

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

SABINA BURTON,

Plaintiff,

v.

DR. ELIZABETH THROOP, DANIEL
FAIRCHILD, DR. ELIZABETH
FRIEDERS, DR. QIONG LI, DR. MARY
ROSE WILLIAMS, DR. STACI STROBL,
and the BOARD OF REGENTS OF THE
UNIVERSITY OF WISCONSIN
SYSTEM,

Defendants.

No. 17-cv-36

COMPLAINT

NOW COMES the PLAINTIFF, DR. SABINA BURTON, by and through her attorney, Kara Amouyal, Esq., of the Blake Horwitz Law Firm, Ltd., and pursuant to this Complaint at Law, states the following against the above-named DEFENDANTS DR. ELIZABETH THROOP, DANIEL FAIRCHILD, DR. ELIZABETH FRIEDERS, DR. QIONG LI, DR. MARY ROSE WILLIAMS, and DR. STACI STROBL (collectively “the individual DEFENDANTS”), and the BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM (“the BOARD”):

A. JURISDICTION

1. This action is brought pursuant to 42 U.S.C. § 2000e (“Title VII”), 42 U.S.C. § 1983, and the Fourteenth Amendment to the United States Constitution.
2. The jurisdiction of the court is invoked pursuant to the Civil Rights Act, 42 U.S.C. § 1983; the Judicial code, 28 U.S.C. §1331 and §1343(a).

3. Venue is appropriate in this Court, pursuant to 28 U.S.C. §1391(b), because a substantial part of the events alleged in this Complaint took place in this District.

PARTIES

4. At all relevant times, the BOARD was an institution of higher education and an agency of the State of Wisconsin, established under Wis. Stat. Ch. 36. The Board's principal place of business is at 1860 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706.
5. The BOARD is the governing body for the University of Wisconsin system schools, including the University of Wisconsin – Platteville (“UWP”).
6. The BOARD is an employer within the meaning of Title VII and a recipient of federal financial assistance within the meaning of Title IX.
7. PLAINTIFF is a resident of the State of Wisconsin and the United States.
8. At all relevant times, PLAINTIFF was employed by UWP as a tenured professor.
9. At all relevant times, DR. ELIZABETH THROOP was a resident of the State of Wisconsin and the United States.
10. At all relevant times, DR. ELIZABETH THROOP (“DEFENDANT DEAN THROOP”) was dean of the College of Liberal Arts and Education at UWP.
11. At all relevant times, DANIEL FAIRCHILD was a resident of the State of Wisconsin and the United States.
12. At all relevant times, DANIEL FAIRCHILD (“DEFENDANT FAIRCHILD”) was employed by the UWP and was a member of the UWP Complaints and Grievances Commission.
13. In April and May of 2016, DR. ELIZABETH FRIEDERS was a resident of the State of Wisconsin and the United States.

14. In April and May of 2016, DR. FRIEDERS (“DEFENDANT FRIEDERS”) was employed by the UWP and was a member of the UWP Complaints and Grievances Commission.
15. In April and May of 2016, DR. QIONG LI was a resident of the State of Wisconsin and the United States.
16. In April and May of 2016, DR. LI (“DEFENDANT LI”) was employed by the UWP and was a member of the UWP Complaints and Grievances Commission.
17. In April and May of 2016, DR. MARY ROSE WILLIAMS was a resident of the State of Wisconsin and the United States.
18. In April and May of 2016, DR. WILLIAMS (“DEFENDANT WILLIAMS”) was employed by the UWP and was a member of the UWP Complaints and Grievances Commission.
19. In April and May of 2016, DR. STACI STROBL was a resident of the State of Wisconsin and the United States.
20. In April and May of 2016, DR. STROBL (“DEFENDANT STROBL”) was employed by the UWP and was a member of the UWP Complaints and Grievances Commission.
21. At all relevant times, the BOARD was the employer and principal of the individual DEFENDANTS as well as of the other faculty members referred to in this Complaint.
22. At all relevant times, the individual DEFENDANTS were acting under color of state law, ordinance and/or regulation, statutes, custom and usages of the BOARD.
23. The individual DEFENDANTS are being sued in their individual capacity.

BACKGROUND FACTS and RELATED LITIGATION

24. At all relevant times, PLAINTIFF was a professor in the Department of Criminal Justice (“CJ”).
25. At all relevant times, the CJ was part of the College of Liberal Arts and Education.
26. During October of 2012 and continuing until July 10, 2013, Dr. Thomas Caywood was the Chair of the CJ at UWP.
27. During October of 2012 and continuing until July 10, 2013, Dr. Caywood created course schedules for the CJ and assigned professors to those courses.
28. During October of 2012 and continuing until July 10, 2013, Dr. Caywood created PLAINTIFF’s schedule, including which classes she would teach.
29. During October of 2012 and continuing until July 10, 2013, Dr. Caywood had authority to assign CJ members to department committees.
30. During October of 2012 and continuing until July 10, 2013, Dr. Caywood was a member of the CJ Department Review Board (“DRB”).
31. The CJ DRB recommends merit pay, pay inequity adjustments, promotions, and tenure.
32. From February of 2012 and continuing until July 10, 2013, Dr. Caywood had authority to approve or deny grant requests for CJ faculty.
33. From February of 2012 and continuing until July 10, 2013, Dr. Caywood had authority to approve or deny PLAINTIFF’s grant requests.
34. At UWP, professors can receive additional salary from awarded grants.
35. From February of 2012 through January of 2013, PLAINTIFF engaged in efforts to secure grant funding to develop a cyber-security program at UWP.

36. From February of 2012 through October 10, 2012, Dr. Caywood participated in, condoned, approved of, and/or was informed of and acquiesced through silence regarding PLAINTIFF's efforts to secure the funding to develop a cyber-security program at UWP.
37. On or around October 10, 2012, PLAINTIFF reported to DEFENDANT DEAN THROOP and the Dean of Students (through the Dean's assistant) that a student received a note from another professor.
38. DEFENDANT DEAN THROOP stated that the note could be interpreted as sexual harassment.
39. PLAINTIFF reported that the student felt humiliated and was upset by the note.
40. When PLAINTIFF reported the note, PLAINTIFF engaged in protected activity pursuant to Title IX.
41. On November 15, 2012, Dr. Caywood publicly stated at a CJ Department meeting that PLAINTIFF overreacted by reporting the note to the provost.
42. In October and November of 2012, Dr. Caywood publicly criticized PLAINTIFF for PLAINTIFF's reporting of the note to DEFENDANT DEAN THROOP and another high-ranking administrator.
43. In October and November of 2012, Dr. Caywood publicly criticized PLAINTIFF for engaging in protected activity.
44. In October and November of 2012, PLAINTIFF reported these criticisms to Human Resources at UWP.
45. In October and November of 2012, the BOARD, through its agents, learned that Dr. Caywood was publicly criticizing PLAINTIFF for engaging in protected activity.

46. In December of 2012, PLAINTIFF requested to chair a committee that was to search for a new faculty member to fill a vacant position.
47. Dr. Caywood refused to allow PLAINTIFF to chair the committee.
48. PLAINTIFF reported this refusal to Dean Throop.
49. PLAINTIFF told DEFENDANT DEAN THROOP that PLAINTIFF felt as if the refusal was discrimination.
50. Dean Throop refused to assist PLAINTIFF.
51. On or around November 14, 2012, Dr. Caywood refused to schedule meetings to assist PLAINTIFF in developing the cybercrime program.
52. Thereafter, Dr. Caywood never supported PLAINTIFF's efforts to develop a cybercrime program.
53. In January of 2013, Dr. Caywood told PLAINTIFF that UWP was not developing a cybercrime program.
54. Dr. Caywood withdrew his support for PLAINTIFF's efforts because PLAINTIFF reported the note to DEFENDANT DEAN THROOP and another high-ranking administrator.
55. Dr. Caywood withdrew his support for PLAINTIFF's efforts because PLAINTIFF engaged in protected activity.
56. From September 19, 2012 through October 10, 2012, DEFENDANT DEAN THROOP condoned, approved of, and/or was informed of and acquiesced through silence regarding PLAINTIFF's efforts to secure the funding to develop a cyber-security program at UWP.
57. In January of 2013, DEFENDANT DEAN THROOP told a cybercrime funding source that PLAINTIFF's belief that UWP was developing a cybercrime program was inaccurate.

58. DEFENDANT DEAN THROOP withdrew her approval of PLAINTIFF's efforts because PLAINTIFF reported the note to DEFENDANT DEAN THROOP and another high-ranking administrator.
59. DEFENDANT DEAN THROOP withdrew her approval of PLAINTIFF's efforts because PLAINTIFF engaged in protected activity.
60. More than once in January and February of 2013, PLAINTIFF requested information from the UWP Human Resources Director regarding the procedure to file a grievance against Dr. Caywood.
61. In those requests, PLAINTIFF informed the Human Resources Director of Dr. Caywood's actions towards PLAINTIFF.
62. In January and February of 2013, the BOARD, through its agents, learned of Dr. Caywood's behavior towards PLAINTIFF.
63. In January and February of 2013, the Human Resources Director refused to give PLAINTIFF information regarding where to file a grievance.
64. In January and February of 2013, the BOARD, through its agents, refused to give PLAINTIFF information regarding where to file a grievance.
65. From October 10, 2012 and continuing through March of 2013, Dr. Caywood refused PLAINTIFF's requests to teach certain classes; hampered PLAINTIFF's effort to develop a graduate course; and refused to respond to many of PLAINTIFF's emails or questions.
66. Dr. Caywood engaged in the above-described activities because PLAINTIFF reported the note to DEFENDANT DEAN THROOP and another high-ranking administrator.
67. Dr. Caywood engaged in the above-described activities because PLAINTIFF engaged in protected activity.

68. On or around March 13, 2013, PLAINTIFF filed a grievance against Dr. Caywood with the UWP Complaints and Grievances Commission.
69. In April of 2013, the Complaints and Grievances Commission found evidence of a lack of support for PLAINTIFF on the part of Dr. Caywood.
70. In April of 2013, the Complaints and Grievances Commission found that Dr. Caywood had mishandled the situation regarding the October 2012 note.
71. In April and July of 2013, the Complaints and Grievances Commission found that Dr. Caywood had unreasonably withdrawn support for PLAINTIFF's efforts to create and fund a cybersecurity program at UWP.
72. In April and July of 2013, the Complaints and Grievances Commission found that Dr. Caywood's actions had damaged PLAINTIFF's reputation.
73. The UWP Chancellor received and accepted the Complaints and Grievances Commission's findings.
74. The BOARD, through its agents, received and accepted the Complaints and Grievances Commission's findings.
75. Dr. Caywood has never been disciplined by the BOARD for any interaction he had with or concerning PLAINTIFF.
76. On August 13, 2013, PLAINTIFF filed a complaint with the Wisconsin Department of Workforce Development Equal Rights Division ("ERD") and the Equal Employment Opportunity Commission ("EEOC") against UWP (hereinafter referred to as "the first EEOC Complaint").
77. The first EEOC Complaint alleged discrimination on the basis of sex and retaliation for opposing workplace discrimination.

78. The first EEOC Complaint alleged discrimination through March 20, 2013.
79. The first EEOC Complaint listed alleged discriminatory actions on the part of Dr. Caywood and Dean Throop.
80. Filing and participating in the investigation of an EEOC Complaint constitutes protected activity pursuant to Title VII.
81. On July 10, 2013, Dr. Michael Dalecki replaced Dr. Caywood and became interim chair of the CJ.
82. On more than one occasion, Dr. Dalecki asked PLAINTIFF to dismiss the first EEOC Complaint.
83. On more than one occasion, Dr. Dalecki asked PLAINTIFF to cease her engagement in protected activity.
84. On more than one occasion, the BOARD, through its agents, asked PLAINTIFF to cease her engagement in protected activity.
85. On February 26, 2014, PLAINTIFF received a right-to-sue letter for the first EEOC Complaint.
86. From February 26, 2014 until April 14, 2014, PLAINTIFF made it known to members of the CJ faculty and other UWP faculty that she intended to file a lawsuit.
87. On more than one occasion, Dr. Dalecki asked PLAINTIFF not to file a lawsuit.
88. Dr. Dalecki told PLAINTIFF “you can’t expect to file a law suit without consequences”.
89. Dr. Dalecki told PLAINTIFF to “get over it”.
90. Filing a lawsuit pursuant to an EEOC right-to-sue letter is protected activity pursuant to Title VII.

91. On more than one occasion, Dr. Dalecki asked PLAINTIFF to not engage in protected activity.
92. On more than one occasion, the BOARD, through its agents, asked PLAINTIFF to not engage in protected activity.
93. On April 14, 2014, PLAINTIFF filed a lawsuit in the Western District of Wisconsin against the DEFENDANT BOARD, Dr. Caywood, and DEFENDANT DEAN THROOP (hereinafter referred to as “the original lawsuit”).
94. The original lawsuit was case number 14-cv-274 and was heard in front of the Honorable James D. Peterson.
95. The lawsuit brought claims against the DEFENDANT BOARD for sex discrimination and retaliation under Title VII, against the DEFENDANT BOARD for retaliation under Title IX, and against Dr. Caywood and DEFENDANT DEAN THROOP for violations of the Fourteenth Amendment pursuant to 42 U.S.C. § 1983.
96. On October 20, 2014, PLAINTIFF filed a second complaint with the EEOC against UWP (hereinafter referred to as “the second EEOC Complaint”).
97. The second EEOC Complaint alleged discrimination on the basis of sex and retaliation for the first EEOC Complaint and for reporting sexual harassment.
98. The second EEOC Complaint listed alleged discriminatory actions on the part of then-employee of UWP Dr. Dalecki.
99. Dr. Dalecki was interim chair of the CJ at UWP during all times relevant to the second EEOC Complaint.
100. On July 21, 2015, PLAINTIFF filed an “additional statement” in regards to the second EEOC Complaint (hereinafter referred to as “the additional statement”).

101. The additional statement alleged on-going discrimination.
102. On July 31, 2015, the EEOC issued right-to-sue letter for the second EEOC complaint and the additional statement.
103. On or around September 11, 2015, PLAINTIFF filed a Second Amended Complaint in the original lawsuit.
104. The Second Amended Complaint added Dr. Dalecki as a Defendant in the original lawsuit for violations of the Fourteenth Amendment pursuant to 42 U.S.C. § 1983.
105. In addition to the allegations included in the Complaint, the Second Amended Complaint included allegations of actions taken by Defendants and against PLAINTIFF through July 21, 2015.
106. As of September 11, 2015, the BOARD, through its agents, knew of the allegations in the first and second EEOC Complaints and the additional statement.
107. On or around September 11, 2015, the BOARD, through its agents, learned of the allegations in the Second Amended Complaint.

FACTS GIVING RISE TO THIS LITIGATION

108. On October 28, 2014, DEFENDANT DEAN THROOP sent PLAINTIFF a Letter of Direction (“LOD”).
109. DEFENDANT DEAN THROOP issued this letter eight (8) days after PLAINTIFF filed the (above-discussed) second EEOC Complaint.
110. Filing the second EEOC Complaint was protected activity pursuant to Title VII.
111. In the LOD, DEFENDANT DEAN THROOP listed seven incidents or patterns of conduct that DEFENDANT DEAN THROOP alleged PLAINTIFF undertook in May, June, and October of 2014.

112. These alleged incidents involved protected activity on the part of PLAINTIFF and/or were factually incorrect as described by Dean Throop.
113. The LOD was placed in PLAINTIFF's personnel file.
114. The LOD is a materially adverse action pursuant to Title VII.
115. On November 12, 2014, PLAINTIFF filed a grievance with the UWP Complaints and Grievances Commission regarding the LOD.
116. In November of 2014, DEFENDANT FAIRCHILD was the chair of the Complaints and Grievances Commission.
117. As of October 19, 2015, PLAINTIFF had not received a hearing from the Complaints and Grievances Commission for the November 12, 2014 grievance.
118. On October 19, 2015, PLAINTIFF withdrew the November 12, 2014 grievance against Dean Throop.
119. PLAINTIFF withdrew the November 12, 2014 grievance due to the amount of time that had elapsed since the grievance was filed and due to the fact that the subject matter of the grievance was addressed in PLAINTIFF's amended complaint in the original lawsuit.
120. On March 17, 2016, Judge Peterson granted summary judgment for Defendants and against PLAINTIFF in the original lawsuit.
121. As stated above, in April and May of 2016, the Complaints and Grievances Commission consisted of DEFENDANT FAIRCHILD, DEFENDANT FRIEDERS, DEFENDANT LI, DEFENDANT WILLIAMS, AND DEFENDANT STROBL (hereinafter "DEFENDANT COMMISSION MEMBERS").

122. On April 26, 2016, PLAINTIFF requested that the DEFENDANT COMMISSION MEMBERS reinstate PLAINTIFF's grievance against DEFENDANT DEAN THROOP regarding the LOD.
123. In writing, PLAINTIFF requested a hearing on the grievance.
124. In writing, PLAINTIFF stated that her goal for the grievance was for the LOD to be removed from her personnel file.
125. In writing, PLAINTIFF stated that she possessed testimony and documents from the original lawsuit that showed that the alleged incidents in the LOD involved protected activity on the part of PLAINTIFF and/or were factually incorrect.
126. PLAINTIFF's request for a renewed grievance was protected activity.
127. On April 26, 2016, the BOARD, through its agents, learned of PLAINTIFF's reinstated grievance against DEFENDANT DEAN THROOP.
128. On April 26, 2016, the BOARD, through its agents, learned that PLAINTIFF possessed testimony and documents that showed that the alleged incidents in the LOD involved protected activity on the part of PLAINTIFF and/or were factually incorrect.
129. As of April 26, 2016, the BOARD possessed the same testimony and documents that showed that the alleged incidents in the LOD involved protected activity on the part of PLAINTIFF and/or were factually incorrect.
130. On May 3, 2016, the DEFENDANT COMMISSION MEMBERS refused to hear PLAINTIFF's renewed grievance against DEFENDANT DEAN THROOP.
131. On May 3, 2016, the BOARD, through its agents, refused to hear PLAINTIFF's renewed grievance against DEFENDANT DEAN THROOP.

132. The BOARD refused to hold a hearing on PLAINTIFF's renewed grievance despite the fact that the BOARD possessed testimony and documents that showed that the alleged incidents in the LOD involved protected activity on the part of PLAINTIFF and/or were factually incorrect.
133. The refusal to grant a hearing on PLAINTIFF's grievance against DEFENDANT DEAN THROOP in order to remove the LOD from PLAINTIFF's personnel file is a materially adverse action.
134. The LOD in PLAINTIFF's personnel file placed PLAINTIFF's reputation, honor, and/or integrity at stake.
135. The LOD in PLAINTIFF's personnel file limited PLAINTIFF's future employment opportunities.
136. The DEFENDANT COMMISSION MEMBERS' refusal to hear PLAINTIFF's renewed grievance against DEFENDANT DEAN THROOP violated PLAINTIFF's procedural due process rights, as guaranteed by the Fourteenth Amendment to the U.S. Constitution.
137. The DEFENDANT COMMISSION MEMBERS knew that the refusal to hear PLAINTIFF's renewed grievance against DEFENDANT DEAN THROOP violated PLAINTIFF's procedural due process rights.
138. Each DEFENDANT COMMISSION MEMBER either participated in, or failed to intervene in, the decision to refuse to hear PLAINTIFF's renewed grievance against DEFENDANT DEAN THROOP.
139. Additionally, or alternatively, each DEFENDANT COMMISSION MEMBER conspired with other DEFENDANT COMMISSION MEMBERS to deny PLAINTIFF a hearing for her renewed grievance against DEFENDANT DEAN THROOP.

140. On or before May 3, 2016, DEFENDANT DEAN THROOP learned of PLAINTIFF's renewed grievance.
141. Prior to PLAINTIFF being informed that the DEFENDANT COMMISSION MEMBERS refused to hear PLAINTIFF's renewed grievance, DEFENDANT DEAN THROOP engaged in communication with one or more DEFENDANT COMMISSION MEMBERS regarding PLAINTIFF's renewed grievance.
142. During this communication, DEFENDANT DEAN THROOP and one or more DEFENDANT COMMISSION MEMBERS conspired to deny PLAINTIFF a hearing for her renewed grievance against DEFENDANT DEAN THROOP.
143. DEFENDANT DEAN THROOP and one or more DEFENDANT COMMISSION MEMBERS agreed to facilitate, engage in, and/or support the activities that violated PLAINTIFF's procedural due process rights, as stated above.
144. On or around May 9, 2016, Janelle Crowley, the Director of Human Resources at UWP, told PLAINTIFF that Ms. Crowley would remove the LOD from PLAINTIFF's personnel file.
145. Shortly thereafter, Ms. Crowley spoke to DEFENDANT DEAN THROOP about PLAINTIFF's request to have the LOD removed from PLAINTIFF's personnel file.
146. After speaking to DEFENDANT DEAN THROOP, Ms. Crowley refused to remove the LOD from PLAINTIFF's personnel file.
147. In effect, the BOARD, through its agents, refused to remove the LOD from PLAINTIFF's personnel file.
148. The BOARD, through its agents, refused to remove the LOD from PLAINTIFF's personnel file despite the fact that the BOARD possessed testimony and documents that

showed that the alleged incidents in the LOD involved protected activity on the part of PLAINTIFF and/or were factually incorrect.

149. In the April 26, 2016 communication with DEFENDANT COMMISSION MEMBERS, PLAINTIFF filed a grievance against another faculty member, Deborah Rice.

150. In that same communication, PLAINTIFF told the DEFENDANT COMMISSION MEMBERS that Ms. Rice had falsely stated that PLAINTIFF had a mental illness.

151. PLAINTIFF told the DEFENDANT COMMISSION MEMBERS that Ms. Rice had made a false statement in front of other faculty and students.

152. On April 26, 2016, the BOARD, through its agents, learned that PLAINTIFF accused Ms. Rice of stating, in front of other faculty and students, that PLAINTIFF has a mental illness.

153. On May 3, 2016, DEFENDANT COMMISSION MEMBERS also refused to hear PLAINTIFF's grievance against Ms. Rice.

154. On May 3, 2016, the BOARD, through its agents, refused to hear PLAINTIFF's grievance against Ms. Rice.

155. On May 2, 2016, Dr. Dalecki mimicked shooting a gun at PLAINTIFF with his hand.

156. Dr. Dalecki intended this gesture to be a threat.

157. PLAINTIFF understood this gesture to be a threat.

158. PLAINTIFF understood this gesture to be a threat because of PLAINTIFF's protected activity, including, but not limited to, PLAINTIFF's first and second EEOC complaint and the original lawsuit.

159. Dr. Dalecki made this motion to PLAINTIFF because of PLAINTIFF's protected activity, including, but not limited to, PLAINTIFF's first and second EEOC complaint and the original lawsuit.
160. On May 9, 2016, PLAINTIFF brought this threat to the attention of Ms. Crowley.
161. The BOARD, though its agents, learned of the threat on or about May 9, 2016.
162. No disciplinary action was taken against Dr. Dalecki for this threat.
163. Dr. Dalecki has never been disciplined by the BOARD for any interaction he had with or concerning PLAINTIFF.
164. On June 20, 2016, PLAINTIFF filed a Complaint with the United States Department of Education Office for Civil Rights ("OCR") and the EEOC against UWP (hereinafter referred to as "the third EEOC Complaint").
165. The third EEOC Complaint encompasses, among other allegations, allegations detailed in paragraphs 42-162 of this Complaint.
166. On October 14, 2016, the EEOC issued a right-to-sue letter regarding the third EEOC Complaint.
167. PLAINTIFF has complied with all administrative prerequisites for the allegations alleged in this Complaint.

COUNT I

§ 1983 Violation of Procedural Due Process Rights/Failure to Intervene/Conspiracy to Violate Procedural Due Process Rights

(PLAINTIFF Against DEFENDANT FAIRCHILD, DEFENDANT FRIEDERS, DEFENDANT LI, DEFENDANT WILLIAMS, DEFENDANT STROBL, DEFENDANT THROOP)

168. PLAINTIFF re-alleges the above paragraphs as though fully set forth herein.
169. As detailed above, DEFENDANT FAIRCHILD, DEFENDANT FRIEDERS, DEFENDANT LI, DEFENDANT WILLIAMS, and DEFENDANT STROBL refused to

hear PLAINTIFF's renewed grievance against DEFENDANT DEAN THROOP, or failed to intervene in such denial despite a reasonable opportunity to do so.

170. Additionally and/or alternatively, DEFENDANT FAIRCHILD, DEFENDANT FRIEDERS, DEFENDANT LI, DEFENDANT WILLIAMS, and DEFENDANT STROBL conspired with other DEFENDANT COMMISSION MEMBERS to deny PLAINTIFF a hearing for her renewed grievance against DEFENDANT DEAN THROOP.

171. Further, as detailed above, DEFENDANT DEAN THROOP conspired with one or more DEFENDANT COMMISSION MEMBERS to deny PLAINTIFF a hearing for her renewed grievance against DEFENDANT DEAN THROOP.

172. Refusing to hear PLAINTIFF's renewed grievance violated her procedural due process rights as guaranteed by the Fourteenth Amendment.

173. The actions of DEFENDANT FAIRCHILD, DEFENDANT FRIEDERS, DEFENDANT LI, DEFENDANT WILLIAMS, DEFENDANT STROBL, and DEFENDANT DEAN THROOP alleged herein were the direct and proximate cause of the constitutional violations and the resulting injuries that PLAINTIFF sustained.

WHEREFORE, PLAINTIFF respectfully requests that this Court enter Judgment in her favor and against DEFENDANT FAIRCHILD, DEFENDANT FRIEDERS, DEFENDANT LI, DEFENDANT WILLIAMS, DEFENDANT STROBL, and DEFENDANT DEAN THROOP and award compensatory and punitive damages, court costs, attorneys' fees, and such other relief that this Court deems just and equitable.

COUNT II

Retaliation Pursuant to Title VII of the Civil Rights Act of 1964
(PLAINTIFF Against the BOARD)

174. PLAINTIFF re-alleges the above paragraphs as though fully set forth herein.
175. As detailed above, PLAINTIFF engaged in protected activity pursuant to Title VII.
176. The BOARD knew of PLAINTIFF's protected activity.
177. As detailed above, the BOARD undertook materially adverse employment action against PLAINTIFF.
178. The BOARD undertook this materially adverse employment action against PLAINTIFF because of PLAINTIFF's participation in protected activity.
179. The BOARD's conduct towards the PLAINTIFF constitutes unlawful retaliation under Title VII of the Civil Right Act of 1964.
180. The retaliatory actions alleged herein were the direct and proximate cause of the violation and the resulting injuries that PLAINTIFF sustained.

WHEREFORE, PLAINTIFF respectfully requests that this Court enter Judgment in her favor and against the BOARD and award compensatory and punitive damages, court costs, attorneys' fees, and such other relief that this Court deems just and equitable.

COUNT III
Hostile Work Environment Pursuant to Title VII of the Civil Rights Act of 1964
(PLAINTIFF Against the BOARD)

181. PLAINTIFF re-alleges the above paragraphs as though fully set forth herein.
182. As detailed above, PLAINTIFF engaged in protected activity pursuant to Title VII.
183. The BOARD knew of PLAINTIFF's protected activity.
184. As detailed above, PLAINTIFF was subjected to a hostile work environment.
185. The harassment that PLAINTIFF experienced was objectively offensive.

186. The harassment that PLAINTIFF experienced was subjectively offensive.
187. The harassment was humiliating.
188. The harassment unreasonably interfered with PLAINTIFF's ability to do her job.
189. As detailed above, the conduct undertaken against PLAINTIFF was severe.
190. Additionally and/or alternatively, the conduct undertaken against PLAINTIFF was pervasive.
191. As a result of the harassment, PLAINTIFF has suffered physical and mental stress, distress, and anguish.
192. The harassment that PLAINTIFF has experienced was based on PLAINTIFF's protected activity.
193. The BOARD's conduct towards the PLAINTIFF constitutes an unlawful hostile work environment pursuant to Title VII of the Civil Right Act of 1964.
194. The retaliatory actions alleged herein were the direct and proximate cause of the violation and the resulting injuries that PLAINTIFF sustained.

WHEREFORE, PLAINTIFF respectfully requests that this Court enter Judgment in her favor and against the BOARD and award compensatory and punitive damages, court costs, attorneys' fees, and such other relief that this Court deems just and equitable.

JURY DEMAND

Plaintiff demands trial by jury.

Respectfully submitted,

By: s/Kara Amouyal

One of the attorneys for the Plaintiff

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