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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11
12 EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

CIVIL ACTION NO. C03-4383-MEJ

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Plaintiff,)

v.)

A M E N D E D
C O M P L A I N T
Civil Rights - Employment Discrimination

STEPHENS INSTITUTE d/b/a)
ACADEMY OF ART COLLEGE)

JURY TRIAL DEMAND

Defendant.)
_____)

NATURE OF THE ACTION

22 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
23 Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide
24 appropriate relief to Charging Party David T. Banks and other black employees of the defendant,
25 who were adversely affected by such practices. The Commission alleges that the defendant
26 discriminated against Mr. Banks and other black employees by subjecting them to a racially hostile
27 work environment and discharging the Mr. Banks because of his race.

1 **JURISDICTION AND VENUE**

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

6 2. The employment practices alleged to be unlawful were committed in the City and
7 County of San Francisco, California, which is within the jurisdiction of the United States District
8 Court for the Northern District of California.

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10 **PARTIES**

11 3. Plaintiff, the Equal Employment Opportunity Commission (the “Comission”), is the
12 agency of the United States of America charged with the administration, interpretation, and
13 enforcement of Title VII and is expressly authorized to bring this action by Sections 706 (f) (1) and
14 (3) of Title VII, 42 U.S.C. §§2000e-5 (1) and (3).

15 4. At all relevant times, Defendant, Stephens Institute d/b/a Academy of Art College
16 (the “Employer”) has continuously been doing business in the State of California and in the City and
17 County of San Francisco, California, and has continuously employed at least fifteen employees.

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

21 **STATEMENT OF CLAIMS**

22 6. More than thirty days prior to the institution of this lawsuit, David T. Banks filed a
23 Charge of Discrimination with the Commission alleging violations of Title VII by Defendant
24 Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

25 7. Since at least September 11, 2000, Defendant Employer has engaged in unlawful
26 employment practices at its San Francisco, California campus in violation of Section 703 (a) of Title
27 VII, 42 U.S.C. §2000e-3 (a). These practices include subjecting Mr. Banks and other black
28 employees to a racially hostile work environment and discharging Mr. Banks because of his race.

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JURY TRIAL DEMAND

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

Respectfully submitted,

ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 L Street, N.W.
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/s/
DATED: November 25, 2003 _____
WILLIAM R. TAMAYO
Regional Attorney

/s/
DATED: November 25, 2003 _____
JONATHAN T. PECK
Supervisory Trial Attorney

/s/
DATED: November 25, 2003 _____
SANYA P. HILL MAXION
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