

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MELISSA SEXTON,

Plaintiff,

EMORY UNIVERSITY

Defendant.

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:
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CASE NO: _____

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Melissa Sexton (“Ms. Sexton”), Plaintiff herein, by and through her undersigned counsel of record, and hereby files this Complaint against Emory University (“Defendant” or “Emory”) and shows this Court as follows:

NATURE AND PURPOSE

1.

This is a lawsuit brought due to gender discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.* (“Title VII”) and in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.* (“Title IX”).

THE PARTIES

2.

Ms. Sexton is an individual residing in Decatur, Georgia.

3.

Defendant is a domestic company with over 500 employees, which is authorized to and does transact business in Georgia. Defendant may be served at its principal place of business, 201 Dowman Drive, 101 Administration Building, Atlanta, Ga. 30322-1018.

JURISDICTION AND VENUE

4.

This Court has subject matter jurisdiction over this action, pursuant to 28 U.S.C. § 1331 and 1343, as the case presents a federal question.

5.

Venue is proper in this Court. Defendant is a domestic corporation. As Defendant's principal place of business is within the Northern District of Georgia, Atlanta Division, venue is proper in this Court.

STATEMENT OF FACTS

6.

On May 22, 2012, Ms. Sexton learned that a colleague, Alex Christian, had been promoted to the position of Assistant Director of EOP.

7.

The position of Assistant Director of EOP was not announced or advertised and Ms. Sexton was not given an opportunity to apply.

8.

However, the decision maker, Senior Vice Provost Ozzie Harris, who was Ms. Sexton's supervisor, was aware that Ms. Sexton was interested in receiving a promotion.

9.

Ms. Sexton was much more qualified for this position.

10.

At the time of the promotion, Mr. Christian was working on his Bachelor's Degree, which he was allowed to do on-line during the work day.

11.

In contrast to Mr. Christian, Ms. Sexton has a BA in Religion from Furman University, as Master of Divinity from Emory University, and a Ph.D. in Comparative Literature from Emory University.

12.

Ms. Sexton also received a post-doctoral Fellowship from the Office of President Wagner and the Ford Foundation to work with the Transforming Community Project, an initiative to research the race history of Emory and promote dialogue across the Emory University enterprise.

13.

Ms. Sexton is also a licensed Marriage and Family Therapist.

14.

Ms. Sexton learned about Mr. Christian's promotion as he was working with the physical plant employees to measure for his new and larger office, which would have cut into Ms. Sexton's work space.

15.

Ms. Sexton asked him what he was doing and, during the resulting conversation, he told Ms. Sexton about his promotion.

16.

Later that day, during a staff meeting, Ms. Sexton asked Mr. Harris if she should work from home, in light of the fact that her cubicle had been shrunk even further.

17.

Mr. Harris became extremely angry and accused Ms. Sexton of "using my emotions to hold people hostage."

18.

Mr. Harris then terminated Ms. Sexton on the spot.

19.

Other employees have shared with Ms. Sexton that he has previously engaged in similar discriminatory conduct towards women.

20.

Mr. Harris has previously made statements demonstrating a bias against women.

21.

For example, on May 8, 2012, during a staff meeting, Mr. Harris stated he believed that, if a woman did not complain about rape or sexual harassment, it must mean that it was not very important to her.

22.

Ms. Sexton challenged this statement, stating that there are many reasons women might not complain, including differentials in the power dynamic and fear of retaliation.

23.

In response, Mr. Harris became agitated and said that it was EOP's policy that if a woman did not make a report of sexual harassment through EOP, then the only conclusion he could reach was that it wasn't important enough.

24.

As a result of Defendant's misconduct, Ms. Sexton suffered lost wages and benefits of employment.

25.

As a result of Defendant's misconduct, Ms. Sexton suffered mental and emotional distress.

26.

Ms. Sexton timely filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"). This action is timely filed within 90 days of her receipt of the Notice of Right to Sue.

CLAIMS FOR RELIEF

COUNT ONE: GENDER DISCRIMINATION IN VIOLATION OF

TITLE VII

27.

Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

28.

Defendant discriminated against Plaintiff based upon her gender, female in violation of Title VII.

29.

Promoting Mr. Christian instead of Ms. Sexton constituted discrimination on the basis of gender, in violation of Title VII.

30.

The termination of Ms. Sexton and accompanying loss of salary and benefits were the direct result of the aforementioned sexual discrimination and in retaliation for her objecting to the promotion of Mr. Christian.

31.

As a direct and proximate result of the above-described unlawful employment practices, Ms. Sexton has suffered and continues to suffer the indignity of sexual discrimination, the invasion of the right to be free from sexual discrimination, great humiliation, emotional pain, mental distress, inconvenience and mental anguish, thereby entitling her to compensatory damages for these injuries.

32.

Defendant's conduct, as alleged herein, was with malice or with a reckless indifference to Ms. Sexton's federally protected right to be free from sexual discrimination in violation of Title VII and consequently, Ms. Sexton is entitled to punitive damages.

33.

Ms. Sexton is entitled to attorneys' and witness' fees, costs, and expenses of litigation pursuant to Title VII.

34.

All conditions precedent to bringing this Count have been completed, performed and/or waived.

**COUNT TWO: TITLE IX OF THE EDUCATION
AMENDMENTS OF 1972**

35.

Plaintiff incorporates herein by reference the preceding paragraphs of this Complaint as if fully set forth herein.

36.

By opposing Mr. Harris' use of discriminatory and exclusionary criteria to "week out" sexual harassment complaints, Defendant Harris engaged in discrimination in violation of Title IX of the Education Amendments of 1972.

37.

Defendant Harris became angry at Plaintiff for pointing out that his assertion was discriminatory on the basis of sex and that there are many reasons why a woman might not make an immediate complaint of discrimination, rape, or harassment.

38.

Plaintiff's objection to Defendant Harris' discriminatory policy was a substantial or motivating factor in the decision to terminate Plaintiff's employment, in violation of the anti-retaliation provisions of Title IX.

39.

Defendant's actions cost Plaintiff back wages, health and other benefits, as well as the entitlement to continued employment.

40.

Plaintiff is entitled to recover her lost wages, liquidated damages, and attorneys' fees, costs, and expenses of litigation.

41.

All conditions precedent to bringing this Count have been completed, performed and/or waived.

PRAYER FOR RELIEF

WHEREFORE, Ms. Sexton prays as follows:

(a) That this Court declare and adjudge Defendant to have engaged in unlawful employment practices in violation of Title VII and Title IX;

(b) That this Court enjoin Defendant permanently from engaging in unlawful employment practices in violation of Title VII and Title IX;

(c) That Ms. Sexton have judgment against Defendant on all counts, in an amount to be determined at trial;

(d) That Ms. Sexton be awarded injunctive relief of reinstatement, with restoration of all benefits, perquisites, and emoluments of employment; be awarded full back pay, liquidated damages, compensatory damages, and punitive damages from Defendant;

(e) That Ms. Sexton recover her attorneys' fees and costs from Defendant incurred in bringing this action;

(f) That a jury trial be had as to all issues in this Complaint; and

(g) For all such other and further relief as is deemed just and proper by this Court.

Respectfully submitted this 3rd day of June, 2013.

By: /sMatthew C. Billips
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