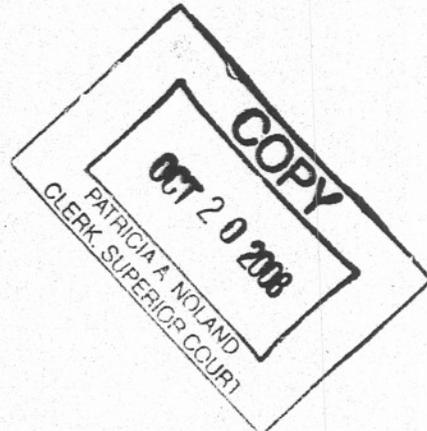


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18 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
19 IN AND FOR THE COUNTY OF PIMA

20 THE STATE OF ARIZONA *ex rel.* TERRY
21 GODDARD, the Attorney General, and THE
22 CIVIL RIGHTS DIVISION OF THE ARIZONA
23 DEPARTMENT OF LAW,

24 Plaintiff,

25 vs.

26 TUCSON UNIFIED SCHOOL DISTRICT No. 1
of Pima County,

Defendant.

No. **C 20087298**

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

(Non-classified Civil)

LESLIE MILLER

1 Plaintiff, the State of Arizona, *ex rel.* Terry Goddard, the Attorney General, and the
2 Civil Rights Division of the Arizona Department of Law (collectively the "State"), for its
3 Complaint, alleges as follows:

4 **INTRODUCTION**

5 This is an action brought under the Arizona Civil Rights Act to correct an unlawful
6 employment practice, to provide appropriate relief to an aggrieved person, and to vindicate the
7 public interest. Specifically, the State brings this matter to redress the injury sustained because
8 Tucson Unified School District ("TUSD") discriminated against Cheryl L. Townsend by
9 retaliating against her when she opposed conduct which she reasonably perceived to be
10 discrimination in violation of the Arizona Civil Rights Act, A.R.S. § 41-1464(A) and filing a
11 charge of discrimination.

12 **JURISDICTION AND VENUE**

- 13 1. This Court has jurisdiction of this matter pursuant to A.R.S. § 41-1481(D).
14 2. Venue is proper in Pima County pursuant to A.R.S. § 12-401.

15 **PARTIES**

16 3. The Civil Rights Division of the Arizona Department of Law is an administrative
17 agency established by A.R.S. § 41-1401 to enforce the provisions of the Arizona Civil Rights
18 Act, A.R.S. § 41-1401 *et seq.*

19 4. The State brings this action on its own behalf and on behalf of Ms. Townsend, an
20 aggrieved person, as provided by A.R.S. §§ 41-1481(D) and (G).

21 5. At all relevant times, Defendant TUSD was located at 1010 East 10th Street,
22 Tucson, Arizona 85719.

23 6. At all relevant times, TUSD was an employer within the meaning of A.R.S. §
24 41-1461(4)(a).

25 7. Ms. Townsend was an employee of TUSD within the meaning of A.R.S. § 41-
26 1461(3)(a).

1 15. On or about July 12, 2007, after Ms. Townsend filed her complaint of
2 discrimination with the ACRD, TUSD HR Analyst Laura Emslie issued a Letter of Direction
3 (which is akin to a written warning) against Ms. Townsend.

4 16. The Letter of Direction addressed a July 9, 2007 conversation between Ms.
5 Townsend and Senior Human Resource Analyst, Alma Robles in Ms. Townsend's work area
6 about why Ms. Townsend's former position had not been subject to a recall when it became
7 vacant. Despite Ms. Townsend ending the conversation when the Senior Human Resource
8 Analyst objected to a portion of the conversation, TUSD nonetheless issued the Letter of
9 Direction. The Letter of Direction stated: "Refrain from discussing these issues in a public
10 environment, around your co-workers. In the event that continued discussions take place
11 amidst unparticipating co-workers, disciplinary action will take place."

12 17. On or about July 13, 2007, Ms. Townsend applied for the vacant position of
13 Human Resource Assistant to the Director of Employment Services.

14 18. Ms. Townsend was qualified for the position of Human Resource Assistant to
15 the Director of Employment Services.

16 19. On or about August 17, 2007, TUSD conducted a first interview of Ms.
17 Townsend and three other candidates for the position of Human Resource Assistant to the
18 Director of Employment Services. Each member of the five person interview panel ranked
19 Ms. Townsend as #1 among the candidates. The interview panel scored Ms. Townsend 49
20 points higher than the second ranked candidate.

21 20. On or about August 17, 2007, TUSD contacted the persons listed by Ms.
22 Townsend as references and a TUSD supervisor. Each reference provided a positive
23 reference, including positive comments about her ability to maintain confidentiality.

24 21. On or about August 21, 2007, TUSD interviewed Ms. Townsend and two other
25 candidates for a second interview.
26

1 B. Enjoin TUSD, its successors, assigns and all persons in active concert or
2 participation with TUSD, from engaging in any employment practice, including retaliation that
3 discriminates in violation of the Arizona Civil Rights Act.

4 C. Order TUSD, its successors, assigns and all persons in active concert or
5 participation with TUSD, to create and enforce policies, practices and programs that provide
6 equal employment opportunities for all its employees, and that eradicate the effects of its
7 present unlawful employment practices, including but not limited to, policy changes and
8 training.

9 D. Order TUSD, its successors, assigns and all persons in active concert or
10 participation with TUSD, to adopt and enforce an equal opportunity in employment policy that
11 prohibits retaliation and that includes a procedure for reporting and investigating allegations of
12 discrimination and retaliation as well as for sanctioning substantiated allegations of
13 discrimination and retaliation.

14 E. Issue an Order authorizing the State to monitor Defendant's compliance with the
15 Arizona Civil Rights Act and order TUSD, its successors, assigns and all persons in active
16 concert or participation with TUSD, to pay the State a reasonable amount for such monitoring.

17 F. Award the State its taxable costs incurred in bringing this action.

18 G. Award monetary damages to Ms. Townsend in an amount to be proven at trial.

19 H. Order TUSD to reinstate Ms. Townsend to the desired position of Human
20 Resource Assistant to the Director of Employment Services or an equivalent position of her
21 choice.

1 I. Grant such other and further relief as this Court may deem just and proper in the
2 public interest.

3 Dated this 20th day of October, 2008.

4 TERRY GODDARD
5 Attorney General

6
7 By Rose A. Daly-Rooney
8 Rose A. Daly-Rooney
9 Christopher R. Houk
10 Assistant Attorney General
11 Civil Rights Division
12 Attorneys for Plaintiff

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