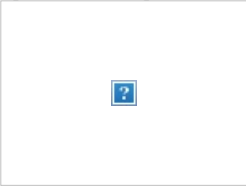


DID UNIVERSITY TREAT MALE CUSTODIANS BETTER THAN FEMALES?



A woman working at a university believed that the men were getting preferential treatment. She finally filed suit against her employer. A district court and an appeals court agreed on a decision, but unfortunately did not agree with the employee. The plaintiff was employed at Fort Hays State University in Kansas as a "custodial specialist." In August 2007, she and other female co-workers complained to the university's HR Director that a male custodial specialist was by treated favorably by the male supervisor. The supervisor was informed of the complaint, but not told where it originated. The male worker in question subsequently applied for a job as supervisor of a residence hall and was hired for the position. In February of the following year, the plaintiff applied for a supervisor position at the building where she worked. There were 14 applicants, but only two men and two women were interviewed. One of the men was hired in early March, and for the next couple of weeks, the plaintiff complained to various supervisors and managers about the man's employment. In April, she filed a complaint with the Equal Employment Opportunity Commission (EEOC). Several months after the EEOC complaint, the woman's supervisor – in the position she'd applied for – gave her a warning for complaining to him about his job performance, training and fairness. The warning was written for clarification, but was not considered an official warning and not placed into her personnel file. In March 2009, the supervisor gave the plaintiff a performance rating of "satisfactory." She appealed the rating, and it was changed to "exceptional." She was transferred to another residence hall in April. Her new supervisor, a female, gave her a rating of "satisfactory." Again, the plaintiff appealed, and again, the rating was changed to "exceptional."



The woman filed a lawsuit, alleging a violation of Title VII of the Civil Rights Act with gender discrimination and retaliation. The district court granted summary judgment in the university's favor. She appealed the decision. The appeals court disagreed with the plaintiff's claim that she'd been discriminated by the university when it hired the male worker in lieu of her. Its reason for not hiring her was deemed "legitimate" and "nondiscriminatory," and the woman failed to show pretext. To prove retaliation, she had to show three things: protected activity that opposed the discrimination, that a "reasonable worker" – in essence – would agree that the employer's action was unfair, and a "causal connection" between the protected activity and the action being disputed. The plaintiff denoted the 2007 complaint, the complaint concerning the male supervisor's employment and complaints given to him, the EEOC complaint, and the March 2009 appeal as protected activities. The university disputed the complaints made to the male supervisor and the appeal, and the courts concurred, as they involved "general complaints about management and work conditions" and weren't related to any discrimination or retaliation. The appeals court negated the plaintiff's arguments about which actions were "materially adverse," since it did not believe that she'd shown a causal connection between these purported adverse actions and protected activities. The ruling by the district court was affirmed.