

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:01-CV-493-BO(2)

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BARTON COLLEGE, )  
 )  
Defendant. )  
\_\_\_\_\_ )

**FILED**  
*7-26-02*  
DAVID W. DANIEL, CLERK  
US DISTRICT COURT, EDNC

CONSENT DECREE

The Equal Employment Opportunity Commission (the "Commission") instituted this action pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3), ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The Commission and the Defendant, Barton College, (the "Defendant"), hereby stipulate to jurisdiction of the Court over the parties and agree that the subject matter of this action is properly before the Court.

The parties have advised this Court that they desire to resolve the allegations in the Complaint without the burden, expense, and delay of further litigation. Neither this Decree, nor the provisions contained herein, shall be interpreted or construed as an admission by Defendant of a violation of Title VII or any other law prohibiting discrimination.

It is therefore the finding of this Court, made on the pleadings and the record as a whole, that: (1) the Court has jurisdiction over the parties and the subject matter of this action; (2) the

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*Served*

purpose and provisions of Title VII will be promoted and effectuated by the entry of the Consent Decree; and (3) this Decree resolves all matters in controversy between the parties as provided in paragraphs 1 through 11 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant shall not discriminate against any applicants on the basis of sex, pregnancy, or any other protected category.

2. Defendant shall not discriminate or retaliate against any person because of opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, or the Equal Pay Act, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under any of the foregoing statutes.

3. Defendant shall pay Nicole Duran the sum of Twenty Thousand Dollars (\$20,000.00) in settlement of the claims raised in this action. Payment shall be made to Nicole Duran and shall be made by certified check. Payment shall be made within thirty days after the Court approves this Consent Decree, and Defendant shall mail the check to Nicole Duran at an address provided by the Commission. Within ten days after the check has been sent to Dr. Duran, Defendant's counsel shall mail to Mindy E. Weinstein, Regional Attorney, Equal Employment Opportunity Commission, 129 West Trade Street, Suite 400, Charlotte, NC 28202, a copy of the check and proof of its delivery to Dr. Duran.

4. Defendant agrees that it shall provide a training program to all of its employees at its facility in Wilson, North Carolina. At least fifteen (15) days prior to the program, Defendant shall provide the Commission with an agenda for the training program. The training program

will include an explanation of the requirements of the federal equal employment opportunity laws, including Title VII of the Civil Rights Act of 1964 and its prohibition against sex and pregnancy discrimination in the workplace, including discrimination in hiring. The training will also cover Defendant's anti-discrimination policy, and an explanation of the rights and responsibilities of employees and managers under the policy. This training program shall be completed during the first Fall semester after the entry of this Decree. Within ten (10) days after completion of the training, Defendant shall certify to the Commission the specific training which was undertaken and shall provide the Commission with a roster of all employees in attendance.

5. During the term of this Decree, Defendant shall conspicuously post the attached Employee Notice, marked Appendix A, hereby made a part of this Decree, in a place where it is visible to employees at its Wilson, North Carolina facility. If the Notice becomes defaced or unreadable, Defendant shall replace it by posting another copy of the Notice.

6. Defendant agrees that all advertisements it places for job vacancies will include a statement that Barton College is an equal opportunity employer that does not discriminate on the basis of sex, race, national origin, color, religion, age, disability, or any other protected status.

7. Defendant agrees to provide the Commission with annual reports during the term of this Decree. The reports shall include the following information: the identities of all applicants for the position of Assistant Professor at Defendant's Wilson, North Carolina facility including by way of identification each person's name, address, telephone number, social security number, sex and a statement of whether the individual was offered employment and/or hired, and if hired, the department the selectee will work in and the length of the selectee's employment contract. Defendant shall submit the reports to the Commission on January 30th and July 30th of each year during the term of this Decree.


8. Defendant agrees that the Commission may review compliance with this Decree upon ten (10) day written notice to the Defendant. As part of such review, the Commission may inspect the premises, interview employees and examine and copy documents. Counsel for Defendant has a right to be present for any compliance review.

9. If anytime during the term of this Decree, the Commission believes that Defendant is in violation of paragraphs 3 through 8 this Decree, the Commission shall give notice of the alleged violation to the Vice President of Administration and Finance of Defendant. Defendant shall have thirty (30) days in which to cure any alleged violation and respond to the allegations. Thereafter, the parties shall have a period of thirty (30) days, or such additional period as may be agreed upon by them, in which to engage in negotiation and conciliation regarding such allegations, before the Commission pursues any remedy provided by law.

10. The term of this Decree shall be for two (2) years from its entry by the Court.

11. This Court shall retain jurisdiction of this case for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate.

7.27.02  
Date

  
\_\_\_\_\_  
Judge, U.S. District Court  
Eastern District of North Carolina

The parties jointly request that the Court approve and enter the Consent Decree:

On Behalf of Plaintiff

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

GWENDOLYN YOUNG REAMS  
Associate General Counsel

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
1801 "L" Street, N.W.  
Washington, D.C. 20507

By: *Mindy E. Weinstein*  
Mindy E. Weinstein  
Regional Attorney

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
129 W. Trade Street, Suite 400  
Charlotte, N.C. 28202

By: *Zoe G. Mahood*  
Zoë G. Mahood  
Trial Attorney

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
1309 Annapolis Drive  
Raleigh, N.C. 27608

Counsel for Plaintiff

On Behalf of Defendant

By: *M. Robin Davis* by *Zoë G. Mahood*  
M. Robin Davis, Esq.  
CRANFILL, SUMNER &  
HARTZOG, LLP  
Post Office Box 27808  
225 Hillsborough Street  
Raleigh, N.C. 27611-7808  
*with permission*

Counsel for Defendant

## NOTICE TO EMPLOYEES

Federal law requires that employers may not discriminate against any employee or applicant for employment because of the employee's race, color, religion, sex, pregnancy, national origin, age (40 or older) or disability. Barton College supports and will comply with such federal law in all respects. Specifically, Barton College agrees that it will not discriminate against applicants or employees based on any of the foregoing.

Barton College will not take any actions against employees because they have exercised their rights, reported an alleged violation under the law or given testimony, assistance or participation in any investigation, proceeding or hearing conducted by the U. S. Equal Employment Opportunity Commission.

An employee has the right, and is encouraged to exercise that right, to report allegations of employment discrimination in the workplace. An employee may contact the U. S. Equal Employment Opportunity Commission at the following address and telephone number for the purpose of filing a charge of employment discrimination.

Equal Employment Opportunity Commission  
Raleigh Area Office  
1309 Annapolis Drive  
Raleigh, North Carolina 27608  
Tel: (919) 856-4064