

2. Defendant The State of Oklahoma, ex rel., The Board of Regents of Oklahoma Agricultural and Mechanical Colleges, was at all times herein mentioned and now is a constitutional agency of the State of Oklahoma whose principal place of doing business is located in the City of Oklahoma City, Oklahoma County, State of Oklahoma, and among the Oklahoma public institutions of higher education that are governed by Defendant is Langston University located in Langston, Logan County, State of Oklahoma.

3. Plaintiff United States of America (“USA”) brought the original action 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”).

JURISDICTION AND VENUE

4. Plaintiff invokes the jurisdiction of this Court pursuant to 42 U.S.C. § 2000e et seq., as amended, specifically, 42 U.S.C. §§ 2000e-2(a) and 2000e-2(m); and 28, U.S.C. §§1331 and 1343.

5. Venue is proper in the Western District pursuant to 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1391.

APPLICABLE FACTS

6. Craig is a white female who has been employed by Defendant at Langston University since 1989 as a faculty member in its English Department.

7. Craig has a Ph.D. degree and is an experienced and well-qualified English professor who is tenured and currently holds the academic rank of Full Professor. Before being employed by Defendant, Craig had experience as a Chair of the English Department at another university and has been honored as the most outstanding faculty in the College of Arts & Sciences.

8. Langston University is a historic African-American university and its workforce at

its Langston, Oklahoma campus has been and now is predominantly comprised of African-Americans.

9. 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).

10. Despite Craig’s outstanding qualifications and academic experience, in the Fall 2003, Defendant did not appoint Craig to the position of Chair of the Department of English.

11. Defendant failed to advertise the position of Chair of the Department of English and made the appointment of a lesser qualified African-American to Chair from outside the English Department.

12. Although Craig was not appointed as Chair of the English Department, Defendant requested Plaintiff to perform the majority of the Chair’s duties and responsibilities.

13. Since Plaintiff has been employed by Defendant as a faculty member, Defendant has appointed six (6) Chairs in its English Department and each appointee has been an African-American, or African, and all six (6) were “appointed” rather than hired through a legitimate advertised open search process, and all six (6) had less experience in English departments and/or had lesser credentials than Craig.

14. In September 2003, Defendant arbitrarily and without justification removed Craig from the office space that she had occupied for fourteen (14) years as a faculty member.

15. Defendant for months withheld without justification or good cause Craig’s compensation earned for summer teaching responsibilities.

16. At all times during her employment by Defendant, Craig was paid a lesser compensation than were African-Americans and African-Americans were at all times given preferential treatment by Defendant in decisions of salary, salary increases, and job promotions.

17. Craig reported her discrimination to Defendant's Administration in September 2003 and Defendant's Administration took no corrective action and instead engaged in retaliation against Craig.

18. Craig filed her charges of racial discrimination and retaliation with the Equal Employment Opportunity Commission ("EEOC") in April 2004, a true and correct copy of which said charge is attached hereto as Exhibit "1" and incorporated by reference herein.

19. Thereafter, on January 4, 2005, the EEOC, Dallas District Office, issued its Determination finding that there was reasonable cause to believe that there was a violation of the statute in Craig being denied appointment to the position of Chair to the Department of English and Craig being paid below the scale for her position.

20. Plaintiff USA in its Complaint alleged that Craig has been subjected to discrimination on the basis of her race, white, in violation of 703(a) of Title VII, 42 U.S.C. § 2000e-(a), among other things, by:

- (a) Paying her lower wages than it has paid to similarly-situated African and African-American employees; and,
- (b) Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Craig.

21. Craig rejected the Consent Decree that was entered into between Plaintiff and Defendant and was advised that Plaintiff will not seek any additional relief on her behalf.

FIRST CAUSE OF ACTION FOR VIOLATION OF TITLE VII –
ON ACCOUNT OF RACE

22. Craig incorporates by reference herein Paragraphs 1 through 21 as though set forth in full.

23. Craig's race, white, was a significant factor in Defendant's decisions to pay Craig lower wages than it paid to similarly-situated African and African-American employees, and by Defendant failing and refusing to take appropriate action to remedy the effects of the discriminatory treatment of Craig, in violation of Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000e et seq.

24. As a direct result of the aforesaid racial discrimination, Plaintiff has suffered, and continues to suffer, emotional and mental distress, harm to her professional reputation, humiliation, embarrassment, economic loss, and loss of enjoyment of life.

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

26. Defendant is the unusual employer within the meaning of Title VII in that in the Langston University workforce African-Americans are the majority race rather than a minority, and Langston University has always had predominantly African-American academic administrators including presidents because of its beginning and history as a segregated institution of higher education under the then existing so-called separate but equal doctrine.

WHEREFORE, Craig prays for judgment against Defendant as follows:

- (1) That Defendant be ordered to make Craig whole by providing all remedies authorized by 42 U.S.C. § 2000e-5(g), including but not limited to, promotion of Craig to the position of Chair of the Department of English;
- (2) That Defendant be ordered to pay to Craig compensatory damages pursuant to 42 U.S.C. § 1981a in the amount determined by the jury at the time of trial;
- (3) That Defendant be ordered to pay Craig's costs including expert witness fees and a reasonable attorney's fee pursuant to 42 U.S.C. § 2000e-5(k); and,
- (4) For such and further make-whole relief and other relief as this Court deems

just, equitable and proper.

SECOND CAUSE OF ACTION — VIOLATION OF TITLE VII,
RETALIATION FOR FILING A CHARGE OF DISCRIMINATION

27. Craig incorporates by reference herein Paragraphs 1 through 26 as though set forth in full.

28. Craig's filing of a Charge of Discrimination in September 2003 was a significant factor in Defendant's continued discrimination against Craig, *i.e.*, the removal of Craig from her office space that she had occupied for 14 years, removal from important committees, *i.e.*, Education, Academic Policy, Honors, etc., and removal from teaching a special course Craig taught for many years with great success, in violation of Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. § 2000e et seq., and 42 U.S.C. § 2000e-3 in particular.

29. As a direct result of Defendant's retaliation as aforesaid, Craig has suffered, and continues to suffer, emotional and mental distress, harm to her professional reputation, humiliation, embarrassment, economic loss and loss of enjoyment of life.

WHEREFORE, Craig prays judgment against Defendant as follows:

- (1) That Defendant be ordered to make Craig whole by providing all remedies authorized by 42 U.S.C. § 2000e-5(g), including but not limited to, promotion of Craig to the position of Chair of the Department of English;
- (2) That Defendant be ordered to pay to Craig compensatory damages pursuant to 42 U.S.C. § 1981a in the amount determined by the jury at the time of trial;
- (3) That Defendant be ordered to pay Craig's costs including expert witness fees and a reasonable attorney's fee pursuant to 42 U.S.C. § 2000e-5(k); and,
- (4) For such and further make-whole relief and other relief as this Court deems

just, equitable and proper.

WARD & GLASS, L.L.P.

s/Stanley M. Ward

Stanley M. Ward, OBA#9351
Woodrow K. Glass, OBA#15690
Scott F. Brockman, OBA#19416
A. Craig Tomlin, OBA#17497
One Corporate Center, Suite 350
2600 John Saxon Blvd.
Norman, Oklahoma 73071
(405) 360-9700
(405) 360-7902 (fax)
ATTORNEYS FOR INTEVENOR
BARBARA J. CRAIG, Ph.D.

***JURY TRIAL DEMANDED
ATTORNEYS' LIEN CLAIMED***

CERTIFICATE OF SERVICE

This is to certify that on this 14th day of April, 2006, a true and correct copy of the above and foregoing was electronically transmitted to the Clerk of the Court using ECF System for filing and transmittal of a Notice of Electronic Filing was electronically sent to the following counsel of record:

Wan J. Kim, Asst. Attorney General, Civil Rights Division
David J. Palmer, Chief, Employment Litigation Section
Christine M. Roth
Charles E. Leggott
United States Department of Justice
Civil Rights Division
Employment Litigation Section, PHB
950 Constitution Avenue N.W.
Washington, D.C. 20530

Michael Scott Fern
Associate General Counsel
Office of Legal Counsel
220 Student Union
Oklahoma State University
Stillwater, Oklahoma 74078

s/Stanley M. Ward
Stanley M. Ward