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CL_9120

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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)

CONSENT DECREE

This action was brought by the United States against the University of Medicine and Dentistry of New Jersey ("UMDNJ" or "Defendant") 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"), following receipt by the Department of Justice from the Equal Employment Opportunity Commission ("EEOC") of a timely charge of discrimination filed by Tyrone Bodison (Charge No. 171-A2-00593). Title

VII applies to Defendant because it 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). This Court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.

In its Complaint, the United States alleges, *inter alia*, that UMDNJ 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 having brought an earlier Title VII claim against Defendant. The parties agree that: 1) Mr. Bodison engaged in protected activity by complaining of sex discrimination and retaliation, filing a charge with the EEOC, and bringing a Title VII lawsuit against UMDNJ; 2) Mr. Bodison sought promotion to the position of Housekeeper Supervisor I, a position for which UMDNJ was seeking applicants; and 3) Mr. Bodison met the minimum qualifications contained in the job notice for the Housekeeping Supervisor I position at issue, but was not promoted. UMDNJ denies that it retaliated unlawfully against Mr. Bodison.

Desiring that this action be settled by appropriate Consent Decree and without the burden of protracted litigation, the parties agree to this Court's jurisdiction over them and the subject matter of this action, and hereby waive, for the purposes of this Consent Decree only, hearings and findings of fact and conclusions of law on all issues, and further agree to the entry of this Consent Decree as final and binding between them as to the issues raised in the Complaint filed in this case.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. The Defendant shall not retaliate in any way against Tyrone Bodison for having brought claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, *et seq.*, or for making complaints or reports of violations of Federal or New Jersey Civil Rights Law, or

against any other person who may have participated in or cooperated with the initiation, investigation, litigation or administration of this case or this Consent Decree.

2. Defendant shall offer to pay to Tyrone Bodison the amount of \$17,149.62.

3. If Mr. Bodison bids on Housekeeping Supervisor I positions with the Defendant that become available in the future, he will be given fair and non-discriminatory consideration for all such positions by Defendant. However, nothing in this agreement will be construed to require UMDNJ to hire Mr. Bodison for such a position.

4. The Defendant agrees to notify Mr. Bodison of the terms of this Consent Decree within ten (10) days of its entry by hand delivering, or by mailing to him by certified mail, return receipt requested, a copy of the letter set forth in Appendix A, a copy of this Consent Decree, and the Release form attached as Appendix B, addressed to:

Mr. Tyrone Bodison
490 4th Avenue, Apt. 312
Newark, New Jersey 07107

5. In order for Mr. Bodison to accept Defendant's offer, Mr Bodison must sign the release form attached as Appendix B, and return that original executed release form, together with the original and any copies he may have of any tapes he made of any conversations he may have had with any of the Defendant's employees, and any and all official or unofficial transcripts or transcriptions thereof, if he has any, to the attorney for the Defendant.

6. The Defendant shall make the payment referred to in Paragraph 2 within thirty (30) days of the receipt by the attorney for the Defendant of Mr. Bodison's executed release form and the original and any copies Mr. Bodison may have of any tapes he made of any conversations he may have had with the Defendant's employees, together with any and all official or unofficial

transcripts or transcriptions thereof, if he has any. This payment shall be made by a check issued to Mr. Bodison which will be hand-delivered to Mr. Bodison, or mailed to him by certified mail, return receipt requested, to the address in Paragraph 4. Defendant will inform the United States in writing, in care of its undersigned attorney, when it makes this payment to Mr. Bodison.

Defendant will also send Mr. Bodison an appropriate IRS form to reflect this payment.

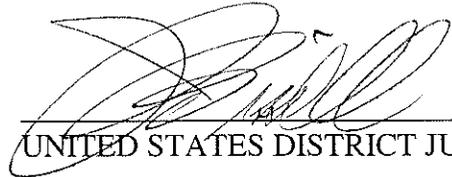
7. Within ten (10) days after the Defendant makes the payment to Mr. Bodison referred to in Paragraph 6, the undersigned attorney for the United States will send the attorney for the Defendant any and all originals and copies he may have of any tapes Mr. Bodison made of any conversations he may have had with any of the Defendant's employees. The attorney for the United States will destroy any and all originals and copies of official and unofficial transcripts and transcriptions thereof he may have, and provide the attorney for the defendant with a letter to that effect at the same time that he provides the tapes.

8. The Court will dismiss this matter with prejudice upon receiving notification from the parties that the conditions of paragraphs 5, 6 and 7 have been met. If this Consent Decree is not dismissed with prejudice as provided for in this Paragraph, it shall nevertheless expire, and this case shall be dismissed without further order of this Court, one year from the date of entry of this Decree or, if sooner, upon notice to the Court by the parties that further orders or judgments will not be necessary.

9. This Consent Decree shall not be construed as an admission of liability, guilt or any improper conduct on the part of the Defendant. Nor shall this Decree be construed as an admission by the United States of any defenses posited by the Defendant.

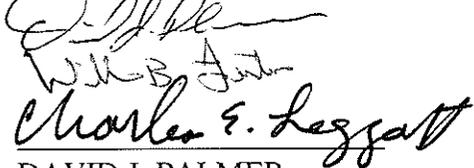
10. The United States and the Defendant shall bear their own costs in this action, including any attorney's fees.

It is so ORDERED, this 18th day of March, 2005.


UNITED STATES DISTRICT JUDGE

Agreed and Consented to:

On behalf of Plaintiff United States:


DAVID J. PALMER
WILLIAM B. FENTON
CHARLES E. LEGGOTT

United States Department of Justice
Civil Rights Division
Employment Litigation Section, PHB
950 Constitution Avenue, N.W.
Washington, D.C. 20530
(202) 514-0548

On behalf of Defendant University of
Medicine and Dentistry of New Jersey:


ROBERT PREUSS

Deputy Attorney General
State of New Jersey
Department of Law and Public Safety
Division of Law
25 Market Street
P.O. Box 112
Trenton, New Jersey NJ 08625-0112
(609) 777-4889

APPENDIX A
NOTICE LETTER

[Date]

Mr. Tyrone Bodison
490 4th Avenue, Apt. 312
Newark, New Jersey 07107

Re: United States v. UMDNJ, Civ. No. 04-648 (JWB)

Dear Mr. Bodison:

A Consent Decree has been entered settling a complaint of employment discrimination filed by the United States against the University of Medicine and Dentistry of New Jersey (UMDNJ), United States v. University of Medicine and Dentistry of New Jersey, Civil Action No. 04-648 (JWB) (D.N.J.), which is based on a charge of discrimination that you filed with the Equal Employment Opportunity Commission (Charge No. 171-A2-00593).

Under the terms of the Consent Decree entered on _____, 2005, you are being offered certain relief as settlement for your claim of employment discrimination against UMDNJ.

You are being offered a monetary award of \$ 17,149.62. Also if you bid on any Housekeeping Supervisor I positions with UMDNJ that become available in the future you will be given fair and non-discriminatory consideration by UMDNJ for those positions.

This relief is being offered to you on the following conditions: You are required to release the UMDNJ from any and all claims you may presently have against it arising out of this case and the underlying EEOC charge. You are also required to return to the UMDNJ, in care of its counsel, along with your executed release, the original and any copies you may have of any tapes you made of any conversations with the Defendant's employees. If you decline this relief, the UMDNJ will nevertheless have satisfied its obligation to the United States pursuant to the Consent Decree in the above-captioned case and the United States will not seek additional relief on your behalf.

In order to obtain the offered relief, you must complete the enclosed Release form and return it, together with the original and any copies you may have of any tapes you made of any conversations with the Defendant's employees, to:

ROBERT PREUSS
Deputy Attorney General
State of New Jersey
Department of Law and Public Safety
Division of Law
25 Market Street
P.O. Box 112
Trenton, New Jersey 08625-0112

The Release may be returned by mail or in person. In either case, the Release must be signed in the presence of a notary public and thereafter notarized before you return it.

If you accept the offered relief, UMDNJ will send you the appropriate monetary award within thirty (30) days of its receipt of your Release and the original and any copies you may have of any tapes you made of any conversations with the Defendant's employees.

IF YOU FAIL TO SUBMIT THE RELEASE, AS DIRECTED IN THIS LETTER, WITHIN THIRTY (30) DAYS FROM YOUR RECEIPT OF THIS LETTER, YOU WILL FORFEIT YOUR RIGHT TO ANY MONETARY OR OTHER RELIEF UNDER THE CONSENT DECREE, UNLESS YOU CAN SHOW GOOD CAUSE, TO BE DETERMINED BY THE UNITED STATES, FOR YOUR FAILURE TO DO SO WITHIN A REASONABLE TIME THEREAFTER.

A copy of the Consent Decree is enclosed. If you have any questions concerning this settlement, you may contact Charles E. Leggott, trial attorney for the United States Department of Justice, at (202) 514-0548.

[Signature]

Enclosures

My commission expires: _____