

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	CIVIL ACTION NO. 3:04-22067-CMC
)	
and)	
)	
STEPHON A. SCOTT,)	CONSENT DECREE
)	
Plaintiff Intervenor,)	
)	
v.)	
)	
JOHN Q. HAMMONS HOTELS, INC. and JOHN Q. HAMMONS HOTELS, L.P. d/b/a EMBASSY SUITES COLUMBIA ATRIUM HOTEL,)	
)	
Defendants.)	
)	

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. Thereafter, Stephon A. Scott intervened, through counsel, alleging violations of Title VII and state law.

The Commission, Plaintiff-Intervenor and Defendants, John Q. Hammons Hotels, Inc. and John Q. Hammons Hotels, L.P. d/b/a Embassy Suites Columbia Atrium Hotel ("Defendants"), hereby stipulate to jurisdiction of the Court over the parties and agree that the subject matter of this action is properly before the Court.

Defendants deny all allegations of discrimination and wrongdoing and maintain that at all times they treated Stephon A. Scott lawfully.

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.

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 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 17 below.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendants shall not discriminate against any person on the basis of race or any other protected category within the meaning of Title VII.

2. Defendants 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 or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under that statute.

3. Defendants shall be jointly and severally liable for payment of all sums set forth in this decree.

4. Defendants shall pay Stephon A. Scott the sum of twenty-eight thousand dollars (\$ 28,000) in settlement of the claims raised in this action. Defendants shall make payment by issuing a check payable jointly to Stephon A. Scott and Holler, Dennis, Corbett, Ormond & Garner. Payment shall be made within fifteen (15) days after the Court approves this Consent Decree, and Defendants shall mail the check to Attorney J. Charles Ormond, Jr. at Holler, Dennis, Corbett, Ormond & Garner at 1777 Bull Street, Columbia, S.C. 29201. Within ten (10)

days after the check has been sent, Defendants shall mail to Lynette A. Barnes, Acting Regional Attorney, at the Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202, a copy of the check and proof of its delivery.

5. Within ten (10) days of the entry of this decree by the Court, Defendants shall eliminate from the employment records of Stephon A. Scott any and all documents, entries, or references of any kind relating to the facts and circumstances which led to the filing of Charge Number 14C-2002-01032 and the related events that occurred thereafter. Within fifteen (15) days of the entry of this decree by the Court, Defendants shall report compliance with this provision to the Commission.

6. Defendants agree to provide Stephon A. Scott with a neutral letter of reference, a copy of which is attached hereto. (Exhibit A). In addition, if Defendants receive any inquiries regarding the employment of Mr. Scott, in lieu of an oral response, Defendants shall provide a copy of the aforementioned letter. Within ten (10) days of responding to any inquiry regarding the employment of Mr. Scott, Defendant shall report compliance to the Commission.

7. Within thirty (30) days of the entry of this Consent Decree by the Court, Defendants shall distribute to each current Embassy Suites Columbia Atrium Hotel employee a copy of the document entitled “John Q. Hammons Hotels Sexual and Other Harassment Policy,” attached hereto as Exhibit B. Within forty five (45) days of the entry of this Decree, Defendants shall report compliance to the Commission. During the term of this Decree, Defendants shall distribute the policy to all new employees at the time of hire.

8. During the term of this decree, Defendants shall post a copy of the policy described in paragraph 7, *supra*, at their Embassy Suites Columbia Atrium Hotel, in a place

where it is visible to employees. If the policy becomes defaced or unreadable, Defendants will replace it by posting another copy of the policy. Within ten (10) days after the Consent Decree is entered, Defendants will post the policy and notify the Commission that it has been posted.

9. During the term of this Decree, Defendants shall provide an annual training program to all of its managers, supervisors and employees at their Embassy Suites Columbia Atrium Hotel. Each training program shall include an explanation of the requirements of Title VII of the Civil Rights Act of 1964, and its prohibition against racial harassment and retaliation in the workplace. Each training program shall also include an explanation of Defendants's policy referenced in paragraph 8 above, and an explanation of the rights and responsibilities of employees and managers under the policy.

The first training program shall be completed within ninety (90) days after entry of the decree by the Court. Each subsequent training program shall be conducted at approximately one-year intervals. At least fifteen (15) days prior to each program, Defendants shall provide the Commission with an agenda for the training program. Within ten (10) days after completion of each training program, Defendants shall certify to the Commission the specific training which was undertaken and shall provide the Commission with a roster of all employees in attendance.

10. Beginning within thirty (30) days after the entry of this Decree by the Court, and continuing throughout the term of this Decree, Defendants shall conspicuously post the attached Employee Notice (Exhibit C), hereby made a part of this Decree, in a place where it is visible to all employees at their Embassy Suites Columbia Atrium Hotel. If the Notice becomes defaced or unreadable, Defendants shall replace it by posting another copy of the Notice. Defendants shall report posting of the Notice to the Commission within ten (10) days of its posting.

11. During the term of this Consent Decree, Defendants shall provide the Commission with reports at six (6) month intervals, with the first being due four (4) months after approval by the Court of this Decree. The reports will include the following information:

- A. The identities of all individuals who formally complained of or reported, to management, any conduct he/she believed to be unlawful racial harassment under Defendants' anti-harassment policy and discrimination policies, including the policy attached hereto as Exhibit B. By way of identification, Defendants' shall provide each person's name, last known telephone number and address, and position;
- B. The name of the alleged harasser and a detailed description of the alleged unlawful conduct reported/complained of under 11.A above;
- C. What action, if any, Defendants took in response to the report/complaint made under 11.A above.

In the event there is no activity to report pursuant to this paragraph, Defendants shall send the Commission a "negative" report indicating no activity.

12. The Commission may review compliance with this Decree. As part of such review, upon seventy-two (72) hours' notice to counsel for Defendants, the Commission may inspect Defendants' premises, interview employees and examine and copy documents.

13. If anytime during the term of this Decree, the Commission believes that Defendants are in violation of the Decree, the Commission shall give notice of the alleged violation to Defendants. Defendants shall have ten (10) days in which to investigate and respond to the allegations. Thereafter, the parties shall then have a period of ten (10) days or such additional period as may be agreed upon by them, in which to engage in negotiation regarding such allegations before the Commission exercises any remedy provided by law.

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

15. All reports or other documents sent to the Commission by Defendants pursuant to

this Decree shall be sent to: Lynette A. Barnes, Acting Regional Attorney, at the Equal Employment Opportunity Commission, 129 W. Trade Street, Suite 400, Charlotte N.C., 28202.

16. Except as otherwise provided in this Decree each party shall bear its own costs and attorney's fees.

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

June 21, 2005
Date

s/Cameron McGowan Currie
Judge, U.S. District Court
District of South Carolina

Columbia, South Carolina

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, Plaintiff

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