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15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE DISTRICT OF ARIZONA
17

18 Equal Employment Opportunity)
19 Commission,) COMPLAINT
20)
21 Plaintiff,) JURY TRIAL DEMANDED
22)
23 vs.)
24)
25 University of Phoenix, Inc., an Arizona)
26 corporation,)
27)
28 Defenda nt.)

29 **NATURE OF THE ACTION**

30 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the
31 Civil Rights Act of 1991 to correct unlawful employment practices on the basis of
32 religion, and to provide appropriate relief to, Robert Lein, William Davis, Harry
33 Hamilton, and Darry Thornton, and a class of individuals who are not members of the
34 Church of Jesus Christ of Latter Day Saints ("LDS"), who were adversely affected by
35 such practices. The Equal Employment Opportunity Commission alleges that Defendant,
36 the University of Phoenix, discriminated against Messrs. Lein, Davis, Hamilton, and
37 Thornton, and a class of individuals, based on their religion, non-LDS, by treating them
38 less favorably with regard to terms and conditions of employment including distribution
of enrollment leads, granting of tuition waivers, and/or reprimands. The Commission

1 further alleges that, after Messrs. Lein, Hamilton, and Thornton complained about the
2 discrimination, Defendant further discriminated against these three individuals by
3 transferring them based on their religion, non-LDS, or in retaliation for their complaints
4 of discrimination. Finally, the Commission alleges that Defendant further discriminated
5 against Mr. Lein based on his religion, non-LDS, or in retaliation for his complaint of
6 discrimination, by terminating him.

7 **JURISDICTION AND VENUE**

8 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
9 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section
10 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
11 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42
12 U.S.C. § 1981a.

13 2. The employment practices alleged to be unlawful were committed within
14 the jurisdiction of the United States District Court for the District of Arizona.

15 **PARTIES**

16 3. Plaintiff, the Equal Employment Opportunity Commission (the
17 "Commission"), is the agency of the United States of America charged with the
18 administration, interpretation and enforcement of Title VII, and is expressly authorized to
19 bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and
20 (3).

21 4. At all relevant times, Defendant, the University of Phoenix, an Arizona
22 corporation (the "Employer"), has continuously been doing business in the State of
23 Arizona and has continuously had at least 15 employees.

24 5. At all relevant times, Defendant Employer has continuously been an
25 employer engaged in an industry affecting commerce within the meaning of Sections
26 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

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STATEMENT OF CLAIMS

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2 6. More than thirty days prior to the institution of this lawsuit, Messrs. Lein,
3 Davis, Hamilton, and Thornton filed charges with the Commission alleging violations of
4 Title VII by Defendant Employer. All conditions precedent to the institution of this
5 lawsuit have been fulfilled.

6 7. Since at least August, 2001, Defendant Employer has engaged in unlawful
7 employment practices, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-
8 2(a)(1). These practices include discriminating against Messrs. Lein, Davis, Hamilton,
9 and Thornton, and a class of individuals, based on their religion, non-LDS, by treating
10 them less favorably with regard to terms and conditions of employment, including but not
11 limited to the distribution of enrollment leads, granting of tuition waivers, and/or
12 reprimands.

13 8. On or near October 2003, Defendant Employer engaged in unlawful
14 employment practices, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-
15 2(a)(1), and/or Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a). These practices
16 include discrimination against Messrs. Lein, Hamilton, and Thornton, based on religion,
17 non-LDS, and/or opposition to unlawful employment practices, by transferring them after
18 they complained of unlawful discrimination based on religion.

19 9. On or near September 2004, Defendant Employer engaged in unlawful
20 employment practices, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-
21 2(a)(1), and/or Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), by terminating Mr.
22 Lein based on his religion, non-LDS, and/or his opposition to unlawful employment
23 practices.

24 10. The effect of the practices complained of in paragraphs 7, 8, and 9 above
25 has been to deprive Messrs. Lein, Davis, Hamilton, and Thornton, and a class of non-
26 LDS individuals, of equal employment opportunities and otherwise adversely affect their
27 status as employees, because of their religion, non-LDS, and/or because they had
28 complained about religious discrimination.

1 paragraphs 7, 8, and 9 above, including emotional pain, suffering, inconvenience, loss of
2 enjoyment of life, and humiliation, in amounts to be determined at trial.

3 F. Order Defendant Employer to pay punitive damages for its malicious
4 and/or reckless conduct described in paragraphs 7, 8, and 9 above, in amounts to be
5 determined at trial.

6 G. Grant such further relief as the Court deems necessary and proper in the
7 public interest.

8 H. Award the Commission its costs of this action.

9 **JURY TRIAL DEMAND**

10 The Commission requests a jury trial on all questions of fact raised by its
11 complaint.

12 RESPECTFULLY SUBMITTED this 25th day of September, 2006.

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14 General Counsel

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