

IN THE IOWA DISTRICT COURT IN AND FOR FAYETTE COUNTY

KATHERINE THOMAS,

Plaintiff,

v.

UPPER IOWA UNIVERSITY,

Defendant.

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Case No. _____

**PETITION AT LAW
AND JURY DEMAND**

COMES NOW the Plaintiff, Katherine Thomas, by and through her undersigned counsel, and for her cause of action against Upper Iowa University states as follows:

PARTIES, VENUE & JURISDICTION

1. Plaintiff Katherine Thomas is and was at all times material hereto a citizen and resident of Fayette, Fayette County, Iowa.
2. Defendant Upper Iowa University is a private educational institution located in Fayette, Fayette County, Iowa.
3. The unlawful incidents described herein occurred in Fayette County, Iowa.
4. The amount in controversy exceeds the jurisdictional requirements of the Iowa District Court in and for Fayette County.

CONDITIONS PRECEDENT

5. Within 300 days of the date of the last act of discrimination, Plaintiff filed a charge of discrimination and retaliation against Defendant with the Iowa Civil Rights Commission, which was cross-filed with the Equal Employment Opportunity Commission. A copy of said charge is attached hereto as Exhibit A and its contents are incorporated as if fully set forth herein.

6. On January 29, 2021, the Iowa Civil Rights Commission issued an Administrative Release (letter of right-to-sue) to Plaintiff, a copy of which is attached hereto as Exhibit B.

7. Plaintiff has complied with all conditions precedent to the filing of this cause of action.

COUNT I: RETALIATION
The Iowa Civil Rights Act, Iowa Code Chapter 216

8. Plaintiff repleads the allegations set forth above as if fully set forth herein.

9. Plaintiff Katherine Thomas (“Thomas”) began employment with Defendant Upper Iowa University in 1992.

10. For approximately 28 years, from 1992 through the spring of 2020, Thomas worked for Defendant as an instructor in the English Department.

11. For the duration of Thomas’s employment as an instructor with Defendant in the English Department, Dr. Douglas McReynolds was the Chair of the English Department.

12. Thomas met Defendant’s performance expectations for the duration of her employment with Defendant.

13. Starting in about 2017, Dr. McReynolds began making derogatory comments toward Thomas.

14. On more than one occasion, Dr. McReynolds remarked to Thomas, “I am smarter than you because I am a man,” or words to that effect.

15. Dr. McReynolds made other demeaning remarks to Thomas, including repeatedly commenting in front of others that she had been a poor student.

16. Dr. McReynolds also commented to a female colleague in a meeting where Thomas was present, “Are you PMSing or something?”

17. When Dr. McReynolds made the “PMSing” comment, Thomas confronted him and told him his comment was inappropriate.

18. Thomas complained to Dr. McReynolds multiple times that his behavior was offensive and unwelcome.

19. Thomas’s complaints to Dr. McReynolds that his conduct was offensive and unwelcome did not effectively stop the harassment.

20. Thomas complained to Defendant’s Human Resources Department in 2017 and 2018 regarding Dr. McReynold’s discriminatory conduct toward her.

21. In 2018 Defendant informed Thomas that she was no longer qualified to teach the courses she had taught for the last 26 years.

22. In 2018 Defendant demoted Thomas from a faculty member working under a Faculty Agreement to a non-faculty staff position.

23. In 2018 Defendant demoted Thomas from her faculty instructor position to a “Writing Workshop Coordinator” and tutor position in the Writing Center.

24. In 2019 Defendant moved Thomas from her office to a new office location in a separate building away from her colleagues.

25. In 2019 Thomas complained again to Human Resources about Dr. McReynolds and that he was treating her differently because of her age and sex.

26. In early 2020 Thomas again complained to Human Resources of Dr. McReynolds’s continuing discriminatory conduct toward her.

27. In April 2020 Defendant placed Thomas on “furlough” status.

28. Thomas submitted a written summary of her discrimination complaint to Defendant’s Human Resources Department on May 19, 2020.

29. Defendant took no steps to investigate any of the discrimination complaints Thomas had made before she filed her written complaint on May 19, 2020.

30. On July 8, 2020, Defendant notified Thomas that it had investigated her complaint and found “no unfair treatment based on sex, age, or any other protected group,” and that Defendant would be in touch with her to set up a Zoom meeting.

31. The Zoom meeting Defendant referenced in its July 8, 2020 letter notifying Thomas of its investigation results was scheduled for July 14, 2020.

32. During the July 14, 2020 Zoom meeting, Defendant terminated Thomas’s employment.

33. Thomas’s job duties were filled by others during her furlough and following her termination.

34. Defendant is an employer as defined in the Iowa Civil Rights Act.

35. Thomas complained to Defendant of what she reasonably believed to be workplace discrimination.

36. Defendant placed Thomas on “furlough status” because she complained of discrimination.

37. Defendant terminated Thomas because she complained of discrimination.

38. Defendant violated the Iowa Civil Rights Act by retaliating against Thomas for complaining of what she reasonably believed to be workplace discrimination.

39. As a proximate cause of Defendant’s illegal actions, Thomas has been damaged.

WHEREFORE the Plaintiff, Katherine Thomas, respectfully prays that this Court enter judgment against Defendant Upper Iowa University and award damages, including damages for emotional distress, mental anguish, compensatory relief, reasonable attorney fees, court costs, with interest as provided by law, and such other and further relief as the Court deems just and equitable.

JURY DEMAND

Plaintiff requests a jury trial in this matter.

Respectfully Submitted,

By /s/ Melissa C. Hasso
Melissa C. Hasso AT0009833

By /s/ Emily E. Wilson
Emily E. Wilson AT0013860

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