

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCHOOL BOARD OF PALM BEACH
COUNTY, FLORIDA,

Defendant.

Civil Action No. _____

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff United States of America ("United States") 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. § 2000 *et seq.* ("Title VII"). As set forth below, the United States alleges that Defendant, the School Board of Palm Beach County ("Defendant" or "Board"), subjected Ms. Anne Williams Dorsey to unlawful sex discrimination and retaliation in violation of Title VII.

JURISDICTION AND VENUE

2. This court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f), 28 U.S.C. § 1331, and 28 U.S.C. § 1345.

3. Venue is proper in this judicial district under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1391(b), because it is where a substantial part of the events or omissions giving rise to the cause of action have occurred.

PARTIES

4. Defendant, the School Board of Palm Beach County, is the governing body for the School District of Palm Beach County ("District"). Defendant is a corporate, governmental body created pursuant to the laws of the State of Florida and located within this judicial district.

5. 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).

6. On January 30, 2012, Dorsey filed a timely charge alleging discrimination based on sex and retaliation with the Equal Employment Opportunity Commission ("EEOC"). Pursuant to Section 706 of Title VII, the EEOC investigated the charge and found reasonable cause to believe that Dorsey was subject to discrimination and retaliation in violation of Title VII. The EEOC notified the Defendant of its reasonable cause findings, unsuccessfully attempted to conciliate the charges, and subsequently referred the charge to the U.S. Department of Justice.

7. All conditions precedent to the filing of a Title VII suit on behalf of Dorsey have been performed or have occurred.

FACTS

Dorsey's Employment with the District.

8. Dorsey has worked for the School District since 1992. Between 1992 and 2002, Dorsey worked as teacher. In 2002, she began working as an Assistant Principal.

9. Dorsey has received positive annual performance reviews throughout her career with the District.

10. In July 2008, Dorsey was assigned to work as an Assistant Principal at Turning Points Academy (“TPA”), a public school in the District. At that time, Dorsey was in the assistant principal position assigned to 226 duty days.

11. Administrators in the District have a designated number of “duty days” associated with their positions, as indicated on their contracts. Duty days indicate the number of days per year the administrator is required to work

12. TPA is staffed with one principal and two assistant principals, one of whom is assigned 260 duty days (“260 Assistant Principal”) and the other 226 duty days (“226 Assistant Principal”).

13. The 260 Assistant Principal has a higher annual salary than the 226 Assistant Principal and also accrues vacation days, unlike the 226 Assistant Principal.

14. During the 2008/2009 school year, Dorsey worked under then-Principal Dr. Anthony Hamlet in the 226 Assistant Principal position and received an annual performance rating of “Above Expectation,” the highest possible rating.

Darren Edgecomb Becomes Principal of Turning Points Academy.

15. In or around May 2009, Darren Edgecomb (male) became Principal of TPA. Edgecomb had never worked as a principal before this time.

16. For the 2009/2010 school year, Edgecomb assigned Dorsey to the 260 Assistant Principal position.

17. Edgecomb hired Randy Burden (male) to fill the 226 Assistant Principal position for the 2009/2010 school year. Burden had never worked as an Assistant Principal before this time.

18. Edgecomb designated Dorsey as “Lead Assistant Principal.” Under Edgecomb, at TPA, the Lead Assistant Principal handled the master schedule and curriculum. The Lead Assistant Principal did not receive more pay or supervise the other assistant principal.

19. Throughout the 2009/2010 school year, Dorsey trained Burden on the duties of an Assistant Principal.

20. Dorsey had significantly more responsibilities than Burden during the 2009/2010 school year. Dorsey’s additional responsibilities included the curriculum, master schedule, school calendar, teacher duty calendar, and staff development.

21. Dorsey observed that Edgecomb often referred to Burden as his “little brother” and said he “saw himself” in Burden and was a “mentor” to Burden.

22. Dorsey also observed that Edgecomb also sometimes commented on Burden’s responsibilities as the “man of the household” and father to a young child. On at least one occasion, Dorsey pointed out to Edgecomb that she too was the primary breadwinner in her household.

Dorsey Informs Edgecomb of her Intent to Become Pregnant.

23. In or around May 2010, Dorsey informed Edgecomb that she was going through In Vitro Fertilization (“IVF”) to have a baby.

24. In or around May 2010, Edgecomb assigned Burden to work during the summer of 2010 with Dorsey.

25. Edgecomb told Dorsey that he assigned Burden to work during the summer because Burden was the head of the household and had a family and a lot on his plate, and Edgecomb wanted to “help Burden out.”

26. On June 17, 2010, Edgecomb informed Dorsey that he was removing her as Lead Assistant Principal and making Burden Lead Assistant Principal. He stated that Dorsey would remain the 260 Assistant Principal with the same salary.

27. Edgecomb told Dorsey that he felt more comfortable with a male in the Lead Assistant Principal position. Edgecomb told Dorsey that it was his decision, and it was final.

28. Edgecomb's decision to remove Dorsey from the Lead Assistant Principal role was not based on her performance. In a follow up meeting on June 21, 2010, Edgecomb reassured Dorsey that, although Burden would now be the Lead Assistant Principal, she would remain a "260 Assistant Principal with administrative power" and that Dorsey was a "highly skilled admin that he needed on this campus."

29. Dorsey was embarrassed and hurt by Edgecomb's decision to remove her as Lead Assistant Principal. She did not understand Edgecomb's decision to make Burden the Lead Assistant Principal over her when she had spent the last year training Burden and had strong performance reviews as assistant principal. Dorsey was also concerned about her job security because Edgecomb's decision came after she had announced that she planned on getting pregnant.

30. Edgecomb issued both Dorsey and Burden an "Above Expectation" annual performance rating for the 2009/2010 school year.

Dorsey and Burden Work During the Summer of 2010.

31. During the summer of 2010, Dorsey worked as the summer school site administrator ("SSSA") or the "summer school principal," meaning that she was primarily responsible for running summer school.

32. Burden, the 226 Assistant Principal, also worked during the summer of 2010 at TPA.

33. More than one assistant principal can work during the summer, but the principal designates only one person as the SSSA.

34. Although the 260 Assistant Principal is required to work during the summer, the 260 Assistant Principal does not necessarily work as the SSSA.

35. A 226 Assistant Principal can serve as the SSSA. The 226 Assistant Principal receives additional payment for work performed beyond his or her 226 duty days.

Dorsey Announces Her Pregnancy.

36. In or around August 2010, Dorsey notified Edgecomb that she was pregnant.

37. During the 2010/2011 school year, Burden took over as Lead Assistant Principal. He moved into Dorsey's former office on the first floor near Edgecomb's office, and Dorsey moved into Burden's former office on another floor. Burden took over many of the responsibilities that Dorsey held the year prior, including, but not limited to, the curriculum and master schedule.

38. During the 2010/2011 school year, Dorsey observed that Edgecomb and Burden began to exclude her by not copying her on emails and excluding her from meetings.

39. Dorsey also observed that when she brought concerns about administrative matters to Edgecomb's attention, he sometimes dismissed them as "catty" or a "woman's issue."

40. Dorsey felt isolated and excluded from the male-dominated administration team. She also felt that Edgecomb was diminishing her authority as an Assistant Principal.

Dorsey Reports Sexual Harassment on Behalf of an Employee.

41. In January 2011, a teacher at TPA reported to Dorsey that Burden was sexually harassing her.

42. On or around January 26, 2011, Dorsey submitted a letter to Edgecomb detailing the teacher's complaint and the allegations of sexual harassment against Burden.

43. According to the complaining teacher, after Dorsey reported the teacher's complaint to Edgecomb, Edgecomb discouraged the complaining teacher from filing a formal complaint against Burden. As a result, the complaining teacher chose not to file a formal complaint against Burden with the District.

44. Edgecomb did not reprimand Burden as a result of the complaining teacher's allegations of sexual harassment, which Dorsey had reported to Edgecomb.

Dorsey Goes out on Maternity Leave, and Edgecomb Removes her as 260 Assistant Principal.

45. On March 10, 2011, frustrated and humiliated by Edgecomb's actions that diminished her authority despite her strong work performance, Dorsey emailed Edgecomb and complained that information and assignments were being given to others because of her pregnancy and gender. In her email, she also noted that her concerns were dismissed as "cattiness," which was also gender-biased.

46. Shortly thereafter, on or around March 22, 2011, Dorsey went on unpaid maternity leave.

47. On April 6, 2011, Edgecomb emailed Dorsey and Dr. Janice Cover, the then-Area Assistant Superintendent and Edgecomb's supervisor, and stated that Burden would be serving as the SSSA for the summer of 2011.

48. On April 11, 2011, Cover emailed Edgecomb and gave him permission to hire an interim AP to cover Dorsey while she was out on leave.

49. On April 12, 2011, Dorsey went into labor.

50. On April 12, 2011 Edgecomb called Dorsey while Dorsey was in the hospital in labor. Edgecomb informed Dorsey that he had received approval to hire someone in her position on an interim basis while she was on maternity leave. Nevertheless, Edgecomb then told Dorsey that Burden was going to work as the summer school principal (SSSA) while she was on maternity leave, and therefore, he was going to put Burden in the 260 Assistant Principal position and move Dorsey to the 226 Assistant Principal position.

51. Prior to informing Dorsey of his decision to remove her as the 260 Assistant Principal on April 12, 2011, Edgecomb spoke to Cover about his decision. According to Edgecomb, Cover told Edgecomb that it was a site-based personnel decision for him to make as Principal.

52. On or around April 26, 2011, Dorsey contacted Deneen Wellings, EEO Coordinator for the District, regarding concerns of discrimination. Dorsey also emailed Cover on May 4, 2011, and stated that she believed that Edgecomb reduced her duty days because she was pregnant and a mother.

53. On or around May 18, 2011, the Board approved Edgecomb's decision to remove Dorsey as a 260 Assistant Principal and place her into the 226 Assistant Principal position.

54. During the summer of 2011, Burden worked as the SSSA. Burden became a 260 Assistant Principal effective July 1, 2011.

55. Effective July 1, 2011, Edgecomb voluntarily transferred to another school and was replaced by Dr. Anthony Allen.

56. In or around July 2011, after summer school had already begun, the Board hired James Reynolds to serve as interim Assistant Principal while Dorsey was out on leave. Reynolds worked as interim Assistant Principal until Dorsey returned to work on September 1, 2011. Reynolds did not assist with summer school.

57. Dorsey's removal from the 260 Assistant Principal position was not based on her performance. Edgecomb issued both Dorsey and Burden an "Above Expectation" annual performance rating for the 2010/2011 school year.

Dorsey Returns from Maternity Leave into the 226 Assistant Principal Position.

58. On September 1, 2011, Dorsey returned from maternity leave. Two weeks later, she received her first paycheck as a 226 Assistant Principal. The paycheck reflected a cut in pay and listed her duty days as 226 and not 260. As the 226 Assistant Principal, Dorsey also no longer earned vacation time.

59. On November 18, 2011, Dorsey was asked to sign a contract for the 226 Assistant Principal position, although her 260 Assistant Principal contract was multiyear and did not expire until June 30, 2012. Although she did not agree with the change in duty days and reduction in salary, she signed the contract so that she could keep her job.

60. Dorsey was devastated after learning of Edgecomb's decision to remove her as the 260 Assistant Principal on the day she gave birth to twins. She also felt humiliated by Edgecomb's decision to replace her with someone whom she had trained and who had significantly less experience as an Assistant Principal and was also the subject of at least one sexual harassment complaint.

61. On or about January 30, 2012, Dorsey filed a charge alleging discrimination based on sex (female) and pregnancy and retaliation with the Equal Employment Opportunity Commission (“EEOC”).

62. The Board later transferred Dorsey to a 226 Assistant Principal position at Crossroads Academy, effective February 27, 2012. After the Board transferred Dorsey, it hired Michael Williams (male) to replace her as the 226 Assistant Principal.

63. During the summer of 2012, Williams, the 226 Assistant Principal, served as the SSSA. Burden, the 260 Assistant Principal, also worked during that summer, but did not work as the SSSA.

64. Following the reduction in duty days, Dorsey experienced depression, humiliation, anxiety, weight gain, and marital strain. She felt isolated at work and labeled as a troublemaker. Dorsey sought therapy to deal with the anxiety and depression. Dorsey previously aspired to become a principal, but she now believes her professional reputation has been permanently damaged and that she has reached a ceiling in her career. Additionally, the loss of income due to the reduction in duty days contributed to Dorsey’s house being foreclosed upon in 2015.

COUNT ONE
Title VII, 42 U.S.C. § 2000e-2(a)
Unlawful Discrimination based on Sex

65. The United States repeats and re-alleges each and every allegation contained in paragraphs 1-64 as if fully set forth herein.

66. Defendant reduced Dorsey’s duty days, removing her from a 260 Assistant Principal position and placing her in a 226 Assistant Principal position because of Dorsey’s sex and her pregnancy, which constitutes unlawful discrimination in violation of Title VII.

67. Defendant's purported reasons for removing Dorsey as the 260 Assistant Principal are pretext for sex and pregnancy discrimination.

68. As a result of Defendant's unlawful discrimination, Dorsey incurred damages including, but not limited to, lost income.

69. As a result of Defendant's unlawful discrimination, Dorsey suffered emotional distress, including loss of enjoyment of life, and damage to her professional reputation.

COUNT TWO
Title VII, 42 U.S.C. § 2000e-3(a)
Unlawful Retaliation

70. The United States repeats and re-alleges each and every allegation contained in paragraphs 1-64 as if fully set forth herein.

71. Dorsey engaged in protected activity when she reported sexual harassment against another employee.

72. By removing Dorsey as the 260 Assistant Principal and placing her in a 226 Assistant Principal Position, Defendant retaliated against Dorsey because she opposed discrimination that she reasonably believed violated Title VII.

73. Defendant's purported reasons for removing Dorsey as the 260 Assistant Principal are pretext for unlawful retaliation.

74. As a result of Defendant's unlawful retaliation, Dorsey incurred damages including, but not limited to, lost income

75. As a result of Defendant's unlawful retaliation, Dorsey suffered emotional distress, including loss of enjoyment of life, and damage to her professional reputation.

PRAYER FOR RELIEF

WHEREFORE, the United States prays that the Court grant the following relief:

(a) award all appropriate monetary relief, including back pay where applicable, to Dorsey in an amount to be determined at trial to make her whole for any loss she suffered as a result of the discrimination and retaliation as alleged in this complaint;

(b) award Dorsey any prejudgment interest on the amount of lost wages and benefits determined to be due;

(c) award compensatory damages to Dorsey to fully compensate her for the pain and suffering caused by the Board's discrimination and retaliation as alleged in this complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a;

(d) order Defendant to place Dorsey in an appropriate position and title with the District given Dorsey's experience;

(e) enjoin Defendant from further discrimination and retaliation against Dorsey;

(f) order Defendant to develop and implement appropriate and effective measures to prevent discrimination and retaliation, including but not limited to implementing appropriate policies and procedures and providing adequate training to all employees and officials;

(g) order any further relief necessary to make Dorsey whole; and

(h) award such additional relief as justice may require, together with the United States' cost and disbursements in this action.

JURY DEMAND

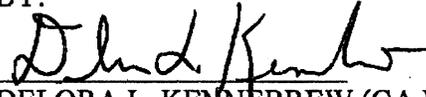
The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

Respectfully Submitted,

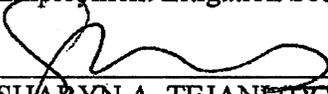
Date: May 25, 2016

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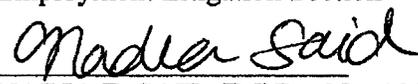
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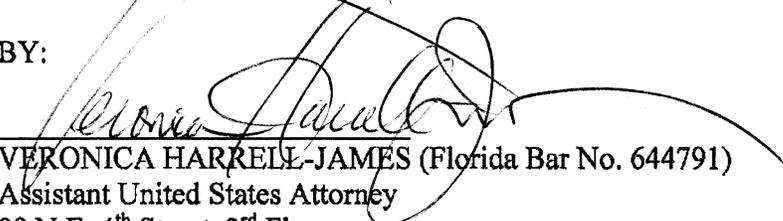
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