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ORIGINAL

THE HONORABLE ROBERT S. LASNIK

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APR 3 2000

MAR 30 2000 MR

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

TO JUDGE MR

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

CIVIL NO. C00-439L

Plaintiff,

**PROPOSED CONSENT DECREE  
AND ORDER DISMISSING ACTION**

v.

TEIJIN SEIKI AMERICA, INC.,

Defendant.

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_

APR 3 2000

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY \_\_\_\_\_ DEPUTY

I. INTRODUCTION

1. This action originated with a discrimination charge filed by Atsuko Hatakeyama with the Equal Employment Opportunity Commission ("EEOC or the Commission") on December 2, 1999. Ms. Hatakeyama alleged that Teijin Seiki America, Inc. ("Teijin or defendant") discriminated against Ms. Hatakeyama based upon her race and national origin (Japanese) and sex (female) in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. ("Title VII"). Ms. Hatakeyama further alleged that when she complained about the unlawful discrimination, she was retaliated against and ultimately terminated from her employment. A copy of the charge is attached to this consent decree as Exhibit 1.

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2. On February 23, 2000, the EEOC issued a Letter of Determination with a finding of reasonable cause that Teijin violated Title VII by discriminating against Ms. Hatakeyama on the basis of her race, national origin and sex and by retaliating against and ultimately terminating her when she complained of the discrimination. A copy of the Letter of Determination is attached to this consent decree as Exhibit 2.

3. The Commission filed this lawsuit on March 16, 2000 in the United States District Court for the Western District of Washington at Seattle. The complaint alleges that Teijin violated Title VII by discriminating against Ms. Hatakeyama based upon her race and national origin (Japanese) and sex (female) in violation of Title VII. The complaint further alleged that when Ms. Hatakeyama complained about the unlawful discrimination, she was retaliated against and ultimately terminated from her employment. Ms. Hatakeyama also filed a separate lawsuit against Teijin that claims violations of other statutes.

4. Defendant denied the allegations of discrimination and retaliation in the EEOC's complaint and in Ms. Hatakeyama's separate lawsuit and asserted several affirmative defenses.

5. The parties want to conclude fully and finally all claims arising out of EEOC's complaint and the charge of discrimination filed with EEOC by Atsuko Hatakeyama. They enter into this Consent Decree to further the objectives of equal employment as set forth in Title VII.

II. NONADMISSION OF LIABILITY AND NONDETERMINATION BY THE COURT

6. This Consent Decree is not an adjudication or finding on the merits of this case and shall not be construed as an admission by defendant of a violation of Title VII or of any other law.

III. JURISDICTION AND VENUE

7. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a. The employment practices alleged to be unlawful in the

1 complaint filed herein occurred within the jurisdiction of the United States District Court for the  
2 Western District of Washington.

3  
4 **IV. SETTLEMENT SCOPE**

5 8. This consent decree is the final and complete resolution of all allegations of unlawful  
6 employment practices contained in Ms. Hatakeyama's discrimination charge, in the EEOC's  
7 administrative determinations, and in the complaint filed herein, including all claims by the parties  
8 for attorney fees and costs.

9  
10 **V. MONETARY RELIEF**

11 9. In settlement of this lawsuit and Ms. Hatakeyama's separate lawsuit, Teijin agrees to  
12 pay Atsuko Hatakeyama \$56,667, less applicable withholding required by law, and \$28,333 to  
13 Hatakeyama's private counsel. Teijin agrees to provide the settlement proceeds to  
14 Ms. Hatakeyama's private counsel, Michael Subit, at the following address: Frank, Rosen, Freed &  
15 Roberts, 705 Second Avenue, Suite #1200, Seattle, Washington, 98104 within ten business days of  
16 filing this Consent Decree.

17  
18 **VI. AFFIRMATIVE AND OTHER RELIEF**

19  
20 **A. General Provisions**

21 10. Teijin reaffirms its commitment to comply with Title VII. In furtherance of this  
22 commitment, it will monitor the affirmative obligations of this Consent Decree.

23 11. Teijin will not retaliate against any employee for making a charge of discrimination  
24 or for testifying, assisting, or participating in any investigation, proceeding, or hearing associated  
25 with this action.

26 12. Teijin, its officers, agents, and employees will not engage in practices which  
unlawfully discriminate against employees on the basis of race, national origin and sex and  
retaliation. In recognition of its obligations under Title VII, Teijin will institute the policies and  
practices set forth below.

1           B.     Anti-Discrimination Policies and Procedures

2           13.     Pursuant to this Consent Decree, Teijin shall carry out anti-discrimination policies,  
3 procedures and training for employees, supervisors and management personnel and will provide  
4 equal employment opportunities for all employees. As set out below, Teijin will train its managers  
5 and supervisors on its Equal Employment Opportunity (EEO) policies and how those policies define  
6 and identify what constitutes employment discrimination.

7           14.     Teijin will distribute a written copy of its EEO policy to all present and future  
8 employees, both management and non-management. Teijin will provide EEOC with a written copy  
9 of its EEO policy as part of its first semi-annual report as provided in paragraph 17 below.

10           C.     Training

11           15.     Within 120 days after entry of this Consent Decree, Teijin, through the assistance of  
12 outside sources, will develop and present to all managers and supervisors a minimum of six hours of  
13 training on employment discrimination. The EEOC will have an opportunity to review the training  
14 materials prior to the training date.

15           16.     Teijin will notify the EEOC of the completion of the training and will specify the  
16 names and job titles of the employees who participated in and completed the training as part of its  
17 first semi-annual report to the EEOC.

18           D.     Reporting

19           17.     Teijin shall report in writing and in affidavit form to the EEOC on a semi-annual  
20 basis, beginning six months from the date of the entry of this decree, and thereafter every six months  
21 for the duration of the decree the following information:

- 22           a.     Certification of the completion of six hours of training and list of attendees; (first  
23 report only)
- 24           b.     Certification that its EEO policy has been distributed to all current and newly hired  
25 employees;
- 26

1 c. A list of any changes, modifications, revocations or revisions to its EEO policies and  
2 procedures which concern or affect the subject of discrimination based on race, national origin, sex,  
3 or retaliation.

4 d. A summary of complaints of discrimination based on national origin, if any, filed by  
5 employees working at Teijin and the resolution of each complaint; and

6 e. A statement listing the other provisions of this decree that defendant is required to  
7 perform and certifying that Teijin has complied with the terms of the decree. If Teijin has not  
8 complied with any term of the decree, the statement will specify the areas of noncompliance, the  
9 reason for the noncompliance, and the steps taken to bring the defendant into compliance.

10 E. Posting

11 18. The company will post a notice, attached as Exhibit 3 to this consent decree. The  
12 notice shall be posted on a centrally located bulletin board at Teijin's offices for the duration of the  
13 consent decree.

14 VII. ENFORCEMENT

15 19. If the EEOC determines that Teijin has not complied with the terms of this decree, the  
16 EEOC will provide written notification of the alleged breach to Teijin. The EEOC will not petition  
17 the court for enforcement of the decree for at least thirty (30) days after providing written  
18 notification of the alleged breach. The 30-day period following the written notice shall be used by  
19 the parties for good faith efforts to resolve the dispute.

20 VIII. RETENTION OF JURISDICTION

21 20. The United States District Court for the Western District of Washington shall retain  
22 jurisdiction over this matter for the duration of the decree.

23 IX. DURATION AND TERMINATION

24 21. This decree shall be in effect for two and one-half years beginning April 1, 2000 and  
25 ending October 1, 2002. If the EEOC petitions the court for breach of the decree, and the court finds  
26 Teijin to be in violation of the terms of the decree, the court may extend the duration of the decree.

X. CONCLUSION

22. The parties are not bound by any provision of this decree until it is signed by authorized representatives of each party and entered by the court.

Dated this 29<sup>th</sup> day of March, 2000.

A. LUIS LUCERO, JR.  
Regional Attorney

C. GREGORY STEWART  
General Counsel

CLAIRE CORDON  
Supervisory Trial Attorney

GWENDOLYN YOUNG REAMS  
Associate General Counsel

LISA MORELLI GUARNERO  
Senior Trial Attorney

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

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909 First Avenue, Suite 400  
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1801 "L" Street, N.W.  
Washington, D.C. 20507  
Telephone (202) 663-4702

BY: Lisa Guarnero  
Attorney for Plaintiff

STEVEN R. PELTIN, ESQ.

BY: St. Peltin  
Attorney for Defendant

PRESTON, GATES & ELLIS  
701 Fifth Avenue  
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Seattle, WA 98104-7078  
Telephone: (206) 467-2703

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ORDER APPROVING CONSENT DECREE

The Court having considered the foregoing stipulated agreement of the parties,  
IT IS HEREBY ORDERED THAT the foregoing consent decree be, and the same hereby is,  
approved as the final decree of this Court in full settlement of this action. This lawsuit is hereby  
dismissed with prejudice and without costs or attorneys' fees to any party. The Court retains  
jurisdiction of this matter for purposes of enforcing the consent decree approved herein.

DATED this 3rd day of April, 2000.

M. S. Lasnik  
UNITED STATES DISTRICT JUDGE

1 NOTICE TO ALL EMPLOYEES

2 This notice is being posted pursuant to an agreement between Teijin Seiki America, Inc. and  
3 the U.S. Equal Employment Opportunity Commission, entered as the result of a settlement of a  
4 lawsuit pending in the federal district court for the Western District of Washington at Seattle, Civil  
5 No. C00-439L.

6 Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in  
7 Employment Act of 1967, the Equal Pay Act of 1963, and the Americans with Disabilities Act of  
8 1990 are enforced by the EEOC and require the following:

9 That there be no discrimination against any employee or applicant for employment because  
10 of the employee's race, sex, color, religion, national origin, age (over age 40), or disability  
11 with respect to hiring, firing, compensation, or other terms, conditions or privileges of  
12 employment.

13 It is an unlawful employment practice for an employer to retaliate against any employees or  
14 applicants for employment because they have opposed a practice or because they have made  
15 a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or  
16 hearing under these statutes.

17 Teijin will institute a training program to train its managers regarding the requirements of the  
18 above statutes, with particular emphasis on race, national origin, sex and retaliation discrimination.

19 Teijin has posted this notice because the company supports and will comply with these  
20 federal laws in all respects and will not take any retaliatory action against employees because they  
21 have exercised their rights under the law.

22 DATED \_\_\_\_\_

23 Teijin Seiki America, Inc. by  
24 \_\_\_\_\_  
25  
26



# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement completing this form.

AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER <span style="font-size: 1.2em;">380A00263</span>
---	---

Seattle Office of Civil Rights and EEOC  
*State or local Agency, if any*

NAME (Indicate Mr., Ms., Mrs.) Atsuko Hatakeyama	HOME TELEPHONE (Include Area Code) 425-882-8079
---	--

STREET ADDRESS 9401-4 178th Pl. N.E.	CITY, STATE AND ZIP CODE Redmond, WA 98052	DATE OF BIRTH 3 / 26 / 59
---	---	------------------------------

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME Teijin Seiki America Inc.	NUMBER OF EMPLOYEES, MEMBERS 40	TELEPHONE (Include Area Code) 425-602-8400
-----------------------------------	------------------------------------	---

STREET ADDRESS 17770 N.E. 78th Pl.	CITY, STATE AND ZIP CODE Redmond, WA 98052	COUNTY King
---------------------------------------	---	----------------

NAME Teijin Seiki Inc.	500+	TELEPHONE NUMBER (Include Area Code) 425-602-8400
---------------------------	------	--

STREET ADDRESS 17770 N.E. 78th Pl.	CITY, STATE AND ZIP CODE Redmond, WA 98052	COUNTY King
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CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)	DATE DISCRIMINATION TOOK PLACE EARLIEST                      LATEST 8 / 7 / 95                      9 / 27 / 99 <input type="checkbox"/> CONTINUING ACTION
--	---

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

See attached sworn statement of Atsuko Hatakeyama.

<input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - (When necessary for State and Local Requirements)
--	--

I declare under penalty of perjury that the foregoing is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
--	--

SIGNATURE OF COMPLAINANT  	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)
----------------------------------	---

Date 12-2-99 Charging Party (Signature)

## EXHIBIT 1

## DECLARATION OF ATSUKO HATAKEYAMA

I, Atsuko Hatakeyama, declare and state as follows:

1. On August 7, 1995, I was hired as Administrative Assistant to the Engineering Department at TSA's corporate headquarters. At the time of my hire, my direct supervisor was Paul Gates, Director of Engineering.

2. Beginning in or around September 1995, Alan Habe, TSA's Sales Manager, repeatedly made inappropriate, insulting, and harassing comments to me because of my race, sex and national origin. Mr. Habe frequently made derogatory comments that I was an unmarried Japanese woman in her 30s. He told me I should return to Japan to do "house things." Mr. Habe also told me I would end up in an "old people's home" alone if I did not marry soon. Mr. Habe insinuated that I had frequent sex partners and boyfriends. Mr. Habe also frequently commented on my physical appearance and clothes.

3. I promptly reported Mr. Habe's harassing and discriminatory comments to Mr. Gates but he took no remedial action.

4. In January 1996, Manual Tarsha replaced Mr. Gates as Director of Engineering and Ms. Hatakeyama's supervisor. I reported Mr. Habe's harassing comments to Mr. Tarsha. Mr. Tarsha counseled Mr. Habe about his comments but no formal disciplinary action was taken against Mr. Habe.

5. From January 1996 until September 1997, Mr. Habe continually made derogatory comments to me about being an unmarried Japanese woman in her 30s working in America.

6. On September 15, 1997, I found "lip marks" on a small mirror in her cubicle that I think Mr. Habe had left as a kiss on my mirror. I reported the incident to Mr. Tarsha.

7. Mr. Tarsha reported the situation to TSA President Hank Ogawa and Director of Administration Yasuji Miki. Mr. Ogawa replied that I had to be tough and had to learn to take it. He told Mr. Tarsha that I was suffering from pre-menstrual syndrome or was unstable.

8. On October 3, 1997, Mr. Ogawa told me, after I complained about another unrelated workplace issue, that he did not want problems in his company. He told me that Mr. Habe worked very hard and did his job well. He specifically told me that he was uncomfortable with my report of finding lip marks on my mirror and that I should forget about what happened and keep quiet.

9. In November 1997, Mr. Tarsha gave me an "above average" performance review. He specifically wrote that I was in a "difficult situation" as a Japanese national and stated I was suffering from differential treatment.

10. In December 1997, I traveled to TSJ headquarters in Japan. I delivered a letter from Mr. Tarsha to then-TSJ President Tobari specifically demanding he implement a training program to improve the Company's treatment of its women employees in general and Ms. Hatakeyama in particular. Mr. Tarsha informed Mr. Tobari that the Company needed to learn "the traditions and laws pertaining to the treatment and interaction with women in the U.S."

11. During their meeting, Mr. Tobari and I discussed the harassing and discriminatory treatment I was experiencing in the Company. Mr. Tobari promised to talk to Mr. Ogawa about corrective action and personally apologize for the Company's actions.

12. While I was in Japan, TSJ's Director of Marketing, Mr. Toda told me that the Company should not have hired her. He said single Japanese women should not be working and said he worried that Japanese women were becoming "Americanized."

13. When Mr. Ogawa learned that I had reported the harassment and discrimination on account of sex, race, and national origin I was experiencing, he embarked upon a course of retaliation against me. In or around January 1998, Mr. Ogawa told another TSA manager that I was "the problem."

14. In early March 1998, I found an impression of a penis on her cubicle mirror. I reported this incident to Mr. Tarsha. Mr. Miki rejected Mr. Tarsha's advice to contact the police and bring in an outside investigator. Instead, Mr. Miki said he would handle it himself and took possession of the mirror.

15. At Mr. Tarsha's insistence, TSA employees underwent sexual harassment training in March 1998. After the training Mr. Ogawa said to Mr. Tarsha that the best solution to the problem was not to hire women. Mr. Tarsha responded that Mr. Ogawa that his statements were discriminatory and that he had not learned anything from the training.

16. In or around March 1998, I received a telephone call at home where all I heard was heavy breathing.

17. Although Mr. Ogawa repeatedly stated in writing that TSA managers needed to undergo additional sexual harassment training, such training was not conducted.

18. In or around April 1998, my visa came up for renewal. Mr. Ogawa initially refused to renew it. Mr. Tarsha informed him that the Company's action could appear to be retaliation for her reports of harassment. Mr. Ogawa still refused to sign the visa, but ultimately authorized Mr. Tarsha to sign it.

19. Even after the sexual harassment training conducted in March 1998, I was still continually subjected to a hostile work environment and discrimination in the terms and conditions of her employment based on her race, national origin and sex. Mr. Habe continued to

make ridiculing comments that I was an unmarried Japanese woman. Moreover, I was repeatedly given demeaning work beneath her training and experience because I was a Japanese woman.

20. In November 1998, Mr. Tarsha was removed as Director of Engineering. Before his termination, Mr. Tarsha prepared a favorable performance review for me but TSA management refused to give it to me.

21. After Mr. Tarsha's removal, I reported to Kai Vu, who was Mr. Tarsha's replacement as Director of Engineering, and Mark Nishimura, an engineering manager. Like Mr. Habe, Mr. Nishimura made derogatory comments to me because I was an unmarried Japanese woman. Although I again complained, TSA management took no remedial action.

22. Throughout late 1998 and early 1999, Mr. Habe repeatedly told my co-workers that I was "dangerous" and had a "bad reputation." As a result my co-workers ostracized me.

23. As a direct result of my discriminatory and harassing work environment I experienced severe emotional distress. By 1999 the cumulative effect of years of harassment compelled me to use some of my sick leave. At all times, I used sick leave in compliance with TSA policies and at no time did I take sick leave in excess of the allotment to which I was entitled under TSA policies.

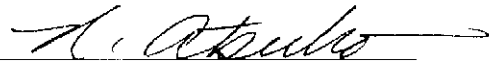
24. In August 1999 I received a critical performance review from Mr. Nishimura. The review ordered me to improve my attendance and denied me a bonus and salary increase on the purported basis of poor attendance.

25. On September 27, 1999, TSA terminated my employment.

26. On October 21, 1999, in response to my request for a signed written statement of the reasons for my discharge, Mr. Miki claimed that the sole reason that my employment was terminated was my "continued pattern of poor attendance, despite repeated warnings."

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

12-2-99  
Date

  
Atusko Hatakeyama



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Seattle District Office

FEB 23 2000

Federal Office Building  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061

(206) 220-6883  
TTY (206) 220-6882  
FAX (206) 220-6911

EEOC Charge No. 380A00263

Atsuko Hatakeyama  
9401-4 178<sup>th</sup> Pl. NE  
Redmond, WA 98052

Charging Party

Teijin Seiko America, Inc.  
17770 NE 78<sup>th</sup> Pl.  
Redmond, WA 98052

Respondent

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII).

All requirements for coverage have been met. Charging Party alleged that she was discriminated against in violation of Title VII, in that she was subjected to on going harassment from male co-workers and managers because of her gender, female and her national origin, Japanese. When she reported the harassment, the action taken was not appropriate or effective to stop the behavior. Charging Party further alleges she was retaliated against for her complaints of harassment and ultimately discharged.

During the investigation, all relevant, available witnesses were interviewed, and all relevant documents were reviewed. I have considered all the evidence disclosed during the investigation and determined that there is reasonable cause to believe that there is a violation of Title VII with regard to Charging Party's allegation of harassment, retaliation and discharge.

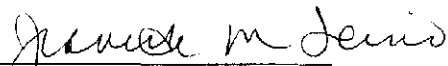
Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The Commission will also consider compensatory and punitive damages under the Civil Rights Act of 1991.

**EXHIBIT 2**

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission

**FEB 23 2000**

  
JEANETTE M. LEINO  
District Director

cc: Michael C. Subit  
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