

MICHAEL T. KIRKPATRICK
United States Department of Justice
Civil Rights Division
Employment Litigation Section, PHB
950 Constitution Avenue, N.W.
Washington, D.C. 20530
(202) 616-9615
MK_3653

RECEIVED - CLERK
U.S. DISTRICT COURT

2004 FEB 13 P 5:07

MICHAEL A. CHAGARES
Assistant United States Attorney
Chief, Civil Division
970 Broad Street, Suite 700
Newark, New Jersey 07102
(973) 645-2839
MC_5483

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY,

Defendant.

Civil Action No. 04-648(JWB)

COMPLAINT

Plaintiff, the United States of America, alleges:

1. This action is brought on behalf of the United States 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).
2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.

3. Defendant, the University of Medicine and Dentistry of New Jersey, is a public university of the health sciences created by the State of New Jersey.

4. 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).

5. Tyrone Bodison is employed by Defendant as a Senior Housekeeper at Defendant's Newark Campus. On or about May 10, 1999, Mr. Bodison filed a charge (Charge No. 171-99-0390) with the Equal Employment Opportunity Commission (EEOC) alleging that Defendant had discriminated against him on the basis of sex and retaliated against him. On July 24, 2000, after receiving a notice of right to sue on Charge No. 171-99-0390, Mr. Bodison filed a civil action (Case No. 00-CV-3560) against Defendant under Title VII. Mr. Bodison alleged that Defendant had discriminated against him on the basis of sex and retaliated against him. Mr. Bodison and Defendant reached a settlement during November, 2001, and the case was dismissed on March 12, 2002.

6. During late 2001 and early 2002, Mr. Bodison sought promotion to the position of Housekeeper Supervisor I. Although Mr. Bodison was qualified for the position and submitted multiple bids, Defendant refused to promote Mr. Bodison.

7. Defendant has violated § 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), by refusing to promote Tyrone Bodison to a Housekeeping Supervisor position in retaliation for bringing a Title VII claim against Defendant.

8. On or about June 15, 2002, Mr. Bodison filed a charge (Charge No. 171-A2-00593) with the EEOC, alleging that Defendant retaliated against him after he filed Charge No. 171-99-0390 by refusing to promote him to a Housekeeping Supervisor position. Pursuant to § 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that the charge was true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of this matter, and subsequently referred this matter to the Department of Justice.

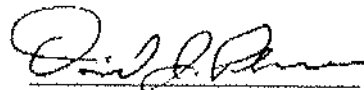
9. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, plaintiff prays that the Court grant the following relief:

- a) Enjoin Defendant from failing or refusing to take appropriate nondiscriminatory measures to overcome the effects of the retaliation suffered by Tyrone Bodison;
- b) Award sufficient remedial relief to make whole Tyrone Bodison for the loss he has suffered as a result of the retaliation alleged in this Complaint; and
- c) Award such additional relief as justice may require, together with plaintiff's costs and disbursements in this action.

R. Alexander Acosta
Assistant Attorney General
Civil Rights Division

By:



David J. Palmer
Chief, Employment Litigation Section
Civil Rights Division

Will. B. Fenton

Michael T. Kirkpatrick

William B. Fenton
Michael T. Kirkpatrick
United States Department of Justice
Civil Rights Division
Employment Litigation Section, PHB
950 Constitution Avenue, N.W.
Washington, D.C. 20530
(202) 616-9615
(202) 514-1005 (fax)

Christopher J. Christie
United States Attorney for the
District of New Jersey

Michael A. Chagares
Assistant United States Attorney
Chief, Civil Division
970 Broad Street, Suite 700
Newark, New Jersey 07102
(973) 645-2839
(973) 645-2702 (fax)