

OCT 08 1998

JAMES W. McFORMACK, CLERK  
By: *[Signature]*  
DEP CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

V.

ARAMARK EDUCATIONAL SERVICES, INC.  
d/b/a ARAMARK CORPORATION

Defendant,

BETTY J. SUMNER

Intervenor.

CIVIL ACTION NO.  
LR-C-97-1022

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CONSENT DECREE

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The Equal Employment Opportunity Commission (hereinafter referred to as the ("EEOC")) initiated the above-referenced Cause on December 16, 1997, against Aramark Educational Services, Inc. d/b/a Aramark Corporation (the "Defendant") to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., and the Civil Rights Act of 1991, 42 U.S.C. §1981a. Plaintiff-Intervenor, Betty J. Sumner filed her complaint in intervention on January 13, 1998. The EEOC and Betty J. Sumner

alleged that the Defendant engaged in unlawful employment practices by subjecting Betty J. Sumner to a sexually hostile work environment and that Mrs. Sumner was discriminated against in retaliation for engaging in activity protected by law. The EEOC and Betty J. Sumner further alleged that Mrs. Sumner was constructively discharged from her employment with Defendant.

This Consent Decree does not constitute an admission by the Defendant of the allegations of the Complaint. The Defendant denies that it engaged in the unlawful employment practices alleged by the EEOC and Betty J. Sumner. However, all parties to this action desire to avoid the additional expense and delay in this litigation of this case.

In the event this proposed Consent Decree is not approved or does not become final, then it shall not be admissible in evidence in any subsequent proceeding in this action.

The Court has reviewed the terms of the proposed Consent Decree in light of the applicable laws and regulations, the statements and representations of counsel for all parties, and hereby approves the Consent Decree.

NOW, THEREFORE, the Court being fully advised in the premises, is hereby ORDERED, ADJUDGED AND DECREED:

#### I. JURISDICTION

The United States District Court for the Eastern District of

Arkansas, Western Division, has jurisdiction over the parties and subject matter of this litigation.

## II. SCOPE AND DURATION OF DECREE

A. This Consent Decree resolves all issues and claims arising out of Plaintiff and Plaintiff-Intervenor's Complaints in this cause, alleging unlawful employment policies and practices maintained by the Defendant and arising out of Charge No. 251-97-1180 filed by Betty J. Sumner with the EEOC. Notwithstanding any provisions contained in this Decree, this agreement shall not be considered in any manner to be dispositive of any charge now pending before any office of the EEOC other than Charge No. 251-97-1180.

B. The provisions of this Consent Decree shall apply to Defendant's Harding University facility and shall continue to be effective and binding upon the parties to this action for a period of two years from the date of the entry of this decree except for Section VI.C. (neutral reference) which will be in effect permanently.

## III. NON-DISCRIMINATION PROVISION

A. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from engaging in any employment practice which has the purpose or effect of discriminating against any employee because of

their sex. Defendant is enjoined from permitting its employees to be subjected to a sexually hostile work environment.

B. Defendant, its officers, agents, employees, and all persons acting in concert with the Defendant are hereby enjoined from retaliating against any employee for opposing discriminatory employment practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.

C. Defendant agrees to train its supervisors and managers in the requirements of Title VII of the Civil Rights Act of 1964, as amended, regarding the prevention of sexual harassment and retaliation.

D. Defendant will provide a copy of its sexual harassment policy to all of its employees at the Harding University facility within thirty (30) days of the entry of this decree.

E. Defendant agrees to conduct a training session on the prevention of sexual harassment for all the employees at its Harding University facility. This training session will be conducted within ninety (90) days of the entry of this decree. A list of the employees that attend the training session, a copy of the syllabus, and a copy of the training materials will be provided to Plaintiff within thirty (30) days of the training session.

#### IV. NON-RETALIATION PROVISION

Defendant, its officers, agents, employees, and all persons

acting in concert with Defendant shall not take any retaliatory measure, against any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended, or for making a charge or complaint to the EEOC, testifying, assisting or participating in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.

#### V. NOTICE

Defendant shall continue to conspicuously post at its Harding University facility in Searcy, Arkansas, the notice (poster) required to be posted pursuant to Title VII of the Civil Rights Act of 1964, as amended. Furthermore, Defendant shall conspicuously post the notice at Appendix A of this Decree at its Harding University facility in Searcy, Arkansas for a one year period commencing within ten (10) days after entry of this Decree by the Court. The notice will be signed by Charles Liming, District Manager.

#### VI. INDIVIDUAL RELIEF

A. Defendant shall expunge from Betty J. Sumner's personnel records any unfavorable or adverse personnel comments regarding any aspect of her employment with Defendant.

B. Defendant shall deliver to Betty J. Sumner through her

counsel, a cashier's check made payable to "Escrow Account of Morgan Welch and Associates" in the amount of \$57,500.00 at the following address within ten (10) days after entry of this Decree by the Court:

Morgan E. Welch  
Morgan Welch & Associates  
620 West Third, Ste. 100  
P.O. Drawer 3685  
Little Rock, AR 72203

C. Defendant agrees to provide a neutral reference to any potential employers of Betty J. Sumner who request a job reference. Any such neutral reference shall be identical to the form demonstrated in Appendix B. No mention of Betty J. Sumner's charge of discrimination or this action will be made as part of the neutral reference.

VII. COSTS


Each of the parties shall bear their own costs, including attorneys' fees.


SO ORDERED THIS 8<sup>th</sup> DAY OF October, 1998.

  
UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON DOCKET SHEET IN  
COMPLIANCE WITH RULE 58 AND/OR 79(a) FRCP  
ON 10/8/98 BY JS

FOR DEFENDANT:

  
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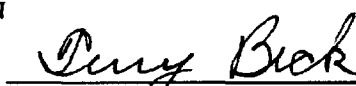
  
ARAMARK EDUCATIONAL SERVICES,  
INC. d/b/a ARAMARK CORPORATION

FOR THE COMMISSION:

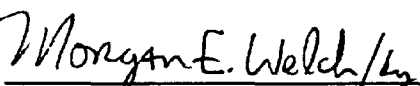
C. GREGORY STEWART  
General Counsel


GWENDOLYN YOUNG REAMS  
Associate General Counsel

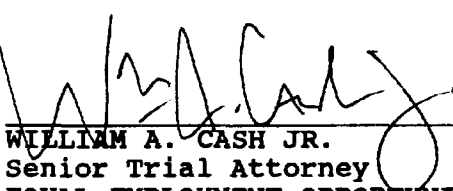
  
KATHARINE W. KORES  
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FOR PLAINTIFF INTERVENOR:

  
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COMMISSION  
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**APPENDIX A**

**NOTICE**



NOTICE


1. ARAMARK has agreed with the EEOC to post this notice for one year to reinforce the company's policies concerning the prevention of sexual harassment and retaliation against any employee.
2. Federal law prohibits an employer from taking retaliatory action against any employee for opposing practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.
3. Federal law prohibits sexual harassment in the workplace.
4. ARAMARK supports and will comply with such Federal law in all respects and will not take any action against employees because they have exercised their rights under the law by filing charges with the Equal Employment Opportunity Commission and/or testified, assisted or participated in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.

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CHARLES LIMING  
DISTRICT MANAGER  
ARAMARK

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DATE

  
Reg. Vice President  
9-25-98

**APPENDIX B**

**NEUTRAL REFERENCE**

Dear \_\_\_\_\_,

This letter is in response to your inquiry regarding the employment of Betty J. Sumner while employed at ARAMARK.

Mrs. Sumner worked at ARAMARK from \_\_\_\_\_ through \_\_\_\_\_. Company policy does not permit us to give out any more information concerning Mrs. Sumner employment.

I am sure Mrs. Sumner can provide you with the details concerning her tenure at ARAMARK. I hope this information is helpful and that it satisfactorily answers your inquiry.

Very truly yours,

ARAMARK.