

Former Tri-County Vocational School (since renamed the Tennessee Technology Center at Hartsville - Tri-County Extension Campus) Auto Mechanics Instructor Rodney Dunn filed a lawsuit with the U.S. District Court for Tennessee Middle District Northeastern Division on Friday, January 16, 2009, against Technology Center director Jerry Spivey, members of the Macon and Jackson County Boards of Commissioners, the Tennessee Board of Regents and Charles Manning, Chancellor of the Tennessee Board of Regents.

Dunn, who was employed at the Red Boiling Springs Tri-County Vocational School, in January of 2001, was approved as a tenured teacher upon his rehire by the Jackson and Macon County Boards of Commissioners around May of 2005, after a 7-year career as an auto mechanics instructor at the school.

The lawsuit claims that 57-year-old Dunn was “discharged from his position as a tenured teacher at the public Tri-County Vocational School in violation of applicable statutes and rules governing teacher tenure. In addition, or in the alternative, he was discharged in violation of Federal and State statutes prohibiting discrimination based on age.”

Dunn claims that, in May of 2008, he was orally informed by School Director Jerry Spivey, that the school was going to discontinue the auto mechanics class, and he would be discharged. Receiving no written notice of his dismissal, as required by TCA 49-5-511(b)(2), a hearing prior to dismissal or placement on a preferred list for rehire (TCA 49-5-511(b)(3)), Dunn alleges that Tennessee’s teacher tenure laws were violated.

The lawsuit further claims that in the Spring and Summer of 2008, the Tennessee Board of Regents began the process of converting the school to a dual-enrollment facility, operating as an extension campus of Tennessee Technology Center at Hartsville and in August of 2008, re-opened a program in machine shop that had been closed approximately two years prior, due to lack of participation.

Dunn, who was not rehired though he was a tenured teacher, claims that the school employed a former heating and air conditioning substitute teacher ‘despite the lack of an endorsement for such teaching on his license,’ who is 15 to 20 years younger than himself, to teach the recently reinstated machine shop class and alleges that, ‘the real purpose of discontinuing the auto mechanics class and discharging the plaintiff (Dunn) was to provide an opening for a younger, non-tenured teacher . . . in violation of the Federal Age Discrimination in Employment Act and the Tennessee Human Rights Act.’

The lawsuit also notes that the Dunn has filed a claim with the U.S. Equal Employment

Opportunity Commission, which issued him a Notice of Suit Rights dated December 10, 2008. Dunn is requesting a jury trial and hopes to be awarded back pay and/or compensatory damages, reinstatement or front pay, any or all relief provided for in TCA 49-5-101 et seq., appropriate injunctive relief requiring the defendants to comply with the provisions of state law regarding tenured teachers, and prohibiting violation of the same in the future and all costs, including discretionary costs, to the extent allowed by law, for reasonable attorney's fees.

The lawsuit explains Dunn's reasoning for his requests in the following way:

'As a direct and proximate result of defendant's unlawful termination of plaintiff's employment in violation of Tennessee's teacher tenure laws and/or Federal and State statutes prohibiting discrimination on the basis of age, plaintiff has lost his employment including all emoluments thereof, has been unable to procure alternative or replacement employment, has been embarrassed and humiliated and suffered other emotional injuries. Plaintiff will continue to suffer such injuries and losses in the future.'

All defendants in the lawsuit include:

Director of the Tennessee Technology Center at Hartsville – Jerry Spivey

Macon County Board of Commissioners – Billy Bransford, David Crowder, Vernon Biggs, Jeff Hughes, Billy West, Phillip Snow, Jerry Ray, Scott Gammons, Larry Tucker, Mike East, Ralph Doss, Tony Boles, Annette Looper, Phillip Ray Spears Jr., Helen Hesson, Phillip Spears, Robert Grant Malo, Benton Bartley & Rosetta Day Driver

Jackson County Board of Commissioners – Joey Denson, Pat Forkum, Jack Smith, Bruce Hawkins, James Evins, Kimberly Young, Scott B. Allen, Kenneth Craighead, Willard Mayberry, Danny Davis, Terry Mayberry, Michael Loftis, Richard Head, Charles Hopkins, Jeff Smallwood, John Cason, Billy Myers, Johnny Pippin & Wayne Wiley

Chancellor of the Tennessee Board of Regents – Charles Manning

## The Tennessee Board of Regents

The Tennessee Technology Center at Hartsville is jointly owned and operated by Jackson and Macon Counties and is jointly operated by the Boards of Commissioners of Jackson and Macon Counties. The Tennessee Board of Regents, a state agency in charge of the Community College System of Tennessee, owns and operates the Tennessee Technology Center at Hartsville Tri-County Extension Campus in RBS (formerly named Tri-County Vocational School) where Dunn was employed as a tenured teacher.