

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

PARTIES

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

4. At all relevant times, Defendant, Newman University (the “Employer”), has continuously been a Kansas corporation doing business in the State of Kansas and the City of Wichita, and has continuously had at least 15 employees.

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

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Marla Sexson filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From approximately August through October 2004, Defendant Employer engaged in the following unlawful employment practices at its Wichita, Kansas campus, in violation of Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3):

- (a) Newman University refused to promote Marla Sexson to an open position for which she was qualified, on the basis of her sex; and

(b) Newman University retaliated against Marla Sexson for complaining about employment discrimination and for filing a charge of discrimination with the Commission.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Marla Sexson of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above was done with malice or with reckless indifference to the federally protected rights of Marl Sexson.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination in promotions, retaliation, and any other employment practice which discriminates on the basis of sex.

B. Order Defendant Employer to institute and carry out policies, practices, and programs that provide equal employment opportunities for women, and that eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Marla Sexson, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief

necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement and promotion of Marla Sexson.

D. Order Defendant Employer to make whole Marla Sexson, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including job search and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Marla Sexson by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Marla Sexson punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

DESIGNATION OF PLACE OF TRIAL

The Commission designates Kansas City, Kansas as the place where this case should be tried.

Respectfully submitted,

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