PLAINTIFF'S
EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BRIAN GORMAN, *

Plaintiff, *

v. * Case No. 1:25-cv-03157

*

KIMBERLEY SCHATZEL
10 Brooklets Ave. *
Easton, MD 21601

*

MELANIE PERREAULT
210 Saltgrass Dr. *
Glen Burnie, MD 21060

*

CHRIS CHULOS
506 Dunkirk Road *
Baltimore, MD 21212

*

NATHAN BARKER
129 Chesapeake Cove Lane *
Elkton, MD 21921

*

MARION HUGHES
7608 Far Hills Drive *
Baltimore, MD 21286

*

DOUGLAS PRYOR
8801 Stone Ridge Cir. *
Unit 101
Pikesville, MD 21208 *

ELIZABETH CLIFFORD *
32 Willow Ave.
Towson, MD 21286 *

MATTHEW DURINGTON *
6 Drew Ct.
Baldwin, MD 21013 *

MICHELLE MANASSE *
3507 Buena Vista Ave
Baltimore, MD 21211 *

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Office of the General Counsel→↵
→8000 York Road →→→*¶
Towson, MD 21252¶
→*→¶
Served on: →→¶
Office of the Attorney General→*→↵
Civil Litigation Division¶
200 St. Paul Place→→→*¶
Baltimore, MD 21202¶

MICHAEL ELLIOTT *
916 Overbook Road
Baltimore, MD 21239 *

SAMUEL COLLINS *
132 Greenridge Rd.
Lutherville, MD 21093, *

Defendants.

* * * * * * * * * * * *

FIRST AMENDED COMPLAINT

COMES NOW Plaintiff Brian Gorman ("Professor Gorman"), by and through undersigned counsel, and brings this Amended Complaint against Defendants Kim Schatzel, Melanie Perreault, Christopher Chulos, Nathan Barker, Marion Hughes, Douglas Pryor, Elizabeth Clifford, Matthew Durington, Michelle Manasse, Michael Elliott, and Samuel Collins (collectively, "Individual Defendants"), each sued in their individual capacities and, as to Counts I and II, against Defendants Schatzel, Perreault, Chulos, and Hughes, in their official capacities with Towson University for prospective injunctive relief, and states as follows:

I. JURISDICTION AND VENUE

1. This Court has federal question jurisdiction over Count I through III pursuant to 28 U.S.C. § 1331, as those counts arise under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the United States Constitution.

2. This Court has supplemental jurisdiction over Counts IV through VI pursuant to 28 U.S.C. § 1367, as those claims arise from the same case or controversy underlying Counts I through III.

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3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) because the events giving rise to all claims occurred within this district and Defendants conducted the relevant acts within this district.

II. PARTIES

4. Plaintiff Brian Gorman is a United States citizen currently residing in the State of New York. He was formerly employed by Towson University as a tenured Associate Professor of Criminal Justice from August 2006 until his termination on October 21, 2022.

5. Defendant Kimberley Schatzel served at all relevant times as President of Towson University and is sued in her individual capacity and in her official capacity for prospective injunctive relief. She currently resides in Easton, Maryland.

6. Defendant Melanie Perreault served at all relevant times as Provost of Towson University and is sued in her individual capacity and in her official capacity for prospective injunctive relief.

7. Defendant Christopher Chulos served at all relevant times as Dean of the College of Liberal Arts at Towson University and is sued in his individual capacity and in his official capacity for prospective injunctive relief.

8. Defendant Nathan Barker served at all relevant times as a representative of the Office of Human Resources at Towson University and is sued in his individual capacity and in his official capacity for prospective injunctive relief.

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Deleted: is Towson University, a public university located at 8000 York Road, Towson, MD 21252.¶
The Defendant, Douglas Pryor, is an employee of Towson University located at 8000 York Road, Towson, MD 21252. ¶
The Defendant, Elizabeth Clifford, is an employee of Towson University located at 8000 York Road, Towson, MD 21252.¶
The Defendant, Matthew Durington, is an employee of Towson University located at 8000 York Road, Towson, MD 21252.¶
The Defendant, Michelle Manasse, is an employee of Towson University located at 8000 York Road, Towson, MD 21252.¶
The Defendant, Michael Elliott, is an employee of Towson University located at 8000 York Road, Towson, MD 21252.¶
The Defendant, Samuel Collins, is an employee of Towson University located at 8000 York Road, Towson, MD 21252.¶
The Defendant Marion Hughes is an employee of Towson University located at 8000 York Road, Towson, MD 21252.¶
The Defendant, Nathan Barker, Esq. is an employee of Towson University located at 8000 York Road, Towson, MD 21252.¶
The Defendant Melanie Perreault is an employee of Towson University located at 8000 York R… [3]

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9. Defendant Marion Hughes served at all relevant times as Chair of the Department of Sociology, Anthropology, and Criminal Justice at Towson University and is sued in her individual capacity and in her official capacity for prospective injunctive relief.

10. Defendant Douglas Pryor is a tenured faculty member at Towson University's Department of Sociology, Anthropology, and Criminal Justice and is sued in his individual capacity and in his official capacity for prospective injunctive relief.

11. Defendant Elizabeth Clifford is a tenured faculty member at Towson University's Department of Sociology, Anthropology, and Criminal Justice and is sued in her individual capacity.

12. Defendant Matthew Durington is a tenured faculty member at Towson University's Department of Sociology, Anthropology, and Criminal Justice and is sued in his individual capacity.

13. Defendant Michelle Manasse is a tenured faculty member at Towson University's Department of Sociology, Anthropology, and Criminal Justice and is sued in her individual capacity.

14. Defendant Michael Elliott is a tenured faculty member at Towson University's Department of Sociology, Anthropology, and Criminal Justice and is sued in his individual capacity.

15. Defendant Samuel Collins is a tenured faculty member at Towson University's Department of Sociology, Anthropology, and Criminal Justice and is sued in his individual capacity.

16. At all times relevant to this Amended Complaint, each Individual Defendant was acting under color of state law as an officer, administrator, or faculty member of Towson University, a public university and constituent institution of the University System of Maryland.

III. FACTUAL BACKGROUND

Governing Standards: AAUP and Middle States Accreditation

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17. Faculty employment and administrative conduct at Towson University are governed by the standards and procedures of the American Association of University Professors ("AAUP"), the Middle States Commission on Higher Education ("Middle States"), and Towson University's Appointment, Rank, and Tenure Policy ("ART Policy"), which codifies both.

18. Towson University publicly asserts that the AAUP's "academic values" are "vital" and provides all faculty automatic membership in the AAUP's campus chapter.

19. Towson University publicly relies upon the AAUP's values, standards, and procedures for guidance on "academic freedom ... professional values and standards ... [to] maintain quality in education and academic freedom."

20. The AAUP's standards on post-tenure review, approved by the Association's Committee on Academic Freedom and Tenure and adopted by the AAUP Council, establish that a post-tenure review such as Towson's Five-Year Comprehensive Review is a tool for "professional development" in contemplation of a permanent appointment. The AAUP sets clear boundaries on the use of post-tenure review.

21. Specifically, the AAUP warns that post-tenure review must not be used as a wide-ranging "fishing expedition" to dredge up negative evidence; that it "is not a reevaluation of tenure, nor may it be used to shift the burden of proof from an institution's administration (to show cause for dismissal) to the individual faculty member (to show cause why he or she should be retained)"; and that post-tenure review "should not be undertaken for the purpose of dismissal," because "[o]ther formal disciplinary procedures exist for that purpose."

22. Any termination flowing from a post-tenure review that is conducted in violation of these standards is inconsistent with AAUP principles. Separate, distinct procedures with notice and due process requirements exist for allegations of misconduct, and those procedures, not the post-tenure review, are the appropriate forum for such allegations.

23. The Middle States Commission on Higher Education is Towson University's accreditation authority, and the University is subject to ongoing evaluation for compliance with Middle States standards. Middle States Standard II requires a university to demonstrate "a commitment to academic freedom, intellectual freedom, [and] freedom of expression."

24. Middle States Standard VII requires that a university's organizational structure be "clearly documented" and have "clearly defined reporting relationships." In its most recent self-study report submitted to Middle States in 2021, Towson University assured compliance with these standards by expressly representing that "OHR [Office of Human Resources] is not involved in human resource management of faculty."

25. Defendant Barker himself confirmed this separation to Professor Gorman, stating that the Office of Human Resources "never gets involved" in matters on the "academic side."

Professor Gorman's Appointment, Tenure, and Scholarship

26. In or about August 2006, Professor Gorman joined Towson University as an Assistant Professor of Criminal Justice in the Department of Sociology, Anthropology, and Criminal Justice on a six-year tenure track.

27. Professor Gorman is a published scholar with expertise in white-collar crime, higher education fraud, and criminal procedure.

28. Professor Gorman's scholarship includes co-authorship of multiple editions of *New York Criminal Procedure*, published by Carolina Academic Press, and articles in the *Yale Journal of Law and Technology*, *The John Marshall Review of Intellectual Property Law*, *Behavioral Sciences & the Law*, and the *BYU Education and Law Journal*, among others.

29. Professor Gorman taught Introduction to Criminal Justice, Advanced Criminal Law, Biocrime and Security, and White-Collar Crime, among other courses.

30. In 2012, Towson University promoted Professor Gorman to the position of tenured Associate Professor.

31. Towson University's Policy on Appointment, Rank, and Tenure of Faculty ("ART Policy") governed the terms of Professor Gorman's employment.

32. The ART Policy states that tenure "is an indefinite appointment granted by the President that shall be terminated only due to misconduct or under other extraordinary causes."

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33. The ART Policy defines misconduct as "moral turpitude, professional or scholarly misconduct, incompetence, or willful neglect of duty."

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Background Concerning the Department of Sociology, Anthropology, and Criminal Justice

34. Beginning no later than 2016, Defendants Collins and Durington initiated efforts within the Department of Sociology, Anthropology, and Criminal Justice relating to departmental governance and personnel matters.

35. Durington served as a faculty representative on the hiring committee that selected Schatzel as President of Towson University in January 2016.

36. Upon information and belief, in the years following Schatzel's appointment, Defendants Collins and Durington received pay increases substantially in excess of those offered to other rank-and-file faculty.

37. Beginning in 2020, Professor Gorman raised concerns regarding conduct within the department on multiple occasions.

38. Each instance of protected speech was followed by adverse action by Individual Defendants, culminating in his termination in October 2022.

Professor Gorman's Whistleblowing Complaints

39. In or about the Fall semester of 2020, Professor Gorman raised concerns directly with colleagues regarding anticipated misconduct in connection with the forthcoming tenure-track faculty job search designated CLA-3407.

40. On or about January 18, 2021, Professor Gorman emailed Dean Chulos with a formal complaint regarding job search CLA-3407.

41. The complaint identified Defendants Manasse and Professor Antunes as potentially conflicted Search Committee members and noted the appearance of bias by Defendants Clifford and Elliott.

42. Defendants Manasse, Clifford, and Elliott were each specifically named in the January 18, 2021 complaint, which Chulos acknowledged in writing on January 20, 2021.

43. Manasse, Clifford, and Elliott had actual knowledge of that complaint: Chulos communicated with members of the department regarding the complaint; a university human resources investigation was opened in connection with the conduct underlying it; and the OHR's subsequent inquiry, which found the allegations against Professor Gorman unsubstantiated, noted that his reports had caused "discord" within the department.

44. Defendant Manasse had previously told Professor Gorman that "anyone who goes against the department will never see a pay increase for the rest of their life," demonstrating his awareness of, and hostility toward, Professor Gorman's history of raising objections to departmental conduct prior to the filing of the January 2021 complaint.

45. On or about February 4, 2021, Professor Gorman sent notice to Defendants Collins and Durington regarding concerns of misconduct and potential retaliation during the "Third Year Review" of a junior colleague.

46. On February 5, 2021, Professor Gorman was denied participation in that Third Year Review, despite this constituting a standard obligation for tenured professors.

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On or about Jan. 20, 2021, Chulos acknowledged receipt of the complaint and stated that he read Professor Gorman and would respond.¶

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47. On February 8, 2021, Professor Gorman sent an email objecting to his exclusion from that review.

48. Later in February 2021, unidentified faculty filed an OHR complaint against Professor Gorman, alleging that his whistleblowing reports dated November 27, 2020, February 5, 2021, and February 8, 2021 constituted an attempt to "shut down" "equity issues" and "disparage" his "colleagues' reputations."

49. On or about March 16, 2021, a University OHR representative found the allegations against Professor Gorman unsubstantiated.

50. On or about April 26, 2021, Professor Gorman submitted a memorandum to University Counsel, copied to Hughes, Chulos, and other administrators, reporting that Professor Antunes had disclosed a professional relationship with a job candidate for position CLA-3407, a disclosure that had been withheld from some committee members.

51. On or about May 6, 2021, Hughes presented questions to Professor Gorman that Chulos had prepared, inquiring whether Professor Gorman had reported concerns regarding CLA-3407 to the Office of Legal Counsel and HR.

52. Professor Gorman thereafter submitted an internal Ethics Point referral regarding the Dean's inquiry into his protected reporting activity.

53. On or about March 10, 2022, Professor Gorman submitted a formal whistleblower complaint to Schatzel, Perreault, C. Stephen Jones Jr., and University Counsel, reporting concerns regarding hiring, promotion, and retention practices, denial of merit pay, and retaliation.

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On or about March 16, 2021, Goodman, an HR representative for Towson, found the allegations against Professor Gorman unsubstantiated; however, she did find

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54. On or about April 11, 2022, Professor Gorman submitted a whistleblower complaint to the Governor's Office regarding concerns at Towson University.

The Denial of Merit Increases

55. On or about March 17, 2021, following Professor Gorman's protected complaints, he was informed that he would not be recommended for a merit increase to his salary.

56. Professor Gorman submitted a timely appeal of this denial on or about March 18, 2021, which he re-submitted on April 7, 2021, after Chulos initially denied receipt.

57. On or about May 2, 2021, Professor Gorman submitted secondary appeals on both procedural and substantive grounds, asserting that the department's 2018 Merit document establishing written standards for "Base Merit" qualification was disregarded in denying his merit increases.

58. On or about June 15, 2021, Towson University issued its final refusal of Professor Gorman's merit appeal.

59. On or about June 17, 2021, Professor Gorman appealed to the Chancellor of the University System of Maryland requesting that the matter be referred to a fair hearing at the Office of Administrative Hearings.

60. On or about August 2, 2021, the Chancellor's Office responded that it had no authority to override the University Administration's decision.

61. On or about October 2, 2021, Professor Gorman received a second consecutive "No Merit" designation for academic year 2021 to 2022, despite exceeding the minimum criteria for "Base Merit" as defined by the department's own written standards. The Merit

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Committee's feedback alleged an "unsatisfactory record" without addressing Professor Gorman's existing book contract, sample chapter, student evaluations, and service contributions.

The Five-Year Comprehensive Review

62. On or about January 14, 2022, Professor Gorman submitted his mandatory Five-Year Comprehensive Review pursuant to the ART Policy.

63. The ART Policy requires all tenured faculty to submit a five-year comprehensive review summarizing work over the preceding five academic years.

64. Professor Gorman's submission documented his teaching effectiveness, his scholarly publication record including an imminent book publication, his service contributions, and peer teaching evaluations that were rated without deficiency.

65. On or about February 9, 2022, the Departmental Promotion, Tenure, and Rank Committee ("PTR Committee") convened to evaluate Professor Gorman's Comprehensive Review.

66. The PTR Committee consisted of Defendants Pryor, Collins, Durington, Manasse, Elliott, and Clifford, the same individuals Professor Gorman had identified in his prior whistleblowing complaints in connection with the CLA-3407 hiring process. Two senior tenured faculty members, Professors Sealock and Caronna, declined to participate in the review.

67. All six members of the PTR Committee voted that Professor Gorman's Comprehensive Review was "unsatisfactory."

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68. An “unsatisfactory” designation does not appear in the ART Policy's evaluation terminology, which provides only for ratings of "not meritorious," "satisfactory (base merit)," and "excellent (base merit plus performance merit)."

69. The Committee did not identify specific, or remediable, deficiencies tied to the ART Policy's evaluation criteria for teaching, scholarship, or service.

70. The evaluation did not address Professor Gorman's excellent peer teaching evaluations, documented student mentorship, the imminent third edition of *New York Criminal Procedure*, or his record of voluntary service.

71. During the PTR Committee's February 2022 meeting, Defendants Pryor, Collins, Durington, Manasse, Elliott, and Clifford raised an allegation of scholarly misconduct against Professor Gorman concerning his co-authored scholarship without prior notice to Professor Gorman, without affording him an opportunity to respond, and without written disclosure that such an allegation would be considered at the review.

72. Professor Gorman's co-authored work, including the third edition of *New York Criminal Procedure*, represented original, documented academic work.

73. No basis existed under the ART Policy for raising an allegation of scholarly misconduct within the context of a post-tenure review rather than through the separate misconduct procedures that provide notice and due process protections.

74. This allegation was inconsistent with the AAUP's express warning that post-tenure review must not be used to bootstrap allegations of misconduct, and that separate formal disciplinary procedures with due process requirements exist for that purpose.

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75. Defendant Collins, who served as Chair of the February 2022 PTR Committee, informed Professor Gorman following the meeting that the Committee had applied a "No Backtracking" rule during the review, which prevented the Committee from revisiting topics already discussed for further deliberation.

76. After the PTR Committee issued its findings, Defendants Durington and Collins offered to "vet" Professor Gorman's forthcoming scholarship for his compliance with their personal expectations for scholarly work. Mr. Gorman asserts that this targeted review of his work violated his academic freedom.

77. On or about March 4, 2022, Chulos sent a letter to Perreault affirming the PTR Committee's evaluation, characterizing Professor Gorman's portfolio as "confusing in its location and use" and alleging a "lack of documentation in the research and service sector" and "no demonstration of publishing and/or presenting scholarly work." These characterizations did not accurately reflect Professor Gorman's submitted portfolio file, which was orderly and contained a documented publication record and information on his imminent book publication. Chulos' letter did not identify specific deficiencies, as required by the ART Policy.

The OHR Assignment and Middle States Violation

78. President Schatzel assigned Defendant Barker of the Office of Human Resources to non-HR tasks and functions on the "academic side" of the University specifically related to Professor Gorman.

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Deleted: Chulos sent to Provost Melanie Perrault (Provost Perrault). The letter provided a broad affirmation of the Department's vague and highly subjective evaluation that disregarded outstanding peer teaching evaluations, an abundance of student praise, a record of extraordinary student mentorship, a documented, imminent book publication, and examples of more than adequate levels of service. Instead, Chulos alleged that the "

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The ART Policy outlines the evaluation categories for the comprehensive review: "(1) teaching effectiveness, including student advising; (2) research, scholarship, and in appropriate areas, creative activities; and (3) service to the community, profession, and University (including department, college, and University levels)."¶
The ART Policy states that "[s]tudent evaluations of instruction are a required part of the evaluation faculty. Such an evaluation must be recognized for what it is: one kind of evaluation, and to be considered only in concert with all other measures of teaching effectiveness. "Additionally, the Provost published an interpretative guidance of this rule, stating that the student evaluations shall not be deemed determinative in personnel matters."¶ ... [11]

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In Chulos' letter to Perreault, Chulos articul ... [13]

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79. This assignment violated Towson University's express assurance to the Middle States Commission on Higher Education that "OHR is not involved in human resource management of faculty."

80. Barker himself had previously acknowledged this separation to Professor Gorman, representing that the OHR "never gets involved" in matters on the "academic side." Notwithstanding this acknowledged boundary, Barker was enlisted to participate in the management of Professor Gorman's tenure-related proceedings and thereafter participated in Chulos' and Hughes' interactions with Professor Gorman regarding the tenure protections provided by the ART Policy, in connection with the campus ban and suspension imposed on Professor Gorman in June 2022. Additionally, Barker helped implement a subsequent sanction against Professor Gorman in August 2022 barring him from use of the University's electronic resources after he provided the students on his roster with syllabi information, which is his responsibility.

81. On or about September 2022, Schatzel directed Barker to investigate Professor Gorman's communications with all parties or others about Towson University, including Gorman's faculty peers and students.

82. Following that inquiry, Barker provided a recommendation regarding Professor Gorman's communications that was used to support the termination decision.

The Suspension, Pre-Termination Proceeding, and Termination

83. On or about March 18, 2022, Perreault directed Professor Gorman to develop a Professional Development Plan ("PDP") by June 17, 2022, to address the vague commentary and feedback from the PTR Committee's evaluation.

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The ART Policy states "[i]n the event of a negative annual review, third year review or meet recommendations by both the PTRM committees and the chair or dean the evaluation portfolio will not be forwarded to the next level of review unless the faculty member proceeds with an appeal. If no appeal is filed, the evaluation portfolio will be retained in the office of the dean."¶
Chulos not only failed to make an initial review of the department's Merit recommendation to assure fair process, as per Dean's the ART Policy deadline in February, Chulos framed Professor Gorman's attempt at arguing against the negative annual review as something he should not do and disregarded Professor Gorman's attempt to get Chulos to fulfill his supervisory obligations. ¶
The ART Policy states "[i]n the event that a faculty member wishes to challenge any written administrator evaluation and/or committee recommendation, s/he may add to the file any statement, evidence, or other documentation s/he believes would present a more valid perspective of his/her performance." ¶
The ART Policy further states "[a]ll material placed in the file, including challenge materials, shall become a part of the cumulative expansion of the evaluation portfolio and shall not be removed by subsequent levels of evaluators, provided the material inclusion process has been adhered to with respect to notifying the faculty member and adhering to the review process timeline as stipulated in the Towson University Annual Review, Reappointment, Third-Year Review, Merit, Promotion, Tenure, and Comprehensive Review Calendar."¶
The ART Policy lists the terminology used in evaluation of faculty performance as: "not meritorious: performance fails to adequately to meet standards; [s]atisfactory (base merit): performance is competent and contributes to fulfilling the mission of the University, college, and department; [e]xcellent (base merit pulse on performance merit): excellence in teaching, or scholarship, or service and satisfactory performance in other performance categories."¶
On or about Mar. 10, 2022, Professor Gorman made a whistleblower complaint to Schatzel, Perreault, Jones, and University Counsel regarding what he characterized as RICO issues and corruption in hiring, promotion and rete ... [17]

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84. On or about June 21, 2022, Perreault notified Professor Gorman that he was "issued a sanction of suspension with pay, effective immediately, through September 30, 2022," and that during this period he was "not to come to campus, teach any courses, or advise any students."

85. The campus ban imposed by Perreault with OHR's involvement denied Professor Gorman access to library resources, departmental colleagues, and other institutional resources during the period in which he was required to prepare a PDP.

86. Gorman called Chair Hughes on or around August 8, 2022, when she reassured Gorman that he was still on the roster to teach classes at Towson for the Fall 2022 semester. On the phone, Chair Hughes told Gorman that if the Provost did not address the PDP before the fall semester began in late August, he should use the month of September to "relax."

87. Based on the reassurance from Chair Hughes, he reached out to the roster of students signed up for his fall class to provide notice of assignments beginning in October.

88. After this reasonable contact to his students, made based upon the reassurance presented to Gorman by Department Chair Hughes, Gorman received a second sanction in mid-August of 2022 from the Provost limiting his access to Towson's electronic communications systems.

89. On or about August 31, 2022, Professor Gorman submitted a document entitled "Professional Plan."

90. On or about September 8, 2022, Hughes sent Professor Gorman a letter rejecting his Professional Plan, asserting that it "fails to address the issues in his comprehensive

Deleted: <#>The ART Policy states "[a]ll recommendations shall be conveyed in writing to the faculty member, inclusive of any department chairperson's statement and a record of the vote count no later than the Fourth Friday in October. Negative recommendations shall be delivered in person by the department chairperson or sent by certified mail to the faculty member's last known address." ¶
The ART Policy states "[a] negative comprehensive review shall be followed by the development of a written professional development plan to remediate the faculty member's failure to meet minimum expectations as noted in the comprehensive review. This written plan shall be developed by the faculty member and approved by the chair and the dean by the third Friday in June of the Academic Year in which the negative review occurred. The plan shall be signed by the faculty member, chair and dean."¶
On or about April 11, 2022, Professor Gorman submitted a whistleblower complaint to the Governor's Office, elevating his concerns of misconduct beyond the University. ¶

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review" and identifying purported deficiencies in scholarship dissemination, advising philosophy, teaching remediation, service planning, and "identifiable measures." This letter was not provided to Professor Gorman in advance of the September 9 meeting convened to address it. Upon information and belief, this letter was not sent in good faith or with proper authority by Hughes.

91. According to the AAUP and the intent of the ART document, which follows the AAUP's guidance, the PDP is a "developmental" and cooperative tool. Professor Gorman made numerous requests of the chair, Dean and faculty peers for PDP expectations, which went unanswered. Gorman posits that the Chair, Dean, Provost, and President did not have authority to prohibit faculty peers from collaborating on the PDP. Nor did they have authority to reject the PDP, by claiming Professor Gorman did not correctly guess what would please their subjective and hidden expectations.

92. On or about September 9, 2022, Chulos, Hughes, and Professor Gorman met via Zoom for approximately ten minutes.

93. Chulos stated that there would be no questions, discussion, or debate during this interaction.

94. When Professor Gorman attempted to respond and stated that he believed his Comprehensive Review was satisfactory and asked for guidance on how it was deficient, Chulos stated that the meeting was convened only to fulfill a procedural requirement under the ART Policy. Chulos also stated at the meeting that he and Hughes would each submit independent recommendations to the Provost.

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95. On or about September 23, 2022, President Schatzel sent Professor Gorman a letter notifying him that his tenured appointment was terminated effective October 21, 2022 for "willful neglect" of duties.

96. The ART Policy does not define "willful neglect," and the termination letter did not identify specific charges with particularity or correspond to any identifiable act or omission by Professor Gorman.

97. The termination letter further stated that "[i]f you choose not to appeal, the University will provide you with a one-time lump sum payment for compensation . . . beginning October 21, 2022." The ART Policy states that "[t]he appointee's compensation shall continue for a period of one year commencing on the date on which the appointee received notice of termination," and does not condition post-termination compensation on the employee's decision not to appeal.

COUNT I

VIOLATION OF THE FIRST AMENDMENT PURSUANT TO 42 U.S.C. § 1983

Against Schatzel, Perreault, Chulos, Barker, and Hughes, in Their Individual and Official Capacities, and Against Pryor, Clifford, Durington, Manasse, Elliott, and Collins, in Their Individual Capacities

98. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

99. At all times relevant to this count, each Individual Defendant acted under color of state law in their capacity as officers, administrators, and faculty members of Towson University.

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Deleted: of duty, provided that the charges be stated in writing, that the appointee be furnished a copy thereof, and that the appointee be given an opportunity prior to such termination to request a hearing by impartial hearing officer appointed by the President or faculty board of review as provided by the relevant University policy body."
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100. Professor Gorman's whistleblowing complaints constituted speech protected by the First Amendment to the United States Constitution. Each complaint addressed a matter of public concern, including the integrity of a publicly funded university's faculty hiring process, conflicts of interest in Search Committee proceedings, conflicts of interest in the expenditure of public funds, and concerns regarding the promotion and retention of faculty at a public institution.

101. Professor Gorman's protected speech was made in his capacity as a citizen and not pursuant to his official duties as a teaching faculty member. His position did not require him to investigate faculty hiring processes, report conflicts of interest in Search Committee proceedings, file Ethics Point referrals, or submit whistleblower complaints to the Governor's Office. Defendant Chulos' directive to Professor Gorman, to bring his concerns directly to Chulos and refrain from reporting them more broadly, indicates that this speech was not regarded by the University as part of Professor Gorman's official duties.

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102. His reports of misconduct were directed through institutional channels, to the Dean, Provost, University Counsel, and HR, and subsequently to external authorities only after those internal channels were exhausted. His speech caused no disruption to Towson University's operations. The only disruption identified by the University's own HR investigation was that his colleagues experienced "discord" as a result of the matters he had reported.

103. Under *Pickering v. Board of Ed. of Township High School District 205*, courts must balance "the interests of the teacher, as a citizen, in commenting upon matters of

public concern and the interest of the State, as an employer, in promoting the efficiency of the public services it performs through its employees." 391 U.S. at 568. Where the speech neither impeded the employee's "daily duties" nor interfered with the "regular operation" of the institution, the employer's interest in limiting that speech "is not significantly greater than its interest in limiting a similar contribution by any member of the general public." *Id.* at 572–73.

104. The only disruption or interference with operations that the University's own HR investigation into Gorman identified was that colleagues experienced discord in response to the very misconduct his complaints had exposed. Institutional discomfort with a whistleblower's reports exposing concerning conduct is not the kind of operational disruption that overrides First Amendment protection.

105. Individual Defendants took a series of adverse employment actions against Professor Gorman following his protected speech, each causally connected to his prior disclosures, within eighteen months of his protected complaints, including:

a. Defendant Chulos denied Professor Gorman a merit increase in March 2021, within approximately sixty days of the January 18, 2021 complaint naming Manasse, Clifford, and Elliott, and issued a second merit denial in October 2021 following Gorman's continued protected activity.

b. Defendants Chulos, Hughes, and Perreault placed the specific subjects of Professor Gorman's January 18, 2021 complaint (Manasse, Clifford, and Elliott) along with Collins, Durington, and Pryor, as the sole members of the PTR

Committee charged with evaluating his Five-Year Comprehensive Review, within approximately one year of that complaint.

c. Defendants Pryor, Collins, Durington, Manasse, Elliott, and Clifford voted unanimously to find Professor Gorman's Comprehensive Review "unsatisfactory" using a designation not authorized by the ART Policy, without identifying specific policy-based deficiencies, and without providing notice of or opportunity to respond to the scholarly misconduct allegation raised at the review meeting without warning.

d. Defendant Perreault imposed a suspension and campus ban on June 21, 2022, within approximately three months of Professor Gorman's March 10, 2022 whistleblower complaint directly to Schatzel, Perreault, and University Counsel.

e. Defendant Schatzel issued a termination letter on September 23, 2022, within approximately six months of that same complaint and within approximately five months of Professor Gorman's April 11, 2022 complaint to the Governor's Office.

106. Defendant Manasse's statement that "anyone who goes against the department will never see a pay increase for the rest of their life" constitutes evidence of retaliatory intent by the departmental faction that controlled Professor Gorman's Five-Year Review.

107. Defendant Barker was assigned by Schatzel to manage Professor Gorman's personnel matters in a manner inconsistent with the separation of Human Resources from faculty personnel matters under Towson's Middle States accreditation commitments, a separation Barker himself had acknowledged. Barker's involvement resulted in a recommendation of termination based on an interpretation of the University's email usage

policy as applied to Professor Gorman's communications with faculty and staff. Barker employed a facially neutral email usage policy as a pretext to penalize the protected speech that those communications reflected.

108. Individual Defendants each had actual knowledge of Professor Gorman's protected speech: Manasse, Clifford, and Elliott were specifically named in his January 18, 2021 complaint, which Chulos acknowledged in writing on January 20, 2021, and which prompted a university-wide HR investigation.

109. Defendant Pryor, as a member of the PTR Committee, had knowledge of Professor Gorman's protected whistleblowing activity through the departmental HR proceedings, OHR findings, and internal communications that preceded and informed the February 2022 review.

110. Collins and Durington received Professor Gorman's February 4, 2021 notice directly.

111. All members of the PTR Committee were made aware of his ongoing whistleblowing through the HR proceedings, departmental communications, and internal Ethics Point filings that preceded the Five-Year Review.

112. Schatzel, Perreault, Chulos, Hughes, and Barker received his March 10, 2022 and April 11, 2022 whistleblower complaints directly.

113. Each Individual Defendant named in this count is sued in their individual capacity for compensatory and punitive damages arising from the retaliatory deprivations alleged herein. Each of Schatzel, Perreault, Chulos, Hughes, and Barker is additionally sued in

their official capacity for prospective injunctive relief, including reinstatement to his former tenured position with full restoration of seniority, benefits, and compensation at the level he would have attained absent the unlawful termination. State officials sued in their official capacities for prospective injunctive relief are subject to suit in federal court under the *Ex Parte Young* exception to Eleventh Amendment immunity. *Biggs v. North Carolina Dep't of Pub. Safety*, 953 F.3d 236, 242-243 (4th Cir. 2020).

114. The refusal to reinstate Professor Gorman constitutes an ongoing violation of his First Amendment rights.

115. Each Individual Defendant is sued in their individual capacity for compensatory damages arising directly and proximately from their retaliatory conduct, including lost wages, lost benefits, lost research and publication opportunities, and damage to Professor Gorman's professional reputation and academic career. Because each Individual Defendant acted with reckless or callous indifference to Professor Gorman's federally protected First Amendment rights, punitive damages are also sought against each Individual Defendant in their individual capacity. Professor Gorman is further entitled to an award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT II

VIOLATION OF PROCEDURAL DUE PROCESS PURSUANT TO 42 U.S.C. § 1983

Against Schatzel, Perreault, Chulos, and Hughes, in Their Individual and Official Capacities

116. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

117. At all times relevant to this count, Defendants Schatzel, Perreault, Chulos, and Hughes acted under color of state law in their respective capacities as President, Provost, Dean, and Department Chair of Towson University, a public institution of the State of Maryland.

118. As a tenured Associate Professor employed under the ART Policy, Professor Gorman possessed a constitutionally protected property interest in his continued employment. The ART Policy expressly provides that tenure "is an indefinite appointment granted by the President that shall be terminated only due to misconduct or under other extraordinary causes," thereby establishing a legitimate claim of entitlement to continued employment within the meaning of the Fourteenth Amendment. See *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 576-77 (1972); see also *Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972).

119. The Fourteenth Amendment's Due Process Clause prohibits the State from depriving a person of a protected property interest without constitutionally adequate process. Prior to being deprived of a property interest, a tenured public employee is entitled, prior to deprivation of that property interest, to: (a) notice of the charges against him; (b) an explanation of the supposed evidence; and (c) a meaningful opportunity to present his side of the story. *Cleveland Bd. of Ed. v. Loudermill*, 470 U.S. 532, 546 (1985).

120. The constitutional adequacy of any given set of procedures is evaluated by balancing: "(1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the

Deleted: , and the Constitution of the United States. All actions were taken by employees of a State university.

Deleted: <#>Professor Gorman was deprived of his Constitutional rights as well as his rights as described above under the Civil Rights Act, a federal statue.¶
Professor Gorman was deprived of his Constitutional rights as it has been implicitly incorporated in Article 24 of the Maryland Declaration of Rights, state constitution. ¶
With respect to the United States Constitution, Professor Gorman was denied the right to due process of law insofar as his employer, a state university, suspended him without a proper right nor access to materials to appeal, and when Defendants failed to provide him with adequate notice of specific charges against him, a meaningful opportunity to respond to the charges, an impartial decision-maker, and access to evidence and materials necessary for his defense before suspension and termination.¶

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Defendant's ART Policy outlined specific steps required for the termination of tenured professors like Professor Gorman; under this policy, Gorman was entitled to pre-termination notice of charges and an opportunity to be heard before being deprived of his property interest in employment. He received neither.¶

Deleted: <#>Defendant explicitly stated in its termination letter, "if you choose not to appeal, the University will provide you with a one-time lump sum payment for compensation… due for th... [19]

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The ART Policy states that after termination of a tenured professor, "compensation shall conti... [20]

Deleted: <#>compensation on the employee declining to appeal their termination, as Towson did in its termination of Professor Gorman. ... [21]

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probable value, if any, of additional procedural safeguards; and (3) the Government's interest[.]" *Mathews v. Eldridge*, 424 U.S. 319, 321 (1976). See also *Id.* at 335. Each factor weighs heavily in Professor Gorman's favor: his interest in sixteen years of accrued tenure is substantial; the risk of erroneous deprivation through a ten-minute meeting at which no questions, discussion, or debate were permitted was high; and the government had no legitimate interest in administrative efficiency sufficient to justify dispensing with constitutionally required process for a tenured faculty member.

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121. Defendant Perreault violated Professor Gorman's procedural due process rights by imposing a suspension and campus ban effective immediately on June 21, 2022, without affording Professor Gorman any pre-deprivation notice of the specific grounds for the suspension, any explanation of the evidence underlying it, or any opportunity to contest it before its imposition. The ART Policy does not authorize suspension as a sanction for failure to timely submit a Professional Development Plan. The campus ban simultaneously denied Professor Gorman access to library resources, departmental colleagues, campus computing infrastructure, and other institutional resources during the period in which he was required to develop and submit that Plan.

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122. Defendant Hughes violated Professor Gorman's procedural due process rights by transmitting a written rejection of his Professional Development Plan on September 8, 2022 (one day before the September 9, 2022 pre-termination meeting convened to address it) — without giving Professor Gorman adequate advance notice of the specific grounds for rejection or a meaningful opportunity to review and respond to those grounds.

123. Defendant Chulos violated Professor Gorman's procedural due process rights by conducting the September 9, 2022 meeting as the sole pre-termination proceeding afforded to Professor Gorman. At that meeting, Chulos expressly foreclosed questions, discussion, and debate; stated that the meeting was convened only to fulfill a procedural requirement under the ART Policy; and declined to engage with Professor Gorman's request for specific guidance regarding the alleged deficiencies in his Comprehensive Review. A proceeding that is intentionally designed to prevent an employee from presenting his side of the story does not satisfy the minimum procedural requirements established by *Loudermill*, regardless of the institutional label placed upon it. *Loudermill*, 470 U.S. at 546.

124. Defendant Schatzel violated Professor Gorman's procedural due process rights by:

a. (a) issuing a termination letter dated September 23, 2022 that did not identify the specific charges against Professor Gorman with particularity, characterizing the grounds for termination only as "willful neglect" (a term undefined by the ART Policy and unaccompanied by identification of any specific act or omission), denying Professor Gorman constitutionally adequate notice of the charges against him; and

b. (b) conditioning the ART Policy's unconditional one-year post-termination compensation guarantee on Professor Gorman's decision not to appeal, thereby imposing an unconstitutional condition that used the threat of economic harm to deter the exercise of his right to contest the termination through available institutional and legal processes.

125. Each of Schatzel, Perreault, Chulos, and Hughes is sued in their individual capacity for damages arising from these deprivations. State officials sued in their individual capacities are persons within the meaning of 42 U.S.C. § 1983. See *Hafer v. Melo*, 502 U.S. 21, 21, 30-31 (1991).

126. Each of Schatzel, Perreault, Chulos, and Hughes is also sued in their official capacity for prospective injunctive relief, including reinstatement to his former tenured position with full restoration of seniority, benefits, back pay, and compensation at the level he would have attained absent the unlawful termination. The refusal to reinstate Professor Gorman constitutes an ongoing violation of his constitutional rights for purposes of the Ex Parte Young exception to Eleventh Amendment immunity. See *Biggs v. North Carolina Dep't of Pub. Safety*, 953 F.3d 236, 242-243 (4th Cir. 2020).

127. As a direct and proximate result of the foregoing deprivations, Professor Gorman suffered the loss of his tenured appointment, lost wages and benefits, damage to his professional reputation and academic career, and loss of academic employment opportunities commensurate with his credentials and seniority.

COUNT III

CIVIL CONSPIRACY PURSUANT TO 42 U.S.C. § 1983

Against All Individual Defendants, in Their Individual Capacities

128. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

129. To state a civil conspiracy claim under 42 U.S.C. § 1983, a plaintiff must allege that the defendants "acted jointly in concert and that some overt act was done in

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Barker, Chulos, Hughes, Schatzel, Perreault, Pryor, Clifford, Durington, Manasse, Elliott, and Collins had an agreement and a meeting of the minds to engage in a manner to deprive Professor Gorman of his constitutional rights by retaliating against him for his protected speech and deny him due process in employment proceedings. ¶
Pryor, Clifford, Durington, Manasse, Elliott, and Collins's conspiracy was motivated as an act against Professor Gorman, as a person who exposed departmental corruption, they were a part of, after he blew the whistle on Clifford, Durington, Manasse, Elliott, and Collins's self-dealing while on the 2021 Criminal Justice Search Committee for position CLA-3407. ¶
Barker, Chulos, Hughes, Schatzel, and Perrault's cooperation in the conspiracy is due to them deciding to look the other way when the self-dealing was brought to their attention, in addition to their willful acts of dissuading whistle blowing. ¶
Barker, Chulos, Hughes, Schatzel, Perreault, Pryor, Clifford, Durington, Manasse, Elliott, and Collins's conspiracy aimed to deprive Professor Gorman of his property interest in his employment under relevant federal holdings and equal treatment. ¶
Professor Gorman suffered the loss of use of his degree through the suspension with pay, damage to his professional reputation, denial of merit pay increases, and physical and electronic banishment from campus. ¶
Pryor, Clifford, Durington, Manasse, Elliott, and Collins overtly acted in furtherance of their conspiracy by manipulating the comprehensive 5-year comprehensive review process with predetermined negative outcomes.¶
Barker, Chulos, Hughes, Schatzel, and Perreault, overtly acted in furtherance of their conspiracy by purposefully not abiding by the ART Policy to suspend and terminate Professor Gorman.¶
¶
COUNT VI CIVIL CONSPIRACY UNDER 42 USC § 1983¶
Gorman v. All Defendants¶
Plaintiff re-alleges and incorporates by refer ... [24]

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furtherance of the conspiracy which resulted in [Plaintiff's] deprivation of a constitutional right[.]" *Hinkle v. City of Clarksburg*, 81 F.3d 416, 421 (4th Cir. 1996).

130. Each Individual Defendant is sued in their individual capacity for damages arising from the conspiracy and the overt acts committed in furtherance of it. State officials sued in their individual capacities are persons within the meaning of 42 U.S.C. § 1983. *Hafer v. Melo*, 502 U.S. 21, 21, 30-31 (1991).

131. At all times relevant to this count, each Individual Defendant acted under color of state law in their respective capacities as officers, administrators, or faculty members of Towson University.

132. Individual Defendants reached a mutual understanding to engage in a coordinated course of conduct designed to: (a) terminate Professor Gorman's tenured employment in retaliation for his protected speech, in violation of the First Amendment as alleged in Count I; and (b) effectuate that termination through proceedings that deprived him of his constitutionally guaranteed procedural rights under the Fourteenth Amendment, as alleged in Count II.

133. The conspiracy operated through two coordinated tiers of action. The PTR Committee Tier consisted of Defendants Pryor, Collins, Durington, Manasse, Elliott, and Clifford, who, acting through their control of the Five-Year Comprehensive Review process, participated in a predetermined plan to find Professor Gorman's Comprehensive Review "unsatisfactory" without identifying specific policy-based deficiencies in his teaching, scholarship, or service, without conducting good-faith deliberation (as evidenced by the "No Backtracking" rule imposed by Collins during the review), and

without providing Professor Gorman notice of or an opportunity to respond to the allegation of scholarly misconduct raised without warning at the review meeting. This predetermined outcome supplied the institutional predicate for Professor Gorman's termination.

134. The Administrative Tier of coordination consisted of Defendants Schatzel, Perreault, Chulos, Barker, and Hughes, who, acting in their respective administrative capacities, adopted and acted upon the tainted PTR Committee evaluation; imposed punitive measures not authorized by the ART Policy; conducted a pre-termination proceeding designed to foreclose meaningful response; and issued a termination letter conditioning Professor Gorman's ART Policy-guaranteed severance on his decision not to exercise his right of appeal.

135. Defendants Manasse, Clifford, and Elliott had actual knowledge, prior to participating in the PTR Committee's February 2022 review, of Professor Gorman's January 18, 2021 complaint that specifically named and identified each of them. Chulos acknowledged receipt of that complaint in writing on January 20, 2021; a university human resources inquiry was subsequently opened in connection with the underlying conduct; and the OHR's findings noted that Professor Gorman's protected reports had caused "discord" within the department among the individuals named in those reports. Within approximately one year of that complaint, Manasse, Clifford, and Elliott were placed on the six-member PTR Committee charged with evaluating Professor Gorman's Comprehensive Review, and all six members voted unanimously to find that review "unsatisfactory."

136. Defendants Collins and Durington received Professor Gorman's February 4, 2021 complaint directly and had actual notice of his ongoing protected whistleblowing before serving on the PTR Committee. Collins chaired the February 2022 PTR Committee meeting, imposed the "No Backtracking" rule foreclosing genuine deliberation, and subsequently offered to "vet" Professor Gorman's forthcoming scholarship in exchange for his compliance with departmental expectations, reflecting consciousness of the wrongfulness of the Committee's predetermined conduct.

137. Defendants Schatzel, Perreault, Chulos, Barker, and Hughes received Professor Gorman's March 10 and April 11, 2022 whistleblower complaints directly. Rather than investigating the concerns raised or ensuring impartial evaluation, these Defendants adopted and acted upon the tainted PTR evaluation and executed a series of procedural steps (suspension, campus ban, the September 9 sham meeting, and the conditional termination letter) each designed to advance termination while eliminating meaningful opportunity for Professor Gorman to contest it.

138. The placement of the subjects *of* Professor Gorman's protected complaints (Manasse, Clifford, Elliott, Collins, Durington, and Pryor) as the sole evaluators of his Five-Year Comprehensive Review, within approximately one year of those complaints, gives rise to a strong inference of coordinated retaliatory purpose shared across both tiers of the conspiracy.

139. Each Individual Defendant committed one or more overt acts in furtherance of the conspiracy, including: the PTR Committee's unanimous "unsatisfactory" vote using a non-ART-Policy term; the introduction of an unnoticed scholarly misconduct allegation

at the review meeting; the imposition of the "No Backtracking" rule; Collins and Durington's offer to "vet" Professor Gorman's scholarship conditioned on compliance; Chulos' transmission of the tainted evaluation to Perreault; Hughes' delivery of the PDP rejection letter one day before the pre-termination meeting; Perreault's imposition of the unauthorized suspension and campus ban; Chulos' conduct of the September 9 meeting expressly foreclosing all questions, discussion, and debate; Schatzel's issuance of the termination letter with imprecise charges and the unconstitutional severance condition; and Barker's investigation of Professor Gorman's communications and provision of a recommendation supporting termination.

140. As a direct and proximate result of the conspiracy and the overt acts taken in furtherance of it, Professor Gorman was deprived of his First Amendment and Fourteenth Amendment procedural due process rights, and suffered the loss of his tenured appointment, lost wages and benefits, damage to his professional reputation and academic career, and loss of future academic employment opportunities. Each Individual Defendant is individually liable in their personal capacity for these damages. Because each Individual Defendant acted with reckless or callous indifference to Professor Gorman's federally protected constitutional rights, punitive damages are also sought against each in their individual capacity. Professor Gorman is further entitled to an award of reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT IV

TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS

Against Schatzel, Perreault, Chulos, Barker, Hughes, Pryor, Clifford, Durington, Manasse, Elliott, and Collins

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141. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

142. A valid employment contract existed between Professor Gorman and Towson University, the terms of which were defined by the ART Policy. That contract provided Professor Gorman an indefinite tenured appointment terminable only for misconduct or other extraordinary cause, governed by procedural protections including written notice of charges, an opportunity to be heard, and impartial evaluation.

143. Each Individual Defendant had actual knowledge of Professor Gorman's employment contract:

a. Pryor, Clifford, Durington, Manasse, Elliott, and Collins held faculty appointments under the ART Policy;

b. Schatzel, as President, issued faculty appointment letters and termination decisions under the ART Policy;

c. Perreault, as Provost, directed the remediation process pursuant to the ART Policy;

d. Chulos, as Dean, transmitted PTR Committee findings to Perreault under the ART Policy;

e. Hughes, as Department Chair, issued the written rejection of Professor Gorman's Professional Plan; and

f. Barker was assigned to manage Professor Gorman's personnel matter under the ART Policy.

Deleted: <#>Pryor, Clifford, Durington, Manasse, Elliott, and Collins's conspiracy was motivated as an act against Professor Gorman, as a person who exposed departmental corruption, they were a part of, after he blew the whistle on Clifford, Durington, Manasse, Elliott, and Collins's self-dealing while on the 2021 Criminal Justice Search Committee for position CLA-3407.¶
Barker, Chulos, Hughes, Schatzel, and Perreault's cooperation in the conspiracy is due to them deciding to look the other way when the self-dealing was brought to their attention, in addition to their willful acts of dissuading whistle blowing.¶
Barker, Chulos, Hughes, Schatzel, Perreault,

144. Individual Defendants interfered with Professor Gorman's employment contract through improper means, including:

a. appointing the subjects of Professor Gorman's protected complaints as his evaluators;

b. raising a false allegation of scholarly misconduct at the Five-Year Review without prior notice or an opportunity to respond;

c. issuing an "unsatisfactory" finding using a term not defined in the ART Policy's evaluation criteria;

d. applying a "No Backtracking" rule that precluded careful deliberation; imposing a suspension and campus ban not authorized by the ART Policy;

e. withholding the rejection letter for the PDP until shortly before the pre-termination meeting; conducting a ten-minute meeting at which no discussion, questions, or debate were permitted; and

f. conditioning the ART Policy's one-year severance provision on Professor Gorman's decision not to exercise his appeal rights.

145. These acts were inconsistent with the express procedural requirements of the ART Policy and were connected to Professor Gorman's whistleblowing activity.

146. These acts induced Towson University to breach its contractual obligations to Professor Gorman, including its obligations to provide impartial evaluation, written notice of specific charges, an opportunity to respond, and post-termination compensation as provided under the ART Policy.

147. As a direct and proximate result of Individual Defendants' interference, Professor Gorman suffered the loss of his tenured position, loss of past and future wages and benefits, and damage to his professional reputation.

COUNT V

INTENTIONAL INTERFERENCE WITH ECONOMIC RELATIONS

Against Pryor, Clifford, Durington, Manasse, Elliott, Hughes, and Collins

148. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

149. Professor Gorman maintained prospective economic relations and opportunities arising from his tenured position and academic career, including research and publication opportunities, future academic employment at peer institutions, professional reputation in his scholarly field, and the economic value of continued employment as a tenured Associate Professor with sixteen years of accrued seniority.

150. Defendants Pryor, Clifford, Durington, Manasse, Elliott, and Collins acted to affect these prospective economic relations through wrongful means. The allegation of scholarly misconduct was incorporated into Professor Gorman's institutional record and continues to affect his reputation and employability within the academic community. The "unsatisfactory" designation, a term not defined by the ART Policy, similarly constitutes a permanent institutional record characterizing Professor Gorman's performance to prospective academic employers.

151. Defendants Pryor, Clifford, Durington, Manasse, Elliott, and Collins had actual knowledge of Professor Gorman's whistleblowing complaints against them, as set forth

Deleted: and Collins's conspiracy aimed to deprive Professor Gorman of his property interest in his employment under relevant federal holdings and equal treatment.

Deleted: <#>The conspiracy entered into by these defendants was designed to achieve the goal of terminating Professor Gorman as a professor at Towson University, since he exposed departmental corruption and challenged improper conduct.¶ These defendants acted jointly by disregarding Professor Gorman's whistle blowing allegations against

Deleted: and placing

Deleted: as the PTR Committee members to review whether Professor Gorman was able to stay at Towson University

above. Each of these Defendants had a personal and institutional interest in Professor Gorman's removal from the department.

152. As Department Chair and ex officio participant in the review process, Hughes knew that the PTR Committee was composed of the same individuals Professor Gorman had complained against, knew that their recommendation employed terminology unauthorized by the ART Policy, and had authority to object to or refuse to advance that recommendation. She did neither. By knowingly transmitting the Committee's retaliatory recommendation without objection, Hughes acted in concert with the PTR Committee defendants to accomplish the interference alleged in this Count.

153. These acts constitute tortious interference with prospective economic advantage.

154. As a direct and proximate result of Defendants' interference, Professor Gorman suffered loss of his tenured position, loss of academic employment opportunities commensurate with his credentials and seniority, diminished prospects for academic research and publication, and damage to his professional reputation.

COUNT VI

INTENTIONAL MISREPRESENTATION

Against Pryor, Clifford, Durington, Manasse, Elliott, Hughes, and Collins

155. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

156. Defendants Pryor, Clifford, Durington, Manasse, Elliott, and Collins represented to Professor Gorman that his Five-Year Comprehensive Review was "unsatisfactory".

Deleted: <#>Instead of investigating Professor Gorman's reports of self-dealing during the hiring process for the 2021 Criminal Justice Search Committee, defendants Barker, Chulos, Hughes, Schatzel, and Perreault told the Criminal Justice Search Committee to stop and ask yourself a list of questions to deter someone from making a complaint, emailing, or calling a superior.¶
Only months after Professor Gorman's notice of whistle blowing on Clifford, Durington, Manasse, Elliott, and Collins, these same individuals were appointed to be PTR Committee Members to review Professor Gorman's 5-year Comprehensive Review.¶
These defendants specifically acted when they conspired to terminate Professor Gorman from his position as a professor at Towson University without proper due process and in retaliation for his protected speech exposing departmental misconduct.¶
The defendants were able to deprive Professor Gorman of his constitutional rights to equal protection and First Amendment free speech as they were not adequately supervised, allowing them to proceed with Professor Gorman's suspension and termination without a hearing and to retaliate against his protected speech when he spoke out about improper conduct and corruption in the department.¶
The defendants conspired to not allow Professor Gorman fair treatment by rigging the comprehensive review process that was predetermined to be 'unsatisfactory' by placing the people he blew the whistle on as the sole determinants of whether Professor Gorman satisfied the requirements to remain employed at Towson University.¶
Professor Gorman

Deleted: the

Deleted: use of his degree through the suspension with pay,

Deleted: , denial of merit pay increases, and physical and electronic banishment from campus

Deleted: overtly acted in furtherance of their conspiracy...

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That representation was inconsistent with Professor Gorman's record of teaching effectiveness, scholarly publication, and service contributions, which satisfied the criteria for a "satisfactory" designation as defined by the ART Policy. The term "unsatisfactory" is not an authorized evaluation designation under the ART Policy, which provides only for ratings of "not meritorious," "satisfactory (base merit)," and "excellent (base merit plus performance merit)."

157. Defendants Pryor, Clifford, Durington, Manasse, Elliott, and Collins were the subjects of Professor Gorman's whistleblowing complaints, had a personal interest in his removal from the department, did not identify a specific policy-based deficiency in his review portfolio, raised an allegation of scholarly misconduct without notice to Professor Gorman, and used an evaluation term not authorized by the ART Policy.

158. As Department Chair and ex officio participant in the review process, Hughes knew that the "unsatisfactory" designation was not an authorized ART Policy evaluation term, knew that the Committee had identified no specific policy-based deficiencies in Professor Gorman's portfolio, and had authority to correct or decline to forward a facially deficient evaluation. She did neither. By knowingly transmitting the misrepresentation through the administrative chain without correction, Hughes made herself a participant in the misrepresentation, not merely a passive conduit.

159. The representation was made in connection with the creation of an institutional record that supported Professor Gorman's termination and affected his ability to pursue an appeal.

Deleted: comprehensive 5-year comprehensive

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160. Professor Gorman relied upon the representation to his detriment. Specifically, he engaged in a months-long process of preparing and submitting a Professional Development Plan in response to findings presented as a legitimate institutional evaluation, incurring costs and expending professional resources in doing so; he allowed internal grievance and appeal deadlines to run during the remediation period in reliance on the representation that the process was a legitimate institutional proceeding subject to resolution through the PDP; and, in light of the termination letter's conditioning of the ART Policy's severance provision on non-appeal, he did not file a formal appeal, thereby losing internal appellate remedies he would otherwise have pursued.

161. The representation was delivered in writing, under the authority of a formal institutional proceeding, by faculty members holding positions of supervisory evaluation authority over him under the ART Policy.

162. As a direct and proximate result of Defendants' misrepresentation and Professor Gorman's reliance thereon, he suffered the loss of his tenured appointment, the loss of internal appellate remedies, expenditure of fees and professional resources in the remediation process, and damage to his professional reputation and career.

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Brian Gorman respectfully requests that this Court:

A. Enter judgment in favor of Plaintiff on each Count of this Amended Complaint;

B. Award compensatory damages against Individual Defendants, jointly and severally as appropriate, in an amount to be determined at trial, including lost wages, lost benefits,

lost research and publication opportunities, and damages for harm to professional reputation;

C. Award punitive damages against Individual Defendants in their individual capacities in an amount sufficient to deter similar conduct;

D. Enter injunctive relief against Individual Defendants in their official capacities requiring the reinstatement of Professor Gorman to his former position as tenured Associate Professor at Towson University, with restoration of seniority, benefits, and compensation at the level he would have received but for his termination;

E. Order the correction and expungement of the "unsatisfactory" or "not meritorious" designation and any reference to the allegation of scholarly misconduct from Professor Gorman's institutional personnel record;

F. Award Plaintiff his reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provision; and

G. Grant such other and further relief as justice may require and this Court deems appropriate.

V. JURY DEMAND

Plaintiff demands a trial by jury on all claims so triable.

Dated: June 17, 2026

Respectfully Submitted,

/s/ Katherine Patton
Katherine Patton, Fed. Bar No. 30693

Quinn Patton, LC

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All defendants performed overt acts in furtherance of the conspiracy by manipulating the review process by placing the people Professor Gorman spoke out about on his committee, and then by those committee members finding Professor Gorman's 5-year Comprehensive Review 'unsatisfactory.'¶
All defendants acted under color of state law as they acted in their official capacities as faculty members and administrators of

Deleted: a public institution.¶
COUNT III:
STATE TORT OF TERMINATION AGAINST PUBLIC POLICY¶
Gorman v. Towson University¶
Plaintiff re-alleges and incorporates by reference the previous averments, and the paragraphs, infra, into this count as through fully set forth herein. ¶
Professor Gorman was discharged by Towson on September 23, 2022. ¶
Defendants discharged Professor Gorman in violation of public policy for exercising his legal right to make complaints against his colleagues by raising issues of employee misconduct and potential conflicts of interest and use of State and federal funds within a State university. See ... [25]

Deleted: on not appealing his termination, despite the contract's clear and non-conditional promise of one year of post-termination compensation.¶ ... [26]

Deleted: was the one that led to Clifford being removed from their position as chair. ¶
Towson University was given actual notice o ... [27]

Deleted: cause of Professor Gorman's termination from his position as a professor at Towson University.

Deleted: <#>Towson University's negligence in retaining Barker, Chulos, Hughes, Schatzel, Perreault, Clifford, Durington, Manasse, Ell ... [28]

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Award compensatory and punitive damages ... [29]

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Attorney for the Plaintiff

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C.

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D.