

FILED

United States District Court
Northern District of Indiana
Hammond Division

2007 JUN 14 PM 2:54

STEPHEN R. LUDWIG, CLERK
U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF INDIANA

Yolanda Solís,)
(Plaintiff))

vs.)

Indiana University, ~~████~~)
Indiana University Northwest ~~████~~)

(Defendant). *Indiana University Northwest - Dianne Mickey (agent)*

2:07CV196 AS

EMPLOYMENT DISCRIMINATION COMPLAINT

Plaintiff brings a complaint against defendant Indiana University, Indiana University Northwest et al for discrimination as set forth below.

Plaintiff X DOES DOES NOT (indicate which) demand a jury trial.

I. PARTIES

Plaintiff's Name: Yolanda Solís

Plaintiff's Address: 9333 Hart Street

Saint John, IN 46373

Plaintiff's Telephone: (219) 365-4631

Defendant's Name: Indiana University, ^{etal} Indiana University Northwest, ^{Indiana University Northwest -} ~~████~~ ^{Dianne Mickey (agent)}

Defendant's Address: 3400 Broadway

Gary, IN 46408

II. BASIS OF CLAIM AND JURISDICTION

1. This complaint is brought pursuant to:

Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e-5), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

The Age Discrimination in Employment Act (29 U.S.C. §621), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

The Americans with Disabilities Act (42 U.S.C. §12101), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

The Rehabilitation Act (29 U.S.C. §701, *et seq.*), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

Equal rights under law (42 U.S.C. §1981), and jurisdiction is based on 28 U.S.C. §§1331 and 1343(a);

Other (list): DISCRIMINATION ON THE BASIS OF NATURAL ORIGIN

2. Plaintiff DID DID NOT (indicate which) file a charge of discrimination with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission. **[If the plaintiff did file a charge of discrimination, Plaintiff should attach a copy of the charge to the complaint].**

3. Plaintiff's Right to Sue Notice from the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission was **RECEIVED** on or about MARCH 16, 2007 (insert date the plaintiff **received** the notice – in most instances this will not be the same date stamped on the notice). **[Plaintiff should attach a copy of the Notice of Right to Sue to this Complaint].**

III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because (if more space is needed, attach additional pages):

The (alleged) illegal action imposed by university agent, Diane Mickey, caused a loss of income and benefits, illness, mental anguish, and suffering to the plaintiff. In addition, once the plaintiff filed a complaint the university agent, Diane Mickey, with university approval proceeded to retaliate against the Plaintiff.

IV. FACTS IN SUPPORT OF COMPLAINT

The facts on which this complaint is based are the following (if you need additional space, please attach additional pages):
I would describe myself as an excellent employee with excellent performance evaluations, but white managers say that I'm not good enough for an administrative promotion. However, younger white females have been promoted to managerial positions with less experience and training. The same opportunities available to White employees are not made available to Hispanic employees, and this has caused me a loss. This whole situation hurts me, and has affected my family in an extremely negative fashion. In this situation specifically, I have lost wages and benefits, sleep, time with my family, and have suffered illness, mental anguish, stress
(Continued)

IV. PRAYER FOR RELIEF

Based on the foregoing, plaintiff seeks the following relief:
The plaintiff requests to be made whole by removing any and all documentation in reference to this case or any other situation that was made arbitrarily because of discrimination issues in the Plaintiff's employment file or any other file the university may hold on this plaintiff. In an effort to restore the plaintiff, request to compensate the plaintiff of any income and benefit loss throughout employment with the defendant. Relief is also requested to cover medical, pain and suffering compensation, lawyer and court costs.

VI. AFFIRMATION OF PLAINTIFF

I, YOLANDA G. SOLÍS, the plaintiff in the aforementioned cause, do affirm that I have read all of the statements contained in the complaint and those which are attached in the accompanying financial statement. I believe them to be, to the best of my personal knowledge, true and correct.

Further, I do understand that this complaint and this affidavit will become an official part of the United States District Court files and that ANY FALSE STATEMENTS knowingly made by me are illegal and may subject me to criminal penalties.



(Signature of Plaintiff)

June 14, 2007 _____
(Date)

IV. FACTS IN SUPPORT OF COMPLAINT (CONTINUED)

related problems, and have been forced to use vacation and sick time as a result of the defendants actions against me.

As a result of all this turmoil, my entire family has suffered great loss, and this whole situation almost caused me to have a nervous breakdown, but thanks to very supportive family and friends I am surviving!

I have been vying for management jobs since 2005 when I received my bachelor's degree because prior to that I have been informed that I could not be hired to an administrative position until I received a Bachelor's degree. Please note that there are employees at the university that are in administrative positions in other departments, and do not possess a Bachelor's degree. None of which are Hispanic. They have held me to a different standard all the time I have been employed at the university, and are now again changing the rules arbitrarily in my case.

I've been passed over for younger applicants and white females. In addition while in the complaint process, my employer retaliated against me because I filed a complaint that my civil rights had been violated. The defendant placed a notice in my file because of interpretation issues that were twisted to make it appear that I had violated university policy. The defendant docked me two hours, and were unwilling to take into consideration all the circumstances.

However, when university counsel through the Affirmative Action Office was notified of the retaliation, the defendant did not require me to use more of my vacation time to cover the incident. However, the letter filed in my file was never removed, and it should have been removed according to the email that I received from the defendant's counsel in the Affirmative Action Office.

I have had no luck filing an internal complaint and appealing to the Equal Employment Opportunity Commission.

This is tearing me down, and it is not what I have worked for all these years (22 years).

IV. FACTS IN SUPPORT OF COMPLAINT (CONTINUED)

I thought that by doing my job well, and performing over and above the expectations that down the road that I would receive certain rewards like white employees (non Hispanics) are privileged to receive.

The facts are that internal minority candidates are made to seem inferior by eventually getting written up in order to have negative information in their personnel files. This allows the employer to keep the employee in the same type of positions while white employees are promoted to administrative positions without being held to the same standards. Additionally, I was informed by my supervisor, Diane Mickey, in front of a witness, Audrea Davis, "You are good right where you are at..."

Another incident involving this supervisor was when she made off color comments to all the minority employees in the office, "You all look like vultures standing in line to get those cookies."

When I received my Bachelor's degree in Spanish, she said to me, "Your degree is in Spanish? What are you going to do with a degree in Spanish? That degree should be pretty easy to get since you are Hispanic?"

In the year 2004, I had an opportunity to join a leadership group that I was recommended for by the Chancellor Bruce Bergland, however, I ultimately was not allowed to participate. They have limited my ability to grow as a leader, and continue to judge my performance for administrative positions on contrived arbitrary reasons.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Yolanda Solis
9333 Hart Street
Saint John, IN 46373

From: Indianapolis District Office
101 West Ohio St
Suite 1900
Indianapolis, IN 46204

Empty checkbox

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

470-2006-02148

Philip E. Moore,
Enforcement Supervisor

(317) 226-7273

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

Empty checkbox

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

Empty checkbox

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

Empty checkbox

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Empty checkbox

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

Empty checkbox

Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.

Empty checkbox

While reasonable efforts were made to locate you, we were not able to do so.

Empty checkbox

You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.

Checked checkbox (X)

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

Empty checkbox

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

Empty checkbox

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Handwritten signature of Philip E. Moore

Danny G. Harter,
Director

MAR 14 2007

(Date Mailed)

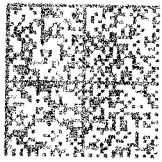
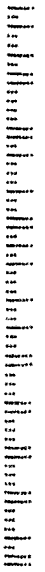
Enclosures(s)

cc: Beth Cate
IU Counsel
Bryan Hall 211
107 South Indiana Avenue
Bloomington, IN 47405

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National Employment Opportunity Commission
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Indianapolis, Indiana 46204-4203

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