

## Jackson teacher wins in whistleblower case

*District officials removed teacher from school after student altercation*

By: Thomas Franz in News Stories May 4, 2018

An art teacher of three decades prevailed in a whistleblower case against Jackson Public Schools.

In *Davis v. Jackson Public Schools*, the plaintiff sought economic and non-economic damages for being treated unfairly after reporting to police an assault on her by a student she had made several complaints to school administration about.



Megan Bonanni of Pitt McGehee Palmer & Rivers in Royal Oak represented the plaintiff.

### Case details

Plaintiff Pennie Davis has worked at Jackson High School since 1986 and has been rated as an excellent performer for 29 years, and was chair of the art department, Bonanni reported.

In the fall of 2015, Davis made several reports about a student who was showing signs of defiance and aggressiveness. Bonanni said administration and other personnel never followed up on those reports.

On Oct. 12, 2015, the student struck Davis with a punch to her hand, leaving it with swelling and a contusion. Davis reported the incident to police, and then obtained a personal protection order against the student.

As a result of reporting to the incident to police, Bonanni said the school district retaliated against Davis by permitting the student to wander the halls of the school unattended while not complying with the PPO. The principal eventually worked out a plan to address that concern.

“The plan was that they had a map of the school and the student’s schedule. They were able to show the student how he should go from class to class as to avoid any contact with the teacher’s room,” Bonanni said. “The teacher had two concerns, when she encountered the student, she thought why no one had intervened to help the kid. She wanted him to move on and not violate it, she wanted to make sure they were protecting him too.”

Although that plan worked for some time, the district superintendent and assistant superintendent transferred Davis to the middle school without training for the new curriculum, Bonanni said. Within a few weeks, Bonanni said the district labeled Davis as a “failing teacher.”

A lawsuit against the district was soon filed, after which Davis secured a transfer back to the high school. However, she had to file grievances for being assigned to an unsafe classroom and not being provided basic materials for her art class, Bonanni said.

“When I deposed the superintendent and assistant superintendent, I asked the superintendent why they haven’t reinstated her to her job. On the spot, he said yes he would. I’m 100 percent certain that the lawsuit was the reason why she was able to get back to the job,” Bonanni said.

### Keys to victory

The case wound up going before a jury. Bonanni said she used Davis’ lengthy tenure as a successful teacher to prove there was no previous motive behind the whistleblower lawsuit.

“She was not a troubled employee or employee who had been subject to any kind of corrective action of any kind in 29 years. That pristine employment record goes a long way in a whistleblower case because even though you’re not

required to prove motive for blowing the whistle, I think to have a successful case juries still look at that," Bonanni said.

The verdict amount was \$388,485, including economic damages due to money being lost for Davis not being department head any longer and also co-pays for medical treatment. There were also non-economic damages for emotional distress.

"I think the strategy of knowing that she was someone who had always been such a great teacher and was suddenly looking like a poor employee in such close proximity to her protected activity was so suspect on its face, that was why we moved forward with the case," Bonanni said.

Defense attorneys Timothy Mullins and John Miller did respond to requests for comment.

*If you would like to comment on this story, email Thomas Franz at [tf Franz@mi.lawyersweekly.com](mailto:tf Franz@mi.lawyersweekly.com).*

Tagged with:

JACKSON PUBLIC SCHOOLS

WHISTLEBLOWER

## ABOUT THOMAS FRANZ

---



### WEEKLY LITIGATION & CORPORATE LEGAL NEWSLETTERS

Best Practices • Trends • Industry News & More

Sign up to get them here.



BRIDGETOWER MEDIA™

---

Copyright © 2018 Michigan Lawyers Weekly

P.O. Box 70388

Rochester, MI 48307

(800) 678-5297 fax: (248) 865-3117

