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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

STEPHANIE WOOD,	)	
	)	
Plaintiff,	)	Docket No. _____
	)	
v.	)	<b>COMPLAINT-VIOLATION OF</b>
	)	<b>TITLE VII</b>
SALLY JEWELL, SECRETARY OF THE	)	
U.S. DEPARTMENT OF INTERIOR,	)	
	)	
Defendant.	)	(Jury Trial Requested)
_____	)	

Plaintiff alleges:

**JURISDICTION**

1.

Jurisdiction is conferred upon this Court by 28 USC §§ 1331 and 1341 and brought pursuant to claims under 42 U.S.C. 2000e from which Plaintiff is entitled relief.

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2.

Jurisdiction is appropriate for this Court after Plaintiff's receipt of a final agency decision in agency case number BIE-16-0642 which was dated June 27, 2016 and received June 30, 2016. All conditions precedent to the initiation of this lawsuit have been met.

**VENUE**

3.

Venue is appropriate in this Court under 28 USC § 1391 because the events giving rise to this Complaint occurred in Marion County, Oregon. Plaintiff requests a jury trial in this matter.

4.

Plaintiff is a resident of Yamhill County, Oregon.

5.

Defendant Sally Jewell is the Secretary of the U.S. Department of Interior which operates branches located in Marion County.

**FACTUAL ALLEGATIONS**

6.

Defendant is a federal agency subject to the laws of the United States of America including 42 U.S.C. 2000e.

7.

During all times relevant to this Complaint, Plaintiff's supervisors were acting within the course and scope of their employment. All other employees pertinent to this Complaint, at all relevant times, were acting within the course and scope of their employment.

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8.

Plaintiff was hired by the Department of the Interior as an Education Technician with the Chemawa Indian School, Bureau of Indian Education, in Salem, Oregon on or about August 18, 2014. Plaintiff served in that position until her employment was terminated on or about January 30, 2015. She was told she was being hired, because Defendant wanted someone with local tribal ties for cultural purposes.

9.

Plaintiff is a light-skinned Native American female. Defendant knew that Plaintiff was Native American at the time of hire.

10.

Prior to Plaintiff's first day of employment, the School Principal, Amanda Ward ("Ward") and the Business Manager, Rachenda Reynosa ("Reynosa"), stated to Plaintiff that some employees in Plaintiff's department that she needed to watch out for.

11.

During Plaintiff's employment, she was supervised by Defendant's Education Specialist/Special Education Coordinator, Vernon Barkell ("Barkell"), a Caucasian employee. Plaintiff's second line supervisor Ward, a Caucasian employee.

12.

On or about August 28, 2014, one of Plaintiff's Caucasian non-native American co-workers, Tammy Sullivan ("Sullivan"), made comments that Plaintiff had no formal education and was "only a basket weaver." Sullivan also told co-workers that Plaintiff had a fake degree and was not Native American. Plaintiff was offended by these statements. Sullivan continued to

make derogatory racial comments toward and regarding Plaintiff during Plaintiff's employment. Plaintiff found these comments to be offensive.

13.

In or about the first week of September 2014, Plaintiff attended an all staff meeting where a motivational speaker presented. During that meeting the staff were asked if they have had interpersonal conflicts arise. Plaintiff stated that she was a new employee and people are stating untrue things about me including "I am only a basket weaver," "I do not have a degree," and "I am not Native American." Management was present during this meeting. After this meeting Plaintiff went up to Ward and told her how she was being treated by Sullivan and Barkell. Ward said she would look into the situation and have an all department staff meeting. Ward never had the department staff meeting referenced above. Sullivan and Barkell's racially derogatory comments towards Plaintiff continued.

14.

During September 2014, Sullivan and Barkell made derogatory comments about Native Americans including, but not limited to, "apache hair," "those dark Indians with long hair," "let's powwow." Barkell also made comments that all Native Americans looked alike.

15.

On or about September 15, 2014, Barkell told Plaintiff she would be reporting to Ron Worst ("Worst"). After this date Plaintiff complained to Worst about the harassing comments.

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16.

On or about September 15, 2014, Plaintiff complained to Barkell about Sullivan's discriminatory conduct towards her, and Barkell laughed about it. After this conversation, the discriminatory conduct continued.

17.

On or about September 22, 2014, Plaintiff complained to Barkell again about Sullivan's discriminatory conduct. Barkell told Plaintiff that she was "too strong of an Indian woman." However, Barkell did tell Plaintiff he would take care of it. Sullivan's conduct continued. In addition, Sullivan began retaliating against Plaintiff making statements expressing frustration that Plaintiff complained and mocking her for complaining.

18.

In or about the week of September 29, 2014, while Plaintiff was speaking with Ward to get a travel form signature, Plaintiff complained to Ward that Barkell and Sullivan's conduct had not stopped. Ward said she would look into it. The discriminatory comments continued.

19.

On or about October 8, 2014, Plaintiff communicated to Barkell, while they were in the department office, that the special education department should have diversity training due to all the racial slurs and inappropriate Native American comments that are made by the special education staff. Within the next hour, Barkell called Plaintiff into his office and closed the door and asked Plaintiff "why would ever say something about that or having training on it?"

Plaintiff responded that the Native American special education staff are offended by the racial

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comments. Barkell stated that he did not believe it was necessary and appeared amused by Plaintiff's statements. After this meeting, Barkell and Sullivan's comments continued.

20.

On or about November 4, 2014, while Plaintiff was speaking on the telephone with a student's Tribal Case Manager, Sullivan sat behind her making loud comments questioning what Plaintiff was doing, what gave her the right to discuss anything with the case manager, and that Plaintiff does not know what she is doing. The case manager became upset with hearing Sullivan's comments and Plaintiff had to leave the room to finish the conversation.

21.

On or about November 6, 2014, Barkell sent Plaintiff an email instructing her to come to his office. When Plaintiff entered Barkell's office she sat down. Barkell shut the door and pulled his chair within a couple feet in front of her and sat down. He started yelling at Plaintiff accusing her of going to Ward and telling her that he was not doing his job, because he did not reprimand Sullivan for her racial comments. Plaintiff responded that she was speaking with Ward for another purpose and was asked how things were going and answered her. Barkell said that Plaintiff could not speak with Ward anymore, because he got in trouble for not doing his job. He also told Plaintiff that she could not "talk to staff about her issues."

22.

On or about January 8, 2015, Plaintiff met with Barkell, Sullivan, and Business Manager, Rachenda Reynosa ("Reynosa") about Sullivan's derogatory comments. Plaintiff also told Barkell that his derogatory comments made her uncomfortable.

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23.

Upon information and belief, no investigation was conducted into Plaintiff's complaints of discriminatory conduct.

24.

On or about January 16, 2015, Plaintiff was called into a meeting and Barkell gave her a letter placing her on administrative leave and terminating her employment effective January 30, 2015. Plaintiff was then escorted to her office and car. Her termination for allegedly misadvising students was a pretext for Defendant's discrimination of Plaintiff and retaliation towards her.

25.

Plaintiff specifically, and female Native American education technicians generally, were treated in a disparate manner than male Caucasian Education Technicians by Barkell.

26.

After Plaintiff's termination, and as further retaliation, she was instructed that she could not be on school grounds or be in contact with students or employees. Due to this directive, Plaintiff was unable to utilize the health clinic, attend powwows or speak to various family members who were graduates of the school.

**FIRST CLAIM—VIOLATION OF TITLE VII**

**(RACE, NATIONAL ORIGIN, COLOR, and GENDER)**

**(Count I—Disparate Treatment)**

27.

Plaintiff realleges paragraphs 1-26. 42 U.S.C. § 2000e-2(a) provides: "it shall be an unlawful employment practice for an employer" to discharge an individual, "or otherwise to

discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individuals gender, race, color, religion, sex, or national origin . . .”.

28.

Plaintiff is a light-skinned Native American. Defendant employed Plaintiff during all times relevant to this complaint. During the course of Plaintiff’s employment with Defendant, Plaintiff suffered from discrimination based on her gender, race, color, and national origin. Incidents of gender, race, color, and national origin discrimination committed by Defendant resulted in Plaintiff being denied compensation, and adversely affected Plaintiff’s terms, conditions, and privileges of employment in violation of 42 U.S.C. § 2000e-2(a).

29.

Defendant discriminated against Plaintiff in the terms, conditions, and privileges of her employment on the basis of gender, race, color, and national origin. As a result of this discrimination, Plaintiff was denied compensation, and her terms, conditions, and privileges of her employment were adversely affected.

30.

Plaintiff has suffered economic and non-economic damages in an amount to be determined at trial as a result of Defendant’s gender, race, color, and national origin discrimination. Plaintiff seeks recovery of all compensatory and punitive damages provided by law and equitable relief in addition to reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988.

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**(Count II–Retaliation)**

31.

Plaintiff realleges paragraphs 1-30. 42 U.S.C. § 2000e-3 provides in relevant part: “it shall be an unlawful employment practice for an employer to discriminate against any of his employees . . . because he has opposed any practice made an unlawful employment practice by this subchapter.”

32.

Plaintiff engaged in activity protected by 42 U.S.C. § 2000e-3 as alleged above. After Plaintiff engaged in this protected activity, Defendant retaliated against Plaintiff.

33.

Defendant’s retaliation toward Plaintiff, because she engaged in activity protected by 42 U.S.C. § 2000e-3(a), constitutes a violation of 42 U.S.C. § 2000e-3(a) for which Plaintiff is entitled to relief.

34.

Plaintiff has suffered economic and non-economic damages in an amount to be determined at trial as a result of Defendant’s retaliation. Plaintiff seeks recovery of all compensatory and punitive damages provided by law and equitable relief in addition to reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988.

**(Count III–Hostile Work Environment)**

35.

Plaintiff realleges paragraphs 1-34. During the course of Plaintiff’s employment with Defendant, Plaintiff suffered from discrimination based on her gender, race, color, and national

origin. Incidents of gender, race, color, and national origin discrimination committed by Defendant resulted in Plaintiff being denied compensation, and adversely affected Plaintiff's terms, conditions, and privileges of her employment in violation of 42 U.S.C. § 2000e-2(a).

36.

Defendant's actions created a hostile work environment toward light-skinned Native American females that Plaintiff was subjected to.

37.

Defendant's hostile work environment and the actions of its employees, as provided in the paragraphs above, affected Plaintiff's ability to perform her job, and caused Plaintiff to suffer emotional distress in the performance of her job.

38.

Defendant's hostile work environment toward Plaintiff, because she is a light-skinned Native American, constitutes a violation of 42 U.S.C. § 2000e-2(a) for which Plaintiff is entitled to relief.

39.

Plaintiff has suffered economic and non-economic damages in an amount to be determined at trial as a result of Defendant's hostile work environment gender, race, color, and national origin discrimination. Plaintiff seeks recovery of all compensatory and punitive damages provided by law and equitable relief in addition to her reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988.

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WHEREFORE, Plaintiff requests the following for her claims for relief: non-economic damages in an amount to be determined at trial along with economic damages in the form of back pay and front pay in an amount to be determined at the time of trial along with equitable relief. Plaintiff seeks recovery of all compensatory and punitive damages provided by law, in addition to her reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988.

DATED this 21<sup>st</sup> day of September, 2016.

/s/Larry L. Linder  
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