

*The U.S. Equal Employment Opportunity Commission*

For Immediate Release  
September 3, 2003

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## EEOC WINS OVER \$4 MILLION RETALIATION CLAIM IN JURY VERDICT AGAINST HOSPITAL

### ***Federal Agency Says Director Forced Out for Trying to Stop Sexual Harassment***

NORFOLK, Va.- The U.S. Equal Employment Opportunity Commission (EEOC) announced today that on Tuesday a federal jury awarded \$4,050,000 to Stephanie Denninghoff following a four-day trial conducted on her behalf by the U.S. Equal Employment Opportunity Commission (EEOC) against Bon Secours DePaul Medical Center, Inc. for unlawful retaliation. The jury awarded \$1,050,000 in compensatory damages and \$3 million in punitive damages to Ms. Denninghoff after she was forced to resign from her position as Director of Operative Services following her attempts to prevent sexual harassment in the hospital's operating rooms and facility. "I feel vindicated," said Stephanie Denninghoff, following the jury's verdict.

Herbert Brown, Director of the EEOC's Norfolk area office, said, "This was an intelligent jury a jury which saw the real reason the hospital forced Ms. Denninghoff to resign."

The EEOC's lawsuit, Civil Action No. 2:02cv728, filed in September 2002 in U.S. District Court for the Eastern District of Virginia, involved the unlawful termination of Stephanie Denninghoff from her position at DePaul, in retaliation for Ms. Denninghoff's role in addressing complaints by employees about sexually harassing behavior in the operating room environs by a nurse. Complaints were made to Ms. Denninghoff about a nurse's hugging, kissing, embracing and rubbing doctors and other staff members. Ms. Denninghoff, in her capacity as the nurse's supervisor, with the involvement of Human Resources, verbally warned the nurse about this behavior being inappropriate.

Amy Garber, EEOC trial attorney, said, "This verdict sends a clear message to all employers, and in this case Bon Secours DePaul Hospital, that you cannot cover up the true reasons for dismissing someone, and that you cannot punish someone for doing what the law, and public policy, requires and protects."

Following the nurse's counseling, the evidence showed that the nurse complained to doctors and staff members about being treated unfairly, threatened to quit and ultimately did so. Several doctors complained to management about Ms. Denninghoff's role in addressing this behavior and one prominent doctor threatened to remove his business from DePaul Hospital unless Ms. Denninghoff was terminated and the nurse brought back to the hospital. Subsequently, Ms. Denninghoff was asked to resign her position or be terminated, allegedly for a "breach of confidentiality." Having no choice, Ms. Denninghoff resigned and filed a complaint with the EEOC. The evidence at trial demonstrated, and the jury determined, that the real reason Ms. Denninghoff was forced to resign was because of her involvement in the situation with the nurse. The nurse whose inappropriate behavior had been complained about returned to work at the hospital six days after Ms. Denninghoff was forced to leave.

Federal statute limits the amount of recovery for compensatory and punitive damages to \$300,000 for an employer the size of DePaul Hospital. The Court will later determine the amount of any back-pay or front-pay award Ms. Denninghoff is entitled to in addition to the compensatory and punitive damages. The EEOC will also ask the Court for an injunction prohibiting Bon Secours DePaul Medical Center from retaliating against employees in the future.

In addition to enforcing Title VII, which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment or pregnancy) or national origin and protects employees who complain about such offenses from retaliation, the EEOC enforces the Age Discrimination in Employment Act, which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the Commission is available on the agency's web site at [www.eeoc.gov](http://www.eeoc.gov).

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