



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Northern DIVISION

Shanshan Zhan

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14cv777 *cur-LRA*

University of Mississippi Medical Center (UMMC)

DEFENDANT(S)

COMPLAINT

COMES NOW, plaintiff, Shanshan Zhan, pro se, and for cause of action

Against the defendant(s), UMMC would state:

JURISDICTION

This action is being taken to the jurisdiction of the court to pursuit Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) to redress Defendant's unlawful employment practices including retaliation against Plaintiff, a wrongful termination and harassments, as well as not equal pay, because of her race, national origin etc, and her complaints about such unlawful discrimination.

Parties

1. Plaintiff was an adult resident citizen of the County of Hinds, State of Mississippi from Jan. 2012 – Jan. 2014; currently is a resident citizen of the County of Richmond, State of Georgia. She is USA citizen originated from People's Republic of China. She was a

research scientist I in Pharmacology & Toxicity department of UMMC from 02/06/2012 to 08/09/2013. She was a good working ethic and dedicated to science. During working in UMMC, she published a paper and a poster abstract in high quality journals of Stroke & Hypertension, 2013. She proposed a research plan to a Sweden pharmaceutical company for clinical trial study and she was granted for the drug compound.

2. Plaintiff filed charges in violation of Civil Rights Act of 1964 of UMMC to EEOC in August, 2013 and EEOC dismissed Plaintiff's charge with a Notice of Right to Sue.

3. The defendant UMMC is a public state institute located in the County of Hinds, State of Mississippi.

FACTS

A wrongful termination with security force harassment and forbidden Plaintiff to see medical doctors

4. On the Friday morning of August 9th, 2013, Plaintiff's position was eliminated under RIF (Reduction in Workforce) in Pharmacology & Toxicity department. Plaintiff didn't get any notice in advance from either the department or her boss. She was ordered to leave the lab immediately and wasn't allowed to access to her working computer to clear it up as well as to take personal belongings. She was not allowed to talk her co-workers and her UMMC email account was closed right away. Two HR ladies walked her to the hospital part. This termination protocol for RIF has never previously occurred within UMMC nor to any other public institutes in USA history. From RIF guide of UMMC provided by Barbara Smith Watson (EEO director of Human Resources) to EEOC investigation, the policy no. 7 tells **"for those employees whose positions are eliminated, UMMC will provide at least a 30-day notice."**

5. After HR people left, Plaintiff called her co-worker – Jing Li (Post-doc, origin from People’s Republic of China) to bring Plaintiff’s lunch box to her and they were sitting at the main hospital lobby to talk. Kevin T Wilbert (Administrator of Pharmacology & Toxicity department) came to them to forbid them talking there. Plaintiff asked why he was doing this and what wrong she had done? Mr. Wilbert clearly told Plaintiff that she didn’t have wrong doing and **they just followed a protocol** that Plaintiff was not allowed to stay on campus. However, she was totally free to look for any job in UMMC. Mr. Wilbert just conflicted with his own saying. If Plaintiff didn’t have wrong doing and was free to look a job in UMMC, why she was forbidden to be on campus even in the hospital area? **During EEOC investigation, UMMC never provided the termination protocol to EEOC investigator.** However, from UMMC employee handbook, it says

“REDUCTION IN WORK FORCE - STAFF When it becomes necessary to terminate non-contractual staff because of a curtailment in operations or lack of funds, the selection of individual employees to be retained or terminated will be determined within each department. **Reasonable consideration will be made to place affected employees in another position in the institution.**”

6. After Plaintiff left the lab, in the afternoon on the same day, Dr. Sean. Didion (Associate professor of Pharmacology & Toxicity department, Plaintiff’s boss) required everybody in the lab to hand in the lab keys to him for over weekend and warned the staff not to give any access to Plaintiff in the lab, otherwise he was going to take legal actions. Also he had a meeting with Jessica Faulkner (PhD student), Alexia Miller (lab aid) and her sister - Leslie Miller (lab tech) alone, because they all were born in USA. Later, he also separately met with Rohini

Bandaru (PhD student, India girl) telling her that it was all Kevin's idea for Plaintiff's termination process. He did not meet with Jing (Jing and Plaintiff originated from People's Republic of China). Jing felt Dr. Didion discriminated her from other lab people. Meanwhile, Dr. Didion and Mr. Wilbert forced Jing Li to quit her job one week later. Jing was extremely scared by Dr. Didion and Mr. Wilbert's discriminating act therefore she emailed a letter to HR director - Barbara Smith Watson to ask for help on August 15, 2013 and went to her office too. As a director of DIR – Employee Relations, Ms. Watson never responded her email and didn't meet with her either.

7. On August 12th, 2013 (3 days later of termination), Plaintiff wanted to meet with some faculty friends talking about job seeking in other departments of UMMC and to see doctors. However, Plaintiff thought the way of termination they applied to her was very wrong and she wanted to see some other authority who would protect Federal Civil Rights from violation practice like Dr. Didion and Mr. Wilbert. Therefore, she visited HR director – Barbara Smith Watson to ask her if Plaintiff could visit her friend who was a faculty member in physiology Dept. and if she could see doctors. Miss Watson told her that she could go both places but just did not go back to the department she worked there (located on **third floor** of **old** Guyton building). When Plaintiff was on the way to the breaking room in Physiology Dept. (on the **first floor** of **new** Guyton building), she met with Pam Banks (Administration assistant of Pharmacology & Toxicity Dept.) in the hallway of the hospital part. Pam Banks asked where Plaintiff was going. Plaintiff

told her to the breaking room in Physiology Department. Then Pam told Plaintiff that Dr. Didion was very mad at Plaintiff's complaint about him. But nobody could understand why Dr. Didion suddenly decided to terminate Plaintiff's position right away and required such unusual way of termination. Plaintiff was in the breaking room to wait for the faculty member, **suddenly, 3 or 4 armed security guys showed up forcing Plaintiff to leave UMMC property immediately and forbidden her to see doctors.** They said to Plaintiff that they were ordered by a phone call (they didn't know who called) to walk Plaintiff to the parking lot **where they must see her driving off the property of UMMC.** When security guys walked with Plaintiff to the parking lot on the way they reached to HR offices, Plaintiff turned into the HR director's office where Miss Watson briefly asked the security guys why they were there? They answered as same as they told Plaintiff (see above). Then, Ms. Watson turned to Plaintiff saying a completed different story from before "I told you to meet with your friend in the main cafeteria not some places else." Ms. Watson didn't dismiss security guys instead she still used security force to send Plaintiff to the cafeteria without mentioning if Plaintiff could see doctors. The security guys were walking with Plaintiff to the main cafeteria, which passed a quite distance through the hospital area. Plaintiff was extremely scared, bulled, humiliated, and felt betrayed by Ms. Watson, which made Plaintiff so sick that she couldn't see her Professor friend and left UMMC immediately.

8. In the letter of Ms. Watson to EEOC investigation dated on April 24, 2014, she wrote "Under our RIF policy, when a reduction in force is implemented, employees are asked to leave the premises immediately, not be allowed to remain in the department are normally not on campus unless seeking medical treatment. In this particular case a few days following the RIF, charging party came to my office and expressed a desire to have lunch with her friend who happened to be a co-worker. I told Charging party that it was not a problem to meet her friend in the main cafeteria as advised, charging Party was found in the break room of the department and campus police was called." It's totally a lie for covering up their wrong doing. **Ms. Watson couldn't provide any name Plaintiff met with to EEOC. Ironically, as a matter of fact, there isn't a breaking room existent in the department where Plaintiff used to work.** Obviously, Ms. Watson provided a false statement to EEOC investigation. Moreover, there are not any such restriction rules as Ms. Watson mentioned in her letter in RIF guide and in UMMC employee handbooks. What she wrote to EEOC just violated UMMC policy with making up rules by her own above the laws. **In the opposite, some employees left due to RIF in 2013 in the same department, they all got 30-90 day notice and they were not forced walking out within minutes with HR people. They could free walk on campus anywhere to look for jobs and visit their former coworkers or spouses. Their UMMC email accounts remained for 3 months.**

9. After Plaintiff filed a charge to EEOC, her case assigned to ADR Mediator – Geraldine T. Kelly. During January to June, 2014, Ms. Kelly called Plaintiff

several times. Ms. Kelly told Plaintiff that UMMC had more than 150 (?) cases they didn't have enough money for compensation, "research scientists" didn't belong to compensation category and UMMC had power to use security force to forbidden Plaintiff on campus in this kind of circumstances. Plaintiff didn't buy it, then Ms. Kelly said UMMC would offer a very good recommendation letter to her. Plaintiff replied **if Plaintiff was such a good person that UMMC would recommend, why UMMC treated her like a criminal for her RIF termination in the first place?** What Miss Kelly said to Plaintiff must come from UMMC some authority, which means UMMC by all means playing any tricks to cover up their wrong doing.

Plaintiff has been damaged psychologically and physically as well as in her job seeking. Plaintiff's ideology was about broken.

10. Plaintiff was so scared that she could not go to see doctors until two months later, Plaintiff went to doctors and she was found out she has breast cancer. Any time delay for treatment is dangerous to cancer disease. She also suffered insomnia, stomachache and headache ever since. More importantly, Plaintiff's job search and possible working opportunities were damaged by the incident of security force harassment. Plaintiff and her former co-workers have been wondering since this incident if it's a democratic USA or some dictatorship country like Cuba or Chili?

The termination was retaliation against Plaintiff for her complaints about discrimination of race and national origin in the work place.

11. Plaintiff's termination for RIF was unprecedented in USA academia and first time in UMMC, which resulted from retaliation against Plaintiff because Plaintiff

had complained about Dr, Didion's unlawful discrimination to employees whose nation origins from foreign countries, especially for those originated from People's Republic of China to Mr. Wilbert for quite a few times. This discrimination of termination is also based on her race and her nation origin. Mr. Wilbert had historically fired a former faculty member Mr. Ma (nation origin from People's Republic of China) in the department several years ago. Later on, Mr. Ma appealed his termination to vice presidents of UMMC as a result the case was reverted and Mr. Wilbert apologized to Mr. MA. Currently, Mr. Ma is still working in UMMC. When the post-doc Jing Li was forced to quit her job, Mr. Wilbert gave her many hours to clear up her stuff. Then Jing asked Mr. Wilbert why they treated Plaintiff differently. Mr. Wilbert told her that because Plaintiff had several meetings with him and Dr. Didion, and had complained about Dr. Didion several times, which Mr. Wilbert just exposed their intention that they took this termination to retaliate Plaintiff for her complaints and damaging Plaintiff's job seeking at least in UMMC.

12. Dr. Didion frequently came to the lab talking with Jessica Gomolak (PhD student American White) and Jessica Faulkner (PhD student American White), joking and laughing very loudly, sometimes flirting with them, which made other lab people in the same room very uncomfortable. Mr. Wilbert often came to the lab talking laughing with two Jessica too, which was very unusual as administer of the department to do so. They often made racial comments in the lab like Chinese steal; Asia women married white people in order to screen their genes out; they

didn't like foreigners except for Europeans, etc. **Dr. Didion told two Jessica PhD students that he dislikes Chinese women, which circulated in the PhD students of the department.** One day in February, 2012, Plaintiff accidentally broke a glass cylinder, Jessica Faulkner said to Plaintiff "Hey! What else you are gonna to break." Plaintiff went back to her "how about legs." **Dr. Didion immediately came to Plaintiff saying "Chinese Mafia"** and made Plaintiff apologize for breaking a cylinder in front of two PhD students. The truth was two Jessica had broken some glassware (bigger ones) in the lab and Dr. Didion never said any words to them. For some of these facts, Plaintiff complained to Mr. Wilbert in April to May, 2013.

13. Before Plaintiff came to the lab, Dr. Didion and his PhD students never succeeded in doing Western Blot, protein extraction, RNA extraction, Quantitative Real-Time PCR and Genotyping . Since Plaintiff came to the lab, she taught Jessica Faulkner and Jessica Gomolak to use Image system to do Western Blot, to trouble-shooting their protein extraction, Western-Blot and RNA extraction, which helped them on their own feet to proceed their projects. Plaintiff also taught Jing Li to do genotyping and fixed the problem for Jessica Faulkner's genotyping work. Plaintiff taught Jessica Faulkner and Rohini Bandaru how to use software tools to design gene primers and taught Jessica Faulkner how to calculate Quantitative Real-Time PCR results. Plaintiff did trouble-shooting for Dr. Didion's technician Nick Gilbert's (he left the lab after 6 months working for Dr. Didion.) histology work. In Dr. Didion's lab, nobody knows how to do cell culture. Plaintiff set up

whole culture system for his lab. Many of these techniques mentioned above are very sophisticated. At evaluation meeting with Dr. Didion and Mr. Wilbert in May, 2013, Plaintiff was obtained "high quality performance of lab work". However, Ms. Watson wrote a letter to EEOC investigation dated on April 24, 2014, "The assessment also identified the need to eliminate the Scientist I position. The Scientist I's scope of work as outlined in the current UMMC Job Description (attachment 2) is not broad or versatile enough to encompass the responsibilities necessary to effectively support the laboratory. **The experiments that the Scientist I is currently performing are simple molecular techniques. These duties can be absorbed by the Post Doc Fellow I position.**" It was still a false statement for covering up their retaliation motive. No wonder why, since beginning of May, 2013, Dr. Didion forbidden Plaintiff doing her own project and oddly ordered Plaintiff to take out his senior author name from Plaintiff's abstract accepted in July, 2013 and later published in Hypertension, 2013 (Plaintiff had complained about these to Mr. Wilbert). Plaintiff was granted for a chemical drug from a Sweden pharmaceutical company to do clinical trial study on culture cells, which Dr. Roman (chairman of the department) and Dr. Didion himself permitted. However, Dr. Didion never set up a date for UMMC biohazard officer to inspect the cell culture room. Therefore, Plaintiff couldn't proceed to do the study. On the termination day, Plaintiff was told by the HR lady that the chemical compounds would be taken over by Dr. Didion. Now, Plaintiff understood that all these tricks

Dr. Didion played on Plaintiff were planned out to fit his reasons to eliminate her job and covered his real motive – retaliation.

14. Mr. Wilbert was not standing for UMMC policies nor for Civil Rights laws and went along with whatever Dr. Didion wanted. One of the reasons is Dr.

Didion hired the sisters - Alexia Miller and Leslie Miller about in July, 2013 just before the termination of Plaintiff, who were no lab experiment experience at all, however, they are personally related to Mr. Wilbert. If the reason for Plaintiff' leave is like Ms. Watson wrote to EEOC (see above), why Dr. Didion hired two sisters with zero experiences of lab techniques. It's just not added up. Dr. Didion did favor for Mr. Wilbert, vice versa Mr. Wilbert returned one to Dr. Didion. Isn't like "playing buddy game" over policies and laws?

Dr. Didion treated his employees differently based on race, nation origin and intimidated to the people originated from foreign countries other than USA

15. Dr. Didion interfered with Plaintiff's personal life. Whenever he saw Plaintiff talking to Chinese people from genetic core lab or other labs, he accused Plaintiff complaining about him. He had to call Plaintiff in his office to report him what Plaintiff was talking with them. As the opposite, Dr. Didion and two Jessica often together in the lab complained about Dr. Roman (Chairman) saying he had only one ROI funding and always criticized other people but what he had found only doing 20-hete. Dr. Didion said that Kevin (Mr. Wilbert) was so slow, but probably he made more money than him. Ironically, two Jessica often complained about Dr.

Didion in front of lab people that they couldn't learn any biochemistry and molecular biology from him, which made them very difficult to do their projects.

16. On April 12, 2013, Plaintiff came to Mr. Wilbert to report lost of the working folder with project schedule and samples information. Later, Dr. Didion, Mr. Wilbert and Plaintiff had a meeting together, Dr. Didion showed the folder to Plaintiff saying that he found it on the floor. Since then, Plaintiff mysteriously lost some working sheets again. Jing Li once couldn't find her working notebook and reported to Mr. Wilbert. It turned out that Dr. Didion took it and Dr. Didion told Jing that he was a boss and he could take her notebook without notice. It never happened to other people in the lab.

17. Dr. Didion frequently intimidated and bullied Plaintiff. His PhD student Jessica Faulkner gave a presentation about her project in the department seminar in the beginning of December 2012. In her acknowledgement slide, she put Plaintiff's name in the technician section without PhD MD marks, which was not professional especially in academia. Plaintiff emailed to Jessica and pointed out her error. Dr. Didion accused Plaintiff attacking Jessica. Dr. Didion accused Plaintiff attacking speakers in the department seminars for her raising questions, for which Plaintiff reported to Mr. Wilbert. At evaluation meeting in May, 2013, Plaintiff took a notebook as usual, Dr. Didion yelled at her "you can't make any notes." Then he made a statement that he would not change Plaintiff's title and increase her salary for the next fiscal year, however, he would assign a new job duty for her. Dr. Didion handed a job description sheet to Plaintiff and ordered her

to sign it. The job description included that to teach more than a dozen techniques from biochemistry and molecular biology to his PhD students, to publish at least 4 peer reviewed papers within a year, and in every lab meeting (once a week) Plaintiff must provide 2 new research ideas, etc. No one could achieve it including himself. Plaintiff asked some questions to him, he refused to answer. Plaintiff asked if she could discuss the new job duty with Dr. Roman (Chairman of the department) who understands science better before sign it. Then Dr. Didion said to Plaintiff that she was forbidden to talk to Dr. Roman from now on, which was a special rule for Plaintiff. Mr. Wilbert added that this was Dr. Didion's lab not Dr. Roman's. Plaintiff was bullied to sign it. After signed it Plaintiff wanted to make a copy, but Dr. Didion stopped her and took the sheet away. Plaintiff emailed to Mr. Wilbert after the meeting, pointed out it's a wrong doing to force somebody to sign a contract without giving a copy. Plaintiff never ever got the copy of it.

18. Dr. Didion accepted the third PhD student named Rohini Bandaru (India girl). Being in his lab for 3 weeks, she didn't have a desk. After then another PhD student named Ellen Gillis (American white) came to the lab to do rotation. On day one, Dr. Didion gave her a desk immediately. Almost another 3 weeks later, until Ellen left the lab, Rohini could take over her place. At same time, Jessica Faulkner and Jessica Gomolak besides having desks in the lab also got desks **in the post-doc office**. Plaintiff never had a desk and she asked for one. Dr Didion never gave her anyone. In November of 2013, Rohini left Dr. Didion's lab on her own will.

19. Jing Li once emailed to the lab people that she found out someone forgot to close the opener of oxygen tank after finishing the mouse surgery. Dr. Didion got very angry with her email, because Jessica Gomolak used it. Dr. Didion didn't talk to the lab people to solve this problem instead he emailed back to Jing telling her two options for her 1) get one oxygen generator (it's not possible) 2) blank (no words). Jing was so scared to show Plaintiff and asked Plaintiff what the mean was "blank". Later on, same mistakes repeated a few times and nobody dared to say anything about it.

20. Dr. Didion only informed Jessica Faulkner and Jessica Gomolak about his trip and his vacation time, nobody else knew his timetable and why he didn't show up to the lab. People had to ask two Jessica where Dr. Didion was.

Plaintiff was not equally treated with underpaid due to her race and nation origin.

21. Plaintiff was hired as Research Scientist I on Feb.6th, 2012. The minimum requirements for this job title are M.D. plus Master's degree with no experience or M.D. or Ph.D. with one year experience etc. Plaintiff has MD and Ph.D. degrees with post-doc experience more than 10 years plus research associate and lab manager experience about more than 20 years, which fits in research scientist IV as UMMC job description that requires Ph.D./M.D. plus +10 years experiences. In addition, research scientists in the department from other labs with less experience and lower degree than Plaintiff's all are research scientist III (Title information on the department webpage). One day in August, 2012, Dr. Didion had a meeting

with Plaintiff and Plaintiff asked adjustment for her title and salary. Dr. Didion yelled at her saying that Plaintiff wasted his time and he paid his previous female employee with 25 year experience also originally from People's Republic of China for only \$30,000 annually. When Plaintiff started to work in Dr. Didion's lab, Dr. Didion very proudly told his colleagues that the new person with doctoral degrees and a lot of working experiences from People's Republic of China he hired was just research scientist I he gave to. Chinese people were that cheap. This comment was circulated in faculty in the department causing a lot of negative reaction. On December 19, 2012, Dr. Didion called Plaintiff to his office telling her that it's true he underpaid her but he would not change because he didn't want to do paper work for her, besides, she was too expensive to him based on her experiences. He didn't want to pay that kind money (Plaintiff reported this meeting conversation to Mr. Wilbert).

22. From flashing back, Plaintiff contacted to Dr. Didion in July, 2011, talking each other about possibility to work in his lab, because Plaintiff learned Dr. Didion got two RO1 NIH grants recently. Plaintiff said to him as one could see from her résumé me, she had doctoral degrees and more than 10 years post-doc experiences etc., from which she was very positive to help Dr. Didion's lab growing. She asked how much pay it would be? Dr. Didion replied that in the department of UMMC people who had similar background like Plaintiff got close to \$60,000 pay. Plaintiff also told him if she joined his lab, she would like to have chances to help him looking for grant money and publish high quality papers in

good journals. More importantly, Plaintiff emailed to him saying she could work with him and his lab people as a team; however, she needed to be treated right. After all these discussions, Dr. Didion invited Plaintiff to UMMC to have an interview in October, 2011. During interview, Dr. Didion told Plaintiff that he would give her research scientist position. Research scientist position in Plaintiff's previous institute (Georgia Regents University Medical Center) is non-tenure tracked faculty position. Dr. Didion never told her research scientist in UMMC was staff job with different grades. In Plaintiff's mind, she thought the position Dr. Didion would offer would be non-tenure tracked faculty position with salary close to \$60,000 as she had discussed with him. After interview, Dr. Didion and Plaintiff once on the phone, he told her if she was going to join his lab, she was about to be Alzheimer's study group leader, in the future, he could help her to be a director in the department. Plaintiff thought Director Tail was overstated, but it sounded he needed her. Plaintiff thought it could be a chance to discover at least to work out something with two RO1 funding. Therefore, she told him she would come to his lab. But he replied that he had a concern that Plaintiff wouldn't really take it unless she quit her job. Meanwhile, Plaintiff asked a formal job offer letter twice, he made some excuses saying when she quit her job then he would do so. Plaintiff thought he was a professor and they had discussed the title and money already, no reason not to trust him. She quit job and went to Canada for a while, from Canada she emailed him asking for the letter again. He still refused to give her and saying when you came back from Canada, everything would be ready for

you. When Plaintiff came back from Canada in January, 2012, his email arrived right away. It's very shocking to Plaintiff that job title and salary were totally different from their discussion and very unfair. But since she didn't have a job, she had to accept it. Plaintiff never could imagine Dr. Didion who was trusted totally by her played such dirty tricks on her in order to get a cheap high quality worker. All these facts can conclude that Dr. Didion treated Plaintiff like a slave without respect and moral decency. In his heart, Plaintiff was never equal to American people, although she is USA citizen.

Sexual Harassment

23. When Plaintiff came to UMMC for interview, Dr. Didion, Plaintiff and his lab staff had dinner together, after it Dr. Didion drove Plaintiff back to her hotel. On the way, Dr. Didion and Plaintiff were talking about Plaintiff's boss - Dr. Black who was well known about his bad habit – swearing a lot. Plaintiff slipped out of the tongue mimicking Dr. Black's saying "Fuck" accidentally. Dr. Didion immediately said to Plaintiff that she was so cute to say that word. Plaintiff regretted and felt very uncomfortable for his comment. She kept silent. Later on, she blamed herself for being too sensitive about this matter. However, after Dr. Didion played all tricks on her, she realized that Dr. Didion didn't respect her and took advantage of her in many ways, because she is Chinese origin, single, and old without background in USA. In his mind Plaintiff was in a very insecure and vulnerable situation. That's the reason why he did all these tricks on her so easy and without guilty.

RELIEF

This action is for injunctive and equitable relief as well as monetary damages, including both compensatory and punitive.

Respectfully submitted, this the 7th day of October, 2014



Shanshan Zhan

Shanshan Zhan

1778 Pinetree Rd.

Augusta, GA, 30904

Home: 706 733 4410

Cell: 706 399 8819