

The U.S. Equal Employment Opportunity Commission

FOR IMMEDIATE RELEASE
Friday, April 20, 2001

CONTACT: Robert B. Harwin
(210) 281-7643
Linda Gutierrez
(210) 281-7637
Judith G. Taylor
(210) 281-7673
Connie Liem
(210) 281-7629
Selena N. Solis
(210) 281-7679
Javier N. Maldonado
(210) 281-7638
TTY: (210) 281-7610

EEOC SETTLES ENGLISH-ONLY SUIT FOR \$2.44 MILLION AGAINST UNIVERSITY OF INCARNATE WORD

SAN ANTONIO - The U.S. Equal Employment Opportunity Commission (EEOC) today announced a landmark \$2.44 million settlement of a class action lawsuit against the University of Incarnate Word (UIW), a private university in San Antonio, Texas, on behalf of 18 Hispanic housekeepers who were subjected to an unlawful English-only rule and harassed due to their national origin in violation of Title VII of the Civil Rights Act of 1964.

The settlement, which stems from a lawsuit filed in the U.S. District Court for the Western District of Texas on September 30, 1999, is the largest known monetary resolution for a lawsuit concerning an English-only rule in the workplace.

"As employers face the challenge of a rapidly changing workforce, they will serve themselves well by creating work environments that are conducive to diversity and putting strategies in place to ease racial and ethnic tensions," said EEOC Chairwoman Ida L. Castro.

As part of the settlement, approved late yesterday as a consent decree by U.S. District Court Judge Orlando Garcia, UIW will pay \$1 million to be distributed among a class of 18 Hispanic former employees. In addition, UIW agreed to provide 18 tuition waivers for use by the class members or a close relative. The tuition waivers, valued at \$1.44 million, provide for eight full-time semesters of study at UIW for each recipient.

In addition to the monetary payments, the consent decree calls for a three-year injunction prohibiting UIW from implementing and enforcing an English-only rule in the workplace and from discriminating on the basis of national origin.

UIW also agreed to adopt a comprehensive anti-harassment workplace policy and complaint procedure in English and Spanish. In addition, UIW agreed to train its managers and supervisors regularly on national origin harassment and other unlawful discriminatory practices.

"For more than 15 years, the EEOC has taken the firm position that English-only rules run afoul of Title

VII when applied at all times or when they cannot be justified by business necessity," said Robert B. Harwin, regional attorney of EEOC's San Antonio District Office, which filed the lawsuit. "In this case, UIW compounded its unlawful conduct by harassing the Hispanic employees who could not comply with the policy. This settlement should put other employers on notice that the EEOC is committed to rooting out discrimination against low-wage earners, language minorities, and other groups most vulnerable to civil rights abuses."

In its suit against UIW, EEOC alleged that a class of 18 Hispanic housekeepers were subjected to an unlawful English-only policy and severe and pervasive harassment for over 10 years on the basis of national origin. UIW's Director of Housekeeping prohibited the housekeepers from speaking Spanish and required that they speak only English in the workplace at all times, even while at lunch and during employee breaks.

According to the suit, some of the UIW employees spoke little or no English, others testified that Spanish was their primary language even though they were born in the United States, while other employees were bilingual. The workers complained that they had difficulty complying with the rule because they did not speak English or unconsciously lapsed into Spanish when conversing with same language peers. Nevertheless, employees who failed to comply with the English-only policy were subjected to repeated verbal and physical abuse, as well as ethnic slurs.

EEOC has observed an increasing trend of charge filings alleging English-only violations since the Commission began separately tracking such charges in the mid-1990s. The number of English-only charges filed with EEOC and state and local Fair Employment Practices Agencies have increased by nearly 500% from 91 such charges in Fiscal Year 1996 to 443 charges in FY 2000. EEOC's policy on English-only rules is set out in its Guidelines on Discrimination Because of National Origin (29 Code of Federal Regulations, Part 1606) which, along with other information about the Commission, is available on the agency's web site at www.eeoc.gov.

In addition to enforcing Title VII, which prohibits employment discrimination based on race, color, religion, sex or national origin, EEOC enforces the Age Discrimination in Employment Act; the Equal Pay Act; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; prohibitions against discrimination affecting individuals with disabilities in the federal government; and sections of the Civil Rights Act of 1991.

This page was last modified on April 20, 2001.



[Return to Home Page](#)