

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

JAN 20 1999

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY _____ DEPUTY

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, }
 }
 }
 Plaintiff, }
 }
 }
 v. }
 }
 }
 EAGLE RIDGE INSTITUTE }
 INC. }
 }
 Defendant. }
 }
 }
 _____ }

CIVIL ACTION NO.
CIV-98-0533-R

DOCKETED

CONSENT DECREE

THIS CONSENT DECREE is made and entered into by and between the Equal Employment Opportunity Commission ("EEOC") and Eagle Ridge Institute in the United States District Court for the Western District of Oklahoma, Civil Action No. 98-0533-R, based upon a charge of discrimination filed by Vandita Stephens against Eagle Ridge Institute.

The above referenced action alleges that Eagle Ridge Institute violated Sections 703 and 704 of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. Sections 2000e-2 and 2000e-3, by subjecting Vandita Stephens to a sexually hostile work environment.

By entering into this consent decree, the Eagle Ridge Institute does not admit liability with regard to any of the claims that have been raised in this suit or in the underlying charge of discrimination filed with the EEOC.

The parties hereto desire to compromise and settle the differences embodied in the aforementioned lawsuit, and intend that the terms and conditions of the compromise and settlement be set forth in this Consent Decree ("Consent Decree").

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth herein, the sufficiency of which is hereby acknowledged, the parties agree as follows, the Court finds appropriate, and therefore, it is ORDERED, ADJUDGED AND DECREED that:

1. This Consent Decree resolves all issues raised in EEOC CHARGE NO. 311 96 1147. This Decree further resolves all claims in the Complaint filed by the EEOC in this civil action, number 98-0533-R. The EEOC waives further litigation on the claims raised in the above referenced Complaint and Charge.

2. Eagle Ridge Institute agrees that it shall conduct all employment practices in a manner which does not subject any employee to sexual harassment or a hostile work environment in violation of Title VII of the Civil Rights Act of 1964.

3. Eagle Ridge Institute agrees that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under Title VII, or because of the filing of a charge; giving testimony or assistance or participating in any manner in any investigation, proceeding or hearing under Title VII.

4. Eagle Ridge Institute agrees to provide a copy of its policy prohibiting sexual harassment to each current employee, and

agrees to provide a copy of such policy to each new employee at the time of hire. Eagle Ridge Institute agrees that the Human Resources Director shall be the official avenue for reporting and responding to Title VII violations. Eagle Ridge institute further agrees that, for the duration of this decree, all reports of sexual harassment shall be reported by the Human Resources Director to the EEOC within 5 working days of the employee's report to human resources, whether such report is oral or written.

5. Eagle Ridge Institute agrees to post the Notice appended hereto as Attachment A on its employee bulletin board at each Eagle Ridge institute location within seven (7) days after this Consent Decree has been approved by the Court. Eagle Ridge institute will report to the EEOC that it has complied with this requirement within 14 days after posting the notices. The notices shall remain posted for a period of three years.

6. Eagle Ridge Institute agrees to conduct training for all employees, advising them of the requirements and prohibitions against sexual harassment under Title VII. The training shall also address the prohibition against retaliatory treatment under Title VII against employees who complain internally about discrimination, including sexual harassment, or who participate in any way in the filing and/or investigation of an EEOC charge. The training will inform the employees of the complaint procedure. The training will also advise employees, including supervisors and managers, of the consequences of violating Title VII. The training shall be at least one hour in duration and shall be conducted under the

direction of the human resources director during each year of this Consent Decree. Within thirty (30) days from the effective date of this decree, Eagle Ridge will provide the EEOC with the documents, videos or other materials which underlie the training to be conducted.

7. Eagle Ridge Institute agrees to provide a positive letter of reference to Vandita Stephens within 10 days after Court approval of this Consent Decree.

8. Eagle Ridge Institute agrees to make a total award of \$72,500.00 in monetary relief to Vandita Stephens by cashier's check made payable to Vandita Stephens within fourteen (14) days after approval of this Consent Decree by the Court. The check shall be sent by certified mail to Ms. Stephens at Vandita Stephens, 3432 N.W. 18th Street, Oklahoma City, OK 73107

9. If Eagle Ridge Institute fails to tender payment or otherwise fails to timely comply with the terms of paragraph 9, above, Eagle Ridge Institute shall:

- a. Pay interest at the rate calculated pursuant to 26 U.S.C. Section 6621(b) on any untimely or unpaid amounts; and
- b. Bear any additional costs incurred by the EEOC caused by the non-compliance or delay of the defendant.

The EEOC also reserves the right to seek contempt sanctions for non-payment and non-compliance with this Court Order and Judgment.

10. All reports to the EEOC required by this Decree shall be sent to Robert Canino, Legal Unit, EEOC, 207 S. Houston, Dallas, Texas 75202.

11. No party shall contest the validity of this Consent Decree nor the jurisdiction of the federal district court to enforce this Consent Decree and its terms or the right of any party to bring an enforcement action upon breach of any term of this Consent Decree by any party. Nothing in this Decree shall be construed to preclude the Commission from enforcing this Decree in the event that Eagle Ridge Institute fails to perform the promises and representations contained herein. The Commission shall determine whether Eagle Ridge Institute has complied with the terms of this Consent Decree and shall be authorized to seek compliance with the Consent Decree through civil action in the United States District Court.

12. The parties agree to bear their own costs associated with this action.

13. The term of this Decree shall be for three (3) years.


SO ORDERED, ADJUDGED AND DECREED this 20 day of

January, 1999.


U.S. DISTRICT COURT JUDGE


APPROVED AS TO FORM AND SUBSTANCE:

Counsel for the Plaintiff EEOC

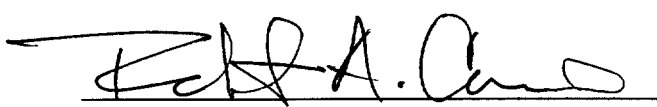


JEFFREY C. BANNON
Regional Attorney
Connecticut State Bar No. 30116


Counsel for Defendant:



Richard M. Healy
Kline Law Building
730 N.E. 63rd Street
Oklahoma City, OK 73105



ROBERT A. CANINO
Supervisory Trial Attorney
Oklahoma Bar No. 011782



STEVEN B. THORPE
Sr. Trial Attorney
Texas Bar No. 04855720
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
207 South Houston Street
Dallas, Texas 75202
(214) 655-3335
(214) 655-3331 (FAX)