

# Well-Documented Investigation and Carefully Written Policies Give Win to School District Against Discrimination, Retaliation Claims

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Following nearly 10 days of witness testimony, a jury in Denton, Texas, has ruled in favor of the Denton Independent School District (ISD), and rejected an ISD para-professional's claim that he was fired in retaliation for complaining about discrimination. Although the ISD's termination letter to the para-professional stated that his history of filing meritless discrimination complaints constituted grounds for termination, the jury determined that it was the para-professional's well-documented troubling and insubordinate conduct on October 31, 2014, that lead to his suspension and termination. *Kenneth Lyons v. Denton Independent Sch. Dist.*, No. 15-05355-158 (158<sup>th</sup> Judicial Dist. Court, Denton County, TX).

In 2013, Kenneth Lyons, a former all-star basketball player at the University of North Texas, accepted a para-professional position with the ISD. In this role, Lyons mentored students who were struggling academically or had behavioral issues. On October 31, 2014, Lyons was working at one of the high schools in the district when he approached the school principal with a complaint about the school's secretary, but the principal said he would discuss the matter with Lyons later. Both men claimed the other became upset and abusive during this conversation. Later that day, the principal – accompanied by an assistant principal – went to Lyons' office to find out what was going on. Lyons insisted on discussing the matter privately and refused to speak with the pair. The principal returned later that day, but Lyons would not unlock his office door. An audio recording of that exchange included the principal threatening to call the police and ultimately telling Lyons to leave the building immediately.

Lyons was suspended and ISD investigated the incident. On March 11, 2015, ISD concluded that Lyons behaved inappropriately on October 31, 2014, and that his October 2014 complaint of discrimination, as well as several similar complaints he had filed, lacked merit and had been made in bad faith. ISD then terminated Lyons employment because of the October 31, 2014, incident, as well as his numerous, baseless allegations of discrimination. ISD noted its employment policies prohibit the filing of baseless complaints.

Lyons sued ISD in 2015 for discrimination and retaliation. After two mistrials, and nearly 10 days of

witness testimony, in early-2018 a Texas jury ruled in favor of ISD. Among other things, the jury found that Lyons' conduct on October 31, 2014, was the true cause of his termination. It also found that the ISD did not retaliate against Lyons in violation of public policy when it factored Lyons' discrimination complaints into its assessments.

This case offers a variety of lessons. First, trials often take on a life of their own. This relatively straightforward case is a strong reminder that every trial requires a significant investment of time and energy, and the outcome is rarely a sure thing. Second, employers must take all complaints about discrimination seriously, investigate them appropriately, and carefully document the investigation and findings. The ISD's ability to substantiate its investigations, combined with its existing policies, were sufficient to sway the jury in ISD's favor.

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