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**FEB 06 2003**

**DAVID W. DANIEL, CLERK  
US DISTRICT COURT  
E. DIST. OF NO. CAR.**

IN THE UNITED STATES DISTRICT COURT  
THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

**FILED**

*2-10-03*

**DAVID W. DANIEL, CLERK  
US DISTRICT COURT, EDNC**

EQUAL EMPLOYMENT OPPORTUNITY	)
COMMISSION,	)
	)
Plaintiff,	)
	)
v.	)
	)
TANDS, INC., d/b/a/BOJANGLES,	)
	)
Defendant.	)
_____	)

**CIVIL ACTION NO.  
7:01-CV-180 BRI(1)**

**CONSENT DECREE**

The Equal Employment Opportunity Commission (the "Commission") instituted this action pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3), ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The Commission and the Defendant, Tands, Inc. d/b/a Bojangles. (the "Defendant"), hereby stipulate to jurisdiction of the Court over the parties and agree that the subject matter of this action is properly before the Court.

The parties have advised this Court that they desire to resolve the allegations in the Complaint without the burden, expense, and delay of further litigation. The parties further agree that by entering into this Consent Decree the Defendant does not admit any liability to the Commission or to any other person or entity under Title VII or otherwise.

It is therefore the finding of this Court, made on the pleadings and the record as a whole, that: (1) the Court has jurisdiction over the parties and the subject matter of this action; (2) the

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purpose and provisions of Title VII will be promoted and effectuated by the entry of the Consent Decree; and (3) this Decree resolves all matters in controversy between the parties as provided in paragraphs 1 through 14 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant will not discriminate against individuals on the basis of sex or any other protected category within the meaning of Title VII.

2. Defendant will not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under the foregoing statute.

3. In settlement of the claims raised in this action, Defendant will pay the sum of six thousand dollars (\$6,000.00) to each of the following individuals: Teresa Cox, Linda Bailey, Anita Beatty, Audra Hannan, Layouna Howells, and Debbie Leslie. Within five (5) days of the entry of this Consent Decree, Defendant will mail the checks to addresses to be provided by the Commission. Within ten (10) days after the checks have been sent, Defendant will mail to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, NC 28202, a copy of the checks and proof of their delivery.

4. Defendant agrees that it will post a copy of its sexual harassment policy in all of its facilities in a place where it is visible to employees. If the policy becomes defaced or unreadable, Defendant will replace it by posting another copy of the policy.

5. Defendant agrees that it will provide a training program to all of its management and supervisory employees. At least fifteen (15) days prior to the program Defendant will

provide the Commission with an agenda for the training program. The training program will include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII of the Civil Rights Act of 1964 and its prohibition against sex discrimination in the workplace, including harassment and retaliation. The training will also cover Defendant's anti-discrimination policy and an explanation of the rights and responsibilities of employees and managers under the policy. This training will be completed within ninety (90) days after entry of the decree by the Court. Within ten (10) days after completion of the training, Defendant will certify to the Commission the specific training which was undertaken and will provide the Commission with a roster of all employees in attendance.

6. Defendant agrees that it will provide a training program to all of its non-management and non-supervisory employees. At least fifteen (15) days prior to the program Defendant will provide the Commission with an agenda for the training program. The training program will include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII of the Civil Rights Act of 1964 and its prohibition against sex discrimination in the workplace, including harassment and retaliation. The training will also cover Defendant's anti-discrimination policy and an explanation of the rights and responsibilities of employees and managers under the policy. This training will be completed within ninety (90) days after entry of the decree by the Court. Within ten (10) days after completion of the training, Defendant will certify to the Commission the specific training which was undertaken and will provide the Commission with a roster of all employees in attendance.

7. Defendant agrees that it will verbally review its sexual harassment policy with all employees hired after the date this Consent Decree is entered.

8. During the term of this Decree, Defendant will conspicuously post the attached Employee Notice, marked Appendix A, hereby made a part of this Decree, in a place where it is visible to employees at store number 11. If the Notice becomes defaced or unreadable, Defendant will replace it by posting another copy of the Notice.

9. Defendant agrees that all advertisements it places for job vacancies will include a statement that Tands, Inc. d/b/a Bojangles is an equal opportunity employer that does not discriminate on the basis of sex, race, national origin, color, religion, age, disability, or any other protected status.

10. Defendant agrees to provide the Commission with reports during the term of this Decree. The reports will include the following information: the identities of all individuals who have filed a complaint of sexual harassment under the Defendant's policy including by way of identification each person's name, sex, and a statement of the individual's complaint and what action was taken in response to the individual's complaint. Defendant will submit the reports to the Commission eight (8) months after entry of this Decree and sixteen (16) months after entry of this Decree.

11. Defendant agrees that the Commission may review compliance with this Decree. If anytime during the term of this Decree, the Commission believes that Defendant is in violation of the Decree, the Commission will give notice of the alleged violation to the Defendant and Defendant's counsel. Defendant will have thirty (30) days in which to investigate and respond to the allegations. After this thirty (30) day period, and during the next thirty (30) days, the Commission may upon reasonable advance notice inspect the premises, interview employees, and examine and copy documents during regular business hours. Thereafter, the parties will


have a period of thirty (30) days, or such additional period as may be agreed upon by them, in which to engage in negotiation and conciliation regarding such allegations, before the Commission exercises any remedy provided by law.

12. The term of this Decree will be for eighteen (18) months from its entry by the Court.

13. Each party will bear its own costs and attorneys' fees

14. This Court will retain jurisdiction of this cause for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate.

02/10/03  
Date

*Senior*   
Judge, U.S. District Court  
Eastern District of North Carolina


The parties jointly request that the Court approve and enter the Consent Decree:

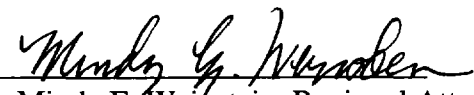
**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

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