainant’s knowledge -- Respondents have not done to any other administrator during an investigation during Complainant’s 6 years in Respondents’ employ). Respondents through counsel have refused to state the reason. Because Respondents have repeatedly stated that they are conducting a “Title IX investigation,” Complainant through counsel asked for written notice of the allegations against her and whether she was a respondent. The attorney who is conducting the investigation for Respondents, Edward R. Mitnick, Esq., (executive director of Just Training Solutions, LLC) informed Complainant’s counsel that
- I am not aware of any formal written complaint pertaining to Ms. Cunningham; however, I can share that a number of employees, former employees and parents have alleged allegations of retaliation, discrimination and other inappropriate conduct. All of these allegations will be raised with Ms. Cunningham when we meet.
36. On June 14, 2023, Attorney Mitnick stated that the “investigation is not covered, guided by, or governed by the school[’]s Title IX policy since it is not a Title IX investigation.”
37. Two other employees who are the subject of specific allegations in *The Graphic* (and who are not Black/African-American) have received from Respondent Slaughter notice of the allegations against them and the procedures for investigating those allegations, expressly pursuant to Title IX. In contrast, Respondents have not provided Complainant with notice of the specific allegations or the investigatory procedures.

38. The allegations of discrimination that Respondents published in the May 9 edition of *The Graphic* are allegations of discrimination on the basis of sex. Discrimination on the basis of sex in any education program or activity receiving federal financial assistance is subject to a federal regulation that provides:

(c) Adoption of grievance procedures. **A recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this part** and a grievance process that complies with § 106.45 for formal complaints as defined in § 106.30.

34 C.F.R. § 106.8 (emphasis added). Respondent School District is a recipient of federal funding but has not adopted and published any Title IX grievance procedures other than the policy titled *Sexual Harassment*.

39. Respondent School District's policy titled *Commitment to Nondiscrimination and Educational Equity* states "the School Committees' intent to... Use designated procedures to resolve the grievances of all individuals and groups." The policy does not contain or describe any "designated procedures."

40. Respondent School District's policy titled *Discrimination Complaints* states:

In the event that a student, staff person, or member of the public, including parents/guardians and volunteers, feels that he/she has been discriminated against, that individual may file a complaint with the District(s). The following process will be followed:

- All formal complaints and administrative responses should be in writing.
- The individual designated to receive discrimination filings for the school/district will attempt to resolve the complaint in a manner satisfactory to the concerned parties. This may involve, but shall not be limited to, individual meetings with the parties involved, interviews with third parties and review of materials.
- If the actions taken do not resolve the matter, the complaint will be reviewed and responded to by the Superintendent within 10 days of receiving notification that resolution was not achieved. The

Superintendent may investigate further or may explore ways to resolve the matter.

- If the matter under investigation remains unsettled, the individual may contact the appropriate agencies for the Commonwealth of Massachusetts.

41. Whereas Respondents have provided similarly-situated employees who are not Black/African-American with descriptions of the allegations against them, Respondents have failed to reasonably describe the allegations against Complainant.
42. Attorney Mitnick has informed Complainant that he is investigating “allegations that pertain to Ms. Cunningham,” but has refused to state what those allegations are other than to write that “the scope of the investigation as it pertains to Ms. Cunningham will include, but not necessarily be limited to, potential violations of the school district’s Discrimination, Retaliation, and Conflict of Interest policies.” Attorney Mitnick provided links to two of those policies (*Commitment to Nondiscrimination and Educational Equity* and *Member Conflict of Interest*) but not to any policy with the word “retaliation” in its title.
43. The policy titled *Commitment to Nondiscrimination and Educational Equity* “affirms the School Committees’ intent to... Use designated procedures to resolve the grievances of all individuals and groups.” It does not say what those “designated procedures” are.
44. The document titled *Member Conflict of Interest* consists of provisions for School Committee members, not employees. Complainant is an employee, not a School Committee member.
45. Respondents promised, via the policy titled *Commitment to Nondiscrimination and Educational Equity*, to use “designated procedures” but have failed to identify any such procedures.

46. Respondents have refused to state the basis for placing Complainant on administrative leave, other than to say that it is in connection with the "Title IX investigation."
47. Respondents have told Complainant both that there is a Title IX investigation and that there is not a Title IX investigation, thereby undermining her ability to defend herself.
48. Respondents' investigation is a charade, not an independent, fact-finding inquiry. The true purpose of the investigation appears to be nothing more than a pretext for terminating Complainant's employment.
49. [REDACTED] is a student at the Amherst Regional Middle School. During the week of March 20, 2023, [REDACTED] asked his teacher for a bathroom pass. Instead of a bathroom pass, the teacher gave him a flier titled "Support the Coblyn Family," which solicits funds for Kakas Coblyn:

Due to Amherst Regional School's parental leave policy, reading specialist Kakas Coblyn has only 10 days of paid sick leave to recover from giving birth and to bond with her new baby.

Please consider donating what you can to help her family spend more time together without worrying about money. Anything helps. Every 100 dollars can give them another day of recovery and bonding.

Some members of APEA blame Complainant for the Sick Leave Committee's decision to not provide additional parental leave to Kakas Coblyn. After Respondents published the May 9 article in *The Graphic*, the teacher discussed the article in class, in the presence of [REDACTED]. By giving the flier to [REDACTED] in lieu of a bathroom pass, and by discussing *The Graphic* article in front of [REDACTED] Respondents through their agent sought to intimidate Complainant.

50. One reason for Respondents' decision to disparage Complainant in *The Graphic*, to place her on administrative leave during an investigation, to affirmatively publicize the fact of

her being placed on administrative leave, to subject her to a sham investigation, and to intimidate her is (1) Complainant's race and (2) her role in increasing the proportion of Black/African-American employees and reducing the proportion of White employees. Thereby Respondents have discriminated and are continuing to discriminate against Complainant on the basis of race, contrary to G.L. c. 151B and Title VII of the federal Civil Rights Act of 1964, as amended.


51. An additional reason for Respondents' decision to disparage Complainant in *The Graphic*, to place her on administrative leave during an investigation, to affirmatively publicize the fact of her being placed on administrative leave, to subject her to a sham investigation, and to intimidate her is Complainant's association with three employees who are Christians. Thereby Respondents have discriminated and are continuing to discriminate against Complainant on the basis of religion, contrary to G.L. c. 151B and Title VII of the federal Civil Rights Act of 1964, as amended.

RELIEF REQUESTED

Complainant respectfully requests that the Commission award Complainant:

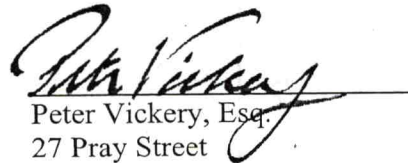
1. Her damages, including damages for emotional distress;
2. Her costs and reasonable attorney's fees; and
3. In the event that the employer terminates Complainant employment during the pendency of this action, her back pay and front pay.

I, DOREEN CUNNINGHAM, HEREBY VERIFY, ON THIS 30th DAY OF JUNE, 2023,
UNDER THE PAINS AND PENALTIES OF PERJURY, THAT I HAVE READ THIS
COMPLAINT, AND THAT THE ALLEGATIONS CONTAINED HEREIN
ARE TRUE TO THE BEST OF MY KNOWLEDGE.


Doreen Cunningham (Jun 30, 2023 14:54 EDT)

Doreen Cunningham

Respectfully Submitted
Doreen Cunningham
By Her Attorney:



Peter Vickery, Esq.
27 Pray Street
Amherst, MA 01002
BBO# 641574
Tel. (413) 992 2915.
Email: peter@petervickery.com

June 30, 2023

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

MCAD DOCKET NO.
EEOC CHARGE NO.

DOREEN CUNNINGHAM,
Complainant,

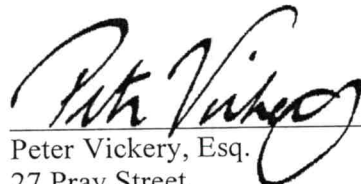
v.

**AMHERST-PELHAM REGIONAL
SCHOOL DISTRICT,
MICHAEL MORRIS, and
DOUGLAS SLAUGHTER,**
Respondents.

NOTICE OF APPEARANCE

Now comes Peter Vickery, Esq., and enters his Appearance for Complainant.

Respectfully Submitted:



Peter Vickery, Esq.
27 Pray Street
Amherst, MA 01002
BBO# 641574
Tel. (413) 992 2915
Email: peter@petervickery.com

June 30, 2023

Form Name: MCAD eComplaint Filing
Submission Time: June 30, 2023 3:12 pm
Browser: Chrome 114.0.0.0 / Windows
IP Address: 73.159.214.223
Unique ID: 1117236349
Location: 42.3654, -72.4671

1. Introduction

Choose your role

I am a Massachusetts Licensed Attorney filing on behalf of the Complainant

2. Attorney / Duly Authorized Representative Contact Information

Name of Attorney or Duly Authorized Representative

Peter Vickery

Email

peter@petervickery.com

Phone

(413) 992-2915

Business Address

Law Office of Peter Vickery
27 Pray St
Amherst, MA 01002

3. eComplaint Filing

Select the MCAD Office where you want to send your submission

Springfield

Name of Complainant

Doreen Cunningham

Please confirm that the submission includes the following documents in one PDF

Notice of Appearance
Complaint of Discrimination
Complainant Verification (Complaint filed under pains and penalties of perjury)

File

<https://www.formstack.com/admin/download/file/14851499987>

Check this box to indicate that you agree to the MCAD terms and conditions above.

I agree to the MCAD terms and Conditions

Attorney / Duly Authorized Representative Signature

