

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FILED
FEB - 8 2006
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE BOARD OF TRUSTEES OF
SOUTHERN ILLINOIS UNIVERSITY,

Defendant.

Civil Action No. 06-4037-JVF

COMPLAINT

Plaintiff United States of America ("United States") alleges:

1. This action is brought by the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII").
2. This Court has jurisdiction over this action under 42 U.S.C. § 2000e-6(b), 28 U.S.C. § 1345, and 28 U.S.C. § 1343(a)(3).
3. Southern Illinois University ("SIU") is an institution of higher education chartered and funded by the State of Illinois pursuant to state laws.
4. Defendant Board of Trustees of Southern Illinois University ("SIU Board") is a body politic and corporate created pursuant to the laws of the State of Illinois, and is charged with managing, controlling and maintaining SIU.

5. Defendant SIU Board is responsible for establishing the terms, conditions, and other practices that bear upon the employment of individuals at SIU.

6. Defendant SIU Board is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. § 2000e(b).

7. Defendant SIU Board has maintained and continues to maintain paid fellowship programs open only undergraduate, prospective graduate and doctoral students who are either of a specified race and/or national origin or who are female, as follows:

a. The Proactive Recruitment of Multicultural Professionals for Tomorrow (“PROMPT”) fellowship at SIU has been and remains open only to members of “traditional underrepresented groups” – namely, African Americans, Latino/Hispanic Americans, Asian Americans and Native Americans (“specified minority groups”). Of the approximately 78 PROMPT fellowship recipients from 2000 to the present, 60 have been African Americans, 14 have been Latino/Hispanic Americans, two have been Native Americans, two have been Asian Americans, and none has been either a white or a member of a minority group other than one of PROMPT’s specified minority groups. In exchange for a financial assistance package that includes a monthly stipend and tuition scholarship, PROMPT fellowship recipients are required to commit to working in teaching, research or clinical activities.

b. The Bridge to the Doctorate (“BRIDGE”) fellowship at SIU has been and remains open only to members of “underrepresented minority groups” – namely, Hispanics, African Americans, Native Americans, Alaskan Natives and Pacific Islanders

(“specified minority groups”). Of the approximately 27 BRIDGE fellowship recipients during the two years the program has been in effect, 21 have been African Americans, four have been Hispanics, one has been a Native American, one has been a Pacific Islander, and none has been either a white or a member of a minority group other than one of the BRIDGE’s specified minority groups. In exchange for a financial assistance package that includes both a fellowship award and a doctoral assistantship appointment, BRIDGE fellowship recipients are required to commit to working in teaching or research activities and to not accept any other full-time or part-time employment.

c. The Graduate Dean’s (“GRADUATE DEAN’s”) fellowship has been and remains open only to women and “traditionally underrepresented students who have overcome social, cultural, or economic conditions that have adversely affected their educational progress” – namely, African Americans, Hispanic Americans, Asian Americans and Native Americans (“specified minority groups”). Of the approximately 27 GRADUATE DEAN’s fellowship recipients from 2000 to the present, 16 have been white females, seven have been African Americans (five females and two males), four have been Hispanic Americans (two females and two males), and none has been a white male. In exchange for a financial assistance package that includes a monthly stipend, tuition scholarship and assistantship appointment, GRADUATE DEAN’s fellowship recipients are required to commit to working in teaching or research activities during their second year in the program.

8. Defendant SIU Board has violated Section 707 of Title VII, 42 U.S.C. § 2000e-6, by:

a. pursuing and continuing to pursue policies and practices, as described in Paragraph 7, *supra*, that intentionally discriminate against whites on the basis of race, white males on the basis of race and/or gender, and minorities who do not fall within the PROMPT, the BRIDGE and the GRADUATE DEAN's fellowships' specified minority groups on the basis of race and/or national origin and gender, and that deprive or tend to deprive such persons of employment opportunities and compensation on the basis of race, national origin and/or gender; and

b. failing or refusing to take appropriate action to correct the present effects of their intentionally discriminatory employment policies and practices.

9. The policies and practices of defendant SIU Board as described in Paragraphs 7 and 8, *supra*, constitute a pattern or practice of resistance to the full enjoyment by whites, white males and minorities not members of the PROMPT, the BRIDGE and the GRADUATE DEAN's fellowships' specified minority groups of their rights to equal employment opportunities without discrimination on account of race, national origin and/or gender, in violation of Section 707 of Title VII, 42 U.S.C. § 2000e-6. This pattern or practice is of such a nature and is intended to deny the full exercise of the rights secured by Title VII. Unless restrained by order of this Court, defendant SIU Board will continue to pursue policies and practices that are the same as or similar to those alleged in this Complaint.

10. All conditions precedent to the filing of suit have been performed or have occurred.

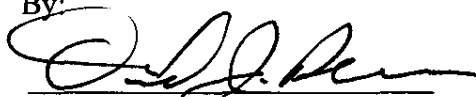
WHEREFORE, plaintiff United States prays for an order enjoining defendant SIU Board, its officers, employees, successors, and all persons in active concert or participation with it, from engaging in discriminatory employment practices against persons based upon race, national origin or gender, and specifically from:

- a. maintaining any paid fellowships that are set aside, reserved or in any way restricted on the basis of race, national origin or gender;
- b. failing or refusing to recruit, hire, employ, compensate and provide terms, conditions and privileges of employment to, persons for any paid internship position without regard to race, national origin or gender;
- c. failing or refusing to provide make-whole relief, including back pay with interest and other benefits, to those persons who have suffered loss or will suffer loss as a result of defendant SIU Board's intentionally discriminatory policies and practices as alleged in this Complaint; and
- d. failing or refusing to take appropriate non-discriminatory measures to overcome the effects of defendant SIU Board's intentionally discriminatory policies and practices as alleged in this Complaint.

Plaintiff United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

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Assistant Attorney General
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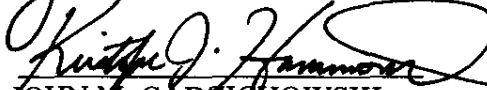
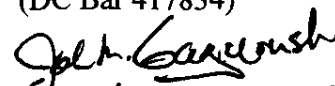
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