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THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Civil Action No.

Plaintiff,

v.

UNIVERSITY OF GUAM,

Defendant.

COMPLAINT

Plaintiff, the United States of America, alleges:

1. This action is brought on behalf of the United States of America ("United States") to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII").
2. The Court has jurisdiction of this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. §§ 1331 & 1345.
3. The Defendant University of Guam ("Defendant" or "University") is a public territorial university and constitutes a body corporate, according to the laws of the Territory of Guam.
4. The Defendant is a "person" within the meaning of 42 U.S.C. § 2000e(a) and an "employer" within the meaning of 42 U.S.C. § 2000e(b).

5. The Defendant has discriminated against Dr. Craig Lewis, a non-Chamorro Caucasian who served as Dean of Student Affairs at the University, by and among other ways, subjecting him to discriminatory terms, conditions and privileges of employment and discharging him because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what he reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).
6. The Defendant has discriminated against Kevin Konecny, a non-Chamorro Caucasian who served as Housing Director for the University, by and among other ways, subjecting him to discriminatory terms, conditions and privileges of employment and constructively discharging him because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what he reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).
7. The Defendant has discriminated against Allen Lomax, a non-Chamorro Caucasian who served as an Assistant Professor and Unit Chair of the Counseling Career Planning and Health Services Department of the Student Affairs Office ("Counseling Services Department") at the University, by and among other ways, subjecting him to discriminatory terms, conditions and privileges of employment and constructively discharging him because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).
8. The Defendant has discriminated against Betty Ann Burns, a non-Chamorro Caucasian who served as an Assistant Professor in the Counseling Services Department at the University, by and among other ways, subjecting her to discriminatory terms, conditions and privileges of employment and constructively discharging her because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).
9. The Defendant has discriminated against Sparky Willemsen, a non-Chamorro Caucasian who served as a counselor instructor and disabilities program coordinator in the Counseling Services Department at the University, by and among other ways, subjecting her to discriminatory terms, conditions and privileges of employment because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).
10. The Defendant has discriminated against Linda Rivera, a non-Chamorro Native American who worked as an administrative assistant to the University President, by and among other ways, subjecting her to discriminatory terms, conditions and privileges of employment and discharging her because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what she reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

11. The Defendant has discriminated against Dianne Irvine, a non-Chamorro African American who served as the University Counsel and Executive Assistant to the President, by and among other ways, subjecting her to discriminatory terms, conditions and privileges of employment and refusing to renew her contract because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what she reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704 (a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

12. The Defendant has discriminated against Gilford Standridge, a non-Chamorro Caucasian who served as the University's Field House Manager, by and among other ways, refusing to renew his contract because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).

13. The Defendant has discriminated against Jane Jennison-Williams, a non-Chamorro Caucasian who worked at the University as a Technical Assistant, by and among other ways, refusing to renew her contract because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a).

14. The Defendant has discriminated against Carlotta Bradberry, a non-Chamorro Filipina who served as the University's Compliance Officer, by and among other ways, refusing to renew her contract because of her national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for complaining about what she reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

15. The Defendant has discriminated against William Bradberry, a non-Chamorro Caucasian who served as an Associate Professor and Unit Chair in the Management, Marketing and Tourism Department at the University's College of Business and Public Administration, by and among other ways, denying him promotion and tenure, and discharging him because of his national origin and/or race in violation of Section 703(a) of Title VII, as amended, 42 U.S.C. § 2000e-2(a), and/or in retaliation for his wife, Carlotta Bradberry, having complained about what she reasonably believed to be employment discrimination prohibited by Title VII, in violation of Section 704(a) of Title VII, as amended, 42 U.S.C. § 2000e-3(a).

16. The persons named in paragraphs 5-15 above filed the following charges with the Equal Employment Opportunity Commission ("EEOC"), alleging employment discrimination by

the Defendant in violation of Title VII:

<u>Name of Charging Party</u>	<u>EEOC Charge Number(s)</u>
Craig Lewis	370-97-1277

Kevin Konecny 1065	370-97-0518 and 370-97-
Allen Lomax 1025	370-97-0568 and 370-97-
Betty Ann Burns	370-97-1118
Sparky Willemsen ; 0719	370-97-0390 and 370-97-
Linda Rivera	370-96-0852
Dianne Irvine	370-97-0442
Gilford Standridge	370-97-0101
Jane Jennison-Williams	370-97-0816
Carlotta Bradberry	370-97-0307
William Bradberry	370-97-0872

17. In accordance with Section 706 of Title VII, the EEOC investigated the charges filed by the charging parties, referenced above, issued Determinations finding reasonable cause to believe that the Defendant subjected each charging party to employment discrimination in violation of Title VII, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charges, and subsequently referred the charges to the Department of Justice.

18. All conditions precedent to filing suit have been performed or have occurred.

WHEREFORE, the United States prays that the Court grant the following relief:

- (a) Require the Defendant to provide sufficient equitable relief to make whole the charging parties for the losses they have suffered as a result of the discrimination against them as alleged in this Complaint;
- (b) Award compensatory damages to the charging parties as would fully compensate them for their injuries caused by the discrimination against them as alleged in this Complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and
- (c) Require the Defendant to take appropriate measures to ensure that individuals are not subjected to discrimination in the terms, conditions and privileges of employment, non-renewal of contracts, or discharge on the basis of race or national origin or retaliated against for complaining about what they reasonably believe to be discrimination prohibited by Title VII.

The United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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