

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

COURTNEY GRAHAM

Plaintiff

v.

**DRAKE UNIVERSITY/KNAPP CENTER et.
al. and JEAN BARANCZYK
Defendants.**

CASE NO.

COMES NOW the Plaintiff, Courtney Graham, and for her cause of action states as follows:

JURISDICTION

1. This action is instituted pursuant to the 1964 Civil Rights Act, 42 U.S.C. §2000 et seq.; the Iowa Civil Rights Act, Chapter 216 of the Code of Iowa; and 42 U.S.C. § 1983. The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1331 and 1343.
2. This Court has jurisdiction over the related State claims pursuant to 28 U.S.C. § 1367.
3. The employment practices involved in this claim occurred within the Southern District of Iowa, Central Division. Venue is proper pursuant to 28 U.S.C. § 1391(b).

PARTIES

4. Plaintiff, Courtney Graham, is a citizen and resident of Des Moines, Polk County, Iowa.

5. Upon information and belief, Defendant Drake University/Knapp Center is a private, co-educational university located in Des Moines, Iowa, United States. The institution offers undergraduate and graduate programs, as well as professional programs in business, law and pharmacy. Hereinafter referred to as "Defendant".

6. Upon information and belief, Jennie Baranczyk is a citizen and resident of Des Moines, Polk County, Iowa. Jennie Baranczyk is the Head Women's Basketball Coach employed at Drake University/Knapp Center. Hereinafter referred to as "JB".

7. Drake University/ Knapp Center and Jennie Baranczyk together will be hereinafter referred to jointly as "Defendants".

PROCEDURAL HISTORY

8. Within 180 days from the date of the acts of discrimination, Plaintiff filed a complaint against the Defendants with the Iowa Civil Rights Commission. These charges were cross-filed with the Equal Employment Opportunity Commission.

9. On September 28, 2016, the Iowa Civil Rights Commission issued an Administrative Release (Right-To-Sue) on behalf of the Plaintiff and administratively closed the query.

10. On October 28, 2016, the EEOC issued a Right to Sue on behalf of the Plaintiff.

FACTUAL BACKGROUND

11. On approximately May 14, 2012, Plaintiff Courtney Graham was hired to work for Defendants as the Assistant Head Women's Basketball Coach.
12. Plaintiff, reported to Defendant JB, the Head Women's Basketball Coach, employed by Drake University/Knapp Center.
13. Plaintiff is a Black, female, homosexual.
14. At all times material and relevant herein, Plaintiff was fully qualified to perform her job duties, was a full time regular employee, and had met and exceeded the legitimate expectations of the Defendant employer, Drake University/Knapp Center.
15. The Plaintiffs job duties included and were not limited to:
 - Recruitment and development of student athletes
 - Ensuring academic progress and graduation
 - To monitor academic progress of the student athlete's
 - Assist in the development of practice planning and training
 - Coordinating scheduling of missed classes and travel arrangements
 - Ensuring compliance with all NCAA, MVC, and University rules and regulations
 - Assisting in practice and competitive events
 - Community Service
 - Served as a liaison between players and athletic academic advisor

- Coordinated practice squad guys;
- Summer training camps

16. Defendants were aware of Plaintiff's medical diagnosis of ADHD and medications associated with the condition upon hiring. Plaintiff needed no accommodations for her diagnosis.

17. Plaintiff received consistent positive reviews, bonuses, a wage increase and promotion during her three-year tenure.

18. At no time did Plaintiff receive any formal disciplinary actions, write-ups or notices.

19. On or around November 2014, Plaintiff brought her girlfriend Kristal Flowers (now wife), to a home game and her status as a homosexual female became public knowledge and her former boss Defendant JB became aware of her sexual orientation.

20. On or around November 24, 2014 after discovery of Plaintiff's sexual orientation JB called in Plaintiff and told her "she was not acting like herself" and forced her to take time off.

21. After discovery of Plaintiff's sexual orientation, she began to be treated differently by Defendant's and co-workers.

22. After discovery of Plaintiff's sexual orientation, she was sent home multiple times at JB's request but without explanation or write-up.

23. After discovery of Plaintiff's sexual orientation, she was left out of and not told about team meetings, scouting trips, etc. Making it difficult for her to perform her coaching duties.

24. After discovery of Plaintiff's sexual orientation, her medical information was shared with other staff members by JB, who questioned her about her medications and her therapy.

25. After discovery of Plaintiff's sexual orientation, she was slowly and systematically stripped of her duties as Assistant Head Coach until her only remaining duties were that of an Intern.
26. After discovery of Plaintiff's sexual orientation, she was subjected to hostile interactions on the job and the subject of inter-office slander, speculation and gossip related to her sexual orientation.
27. After discovery of Plaintiff's sexual orientation, her job duties were inappropriately assigned to other staff members.
28. After discovery of Plaintiff's sexual orientation, and on or around May 14, 2015 she was asked to resign from her position.
29. Plaintiff did not receive an official or formal reason for the termination, she was asked to resign several times via text message and email from Defendant JB. The Defendant JB continued to harass, pressure and humiliate Plaintiff into a constructive discharge (forced resignation) by creating a hostile work environment.
30. Plaintiff, after numerous attempts to stay on her job, and under duress, finally submitted a resignation letter on or around June 5, 2015 to JB.
31. Plaintiff was prevented from seeking similar employment due to negative information provided to prospective employers by Defendants.
32. Plaintiff was denied wages and bonuses she had earned and denied compensation for accumulated sick pay and vacation days by Defendants.

33. Plaintiff has suffered loss of income, emotional distress, discrimination and damage to her reputation in her chosen field of coaching and athletics due to the discriminatory, hostile and retaliatory actions and by the Defendants.

COUNT I.- SEXUAL ORIENTATION DISCRIMINATION

IN VIOLATION OF IOWA CODE § 216.6

34. Plaintiff repleads and re-alleges each material allegation set forth above and incorporates the same by reference herein.

35. The Plaintiff, Courtney Graham, is a member of a protected class in that she is homosexual.

36. Iowa Code § 216.6(1)(a) provides that:

It shall be an unfair or discriminatory practice for any person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the . . . sexual orientation . . . of such applicant or employee . . . Iowa Code § 216.6(1)(a).

37. The Plaintiff, Courtney Graham at all times material to this action was qualified to perform her job at Drake University/ Knapp Center.

38. The Plaintiff suffered a series of adverse employment actions during her employ at Drake University/Knapp Center as a result of her status as a homosexual, including, but not limited to, reduction or denial in bonuses and benefits, denial of participation in staff meetings,

and denial of ability to perform essential job duties, harassment, discrimination, and constructive discharge.

39. The Plaintiff, Courtney Graham, was subjected to different terms and conditions of employment than the terms and conditions of employment enjoyed by non-homosexual employees.

40. All the above-described conduct to which the Plaintiff was subjected was in violation of Iowa Code Chapter 216, and therefore the Defendants should be held liable for such conduct.

41. As a proximate result of the adverse actions and discriminatory treatment to which Courtney Graham was subjected during her continued employment with the Drake University/Knapp Center's Department, the Plaintiff has suffered substantial damages, including but not limited to lost wages, emotional distress and mental anguish, attorney's fees and court costs.

42. WHEREFORE, Plaintiff requests judgment against the Defendants in an amount which will fully and fairly compensate her for her injuries and damages, for interest and costs as allowed by law, for attorney's fees and for such other relief as the Court deems just and equitable.

COUNT II. - RETALIATION (TITLE VII)

43. Plaintiff repleads and re-alleges each material allegation set forth above and incorporates the same by reference herein.

44. Subsequent to and as a result of Plaintiff's complaints about Defendant's discrimination and harassment to Drake Provost and other staff members, Defendants retaliated against Plaintiff.

45. Defendant's retaliatory actions resulted in adverse employment conditions, loss of pay, and the constructive discharge of Plaintiff.

46. Defendant's conduct constitutes retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended.

47. As a direct, foreseeable, and proximate result of Defendant's conduct, Plaintiff has incurred medical expense, lost wages and will continue to do so, and has suffered and continues to suffer humiliation, embarrassment, emotional distress, and discomfort.

48. Defendant's retaliatory conduct was intentional, malicious, and undertaken with reckless disregard for Plaintiff; Plaintiff is, therefore, entitled to punitive damages.

49. Plaintiff further requests reasonable attorneys' fees and costs.

WHEREFORE, Plaintiff respectfully prays that the Court enter judgment against Defendants and award her: back pay; front pay; damages to compensate her for her emotional distress, medical expenses and other expense caused by Defendant's retaliatory conduct; interest as allowed by law; attorney fees and expenses; and such further relief as the Court deems equitable.

COUNT III. RETALIATION (IOWA CODE CHAPTER 216)

50. Plaintiff repleads and re-alleges each material allegation set forth above and incorporates the same by reference herein.

51. Defendant's conduct constitutes retaliation in violation of the Iowa Civil Rights Act of 1965, as amended.

52. As a direct, foreseeable, and proximate result of Defendant's conduct, Plaintiff has incurred medical expense, lost wages and will continue to do so, and has suffered and continues to suffer humiliation, embarrassment, emotional distress, and discomfort.

WHEREFORE, Plaintiff respectfully prays that the Court enter judgment against Defendants and award her: back pay; front pay; damages to compensate her for her emotional distress, medical expenses and other expense caused by Defendant's retaliatory conduct; interest as allowed by law; attorney fees and expenses; and such further relief as the Court deems equitable.

COUNT IV. NEGLIGENCE

53. Plaintiff repleads and re-alleges each material allegation set forth above and incorporates the same by reference herein.

54. Defendant, its agents, servants and employees failed to exercise reasonable care in hiring, training, supervision, and retention of Defendant JB in a position in which she could cause harm to Plaintiff and others similarly situated.

55. Defendant, its agents, servants, and employees, were negligent in failing to properly supervise and control the activities of JB.

56. Plaintiff has been damaged as a direct and proximate result of the Defendant's acts and omissions as aforesaid.

WHEREFORE, Plaintiff requests judgment against the Defendants in an amount which will fully and fairly compensate her for her injuries and damages, for interest and costs as allowed by law, for attorney's fees and for such other relief as the Court deems just and equitable

COUNT V. INTENTIONAL INFLICTION OF

EMOTIONAL DISTRESS

57. Plaintiff repleads and re-alleges each material allegation set forth above and incorporates the same by reference herein.

58. During her employment with the Defendant, the Plaintiff was repeatedly subjected to isolation from her co-workers, gossip about her medical condition initiated by JB, humiliation, degradation of job duties, unwarranted and unsolicited questioning of her mental fitness and emotional state, and forced time off. These actions led the Plaintiff to seek ongoing counseling for emotional distress stemming from the hostile work environment fostered by Defendants.

59. The conduct of the Defendants constituted outrageous conduct, and was done negligently, intentionally or with reckless disregard for the rights and well-being of the Plaintiff and the Plaintiff suffered severe emotional distress as a result of the Defendant's actions as above-described.

WHEREFORE, Plaintiff requests judgment against the Defendants in an amount which will fully and fairly compensate her for her injuries and damages, for interest and costs as allowed by law, for attorney's fees and for such other relief as the Court deems just and equitable.

COUNT VI. HARASSMENT

IN VIOLATION OF 42 U.S.C. § 2000E ET SEQ.

AND IOWA CODE CHAPTER 216

60. Plaintiff repleads and re-alleges each material allegation set forth above and incorporates the same by reference herein.

61. Plaintiff is a homosexual female who has been subjected to unwelcome, continuing, and intense harassment by all Defendants on the basis of factors made illegal by 42 U.S.C. § 2000e et seq., and by Iowa Code Chapter 216.

62. Said harassment was and is sufficiently severe or pervasive that a reasonable person in the Plaintiff's position would find the Plaintiff's work environment to be hostile and/or abusive, and the Plaintiff subjectively believed her work environment to be hostile and/or abusive.

63. Said harassment of Plaintiff has affected a term, condition or privilege of Plaintiff's employment with Defendant Drake University/Knapp Center.

64. Plaintiff's employer knew or should have known of the harassment, but failed to take prompt remedial action. Plaintiff complained about said harassment.

65. As a proximate cause of the Defendants' unlawful acts, Plaintiff has been damaged.

WHEREFORE, Plaintiff requests judgment against the Defendants in an amount which will fully and fairly compensate her for her injuries and damages, for interest and costs as allowed by law, for attorney's fees and for such other relief as the Court deems just and equitable.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands that a jury be empaneled to decide all issues triable to a jury in this matter.

RESPECTFULLY SUBMITTED,

/s/Tina Muhammad _____
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