

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Robert T. Dillon, Jr., PhD.,

Plaintiff(s)

vs.

The College of Charleston, et al.

Defendant(s)

Submitted By: Nancy Bloodgood
Address: Bloodgood & Sanders, LLC
895 Island Park Drive, Suite 202
Charleston, SC 29492

SC Bar #: 6459
Telephone #: 843-972-0313
Fax #: 843-377-8997
Other:
E-mail: nbloodgood@bloodgoodsanders.com

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2016-CP-10-3774

FILED
2016 JUL 21 PM 3:12
JULIE J. ARMS, TROUBLESHOOTER
CLERK OF COURT

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
NON-JURY TRIAL demanded in complaint.
This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), General (130), Breach of Contract (140), Fraud/Bad Faith (150), Failure to Deliver/Warranty (160), Employment Discrim (170), Employment (180), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 20 -NI- -, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Assault/Battery (370), Slander/Libel (380), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Administrative Law/Relief: Reinstate Drv. License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Confession of Judgment (770), Petition for Workers Compensation Settlement Approval (780), Other (799)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Comm. (990), Employment Security Comm (991), Other (999)
Special/Complex /Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Sexual Predator (510), Permanent Restraining Order (680), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Pre-Suit Discovery (670)

Submitting Party Signature:

Nancy Bloodgood

Date:

7/19/16

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a “Proof of ADR” form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the “Notice of Intent to File Suit” or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) FOR THE NINTH JUDICIAL CIRCUIT
)
 Robert T. Dillon, Jr., PhD.,) Case No.: 2016-CP-10- 3774
)
) Plaintiff,)
)
 vs.)
)
 The College of Charleston and Brian)
 McGee, in his individual capacity,)
)
) Defendants.)
)

SUMMONS
 BY _____
 JULIE J. ARMSTRONG
 CLERK OF COURT
 2016 JUL 21 PM 3:12
 FILED

TO THE DEFENDANT ABOVE NAMED:

You are hereby summoned and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the Complaint to the subscriber at **Bloodgood & Sanders, LLC 895 Island Park Drive, Suite 202, Charleston, South Carolina, 29492**, within thirty (30) days after the service hereof, exclusive of the day of such service. If you fail to answer the Complaint within that time, the Plaintiff will apply to the Court for the relief demanded in the Complaint and a judgment by default will be rendered against you.

BLOODGOOD & SANDERS, LLC


 Nancy Bloodgood, SC Bar No.: 6459
 Lucy C. Sanders, SC Bar No.: 78169
 895 Island Park Drive, Suite 202
 Charleston, SC 29492
 Telephone: (843) 972-0313
 Facsimile: (843) 377-8997
 Email: nbloodgood@bloodgoodsanders.com
lsanders@bloodgoodsanders.com
Attorneys for Plaintiff

Charleston, South Carolina
 Date: 7-19-16

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Robert T. Dillon, Jr., PhD.,)
)
 Plaintiff,)
)
 vs.)
)
 The College of Charleston and Brian)
 McGee, in his individual capacity,)
)
 Defendants.)
)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2016-CP-10- 3774

COMPLAINT
(JURY TRIAL REQUESTED)

2016 JUL 21 PM 3:12
 JUDGE J. ARMSTRONG
 CLERK OF COURT

FILED

JURISDICTION AND VENUE

1. Plaintiff is a citizen and resident of the County of Charleston, State of South Carolina.
2. Defendant College of Charleston is a state educational institution doing business and maintaining offices in Charleston County, South Carolina.
3. Defendant Brian McGee is employed as Provost at the College of Charleston and, upon information and belief, he is a resident of Charleston County, South Carolina. He is sued in his individual capacity for actions taken outside the scope of his job responsibilities which violate Plaintiff's state constitutional rights of free speech and due process.
4. All actions pertinent to the allegations in this Complaint took place in Charleston County.
5. Jurisdiction and venue is proper in this Court.

FACTS

6. Plaintiff Dr. Robert T. Dillon, Jr., PhD. has been a tenured Associate Professor at Defendant College for twenty-five (25) years.

7. Plaintiff has been employed a total of thirty-three (33) years by Defendant College.

8. For the last few years, Plaintiff has taught an average of three (3) classes of Genetics Lab each semester.

9. The College of Charleston has policies in its 2015-2016 Faculty/Administrative Manual (FAM) that apply to tenured professors.

10. The 2015-2016 FAM does not contain the requisite statutory disclaimer found in S.C. Code § 41-1-110 indicating it is not a contract. In fact, it states;

A formal procedure for amending these policies is set out on the Policy Website. All changes to these policies must be directed through the Provost to the President. Changes may be initiated by the Provost.

11. At least one previous general counsel for Defendant College has referred to the FAM as the “Bible” the Faculty must follow.

12. Defendant College has chosen to ignore the policies in the Faculty/Administrative Manual (FAM) in order to harm Plaintiff against whom the individually named Defendant and Plaintiff’s supervisors have long held a well-documented animosity.

13. Plaintiff and Plaintiff’s supervisor Willem Jacob Hillenius have disagreed vehemently for years regarding the issue of teacher philosophy.¹

14. Plaintiff vocally and actively opposed another supervisor’s (Dean Michael J. Auerbach) re-hire as Dean five (5) years ago.

15. Defendant McGee is currently angry at Plaintiff because of the way Plaintiff allegedly undermined McGee’s attempt to satisfy an antiquated state law requiring study of the United States Constitution in the spring of 2015.

¹ Plaintiff has disagreed with Hillenius’ belief that the opinion of an 18-year-old youth is equivalent to that of a professor with 30 years of experience, and that students can evaluate their professors as profitably as professors evaluate their students.

16. These three (3) supervisors feel threatened by the Plaintiff's political activities in Columbia, where in his capacity as President of the South Carolinians for Science Education, he has challenged powerful state senators over the state K-12 science standards.

17. These three (3) supervisors also feel threatened by the Plaintiff's independent success coordinating Darwin Week for the last sixteen (16) years, which event attracts huge crowds and lots of press.

18. Further, Defendant McGee resents the fact that Plaintiff is the current President of the Lowcountry Phi Beta Kappa (PBK) Association and Defendant College cannot seek a PBK chapter without Plaintiff's personal approval, which he will not give.

19. The latest attempt by Defendants to harm Plaintiff started when Hillenius allegedly became concerned that one (1) paragraph in Plaintiff's syllabus (which paragraph has been part of Plaintiff's syllabus for the last three (3) semesters) might jeopardize Defendant College's re-accreditation attempts and he, therefore, ordered Plaintiff to change the wording in the syllabus of the genetics lab course.

20. Defendant Hillenius' concern was unreasonable.

21. Defendant College's accreditation is not in jeopardy.

22. A single paragraph in a professor's syllabus cannot possibly jeopardize any college's re-accreditation as the content of syllabi is not addressed in the Principles of Accreditation used by the Southern Association for Colleges and Schools Commission on Colleges (SACSCOC).

23. Further, at the time, Plaintiff's syllabi met all of the requirements set forth in the 2015-2016 Faculty/Administrative Manual (FAM).

24. On information and belief, emails between the three (3) individual Defendants and others will indicate Plaintiff's supervisors made a concerted effort outside the scope of their job

responsibilities to cause Plaintiff harm for personal reasons unrelated to their job responsibilities.

25. Specifically, on January 19, 2016, Defendant College, through Hillenius, notified Plaintiff it did not like the fact that Plaintiff had included a quote from President Woodrow Wilson in his syllabus to describe what Plaintiff envisioned as the learning outcomes for his class.

26. In part, Plaintiff's paragraph regarding "learning outcomes" states (quoting Woodrow Wilson), "It is the business of a University to impart to the rank and file of the men whom it trains the right thought of the world, the thought through which it has tested and established, the principles which have stood through the seasons and become at length part of the immemorial wisdom of the race."

27. Acting on behalf of Defendant College, Hillenius alleged Plaintiff's syllabus did not meet the Southern Association for Colleges and Schools Commission on Colleges (SACSCOC) guidelines.

28. Hillenius complained that the Woodrow Wilson quote found in Plaintiff's syllabus under the heading "Explicit Learning Outcome" was from 1896 and sarcastically noted, "genetics has come a long way since then."

29. Plaintiff's syllabus was three (3) pages long and included a description of the textbook and lab manuals used in the class, a summary of what would be taught in each class and the reading assignment for each class, the dates of quizzes, how grades were determined, a course description, learning outcomes, the lab location, Plaintiff's office hours, attendance rules, and lab report requirements, as well the address of a web site so students could receive updated information.

30. At the time, there were no FAM requirements regarding the content of syllabi or "learning outcomes" in the FAM.

31. The FAM had one a paragraph regarding "course objectives" which merely

required a clear statement by instructional staff of the instructional objectives of each course. (Section VII. A. 2, FAM.)

32. The second page of Plaintiff's syllabi clearly stated the course objectives for each lab class.

33. Plaintiff's course objectives included *Drosophila* familiarization; studying the concepts of variable expressivity and reduced penetrance; modeling natural selection and genetic drift; and lab work regarding linkage analysis, human cytogenetics, chromatography and protein electrophoresis.

34. As there were no FAM requirements regarding syllabi or "learning outcomes", neither were there any SACSCOC standards regarding syllabi or "learning outcomes."

35. The only relevant SACSCOC accreditation standards are 3.4.10 ("The institution places primary responsibility for the content, quality, and effectiveness of the curriculum with its faculty.") and 3.7.4 ("The institution ensures adequate procedures for safeguarding and protecting academic freedom.")

36. Defendant College has clearly violated SACSCOC accreditation standards 3.4.10 and 3.7.4 by nit picking the wording of Plaintiff's syllabus.

37. On the grounds of academic freedom, Plaintiff objected to the demand that he reword one (1) paragraph in his syllabus to make what he considered a trivial change.

38. On February 9, 2016, Dean Auerbach ordered Plaintiff to create a new paragraph in his syllabus and told him, "Failure to do so will be deemed insubordination and will result in the initiation of formal, disciplinary procedures."

39. "Insubordination" is not mentioned in the College's Code of Professional Conduct and Statement of Professional Ethics which is the section of the FAM that applied to Plaintiff

disciplinary action against a tenured professor is covered in Section VII of FAM.

40. In fact, the Code states that as a member of an institution, the professor “observes the stated regulations of the institution **provided they do not contravene academic freedom**” and “maintains his or her right to criticize regulations and seek their revision.” (emphasis added.)

41. Dean Auerbach characterized Plaintiff’s insistence that he be allowed to craft the wording of his own syllabus as “silly, sanctimonious games.”

42. Formal A tenured professor can only be sanctioned or disciplined for violation of Section IV B or Section VIII A.

43. Section IV B, titled the Code of Professional Conduct and Statement of Professional Ethics, requires professors to follow federal, state and local law²; comply with the policies and procedures of FAM; and comply with all written administrative procedures and policies.

44. There were no written administrative procedures and policies regarding syllabi or “learning outcomes” in place in January 2016 or at the time Provost McGee abruptly relieved Plaintiff of his teaching responsibilities in February of 2016.

45. Section VIII A, titled Faculty Responsibilities to Students, addresses “course objectives”, not “learning outcomes.” Section VIII A merely requires instructional staff members to clearly state the objectives of the course they teach and to ensure the course descriptions are consistent with the course descriptions approved by the Faculty Committee on Curriculum and Academic Planning.

46. Defendant College has never alleged Plaintiff’s course descriptions are inconsistent with the course descriptions approved by the Faculty Committee on Curriculum and Academic Planning.

² Defendant College has not alleged Plaintiff has violated any federal, state or local law.

47. Hillenius had originally told Plaintiff that his “student learning outcome statement” in the syllabus was the problem, not his “course objectives.”

48. Plaintiff had clearly stated the objectives of his course in his syllabus.

49. Neither Section IV B nor VIII A of the FAM addresses the terms “learning outcomes” or “insubordination,” so there was no basis in the FAM for disciplining Plaintiff.

50. On February 18, 2016, about a week after Dean Auerbach’s email to Plaintiff, Provost McGee (McGee is Dean Auerbach’s supervisor) threatened Plaintiff with discipline if Plaintiff did not comply with the directives of Chairman Hillenius and Dean Auerbach.

51. Provost McGee threatened to suspend Plaintiff unless Plaintiff could “persuade him otherwise” and immediately assigned Plaintiff to new duties pursuant to Article VII, Section B 2 of the FAM.

52. Article VII, Section B 2 of the FAM states, “If the Provost determines there is a strong likelihood that the faculty member’s continuance in normal duties threatens immediate harm to that faculty member or to others, the Provost may assign the faculty member to new duties.”

53. The Provost’s actions constituted defamation *per se* as they indicated to Plaintiff’s students, the faculty, and the public that Plaintiff posed an immediate threat of harm to others, indicating he was either a criminal or incompetent in his profession.

54. On February 22, 2016, Plaintiff sent an email to faculty in the School of Science and Math alerting them that this was not a personnel matter but rather, “The issues at stake involve academic freedom and integrity, and as such should be of great interest to the College Community.”

55. In response to Plaintiff’s February 22, 2016 email to the faculty, on February 24, 2016, Provost McGee emailed Plaintiff telling him he considered the issue a personnel matter only.

56. Provost McGee then bizarrely chided Plaintiff for his reference to “specific texts

from religious tradition.” Plaintiff had previously indicated to McGee that it was his “prayer that this issue might be kept in proper perspective” and he had cited to a text in the Bible.

57. In an attempt to justify his wrongful actions and continued bullying, Provost McGee hand-picked three faculty members to be on an “investigative review panel” (hereafter “group of three”) to investigate the quote by Woodrow Wilson and determine whether Plaintiff’s use of the quote in his syllabus “violated the Code of Professional Conduct and the Statement of Professional Ethics.”

58. McGee’s appointment of the group of three is not provided for anywhere in the FAM.

59. McGee’s appointment of the “group of three” made it impossible for Plaintiff to thereafter timely file a grievance regarding the more important issues of academic freedom and due process as the grievance committee found that the group of three’s investigation had used up Plaintiff’s time to file a grievance.

60. Not surprisingly, the group of three finished their investigation without ever talking to Plaintiff.

61. Oddly, the group of three compared Plaintiff’s genetics lab syllabi with other genetics syllabi from Defendant College and determined his was not consistent.

62. On what basis the group of three had competency to determine the consistency of various genetics syllabi with the instructional objectives of a scientific laboratory and for what purpose is unknown to Plaintiff.

63. Evidently on the basis that Plaintiff’s syllabi were different than other professors’ syllabi, the group of three upheld McGee’s proposed sanctions.

64. Six weeks after Defendant College wrongfully reassigned the Plaintiff on February

18, 2016, Plaintiff received an email from Dr. Peter Kingsley-Smith, chairman of a Marine Science student's graduate committee upon which Plaintiff was serving, stating in pertinent part, "I have spoken with Dr. Craig Plante and have agreed that he will take your place on [the student's] advisory committee (hopefully temporarily), with the understanding that if this is situation is resolved and you are reinstated with the College, that you will replace him again.I hope you understand my course of action here, and I hope that this matter will be resolved and that you will be reinstated. You are the natural choice to be on [the student's] committee given your expertise in the world of freshwater gastropods." (student's name omitted.)

65. Dr. Kingsley-Smith's actions show Plaintiff's colleagues considered Plaintiff unfit to perform his duties as an associate professor based on the wrongful actions taken against him by Defendant College.

66. Evidently admitting its actions were without merit, on April 6, 2016, Defendant College (upon information and belief, upon the insistence of Defendant McGee) created a new free-standing "mandatory syllabus content" official policy.

67. This new policy was not part of the FAM (which would have required faculty approval.)

68. Interestingly, the new policy states that subsequent revisions to the FAM will not invalidate this "official" policy, thus giving this new policy regarding syllabi special significance over other College policies.

69. The new policy was clearly enacted in response to Plaintiff's particular situation.

70. The new eight (8) page policy was established well after the individual Defendant College had already wrongfully disciplined Plaintiff for violating the FAM and after it had

repeatedly made the preposterous allegation that a Woodrow Wilson quote in Plaintiff's syllabus jeopardized SACSCOC accreditation.

71. The new policy still does not define "learning outcomes."

72. Interestingly, the new policy contains a new requirement that all syllabi have to be approved by supervisors.

73. So, after Defendant McGee had already disciplined Plaintiff, Defendant College enacted a new policy, outside of the process for amending the FAM, evidently attempting to validate Defendant McGee's previous wrongful actions.

74. This requirement of supervisors approving in advance the speech of faculty members clearly violates Defendant College's Statement on Academic Freedom.

75. This requirement of supervisors approving in advance the speech of faculty members is retaliation against Plaintiff.

76. The Statement of Academic Freedom in the FAM states in pertinent part, "Institutions of higher education are established for the common good... [t]he common good depends on the free search for truth and its free exposition. ...A faculty member is entitled to freedom in the classroom in discussing his or her subject... [and] ... entitled to freedom to address any matter of institutional policy or action. ... The faculty's member's action is free from institutional discipline or restraint, save for the statements or actions that violate the College's Code of Professional Conduct and Statement of Professional Ethics."

77. The ridiculousness of Defendant College's contention that a single paragraph in one professor's syllabus can jeopardize a college's SACSCOC accreditation was addressed by the American Association of University Professors) AAUP in its March 16th and March 30th letters to President McConnell objecting to Defendant College's actions against Plaintiff.

78. As the AAUP noted, “An action to separate a faculty member from ongoing academic responsibilities prior to demonstration of stated cause in an appropriate proceeding is justified...only if immediate harm to the faculty member or others is threatened by continuance.” (internal quotations omitted.)

79. The fact that these AAUP letters had to be sent questioning the College’s actions is arguably a more significant risk to Defendant College’s re-accreditation than the wording of any one (1) paragraph in one professor’s syllabus.

80. After Plaintiff refused to alter the allegedly objectionable paragraph in his syllabus based on his right to exercise his academic freedom, and after he was accused of insubordination, the AAUP also correctly pointed out to Defendant College, “charges of insubordination “would seem more appropriate to a military organization or industrial enterprise than to an institution of higher learning.”

81. The sanctions subsequently imposed by Provost McGee on March 18, 2016 for the fall of 2016 also included “barring” Plaintiff from campus.

82. Defendant’s campus is a public space upon which any taxpayer is allowed as Defendant College is a state institution.

83. On March 28, 2016, an article appeared in the *Chronicle on Higher Education* regarding Plaintiff’s situation.

84. After the group of three upheld McGee’s actions, Plaintiff attempted to grieve the issue of academic freedom with the Faculty Hearing Committee.

85. However, Provost McGee’s previous creation of the group of three resulted in a finding by the Faculty Hearing Committee that Plaintiff’s complaint to them had been filed too late.

86. The Faculty Hearing Committee found McGee’s use of the group of three had used

up the time Plaintiff had to have the Faculty Hearing Committee decide the issues of academic freedom and due process.

87. After the Faculty Hearing Committee refused to hear Plaintiff's complaints, the Grievance Committee did grant Plaintiff a hearing and propose a compromise.

88. The proposed compromise was rejected by Defendant McGee.

89. Following the breakdown of negotiations regarding a compromise, the Grievance Committee forwarded the grievance to President McConnell as an "unresolved" grievance.

90. President McConnell subsequently upheld the Grievance Committee's "unresolved" conclusion stating, in an email, he would "let the decision of the Provost stand as the final action in this matter."

91. Therefore, McGee's March 18th sanctions against Plaintiff based on his refusal to change the wording of his syllabus based on the principal of academic freedom was endorsed and adopted by Defendant College.

FIRST CAUSE OF ACTION
(DEFAMATION *PER SE* AGAINST DEFENDANT COLLEGE ONLY)

92. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

93. Acting through its agents, upon information and belief, Defendant College stated and published false and defamatory statements to third persons about Plaintiff.

94. Defendant College's statements and actions related to relieving Plaintiff of his teaching duties, suspending him, and barring him from campus imply to the public that he is unfit for his profession.

95. Plaintiff was suddenly removed from his classroom without explanation to third parties on February 18, 2016.

96. When Plaintiff's students appeared for classes the next week, he was simply gone.

97. Plaintiff's 60 colleagues in the Biology Department discovered independently that he was not meeting his classes.

98. Plaintiff's students and colleagues saw Plaintiff in the hallways and did not know why he was not being permitted to teach so rumors started as the only possible reason to be removed from a classroom per the FAM is that "there is a strong likelihood" that Plaintiff "threatens immediate harm."

99. These false statements and actions were plain in meaning and constitute defamation *per se*.

100. The statements were made and actions taken with common law malice.

101. These false statements and actions were published to persons who had no need to know, including faculty and students, in public meetings.

102. Defendant College's publication of these statements and actions was not privileged due to the manner and circumstances surrounding the publication.

103. After Defendant College had defamed Plaintiff by relieving Plaintiff of his teaching duties, suspending him, and barring him from campus, implying to the public that he was unfit for his profession, Plaintiff defended himself in public.

104. The publication and re-publication of these false statements and actions by agents of Defendant College have caused Plaintiff to suffer serious damage to his personal and professional reputations.

105. As a result of Defendant College's publication of false and defamatory statements and actions, Plaintiff has suffered (and continues to suffer) damages in the form of lost past and future wages and benefits, and injury to his personal and professional reputation. He seeks

actual damages, special damages, costs of this action and post judgment interest from Defendant College.

SECOND CAUSE OF ACTION
(RETALIATION IN VIOLATION OF SOUTH CAROLINA
CONSTITUTION'S FIRST AMENDMENT AS TO DEFENDANT COLLEGE ONLY)

106. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

107. Academic freedom includes the right of a professor to object to the micromanagement of his ideas and written statements by College administrative staff.

108. The public has an interest in ensuring professors at public colleges are guaranteed academic freedom.

109. The Defendants had no right to require Plaintiff to add trivial banalities to the wording of his syllabus and then suspend and bar him from campus when he refused to follow their instructions.

110. Plaintiff engaged in protected expression regarding a matter of public concern when he complained that his academic freedom as a tenured professor was being infringed upon.

111. Plaintiff's interest in his First Amendment expression outweighs Defendants' alleged interest in standardizing professors' syllabi.

112. Defendant College's actions of suspending and then barring Plaintiff from campus as well as enacting policy that requires supervisors to approve the language professors use in syllabi, has a chilling effect on the free speech of other faculty members.

113. Plaintiff seeks actual and consequential damages and equitable relief for Defendants' wrongful actions as well as costs and attorney fees.

THIRD CAUSE OF ACTION
(SOUTH CAROLINA CONSTITUTIONAL DUE PROCESS VIOLATION
AS TO BOTH DEFENDANTS)

114. Plaintiff incorporates all prior allegations, where not inconsistent, as if fully set forth herein.

115. Plaintiff has a property right in his tenured status as he has an enforceable expectation of continued employment.

116. Plaintiff also has a liberty interest because Defendant College and Defendant McGee took unwarranted disciplinary actions against Plaintiff that impaired his good name and reputation.

117. Plaintiff was denied the opportunity to be heard as to the important issues of academic freedom and due process due to Defendant McGee's creation of a hand-picked group of three which group of three's actions used up Plaintiff's time to file a grievance with the Faculty Hearing Committee.

118. Plaintiff was denied an adequate opportunity to be heard on these important issues before the Faculty Hearing Committee.

119. Plaintiff's right to academic freedom and due process were clearly established in Defendant College's FAM, by the AAUP, and in the SACSCOC standards.

120. Defendant McGee should have known his actions violated Plaintiff's constitutional right to procedural due process under the state constitution.

121. Defendant McGee is not entitled to qualified immunity for his wrongful actions.

122. Plaintiff has been damaged by Defendants' actions and seeks equitable and legal compensatory relief in the form of lost retirement benefits, attorney fees and costs.

Wherefore, having fully stated his Complaint against these Defendants, Plaintiff prays for actual, compensatory and special damages, equitable relief, attorney fees, costs, pre and post judgment interest, and for such other relief as the Court deems appropriate.

BLOODGOOD & SANDERS, L.L.C.



Nancy Bloodgood, SC Bar No.: 6459
Lucy C. Sanders, SC Bar No.: 78169
895 Island Park Drive, Suite 202
Daniel Island, SC 29492
Telephone: (843) 972-0313
Facsimile: (843) 377-8997
Email: nbloodgood@bloodgoodsanders.com
lsanders@bloodgoodsanders.com

Attorneys for Plaintiff

Charleston, South Carolina

Date: 7-19-16



July 19, 2016

The Honorable Julie Armstrong
Charleston Count Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

RE: *Robert T. Dillon, Jr., PhD. vs. The College of Charleston and Brian McGee,
in his individual capacity*
Our File No.: 2016-00105

Dear Julie,

Enclosed please find the original and three copies of the Civil Action Coversheet, Summons and Complaint in connection with the above-referenced matter. You will also find enclosed a check in the amount of \$150.00 which represents the filing fee for same. Please file the originals and return clocked-in copies of the same to me in the enclosed self-addressed stamped envelope.

Should you have any questions, please do not hesitate to contact my office.

With kindest regards, I am

Sincerely,

A handwritten signature in cursive script that reads "Nancy".

Nancy Bloodgood

NB/alk
Enclosures

cc: Robert Dillon, Jr., PhD., *via email*