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## 7th Circuit tosses retaliation suit against South Suburban College

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A woman who claims she was fired from her job in retaliation for filing a discrimination complaint cannot sue her former employer.

Songie Adebiyi, a Black woman, worked at South Suburban College in South Holland for nearly two decades, starting as a manager in 2000.

She was vice president of Student Services when the college terminated her in 2019, citing performance issues.

Adebiyi alleged that the college was retaliating against her for filing a charge against it with the U.S. Equal Employment Opportunity Commission and the Illinois Department of Human Rights claiming race discrimination, harassment and bullying.

In a written opinion Wednesday, a panel of the 7th U.S. Circuit Court of Appeals affirmed the judgment of U.S. District Judge Steven C. Seeger of the Northern District of Illinois, granting summary judgment to the college and its president, whom Adebiyi also sued.

“South Suburban College did indeed terminate Adebiyi after she filed a charge with the EEOC and the IDHR,” Judge Candace Jackson-Akiwumi wrote for the panel. “But Adebiyi has presented no evidence drawing a causal link between her charge and the adverse employment action she later suffered; this was her burden to survive summary judgment.”

The 7th Circuit agreed with the district court in concluding that the evidence in the record does not support Adebiyi’s retaliation claim.

Jackson-Akiwumi found that Adebisi has not “identified evidence allowing a reasonable person to find the college’s asserted qualms with her performance unworthy of credence, nor evidence that would support her allegations of suspicious timing.”

As vice president of Student Services, Adebisi oversaw certain departments and programs, including the student counseling department, which housed the college’s Latino Center.

She reported directly to the college president, Donald Manning, who announced in early 2018 that he would retire later that year.

Lynette Stokes, a Black woman who was vice president of Academic Services, was approved as the new president-elect. Manning began delegating some of his tasks to Stokes in the months leading up to his retirement.

On April 17, 2018, a few days after Stokes became president-elect, the faculty union president called a meeting with leadership to discuss complaints against Adebisi regarding her leadership style and accusations of her enabling a toxic work environment, all centered around how the Latino Center was operating.

After a meeting with Adebisi about the complaints, it was concluded that the concerns were unfounded.

While the college took no disciplinary action against her, Adebisi was affected by the events and sought a two-week medical leave after the meeting, court documents stated.

Once she returned, Adebisi filed a formal internal complaint alleging race discrimination, harassment, and bullying.

Adebisi also filed a charge with the EEOC and the IDHR alleging harassment based on race, retaliation for opposing discrimination, and unequal pay.

After an internal investigation, the college concluded that Adebisi’s complaint was unfounded.

The investigation also revealed there was a “considerable amount of miscommunication and mistrust” in the counseling department, documents stated, and recommended departmental teamwork and professionalism training.

When Stokes officially took over as president in October 2018, she grew concerned about Adebisi's performance. She had several meetings with Adebisi and conducted a performance review.

In February 2019, Stokes informed Adebisi her contract would not be renewed, citing performance issues, including Adebisi's "self-serving management practices" and "hands-off" approach to leadership, among other concerns. This was just three days before a scheduled meeting with the IDHR and the college on Adebisi's discrimination complaint.

Adebisi sued the college and former president Manning alleging racial discrimination and retaliation under 42 U.S.C. Sec. 1981 and Title VII of the Civil Rights Act of 1964, as well as breach of contract.

On appeal to the 7th Circuit, Adebisi argued the district court erred when it dismissed her Title VII retaliation claim. She also argued the district court abused its discretion when it denied her motion to amend the complaint and seek more discovery.

But the 7th Circuit found no error or abuse in the district court's judgment on either issue.

Adebisi first argued that the timing of her termination was suspicious because it occurred three days before a scheduled meeting with the IDHR.

Jackson-Akiwumi noted that Adebisi did not provide any supporting evidence that would allow a jury to assign any significance to the IDHR meeting.

"And without such evidence, there is nothing in the record to bridge the monthlong gap between Adebisi's filing of her EEOC and IDHR charge in May 2018 and her termination in February 2019," Jackson-Akiwumi wrote.

Adebisi next argued that she showed causation because the college's reasons for her termination were pretextual.

She claimed the performance issues Stokes identified were pretextual because they were all from the time Adebisi worked under Manning, and he never had any issues with her performance.

"[Even] if Manning was satisfied with Adebisi, that does not mean that Stokes — who had sufficient time and opportunity to form her own opinions — had to have the same expectations for Adebisi," Jackson-Akiwumi wrote.

She noted Stokes had nearly a year to observe Adebisi's work, as president-elect and then as president. The panel also found that her concerns regarding Adebisi's performance were supported by the college's records.

"Stokes may have been unreasonable in her expectations and too hard on Adebisi, but that is not the relevant inquiry. A supervisor can have harsh expectations without raising a pretext issue," Jackson-Akiwumi wrote, citing *Parker v. Brooks Life Sci., Inc.*, 39 F.4th 931, 937- 38 (7th Cir. 2022).

Shortly before recommending Adebisi's termination, Stokes gave Adebisi a "satisfactory" performance review.

Adebisi questioned Stokes's credibility and argued her requirement that vice presidents attain a "more than satisfactory" rating to meet performance expectations was inconsistent with Adebisi's own experience with the college.

In order to raise an inference of pretext, Adebisi must "come forward with at least some evidence from which we can infer" that Stokes's approach to evaluating her vice presidents' performance "is not credible, or that the [college] had some other policy that it followed" with the other vice presidents, Jackson-Akiwumi wrote, citing *Hill v. Potter*, 625 F.3d 998, 1004 (7th Cir. 2010).

The panel found that Adebisi had not done so.

"In fact, the evidence shows that the other vice presidents who retained their jobs under Stokes received a 'more than satisfactory' rating on their performance evaluations," Jackson-Akiwumi wrote.

Other panel members included Circuit Judges Michael Y. Scudder, Jr. and Thomas L. Kirsch II.

Adebisi is represented by Texas attorney Volney L. Brand of Brand Law PLLC. He could not be immediately reached for comment.

South Suburban College is represented by Julie A. Bruch of IFMK Law, Ltd.

"We are pleased that the appellate court carefully reviewed the record and affirmed the trial court's decision to grant summary judgment in favor of the College and former President Donald Manning," Bruch said in a written statement.

The case is *Adebisi v. South Suburban College*, No. 22-2516.

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