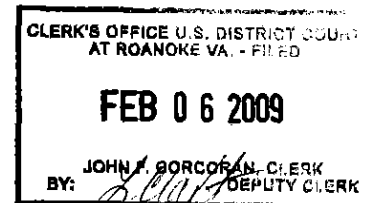


Golding v. The Montgomery County Public School System, et al.,

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
OF VIRGINIA**



Christine A Golding

Plaintiff,

v.

MONTGOMERY COUNTY PUBLIC SCHOOLS
CHRISTIANSBURG, VA and MARK PASIER,
MICHAEL STANLEY

Defendants

7:09-cv-00036

COMPLAINT FOR DEFAMATION PER SE

I the Plaintiff, CHRISTINE A. GOLDING complain against Defendants, THE MONTGOMERY COUNTY PUBLIC SCHOOLS, (MCPS) Christiansburg, VA, and MARK PASIER who is employed at MCPS in the position of HUMAN RESOURCE DIRECTOR, and MICHAEL STANLEY who MCPS employs in the position of ASSISTANT PRINCIPAL at CHRISTIANSBURG HIGH SCHOOL, (CHS) CHRISTIANSBURG, VA. Furthermore, in accordance with US 42 subsection 1983, I submit that I have been denied my rights to **DUE PROCESS** under the 5TH and 14TH AMENDMENTS OF THE UNITED STATES CONSTITUTION.

INTRODUCTION

I, Christine Golding, the plaintiff, was hired in January of 2006 as a substitute teacher's assistant to work for the defendant, MCPS.

My work record was without blemish for almost a year until December 1, 2006, two months before I was fired.

MCPS requested I work on an almost daily basis until February, of 2007.

I did indeed work almost every day for a year as a substitute teacher's aide throughout the MCPS district.

Despite CHS Assistant Principal Michael Stanley's assertion on December 1, 2006 that he, Stanley, heard from alleged unidentified witnesses on an unspecified date that I, Christine Golding, called groups of alleged unidentified CHS students "stupid" and "retarded" and that I abandoned an alleged unidentified CHS special needs student in a bathroom, I worked almost every day until I was fired on February 8, 2007.

Confrontation

On February 6, 2007, I went to see Mark Pasier, MCPS Human Resource Director, because I was concerned about CHS Assistant Principal Mike Stanley's allegations that he made to me on December 1, 2006. On December 1 2006, I reported what Mike Stanley said to me to my immediate supervisor, Barbara Waugh, who was at the time, and may still be, one of Mark Pasier's secretaries. Waugh told me to ignore what Stanley said and that an investigation would not be necessary because Stanley "is very demanding and difficult". Waugh told me to simply ignore the complaints unless Stanley put them in writing which Waugh said she doubted would happen.

Abandoning a special needs student in a bathroom and refusing to help that student off a toilet seat as Stanley claimed happened is considered endangerment and in accordance with the *Code of Virginia subsection 63.2-1509* must be reported to Child Protective Services (CPS) within 72 hours. MCPS has refused to make any such report which would initiate an investigation.

On February 6, 2007, I also wanted to discuss with Mark Pasier, Human Resource Director, new unfounded complaints made by yet another MCPS official, Principal Oliver Lewis of Christiansburg Primary School.

On February 2, 2007, without any justification whatsoever, Oliver Lewis said at the end of the day that throughout that the day of February 2, 2007, I had been disoriented and that my cell phone had rung several times during classroom instruction. I, on February 2, 2007 worked the entire day. If I had been disoriented for the entire time on February 2, 2007 I was at Christiansburg, Primary School, as Oliver Lewis claimed, it would have jeopardized students' safety and he would have been duty bound to have me exit the premises. He did not do that because I was indeed alert and performed my duties. There was no foundation for this complaint or Stanley's; therefore, I thought it imperative the complaints be investigated as soon as possible.

On February 6, 2007 during the meeting with Pasier, I informed Pasier not only of Lewis's complaint but also of Stanley's statements to me regarding "stupid" and "retarded" and the abandoning of the unidentified teen in a bathroom. Pasier said Stanley orally had already informed one of Pasier's secretaries, known to me as Dawn, about Stanley's allegations against me.

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On February 6, 2007, Pasier also said he was not concerned about my being accused of calling groups of CHS students "stupid" and "retarded" and supposedly abandoning a special needs CHS student in a bathroom but that there was a problem about complaints from unidentified sources that I, Christine Golding, was napping in the break room during my lunch hour and that Principal Christopher Widrig of Shawsville Elementary School said I was talking out of turn during class and that my cell phone rang several times in the classroom. I was distressed and stunned by another false report.

On February 6, 2007, I asked Mark Pasier for an investigation into all the charges. I did not inquire why napping in the break room on my lunch hour would elicit a complaint and Pasier gave no explanation why closing my eyes during my lunch hour in the break room was cause for concern. Mark Pasier did say, however, that he would investigate and that I should get a doctor's note saying that I needed time off from work for a couple of weeks because of what he said were the complaints about my napping in the break room during my lunch hour. I had informed Pasier that I was recovering from surgery and that I would be able to get the note.

On February 6, 2007, Pasier also said I should not speak with anyone about the charges against me because it would hinder his investigation.

On February 8 2007, I went to Mark Pasier's office in accordance with his instructions, and handed Pasier the doctor's note that he requested. At that time, with the door open, he thanked me for the note, opened a file and calmly inserted the note into the file. His demeanor then abruptly changed and he proceeded to scream, "You are a danger to children!" He continued that I was negligent and abusive to children. He went on to yell that I abandoned a special needs child in a bathroom and verbally abused children. He concluded his tirade by saying that I would never work in this school system again and to get out of his office. I responded that I would be contacting the Board of Education, and he responded emphatically that I had no right to do that and then added snidely, "Good luck".

On February 8, 2007, I left a note with Dr. Tiffany Anderson's secretary to have Dr. Anderson, Superintendent of MCPS contact me. On the evening of February 8, 2007 a woman identifying herself as Dr. Anderson called me and said that I had no rights whatsoever and that I was prohibited from contacting the school board. (The voice did not sound like Dr. Anderson's, but I was not sure whether it was Dr. Anderson or not.)

On August 28, 2007, I contacted the school board via e-mail regarding the bogus reports. No one responded except Wat Hopkins who said he would get back to me. I never heard from him again. I also contacted each member of the school board by telephone. I either spoke to them directly or left a message on a voice mail. No one returned my call. I also contacted each member of the school board by mail. No one answered my letters.

In October of 2008, I went to the Christiansburg police department and spoke to Officer Cox, Detective Curtis Brown, and Lieutenant Brown of the Christiansburg, Police Department. I asked them to investigate the claims Mike Stanley, Assistant Principal of CHS, and Mark Pasier, Director of Human Resources CHS, made regarding the alleged verbal abuse of CHS students and the endangerment of a CHS unidentified student who Stanley claimed unidentified witnesses said I abandoned in an unspecified CHS bathroom on an unspecified date. Detective Brown told me to report the complaint to CPS. I told Detective Brown that I had been to CPS, and he told me to report the events to CPS again.

In October of 2008, I went to see Pam Bashum of CPS in Christiansburg, VA with whom I had originally spoken with in August of 2007.

In August of 2007, Miss Bashum advised me that indeed abandoning a special needs student in a bathroom had to be reported, but that she could not take a report from me since I was the person accused of abandoning the unidentified CHS student in the unidentified bathroom on the unspecified date at the unspecified time.

In October of 2008, upon the advice of Detective Brown of the Christiansburg, Police, I returned to CPS of Christiansburg, VA and spoke to Pam Bashum who again informed me that because I was the person accused, she could not investigate. When I repeated that I was involving her again upon Detective Brown's instructions, Bashum said she would investigate me and me first and foremost and asked if I would agree to that. I said I would welcome the investigation and would await her findings.

In October of 2008, Pam Bashum informed me by phone that she had spoken to Mark Pasier, that she was satisfied with Mark Pasier's explanation, and there was no need to investigate further.

In December of 2008, I called Annette Perkins who is in charge of the Board of Supervisors and asked for an investigation. She did not reply. My mother, Mona O'Connell went with me to a meeting of the Board of Supervisors in December of 2008 and addressed the Board of Supervisors on my behalf requesting an investigation. No one on the Board of Supervisors took any action.

Defamation per se in accordance with Stigma Plus

The statements Mark Pasier, Director of Human Resources and CHS Assistant Principal Mike Stanley made against me in which both Pasier and Stanley accepted as fact supposed statements made by unidentified witnesses who allegedly overheard that I called unidentified groups of CHS students “stupid” and “retarded” and abandoned a special needs unidentified CHS student in a bathroom are defamatory and have precluded my having the liberty to seek future employment based on my record as a teaching paraprofessional. When seeking employment, at in any school or anywhere else I have been told that I must divulge the reason for my leaving my last job. Thus, I immediately am required to put my character in question to any new employer. The claims Stanley and Pasier made are without foundation and are capable of being proven false. According to *Brevot v. New York City Department of Education*, satisfaction of the stigma plus test is not contingent on actual consequences of the stigmatizing allegations but on their potential consequences of the stigma if it forecloses the stigmatized person’s freedom to take advantage of other employment opportunities. Even if I were to procure gainful employment working with children, because of the potential risk I would face if accused of mistreating a child and having my MCPS personnel file open to scrutiny in any kind of a criminal investigation, I have just cause to fear other false charges based on MCPS record of false charges against me.

Not only has MCPS through its officials impugned my good name, reputation, honor and integrity, but they have also altered my economic and social status because of the tangible harm done to me through loss of income, *Paul v. Davis* 424. U.S. 693, 711. Furthermore, at the time Pasier dismissed me, Pasier used a belligerent loud voice and made extremely damaging statements about me that assaulted my character, and made it impossible for me to seek gainful employment and function within the community. With his door opened to a space accessible not only to office staff but also to members of the community, Pasier shouted that I was a danger to children and would never work for the MCPS system again. Defamation is a deprivation of a liberty interest when it occurs in the course of dismissal or in the refusal to rehire the individual who was fired as a government employee, *Neu. V. Corcoran* 869 F.2d 662, 667 (2d Cir 1989).

Immunity

Pasier lied when he told me that I had no right to a hearing. Furthermore Brad King, MCPS attorney, stated in writing that I would not be entitled to a hearing that would afford me the right to reply to the false charges. I have since learned that I am indeed entitled to a hearing pursuant to 42 U.S.C. subsection 1983 (2000), *Patterson v. City of Ithaca* 370 F 3d 322 329 2d Cir 2004 and *Sciolino v. City of Newport News* 480 F. 3d. 642 (2007) and that MCPS through its officials and attorney deliberately misstated the facts to thwart my efforts to defend myself which would, therefore, bar them from any right to any immunity privileges.

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Pasier denied me my freedom of speech when he refused to allow me to speak to anyone at CHS regarding the charges against me and misled me about my right to a hearing. He denied me my right to due process.

Limitations Period

This action is timely filed in that the Virginia statute of personal injury is the bases under which 42 U.S.C section 1983 determines the statute of limitations

Conclusion

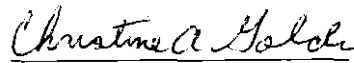
Mark Pasier in his refusal to report alleged child abuse to the authorities and to conduct an objective investigation in accordance with state and federal law and to follow procedures has acted recklessly as has his staff. Therefore there is the possibility that the circumstances of my termination will be disclosed to an investigatory agency or potential employer for security reasons or simply because of further reckless actions on the part of MCPS, which reaffirms the infringement on my Fourteenth Amendment rights, *Sciolino v. City of Newport News* 480 F. 3d 642 (4th Cir., 2007).

JURY DEMAND

I, Christine Golding, the planiff, demand trial by jury of the allegations contained in this complaint.

The total monetary damages sought in this matter will be at the discretion of the court.

Respectfully submitted,



Christine Golding

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Affidavit

I, Christine Golding on oath state that the allegations in this complaint are true so help me God.

Christine A Golding
Christine Golding

Subscribed and sworn to before me

Connie S Sheppard Notary

This 6th day of Feb - 2009

STATE OF VIRGINIA
County of Montsomerie

Connie S Sheppard
Notary

My Commission Exp. June 30 2009

