

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES MORGAN,)	Civil Action No.
)	
Plaintiff,)	
)	
vs.)	
)	
MICHAEL FIORENTINO, JR.,)	
DEENA HILL,)	
THE PENNSYLVANIA STATE)	
SYSTEM OF HIGHER)	
EDUCATION, and LOCK HAVEN)	
UNIVERSITY OF)	
PENNSYLVANIA,)	
)	
Defendants.)	

COMPLAINT

Plaintiff Charles Morgan (“Dr. Morgan” and/or “Plaintiff”), by and through undersigned Counsel, files this Complaint for violations of 42 U.S.C. § 1983, Title VII (42 U.S.C. § 2000e et seq.), and Title IX (20 U.S.C. § 1681), stating as follows:

I. PARTIES

1. Dr. Morgan is an adult individual, a resident of Centre County, Pennsylvania, and a former faculty member at Defendant Lock Haven University.

2. Defendant Michael Fiorentino, Jr. (“Dr. Fiorentino”) is President of Lock Haven University of Pennsylvania, has his primary place of business at the Office of the President, Lock Haven University, Ulmer 399, Lock Haven, PA 17745, and is

being sued in his official and personal capacities.

3. Defendant Deena Hill (“Ms. Hill”) is Associate Vice President for Human Resources at Lock Haven University of Pennsylvania, has her primary place of business at J204 East Campus, Lock Haven University, Lock Haven, PA 17745, and is being sued in her official and personal capacities.

4. Defendant Pennsylvania State System of Higher Education (“PaSSHE”) is an agency of the Commonwealth of Pennsylvania with its headquarters located at 2986 North Second Street, Harrisburg, PA 17110-1201; it was an employer of Dr. Morgan along with Defendant Lock Haven University.

5. Defendant Lock Haven University of Pennsylvania (“Lock Haven”) is a component institution of PaSSHE and has its primary place of business at 401 North Fairview Street, Lock Haven, PA 17745.

II. JURISDICTION

6. The jurisdiction of this Court over the matters in this Complaint is founded upon 28 U.S.C. § 1331.

III. VENUE

7. The events related in this Complaint occurred in Clinton County, Pennsylvania, in the Middle District of Pennsylvania; therefore, venue is appropriate in this Court.

IV. ADMINISTRATIVE EXHAUSTION

8. In December 2016, Dr. Morgan filed an administrative charge with the Equal Employment Opportunity Commission (“EEOC”), docketed at 530-2017-01208, raising claims for discrimination on the basis of sex and for a hostile work environment.

9. Dr. Morgan cross-filed the aforementioned charge with the Pennsylvania Human Relations Commission.

10. On April 3, 2017, the EEOC issued a “Right to Sue” notice with respect to the above referenced charge; this Complaint is filed within ninety (90) days of receipt of this notice.

11. Upon the expiration of the one year waiting period for claims under the Pennsylvania Human Relations Act (“PHRA”), Plaintiff will move to amend this Complaint to add companion claims under the PHRA.

V. FACTS

12. Dr. Morgan is a male.

13. In 1995, Dr. Morgan graduated cum laude from the University of Louisville with a bachelor’s degree in Mathematics.

14. In 2003, Dr. Morgan received his Ph.D. in Mathematics from Michigan State University.

15. In 2004, Dr. Morgan applied for a faculty position with Lock Haven in the Mathematics Department.

16. At the time, Lock Haven's employment application asked whether an applicant had been convicted of a crime within the last ten years.

17. The application indicated that a prior criminal conviction was not a bar to employment at Lock Haven.

18. Dr. Morgan answered truthfully that he did not have any criminal conviction during that period.

19. In 1989, at the age of 19, Dr. Morgan was charged with sexual abuse under Kentucky law, subsequently found guilty, and was incarcerated for several years.

20. After completing a treatment program for sex offenders, Dr. Morgan was released in 1993 after serving three years and nine months.

21. In 2004, Dr. Morgan was hired by Lock Haven as an Assistant Professor.

22. In 2007, Dr. Morgan was promoted to Associate Professor.

23. In 2009, Dr. Morgan was awarded tenure.

24. In 2013, Dr. Morgan was promoted to full Professor.

25. From 2011 to 2014, Dr. Morgan served as the Chairperson for the Mathematics Department.

26. Dr. Morgan has written manuscripts on statistics, topology, modern algebra, linear algebra, and mathematics theory; these manuscripts have been adapted for use in a “flipped classroom” in which traditional lectures are replaced with classroom discussions.

27. In 2014, Pennsylvania passed amendments to its Child Protective Services Law (“CPSL”) relating to, *inter alia*, school employees having contact with minors, meaning individuals who are 17 years of age and under. *See* 23 Pa.C.S. § 6344.

28. These amendments required school employees to obtain three (3) clearances consisting of a Child Abuse certification (Pa. Department of Human Services Reports), a Criminal History Record certification (Pennsylvania State Police Reports), and a Federal Criminal History certification (FBI Reports).

29. Any applicant found to have committed one of the particular crimes listed in the amendments, regardless of how outdated it was or unrelated to the employee’s position, “shall be immediately dismissed from employment.” *See* 23 Pa.C.S. § 6344(c)(2), and (c.1).

30. Critically, these amendments for school employees did not apply to PaSSHE faculty members like Dr. Morgan.

31. As set forth in 23 Pa.C.S. § 6344(a.i)(2)(ii): “This paragraph shall not

apply to an employee of an institution of higher education whose direct contact with children, in the course of employment, is limited to either: (A) prospective students visiting a campus operated by the institution of higher education; or (B) matriculated students who are enrolled with the institution.”

32. The CPSL section relating to “Existing or transferred employees” was “deleted by amendment.” 23 Pa.C.S. § 6344(k).

33. In reliance on these CPSL amendments, PaSSHE enacted its “Protection of Minors” policy, Policy 2014-01, effective December 31, 2014, requiring each of its universities, including Lock Haven, to implement criminal background screening policies and procedures for “all employees.”

34. Despite the fact that the CPSL amendments explicitly did not apply to faculty members, PaSSHE nevertheless unilaterally extended the criminal background clearances to all faculty members which was unnecessary and overbroad under the circumstances.

35. The state faculty union, known as the Association of Pennsylvania State College and University Faculties (“APSCUF”), challenged PaSSHE’s policy claiming that it was a matter which should have been collectively bargained.

36. The Pennsylvania Commonwealth Court initially granted an injunction prohibiting the application of the background check to faculty altogether, and

thereafter entered a compromise order whereby the clearances would be required only of those faculty who teach “100-level” courses.

37. Citing the CPSL amendments, Lock Haven adopted a new policy requiring background clearances for, *inter alia*, “current faculty/staff/coaches and student employees.” Lock Haven Background Check Policy.

38. It was conveyed to faculty that if they did not submit to the background checks that they would be subjected to discipline, up to and including termination.

39. In February 2016, Dr. Morgan was forced by Lock Haven to undergo the newly required background checks.

40. The FBI Report disclosed the prior 1989 sexual abuse and other charges (sodomy) against Dr. Morgan, from more than twenty-seven (27) years ago.

41. On April 16, 2016, Lock Haven removed Dr. Morgan from the classroom prior to the conclusion of the semester and suspended him from work.

42. By letter dated May 18, 2016, Dr. Fiorentino terminated Dr. Morgan effective immediately.

43. Ms. Hill is copied on the letter and, based on her role as the Associate Vice President for Human Resources, was involved in the termination decision.

44. PaSSHE likewise was aware of the situation and participated in the termination decision.

45. According to the termination letter, Dr. Morgan was terminated because of his “criminal conviction of a reportable offense(a) as defined by the Child Protective Services Law.”

46. Dr. Fiorentino discounted the long passage of time since the offense, claiming that Dr. Morgan’s duties required him to “provide instruction in 100 level math courses in which non-matriculated minors may enroll,” the Department hosted an academic program for high school students, and “the Commonwealth of Pennsylvania General Assembly’s recently enacted amendments to the Child Protective Services Law would have served to disqualify you from employment at Lock Haven University if you were currently seeking employment.”

47. Contrary to Dr. Fiorentino’s statements, Dr. Morgan’s prior conviction did not justify or compel his termination.

48. As a practical matter, in his role as a tenured Professor in the Mathematics Department, Dr. Morgan simply does not have any regular contact with minors due to the fact that his students in the undergraduate and graduate programs at Lock Haven are 18 years of age and older.

49. To get around this fact as well as the exclusion for PaSSHE faculty in the CPSL, Dr. Fiorentino claimed that a “non-matriculated minor” could enroll in a 100-level course if Dr. Morgan were assigned to teach that course.

50. The justification that an unidentified minor hypothetically could enroll in an introductory course taught by Dr. Morgan sometime in the future does not justify Dr. Morgan's termination.

51. The justification that the Department hosts an academic program for high school students likewise does not justify Dr. Morgan's termination because his participation in that program is not an essential function of his position, is voluntary, and, in any event, would not involve regular contact with minors.

52. Moreover, Dr. Fiorentino's claim that the recent amendments to the CPSL would disqualify Dr. Morgan from employment at Lock Haven University is false, including because those amendments do not apply to faculty at institutions of higher education like Lock Haven, and Lock Haven's policy does not necessarily dictate dismissal of any new hire or applicant if they were convicted of one of the reportable offenses.

53. None of the Defendants have proffered a sufficient reason to explain why the crime of which Dr. Morgan was convicted nearly 28 years ago is at all predictive of future behavior and warrants the harsh result of his termination with Lock Haven after 12 years of exemplary employment.

54. In addition, none of the Defendants have proffered a sufficient reason to explain why Dr. Morgan could not simply be assigned courses at the 200 level and

above.

55. In the Department, certain 100-level courses of a faculty member were reassigned at the direction of the College Dean because the professor's teaching style was harmful to the Department's attrition levels.

56. Another faculty member successfully has refused to be assigned remedial courses (Math 009 and Math 100) as well as the course on statistics (Math 107), and has not been assigned those courses.

57. Defendants' erroneous reading, implementation, and application of the CPSL's amendments create a lifetime ban for Dr. Morgan's past conviction that has no temporal proximity to his present ability to perform the duties of his position, and it does not bear a real and substantial relationship to Defendants' purported interest in protecting children.

58. Therefore, they are unreasonable, unduly oppressive, and patently beyond the necessities of the offense.

59. As a result, Defendants' erroneous reading, implementation, and application of the CPSL's amendments impose unusual and unnecessary restrictions upon Dr. Morgan's lawful employment as a Professor and it is unconstitutional as violative of his substantive due process and procedural due process as guaranteed by the United States and Pennsylvania Constitutions.

60. During a subsequent grievance hearing on December 15 and 16, 2016, Dr. Fiorentino admitted that the CPSL did not require Dr. Morgan's termination, but that the decision to terminate Dr. Morgan was motivated by a desire to preserve Lock Haven's reputation.

61. Specifically, Dr. Fiorentino claimed that because Dr. Morgan's continued employment at Lock Haven would have been "difficult to explain," he said he had no choice other than to terminate Dr. Morgan.

62. Defendants' stated desire to protect the University's reputation in the event that the past conviction from over 27 years ago came to light does not justify Dr. Morgan's termination.

63. As a result of Defendants' conduct, Dr. Morgan has suffered damages including, but not limited to, loss of employment, loss of reputation, and emotional distress and harm.

64. In addition, as a result of Defendants' conduct, Dr. Morgan has suffered financial damages including backpay losses, retirement contributions, healthcare insurance, and out-of-pocket costs.

65. Dr. Morgan seeks all remedies and damages under law including backpay, emotional distress damages, reinstatement, front pay in lieu of reinstatement, attorney's fees and costs, and pre-trial and post-trial interest.

66. Plaintiff requests a jury trial in this matter.

VI. COUNTS

Count I – Denial of Substantive Due Process Plaintiff v. Defendants Fiorentino and Hill

67. The preceding paragraphs are incorporated as if set forth at length herein.

68. The individual Defendants are being sued in their official capacities for injunctive relief and in their personal capacities for money damages.

69. The Defendants to this count were acting under the color of state law when they acted to deny Dr. Morgan's Due Process rights.

70. The individual Defendants to this count were acting outside the scope of their responsibilities when they engaged in the acts complained of in this count.

71. The Defendants' deprivation of Dr. Morgan's liberty interests in his reputation and to engage in an occupation as well as his property interest in his tenured faculty position was not justified by a sufficient purpose.

72. Defendants' erroneous reading, implementation, and application of the CPSL's amendments create a lifetime ban for Dr. Morgan's past conviction that has no temporal proximity to his present ability to perform the duties of his position, and it does not bear a real and substantial relationship to the Defendants' purported interest in protecting children.

73. Absent this Court's intervention, Defendants likely will continue their erroneous reading, implementation, and application of the CPSL's amendments to other current PaSSHE faculty, including faculty at Lock Haven, and discharge other faculty based on a past conviction of a reportable offense via a lifetime ban absent sufficient justification for the protection of minors.

74. Defendants' actions shock the conscience, are arbitrary and capricious, and cannot withstand even a rational review.

75. Moreover, as this claim involves a fundamental right, Defendants' actions cannot withstand strict scrutiny.

76. As a result of the denial of Due Process, Dr. Morgan has suffered harm including the loss of his employment and harm to his reputation.

77. Dr. Morgan seeks all remedies and damages permitted under 42 U.S.C. § 1983, including back pay, reinstatement or front pay, damages for lost prospective future employment, damages for prospective harm in his present position, compensatory damages for emotional pain and suffering, punitive damages, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

**Count II – Denial of Procedural Due Process
Plaintiff v. Defendants Fiorentino and Hill**

78. The preceding paragraphs are incorporated as if set forth at length herein.

79. The individual Defendants are being sued in their official capacities for injunctive relief and in their personal capacities for money damages.

80. The Defendants to this count were acting under the color of state law when they acted to deny Dr. Morgan's Due Process rights.

81. The individual Defendants to this count were acting outside the scope of their responsibilities when they engaged in the acts complained of in this count.

82. Dr. Morgan has a protected property interest in his tenured faculty position and a liberty interest in his reputation.

83. Based on the circumstances of this case, Defendants denied Dr. Morgan his procedural Due Process rights.

84. Plaintiff submits that he was not provided the necessary pre-termination notice of the charges against him, a sufficient explanation of the Defendants' evidence, or an adequate opportunity for him to respond, either to the charges or to the action the employer proposed.

85. At his initial meeting with Ms. Hill, Dr. Morgan was ordered to "explain" his criminal record from 1989 and the circumstances of his conviction; she did not

give any, and she refused to give, written questions to Dr. Morgan.

86. In addition, Dr. Morgan was denied procedural Due Process when Defendants decided to terminate his employment claiming that the decision was necessitated by the amendments to the CPSL, when those amendments did not apply to Dr. Morgan as a current faculty member at an institution of higher learning.

87. Dr. Fiorentino later changed his rationale for the termination decision.

88. As a result of the denial of Due Process, Dr. Morgan has suffered harm including the loss of his employment and harm to his reputation.

89. Dr. Morgan seeks all remedies and damages permitted under 42 U.S.C. § 1983, including back pay, reinstatement or front pay, damages for lost prospective future employment, damages for prospective harm in his present position, compensatory damages for emotional pain and suffering, punitive damages, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

**Count III – Violation of Ex Post Facto Clause
Plaintiff v. Defendants Fiorentino and Hill**

90. The preceding paragraphs are incorporated as if set forth at length herein.

91. The individual Defendants are being sued in their official capacities for injunctive relief and in their personal capacities for money damages.

92. The Defendants to this count were acting under the color of state law when they acted to deny Dr. Morgan's due process rights.

93. The individual Defendants to this count were acting outside the scope of their responsibilities when they engaged in the acts complained of in this count.

94. The Constitution prohibits both federal and state legislatures from passing retroactively applicable legislation.

95. At the time Dr. Morgan applied for his position in 2004, conviction of a particular criminal offense outside the last 10 years was not a reportable offense and even an offense within the last 10 years was not a bar to employment in all cases.

96. Relying on the 2014 amendments to the CPSL, Defendants decided that any conviction of one of the enumerated offenses, regardless of timing or relation to the position, warranted termination of an existing employee including a faculty member.

97. As a result of this reliance, Defendants' terminated Dr. Morgan after 12 years of exemplary service in violation of the Ex Post Facto Clause.

98. As a result of the violation of the Ex Post Facto Clause, Dr. Morgan has suffered harm including the loss of his employment and harm to his reputation.

99. Dr. Morgan seeks all remedies and damages permitted under 42 U.S.C. § 1983, including back pay, reinstatement or front pay, damages for lost prospective

future employment, damages for prospective harm in his present position, compensatory damages for emotional pain and suffering, punitive damages, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

**Count IV – Violation of Equal Protection
Plaintiff v. Defendants Fiorentino and Hill**

100. The preceding paragraphs are incorporated as if set forth at length herein.

101. The individual Defendants are being sued in their official capacities for injunctive relief and in their personal capacities for money damages.

102. The Defendants to this count were acting under the color of state law when they acted to deny Dr. Morgan's Due Process rights.

103. The individual Defendants to this count were acting outside the scope of their responsibilities when they engaged in the acts complained of in this count.

104. 42 U.S.C. § 1983 prohibits state officials from causing the denial of equal treatment, including the impairment of contract on the basis of sex.

105. Dr. Morgan was qualified for his position as a faculty member at Lock Haven.

106. By unnecessarily seeking, obtaining, disseminating, and/or weaponizing information regarding his nearly thirty year-old conviction, Dr. Fiorentino and Ms. Hill

acted to portray Dr. Morgan unfairly as a sexual predator and a pedophile.

107. Dr. Fiorentino and Ms. Hill knew or should have known that from his long and distinguished career at Lock Haven and his upstanding relations with students and faculty alike that Dr. Morgan was not a threat to anyone, and that using an old offense from the time he was a teenager to end his career and destroying his reputation was a travesty and pretext.

108. Dr. Morgan was subjected to adverse employment actions in the form of his termination as well as in terms of the resulting damage to his reputation and his career.

109. Dr. Morgan seeks all damages permitted under 42 U.S.C. § 1983, including back pay, reinstatement or front pay, damages for lost prospective future employment, damages for realized and prospective harm in his present position, compensatory damages for pain and suffering, reputation destruction, punitive damages, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

**Count V – Imposition of Cruel and Unusual Punishment
Plaintiff v. Defendants Fiorentino and Hill**

110. The preceding paragraphs are incorporated as if set forth at length herein.

111. The individual Defendants are being sued in their official capacities for

injunctive relief and in their personal capacities for money damages.

112. The Defendants to this count were acting under the color of state law when they acted to deny Dr. Morgan's Due Process rights.

113. The individual Defendants to this count were acting outside the scope of their responsibilities when they engaged in the acts complained of in this count.

114. 42 U.S.C. § 1983 prohibits state officials from violating an individual's right to be free of cruel and unusual punishment.

115. By unnecessarily seeking, obtaining, disseminating, and/or weaponizing information regarding his nearly thirty year-old conviction, Dr. Fiorentino acted to portray Dr. Morgan unfairly as a sexual predator and a pedophile.

116. Among the facts that should be considered in determining whether an ostensibly civil penalty may be a punitive penalty subject to the constitutional prohibition against cruel and unusual punishment are:

- a. whether the sanction involves an affirmative disability or restraint;
- b. whether it has historically been regarded as punishment;
- c. whether it comes into play only on a finding of scienter;
- d. whether its operation will promote the traditional aims of punishment—retribution and deterrence;
- e. whether the behavior to which it applies is already a crime;

f. whether an alternative purpose to which it may rationally be connected is assignable for it; and

g. whether it appears excessive in relation to the alternative purpose assigned.

117. Dr. Fiorentino's unilateral termination of Dr. Morgan gave rise to a de facto ban on Dr. Morgan's employment as a faculty member at Lock Haven.

118. There is no remedial purpose to Dr. Fiorentino's actions.

119. A permanent de facto ban on Dr. Morgan's employment as a faculty member at Lock Haven is grossly disproportionate to his offense.

120. In that he stated that the "severity" of Dr. Morgan's crimes merited termination, Dr. Fiorentino implied that the termination of Dr. Morgan was punitive.

121. The actions of Dr. Fiorentino served as an ongoing punishment of Dr. Morgan.

122. The ongoing punishment of Dr. Morgan constitutes a violation of his right to be free from cruel and unusual punishment as guaranteed by the Eighth and Fourteenth Amendments to the U.S. Constitution.

123. Dr. Morgan suffered damages as a consequence of this extreme, draconian, and impermissible punishment.

124. Dr. Morgan seeks all damages permitted under 42 U.S.C. § 1983,

including back pay, reinstatement or front pay, damages for lost prospective future employment, damages for realized and prospective harm in his present position, compensatory damages for pain and suffering, reputation destruction, punitive damages, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

Count VI – Title VII Violation
Plaintiff v. Defendants PASSHE and Lock Haven

125. The preceding paragraphs are incorporated as if set forth at length herein.

126. Dr. Morgan was qualified for his position as a faculty member at Lock Haven.

127. By unnecessarily seeking, obtaining, disseminating, and/or weaponizing information regarding his nearly thirty year-old conviction, Defendants acted to portray Dr. Morgan unfairly as a sexual predator and pedophile.

128. Dr. Morgan was subjected to adverse employment actions in the form of his termination as well as in severe injury reputation and his career.

129. The termination occurred under circumstances giving rise to an inference of discrimination.

130. Defendants' justifications are a pretext for discrimination.

131. Dr. Morgan seeks all damages permitted under Title VII, including back

pay, reinstatement or front pay, damages for lost prospective future employment, damages for realized and prospective harm in his present position, compensatory damages for pain and suffering, reputation destruction, punitive damages, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

**Count VII – Title VII Hostile Work Environment
Plaintiff v. Defendants PASSHE and Lock Haven**

132. The preceding paragraphs are incorporated as if set forth at length herein.

133. Dr. Morgan was qualified for his position as a faculty member at Lock Haven.

134. By unnecessarily seeking, obtaining, disseminating, and/or weaponizing information regarding his nearly thirty year-old conviction, Defendants acted to portray Dr. Morgan unfairly as a sexual predator and a pedophile.

135. By being branded as a sexual predator/pedophile, Dr. Morgan was subjected to hostile work environment because of his male gender.

136. Dr. Morgan seeks all damages permitted under Title VII, including back pay, reinstatement or front pay, damages for lost prospective future employment, damages for realized and prospective harm in his present position, compensatory damages for pain and suffering, reputation destruction, punitive damages, and payment

of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

Count VIII – Title IX Violation
Plaintiff v. Defendants PASSHE and Lock Haven

137. The preceding paragraphs are incorporated as if set forth at length herein.

138. Title IX prohibits educational institutions that receive federal funds from discriminating on the basis of gender.

139. Both Lock Haven and PaSSHE are educational institutions that receive federal funds.

140. Dr. Morgan was qualified for his position as a faculty member at Lock Haven.

141. By unnecessarily seeking, obtaining, disseminating, and/or weaponizing information regarding his nearly thirty year-old conviction, the Defendants acted to portray Dr. Morgan unfairly as a sexual predator.

142. PaSSHE and Lock Haven administrators were aware, or should have been aware of, these discriminatory actions.

143. Dr. Morgan was subjected to adverse employment actions in the form of his termination as well as in the form of the resulting damage to his reputation and his career.

144. PaSSHE and Lock Haven administrators were aware of the hostile and discriminatory actions taken against Dr. Morgan.

145. Dr. Morgan seeks all damages permitted under Title IX, including back pay, reinstatement or front pay, damages for lost prospective future employment, damages for realized and prospective harm in his present position, compensatory damages for pain and suffering, reputation destruction, punitive damages, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

**Count IX – Title IX Hostile Work Environment
Plaintiff v. Defendants PASSHE and Lock Haven**

146. The preceding paragraphs are incorporated as if set forth at length herein.

147. Title IX prohibits educational institutions that receive federal funds from discriminating on the basis of sex.

148. Both Lock Haven and PaSSHE are educational institutions that receive federal funds.

149. Dr. Morgan was qualified for his position as a faculty member at Lock Haven.

150. By unnecessarily seeking, obtaining, disseminating, and/or weaponizing information regarding his nearly thirty year-old conviction, Dr. Fiorentino and Ms. Hill

acted to portray Dr. Morgan unfairly as a sexual predator.

151. By being branded as a sexual predator, Dr. Morgan was subjected to hostile work environment.

152. PaSSHE and Lock Haven administrators were aware of the hostile and discriminatory actions taken against Dr. Morgan.

153. Dr. Morgan seeks all damages permitted under Title IX, including back pay, reinstatement or front pay, damages for lost prospective future employment, damages for realized and prospective harm in his present position, compensatory damages for pain and suffering, reputation destruction, punitive damages, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

Respectfully Submitted,

LIEBER HAMMER HUBER &
PAUL, P.C.

s/James B. Lieber

James B. Lieber

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JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

PLAINTIFFS

(b) County of Residence of First Listed Plaintiff Centre
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
See Attachment

DEFENDANTS

MICHAEL FLORENTINO, JR., DEENA HILL, THE PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION, and LOCK HAVEN UNIVERSITY OF PENNSYLVANIA

County of Residence of First Listed Defendant Clinton
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	SOCIAL SECURITY <input type="checkbox"/> 861 IIIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983; 42 U.S.C. 2000e; 20 U.S.C. 1681

Brief description of cause:

Plaintiff's due process rights were violated, and discriminated against, when his employment was terminated.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE
06/28/2017

SIGNATURE OF ATTORNEY OF RECORD
s/James B. Lieber

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

ATTACHMENT

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