

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )  
CROWN POINT, INDIANA

DR. MAURICE EISENSTEIN )  
 )  
Plaintiff, ) Cause No.: 45D11-0707-PL-79  
 )  
v. )  
 )  
BOARD OF TRUSTEES OF )  
PURDUE UNIVERSITY, D/B/A )  
PURDUE UNIVERSITY and )  
PURDUE CALUMET, )  
 )  
Defendants )

CLERK'S OFFICE  
AUG 03 PM 1 29  
CLERK LAKE SUPERIOR COURT

**AMENDED COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF AND JURY DEMAND**

COMES NOW the Plaintiff, Dr. Maurice Eisenstein, by counsel, Johnson & Bell, Ltd. and for his Amended Complaint for Damages and Injunctive Relief and Jury Demand states the following:

**GENERAL ALLEGATIONS**

1. At all times mentioned herein, Dr. Maurice Eisenstein, was employed by Purdue University Calumet Campus ("Purdue") in the History and Political Science Department, located at 2200 169<sup>th</sup> Street in Hammond, Lake County, Indiana, and was at all times mentioned herein a tenured professor.

2. An agency action was initiated by complainant, Kristine Mihalic, secretary for Purdue University's History and Political Science Department in Hammond, Indiana before Purdue University.

**REGISTERED/CERTIFIED  
RECEIVED**

**AUG 01 2007**

**CERTIFIED MAIL  
POST MARKED**

**AUG 03 2007**

*Thomas R. Bell*  
CLERK LAKE SUPERIOR COURT

**EXHIBIT A**

3. That Mihalic filed a complaint with Purdue alleging that Eisenstein made unwelcome comments of a sexual nature to her in her office and that such conduct violated Purdue University's Anti-harassment Policy.

4. An investigation of Mihalic's complaint against Professor Eisenstein was completed by Purdue employee, Victor Holden.

5. That a panel meeting was held on May 15, 2007 in which the decision-maker, Alysa Rollock participated, pursuant to procedures adopted by Purdue.

6. That a determination was made by Rollock on May 18, 2007. A complete and accurate copy of the May 18, 2007 Determination of Alysa Rollock is attached hereto as Exhibit "A".

7. That Eisenstein received a written reprimand for his alleged misconduct.

8. That pursuant to Purdue's procedure for appealing the determination, Eisenstein appealed Rollock's decision to Purdue President Martin Jischke on June 7, 2007.

9. That Eisenstein's appeal was denied on June 19, 2007 by President Jischke. A complete and accurate copy of Jischke's letter of denial is attached hereto as Exhibit B.

10. That Eisenstein has exhausted all administrative remedies by appealing the decision of Alysa Rollock to President, Martin Jischke, President of the Purdue University on June 7, 2007.

### **COUNT I**

#### **(Violations of Indiana's Open Door Law)**

11. That Plaintiff herein reaffirms and realleges paragraphs 1 through 10 of this Complaint.

12. That Purdue University or its agents did not post notice prior to conducting the

disciplinary hearing involving Professor Eisenstein and Mihalic's complaint against him.

13. That, in whole or in part, Purdue University or its agents conducted the disciplinary proceedings against Professor Eisenstein in secret.

14. That Purdue University's manner and method of conducting the disciplinary hearing violated the Indiana Open Door Law and was otherwise contrary to Indiana law and against public policy.

**WHEREFORE**, Plaintiff, by counsel, Johnson & Bell, Ltd., requests judgment relief of the Court in favor of the Plaintiff and against the Defendant consisting of a declaration voiding Defendant's determination, compensatory and punitive damages so allowed, equitable relief, costs, attorney's fees so allowed, and all other just and proper relief in the premises.

## COUNT II

### (Violations of Due Process)

15. That Plaintiff herein reaffirms and realleges paragraphs 1 through 14 of this Complaint.

16. That during the disciplinary proceedings, Plaintiff was not afforded an opportunity to be heard, to call witnesses on his own behalf, or to confront the witnesses against him.

17. Eisenstein was not permitted to independently interview witnesses or conduct discovery in furtherance of his own defense to Mihalic's allegations.

18. Eisenstein was not permitted to attend the entire panel hearing on this matter or to confront Mihalic regarding her allegations against him and cross-examine her.

19. That during the disciplinary proceedings initiated by Purdue University, Plaintiff's was deprived of certain rights and privileges secured by the Federal and State

Constitution, including the right to equal protection of the laws and due process of law.

20. That Defendant's conduct violated the United States Constitution and federal law, specifically 42 U.S.C. § 1983.

**WHEREFORE**, Plaintiff, by counsel, Johnson & Bell, Ltd., requests judgment of the Court in favor of the Plaintiff and against the Defendant consisting of all compensatory and punitive damages so allowed, injunctive relief, including remand to the administrative agency, on equitable relief, costs, attorney fees so allowed, and all other just and proper relief in the premises.

### **COUNT III**

#### **(Administrative Violations)**

21. That Plaintiff herein reaffirms and realleges paragraphs 1 through 20 of this Complaint.

22. That Purdue University's Procedure for Resolving Complaints of Discrimination and Harassment is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; contrary to constitutional right, power, privilege, or immunity; without observance of procedure required by law; and unsupported by substantial evidence.

23. That Rollock's finding of harassment by Professor Eisenstein is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; contrary to constitutional right, power, privilege, or immunity; without observance of procedure required by law; and unsupported by substantial evidence to the extent that:

- a. Investigator, Victor Holden, failed to interview key witnesses, Julie Osborn and Elizabeth Rodriguez-Kubacki, and furthermore, relied upon unverified, unsworn statements of persons in reaching his conclusion;

- b. Decision-maker, Vice President Alysa Rollock, also did not interview witnesses, Osborn and Kubacki;
- d. No findings of fact or conclusions are enumerated in Rollock's report or otherwise, giving any specific reasons that lead to her conclusion that Eisenstein violated Purdue's Anti-harassment policy;
- e. That no findings of fact or conclusions thereon were provided by Rollock in her conclusory decision that Mihalic was more credible than Eisenstein;
- f. No finding was made that Eisenstein's conduct was "severe or pervasive" as required by law to maintain a valid claim for harassment;
- g. No finding was made that Mihalic's work was interrupted by Eisenstein's alleged comments;
- h. Rollock's decision is conclusory and wholly unsupported by any findings of fact or conclusions reached thereon as required for an administrative decision;
- i. Other conduct that violated Plaintiff's rights under applicable state and federal law.

**WHEREFORE**, Petitioner, Maurice Eisenstein, respectfully requests

1. That this Court provide judicial review of Purdue University's determination that Eisenstein violated Purdue's Anti-harassment Policy;
2. That this Court enter an appropriate order reversing the decisions of the Defendant;
3. That this Court grant Plaintiff injunctive relief by ordering Mihalic's complaint to be dismissed or remanded for proceedings consistent with the law.

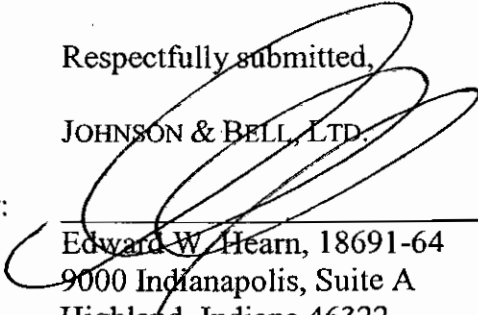
4. That this Court enter an order declaring null and void the decisions of the Defendant and its employees;
5. That this Court determine that the complaint filed by Mihalic was without basis; and
6. For all other just and proper relief in the premises.

I affirm, under penalties of perjury, that the foregoing representations are true to the best of my information and belief.

Respectfully submitted,

JOHNSON & BELL, LTD.

By:

  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1 day of <sup>Aug.</sup>~~July~~, 2007 service of a true and complete copy of the attached pleadings and papers was made upon all parties or counsel of record herein by depositing same in the United States mail in envelopes properly addressed to each of them and with sufficient first-class postage affixed.