

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

DR. OLGA CHAPA
Plaintiff

v.

THE UNIVERSITY OF HOUSTON
AT VICTORIA and THE UNIVERSITY
OF HOUSTON SYSTEM
Defendants

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 7:20-cv-127
(Jury Requested)

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW Plaintiff, Dr. Olga Chapa, and files her Original Complaint against Defendants, The University of Houston at Victoria and The University of Houston System, and for cause of action would respectfully show the following:

I.
PARTIES

1. Plaintiff, Dr. Olga Chapa, is an individual citizen residing in Edinburg, Hidalgo County, Texas.
2. Defendant, the University of Houston at Victoria ("UHV"), is a state university and an employer engaging in an industry affecting interstate commerce which regularly employs more than fifteen employees. Defendant can be served with summons through its President, Dr. Robert K. Glenn, at the Office of the President, University of Houston at Victoria, 3007 N. Ben Wilson Street, Victoria, Texas 77901.
3. Defendant, the University of Houston System ("System"), is a state university system and an employer engaging in an industry affecting interstate commerce which regularly employs more than fifteen employees. Defendant can be served with summons through its Chancellor, Dr. Renu

Khator, at the Office of the Chancellor, University of Houston System, 212 East Cullen Building, Houston, Texas 77204.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction pursuant to 28 U.S.C. §1331 and §1343, and 42 U.S.C. §2000e-5(f)(3), because Plaintiff's causes of action arise under the following federal statute: Title VII, 42 U.S.C. § 2000e, *et. seq.*, commonly referred to as the Civil Rights Act of 1964, as amended in 1991.

5. Venue is proper in the McAllen Division of the United States District Court for the Southern District of Texas pursuant to 28 U.S.C. §1391 and 42 U.S.C. §2000e-5(f)(3) because Defendants reside in the Southern District of Texas, the unlawful employment practices were committed in the Southern District of Texas, and a substantial part of the events giving rise to the Plaintiff's claims occurred in Edinburg, Texas.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Plaintiff timely filed a Charge of Discrimination with the EEOC based on retaliation and hostile work environment resulting from her filing a complaint against UHV's Dean of the College of Business Administration for sexual harassment and from being identified as a witness in another UHV employee's sexual harassment complaint against the Dean. Plaintiff also filed charges of discrimination based on her sex, national origin and age. A copy of Plaintiff's EEOC charge is attached as Exhibit 1. On February 19, 2020, the EEOC issued its Dismissal and Notice of Rights letter, a copy of which is attached as Exhibit 2. This suit is filed within 90 days of the Plaintiff's receipt of said letter.

IV.
FACTS

7. Plaintiff is a 60 year old Hispanic female.
8. Plaintiff received a Ph.D. in Business Administration with an emphasis in Management from the University of Texas Pan American in 2009. In August of 2009, she was hired for the position of Assistant Professor of Management in the School of Business Administration at UHV.
9. Beginning in the Fall of 2009, the Dean of the School of Business Administration, Dr. Farhang Niroomand, began discussing personnel and personal matters with the Plaintiff. Among these were information concerning faculty that he considered to be “trouble makers” and his plans for dealing with them. He also discussed his relationship with his wife, who is a UHV faculty member, confiding to the Plaintiff that they have a platonic relationship and that she was more like a little sister than a wife. Beginning in 2010, Dean Niroomand began making attempts to kiss the Plaintiff on the mouth. Plaintiff subsequently learned that he made the same types of statements concerning his wife to another female employee and made attempts to kiss at least one other female employee.
10. Dean Niroomand’s attempts to kiss the Plaintiff, and her rejection of these attempts, continued into 2014. During this time period, Dean Niroomand would frequently represent to the Plaintiff that her future at UHV was tenuous, stating that she was not liked by other administrators, that there were concerns about her productivity, and that she and two other faculty members were on a list of professors that the Provost wanted to terminate. He would frequently tell the Plaintiff that he was the only person at UHV who could help her. In December 2014, however, a “Continuous Improvement Report” prepared by the School of Business Administration for its accrediting body, the Association to Advance Collegiate Schools of Business, which covered the 2009/2010 through 2013/2014 academic years, indicated that the Plaintiff was at the top of the list for “Intellectual

Contributions” and the number of students taught. Despite her productivity, Plaintiff was among the lowest paid management professors at UHV.

11. On March 21, 2014, School of Business Administration faculty were required to attend a meeting in Sugar Land, Texas. UHV arranged for all out of town faculty to stay at the Marriott Sugar Land on the evening of March 20, 2014. That night, the Plaintiff had dinner with a colleague and, upon returning to the hotel, saw Dean Niroomand at the lobby bar. They went to say hello and he invited them for a night cap. Afterward, Dean Niroomand and the Plaintiff walked the colleague to her car and returned to the hotel. At the hotel elevators, Dean Niroomand selected the left-side elevator and the Plaintiff selected the right. Dean Niroomand’s elevator arrived first, but he moved to the Plaintiff’s elevator, stating that he would share an elevator with the Plaintiff. The elevator arrived at Dean Niroomand’s floor first, but he pressed the button to close the doors, stating that he wanted to make sure that the Plaintiff made it safely to her room.

12. Upon arriving at the Plaintiff’s floor, Dean Niroomand followed her to her room and, after she unlocked the door, pushed his way into her room and sat on the desk chair. The Plaintiff was forced to stand in the doorway, holding the door open, while she pleaded for him to leave. After approximately one hour, Dean Niroomand stated that he would leave, “but not until you close the door.” The Plaintiff did so and Dean Niroomand proceeded to exit the room, stating “I can’t believe you thought I’d be expecting something you’re not ready for yet.” Afterward, at 12:24 a.m. on March 21, Dean Niroomand sent the Plaintiff a text message stating that “The respect for you is before and ahead of any other person. Wish you had known or recognize it.” On March 22, he sent a text stating “Driving to Houston can you talk?”

13. During the following months, the adverse impact of the event on the Plaintiff’s emotional state grow. In the Summer of 2014, Plaintiff sought advice from a UHV Human Resources

employee, Ms. Karen Pantel. Plaintiff informed her of the March 20, 2014 event and its impact on her emotional state. Ms. Pantel advised the Plaintiff that the only way that UHV would investigate the incident was if the Plaintiff filed a formal complaint. At that time, the Plaintiff was not prepared to do so.

14. In January 2015, Ms. Pantel complained to her supervisor, Ms. Laura Smith, and UHV's President, Dr. Victor Morgan, that Dean Niroomand had recently attempted to kiss her on the mouth. She also advised them that the Plaintiff and another female UHV employee had experienced the same behavior and about the March 20, 2014 hotel incident involving the Plaintiff.

15. Plaintiff was subsequently questioned by Ms. Smith and the Director of Investigations for the System's Office of Equal Opportunity Services, Brian A. Schaffer, and confirmed that she had advised Ms. Pantel about the kissing behavior and hotel incident. However, Plaintiff also advised them that she was not prepared to go into great detail about either matter, or file a formal complaint, for fear of retaliation. She also advised Mr. Schaffer that Dean Niroomand was very powerful at UHV and that he had a President removed and Provost Cass reinstated.¹

16. In August 2014, Plaintiff submitted her application for tenure and promotion. During the evaluation process, Dean Niroomand contacted at least one member of the committee to attempt to influence him to vote against the Plaintiff's tenure and promotion. Despite this, the Plaintiff received tenure and promotion to Associate Professor in August 2015. However, her salary increase was about half of that received by the anglo female and less than those received by the males who previously and subsequently received tenure and promotion in the Management Department.

¹ Dean Niroomand sent the Plaintiff a series of text messages on March 15, 2014, bragging that he was responsible for the March 14 ouster of President Castille and that, on that same day, told former-Provost Cass of his plans to have him reinstated. Provost Cass was reinstated on March 26, 2014.

17. On February 5, 2016, Plaintiff received an email from her department chair, Dr. Solansky, advising that Plaintiff “needs to be deployed” to teach Strategic Management in the Fall because one of the members of the Strategy department was going on sabbatical. Strategic Management is a capstone course and a very demanding teaching assignment because it covers the entire Business Administration curriculum and includes a competitive conference at the end of the course. In addition, Dean Nirromand is present through the entire conference. While the Plaintiff had taught the course in the past, the Management Department was formally divided into two distinct departments with two different department chairs in the Fall of 2013. The Department of Management & Marketing (“Management”), of which the Plaintiff was a member, was chaired by Dr. Solansky. The Department of Strategy and Decision Sciences (“Strategy”), which offers the Strategic Management course, was chaired by Dr. Peggy Cloninger. At the time that the two distinct departments were formed, the Plaintiff and another professor were assigned to the Management Department and two Ph.D. candidates were hired for the Strategy Department. Despite requests for an explanation for this departmental reassignment and why other members of the Strategy Department could not teach the class, none was forthcoming at the time. In addition, the Plaintiff was also assigned to teach two courses (85 students) in her department.

18. On August 6, 2016, Plaintiff received an email from Dr. Cloninger regarding the Spring 2017 Strategic Management course. This led the Plaintiff to conclude that she was going to be reassigned to teach Strategic Management again and to believe that all of the aforementioned events were the result of her rejection of Dean Nirromand’s unwanted advances, the hotel incident, and being identified as a victim by Ms. Pantel. Shortly thereafter, the Plaintiff requested a meeting with Chari Norgard, who was the Title IX Coordinator at UHV.

19. The Plaintiff met with Ms. Norgard on September 8, 2016. Afterward, Ms. Norgard reached out to Dr. Richard Baker, the Assistant Vice Chancellor and Vice President of the Equal Opportunity Services Office at the University of Houston System, regarding the Plaintiff's situation. That initial meeting took place on October 3, 2016. At that meeting, the Plaintiff's situation and available options were discussed.

20. On October 12, 2016, two days after her resignation as the Management Department Chair, Dr. Solansky sent an email to the Plaintiff advising that she was being assigned to teach the Strategic Management course again in the Spring of 2017. Coincidentally, the Management course that Plaintiff traditionally taught was assigned to a member of the Strategy Department.

21. Subsequently, the Plaintiff had a follow up meeting with Ms. Norgard and Dr. Baker. Afterward, the Plaintiff made the decision to file a Formal Complaint with the System. The complaint and supporting documentation was filed on February 10, 2017.

22. On January 30, 2017, Plaintiff began FMLA and sick leave in order to begin addressing the emotional and physical problems that resulted from the aforementioned events. Her treating psychiatrist, Jose E. Igoa, M.D., diagnosed her with Post Traumatic Stress Disorder and Generalized Anxiety Disorder.

23. On February 8, 2017, while the Plaintiff was on leave, Dr. Cloninger sent an email, copying the new Management Chair, Dr. Jun Yang, inquiring about the Plaintiff's preferred days on which to teach Strategic Management in the Fall.

24. Plaintiff taught an online Management Department course during the summer. Plaintiff also learned that she had been scheduled to teach a 7:00 p.m. to 9:45 p.m. Strategic Management course in the Fall of 2017.

25. In August 2017, the Plaintiff reached out to Dr. Yang to express her opinion that she was needed to teach Organizational Behavior, which had been assigned to an adjunct professor, more than she was needed to teach Strategic Management. In response, Dr. Yang informed her that UHV was trying to save money by not requiring its Strategy Department faculty, who all lived in the Houston area, to drive to Victoria to teach the Strategic Management course.

26. On August 18, 2017, Dean Niroomand resigned his position as dean. On August 21, 2017, the President of UHV, Dr. Victor Morgan, sent an email to all faculty and staff praising the Dean and lamenting his resignation. The email also advised that Dr. Niroomand was given “Faculty Developmental Leave for the fall and spring semesters to prepare for his return to the classroom and assume his duties as Professor of Economics and International Business and other duties at UHV.”

27. Plaintiff began teaching the Strategic Management course on August 28, 2017. In September, Dr. Niroomand requested an office and UHV assigned him one on the same floor as the Plaintiff’s office, which caused her great anxiety.

28. On September 18, 2017, the *Notice of Findings; Dr. Olga Chapa/Dr. Farhang Niroomand* was released. The report is marked “Confidential.”

29. In October 2017, Plaintiff became overwhelmed with anxiety at the thought of running into Dr. Niroomand and was forced to take sick leave again.

30. On November 22, 2017, Dr. Igoa wrote a letter explaining that the Plaintiff was still under his care for treatment of her PTSD and Generalized Anxiety Disorder. He advised that “accommodations should be made for Ms. Chapa so that there is no contact with the person who caused the traumatic incident.”

31. In December 2017, the Plaintiff met with the new Dean, Dr. James Wagner, to discuss her teaching assignments and health. At that meeting, she provided Dean Wagner with the letter from

Dr. Igoa and requested an online schedule for the Spring. Dean Wagner advised the Plaintiff that he would discuss the matter with the Executive Committee.

32. On January 8, 2018, Dr. Yang advised the Plaintiff that the Executive Committee, of which Dr. Cloninger was a member, insisted that she teach a Thursday 7:00 p.m. to 10:00 p.m. Strategic Management course in the Spring of 2018. However, on January 12, 2018, Dean Wagner advised the Plaintiff that she would be allowed to teach the course online “for the Spring only.”

33. In January 2018, Dr. Yang advised the Plaintiff that she was going to be evaluated for 2017, despite the fact that she was on sick leave the entire Spring semester and most of the Fall semester. The Plaintiff pointed out that, since faculty members on sabbatical are not evaluated, the same should apply to faculty on sick leave. Dr. Yang did not agree and advised the Plaintiff that she would be evaluated “like everybody else.” In April 2018, the Plaintiff received her 2017 evaluation, which contained a below average score. Dr. Yang’s decisions concerning the 2017 evaluation also adversely impacted the Plaintiff’s 2018 evaluation and the salary increases that all faculty received in 2018 and 2019. As a result, the Plaintiff was forced to file a grievance with the Faculty Grievance Committee.

34. In June 2018, the Plaintiff learned that Dr. Niroomand was assigned to teach during the Fall of 2018. A colleague suggested that she request an accommodation under the Americans with Disabilities Act in order to alleviate her fear of running into Dr. Niroomand on campus.

35. On June 26, 2018, the Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission, in which she described the aforementioned harassment, retaliation, hostile work environment and gender and national origin discrimination.

36. The Plaintiff requested an ADA workplace accommodation in August 2018. She submitted a letter from Dr. Igoa, dated August 28, 2018, which stated that she was currently a patient who is

being treated for generalized anxiety disorder, chronic PTSD, major depressive disorder, and moderate recurrent panic disorder. Dr. Igoa recommended the following reasonable accommodations: “safe workplace away from any triggers of PTSD symptoms” and “teach/advise students on-line.”

37. On September 6, 2018, Laura Smith (Director of Human Resources, Deputy EO/Title IX at UHV) emailed a Medical Inquiry Form, a Medical Release and a Request for Workplace Accommodations Form to the Plaintiff. Upon receipt of the forms, it was apparent that they were significantly different than the ADA accommodation forms provided on the UHV and other System campuses’ websites. Further investigation revealed that the forms sent by Ms. Smith had been created that same day by an employee at the System’s EO office and that Ms. Smith had spent 32 minutes editing the Medical Inquiry Form. The Plaintiff submitted the ADA forms provided on the UHV website on September 23, 2018.

38. On October 2, 2018, the Plaintiff saw that she had been scheduled to teach a class at UHV’s Katy campus. She reached out to Dr. Yang to inquire about the assignment and was advised that Laura Smith met with the three department chairs on September 13 to discuss the Plaintiff’s ADA accommodation request. At this meeting, it was decided that the Plaintiff would be sent to Katy because she “can’t teach on [the] Victoria Campus.”

39. On October 5, 2018, Ms. Smith emailed the Plaintiff about her requested accommodation (an online schedule) stating that “her job responsibilities also include . . . other duties as assigned by the dean and the chair. These additional responsibilities, in addition to teaching will require work on campus and interaction with other faculty members, including Dr. Niroomand . . . How do you anticipate participating in your other on campus duties of you job?”

40. On October 26, 2018, Plaintiff received an email from Dr. Yang advising that the chairs and the Dean decided that she would be given an four course online schedule for the Spring of 2019.

41. On November 8, 2018, the Plaintiff received a Workplace Accommodation Response Form, signed by Ms. Smith, denying her accommodation request but offering an online schedule for the upcoming Spring 2019 semester.

42. By this time, the Plaintiff had also developed and been diagnosed with shingles. In mid-2019, the Plaintiff also developed and was diagnosed with another stress-related condition, pityriasis rubra pilaris.

43. On April 6, 2019, the Plaintiff received her 2018 evaluation. On May 3, 2019, the Plaintiff advised Dr. Yang that she intended to file a grievance concerning her 2017 and 2018 evaluations because of the improprieties referenced in paragraph 33, above. The Plaintiff filed her grievance on May 6, 2019. On August 6, 2019, the grievance committee concluded that the Plaintiff's 2017 evaluation was a nullity because she was on FMLA leave that year and that the research component of her 2018 evaluation should be corrected. The committee also recommended that the faculty manual be revised to bring it in line with FMLA.

44. On October 28, 2019, the Provost sent an email to the Chair of the grievance committee, with copies to the Plaintiff, Dr. Yang, the President of UHV, and the Dean of the School of Business Administration, advising that, since he has not received any rebuttal to the committee's findings, he accepts the finding that "Dr. Chapa's leave should not have negatively impacted her 2017 evaluation" and he "asks that Dr. Yang revise her 2018 evaluation."

45. On November 11, 2019, the Plaintiff sent an email to Dr. Yang inquiring about the status of the corrections to her evaluations. Despite the grievance committee's findings and the Provost's instructions to do so, Dr. Yang sent an email to the Chair of the grievance committee later that day,

copying the Plaintiff, inquiring whether “the Faculty Senate has officially changed the faculty manual” and advising that “if the Senate has officially changed the wording, I can adjust Dr. Chapa’s evaluation accordingly.”

46. On December 6, 2019, the Plaintiff received notice that the faculty manual would now include language that faculty members’ “annual performance evaluation, and merit pay, should not be adversely affected by absences from the classroom, lack of participation in service activities, or lack of productivity in scholarship, due to sick leave. On December 18, 2019, Dr. Yang sent an email to the Plaintiff that she would adjust the evaluations shortly. On January 17, 2020, Dr. Yang sent the revised 2018 evaluation. However, the Plaintiff’s 2018 and 2019 salary increases have yet to be adjusted to reflect these corrections.

V. CAUSES OF ACTION

Count 1 – Hostile Work Environment and Retaliation under Title VII

47. The allegations contained in paragraphs 1 through 46, inclusive, are hereby incorporated by reference.

48. Plaintiff is a female employee protected under Title VII. At all times relevant to this complaint, she was employed as an Assistant and Associate Professor of Management at the University of Houston at Victoria School of Business Administration.

49. Defendant, the University of Houston at Victoria, is an employer within the meaning of Title VII, is engaged in an industry affecting interstate commerce, and regularly employs more than fifteen employees.

50. Defendant, the University of Houston System, is an employer within the meaning of Title VII, is engaged in an industry affecting interstate commerce, and regularly employs more than fifteen employees.

51. Dr. Farhang Niroomand was employed by Defendant(s) as the Dean of the School of Business Administration at the University of Houston at Victoria and continues to be employed as a Professor of Economics and International Business.

52. Dean Niroomand created a sexually hostile work environment through his words and actions towards the Plaintiff. This conduct was so severe that it altered the terms and conditions of Plaintiff's employment and created an intimidating, hostile and offensive work environment.

53. Dean Niroomand also retaliated against the Plaintiff for her opposition to his sexual advances and for reporting his intimidating, hostile and offensive conduct. Dean Niroomand, directly and through his subordinates, including but not limited to Dr. Stephanie Solansky and Dr. Peggy Cloninger, retaliated against the Plaintiff both economically and by adversely altering her working conditions.

54. Defendants are directly and vicariously liable for the conduct of its employee, Dean Niroomand, because they were aware of his intimidating, hostile and offensive conduct and failed to exercise reasonable care to prevent and/or promptly correct said conduct.

55. Defendants engaged in the foregoing conduct with malice and reckless indifference to the Plaintiff's federally protected rights, thereby entitling her to punitive damages.

Count 2 – Gender and Race/National Origin Discrimination under Title VII

56. The allegations contained in paragraphs 1 through 55, inclusive, are hereby incorporated by reference.

57. Plaintiff is a Hispanic female protected under Title VII.

58. Defendants, through the aforementioned and other School of Business Administration employees, intentionally discriminated against the Plaintiff because of her gender and race/national origin.

59. Defendants discriminated against the Plaintiff by failing to financially compensate her at the same level as male and anglo female Assistant and Associate Professors of Management.

60. Defendants further discriminated against the Plaintiff by assigning her to teach courses outside of her Department and classes with higher enrollments.

61. Defendants engaged in these discriminatory practices with malice and reckless indifference to the Plaintiff's federally protected rights, thereby entitling her to punitive damages.

VI.
ATTORNEYS FEES

62. Plaintiff is entitled to an award of attorneys fees and costs under Title VII, 42 U.S.C. §2000e-5(k).

VII.
DAMAGES

63. As a direct and proximate result of the Defendants' conduct, Plaintiff suffered the following injuries and damages:

- a. Lost back pay and benefits and front pay and benefits;
- b. Plaintiff suffered mental anguish, emotional distress, physical illness, humiliation, embarrassment, and loss of enjoyment of life;
- c. Plaintiff seeks punitive damages; and
- d. Plaintiff is entitled to prejudgment interest on lost wages and benefits and post-judgment interest on all sums, including attorneys fees.

VIII.
PRAYER

64. For all of the foregoing reasons, Plaintiff asks for judgment against the Defendants for the following:

- a. Damages for loss of back pay and benefits;
- b. Damages for front pay and benefits;
- c. Compensatory damages for emotional pain, suffering and mental anguish, physical illness, humiliation, embarrassment and loss of enjoyment of life;
- d. Punitive damages;
- d. Reasonable attorney fees and costs of suit;
- e. Prejudgment and Post-judgment interest; and
- f. All other relief the court deems appropriate.

Respectfully submitted,

s/Joe Hernandez
Attorney in Charge
State Bar No.09517700
USDC No. 15145
jhernandez@guerrasabo.com

Heather Scott
State Bar No. 24046809
USDC No. 575294
hscott@guerraleeds.com
Of Counsel

GUERRA & SABO, P.L.L.C.
10213 North 10th Street
McAllen, Texas 78504
Telephone: 956-383-4300
Facsimile: 956-383-4304
Of Counsel

Attorneys for Defendant

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 460-2018-01865 </div> </div>	
Texas Workforce Commission Civil Rights Division and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Dr. Olga Chapa		Home Phone (956) 451-6018	Year of Birth 1959
Street Address City, State and ZIP Code 9515 North Expressway 281, EDINBURG, TX 78542			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name UNIVERSITY OF HOUSTON VICTORIA		No. Employees, Members	Phone No. (361) 570-4848
Street Address City, State and ZIP Code 3007 N. Ben Wilson, VICTORIA, TX 77901			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es)) <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> <div> Earliest 01-01-2017 </div> <div> Latest 05-25-2018 </div> </div> <div style="margin-top: 10px;"><input checked="" type="checkbox"/> CONTINUING ACTION</div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I. I was a witness in a sexual harassment complaint filed by Mrs. Karen Pantel against Dean Farhang Niroomand in 2015. I also filed a sexual harassment complaint against Dean Farhang Niroomand in January 2017. The investigation of my complaint ended in October 2017. UHV failed to implement measures to protect me from retaliation and a hostile work environment. I have experienced an ongoing hostile work environment, including reassignments to another department (Strategy) to teach a capstone course. The pretense for the reassignments was created by two Anglo females. The reassignments, which result in additional teaching expectations for me, benefit younger, non-Hispanic males in the Strategy Department who would have otherwise been assigned to teach the course during the Fall 2017 and Spring 2018 semesters. This hostile environment has affected my wellbeing and I was on sick leave in 2017. My salary has been affected in the past and will continue to be affected in the future because no consideration of me being on FMLA was given in any portion of my 2017 evaluation, dated 1/26/2018, which will be used for merit raises in August 2018.</p> <p>II. I believe I am being discriminated against because of my sex (female), national origin (Hispanic), age (59), and retaliated against because of being a witness to and because of filing my sexual harassment complaint in violation of the Equal Pay Act of 1963; Title VII of the Civil Rights Act of 1964; and the Age Discrimination in Employment Act of 1967, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally signed by Olga Chapa on 06-26-2018 04:05 PM EDT		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Olga Chapa**
9515 North Expressway 281
Edinburg, TX 78542

From: **Houston District Office**
Mickey Leland Building
1919 Smith Street, 7th Floor
Houston, TX 77002



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

EEOC Charge No.

EEOC Representative

Telephone No.

460-2018-01865

Marilyn Blackshear,
Investigator

(346) 327-7671

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



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



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



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



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



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.



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



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, 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 claim under state law 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

Marilyn Blackshear
 for **Rayford O. Irvin,**
District Director

2-19-2020

(Date Mailed)

Enclosures(s)

cc:

Jennifer Bloom
Sr. Asst. General Counsel
UNIVERSITY OF HOUSTON
E. Cullen Building, Suite 311
Houston, TX 77204

Michelle Miller, Esquire
MISHOE MILLER LAW
4309 Yoakum Blvd.
Houston, TX 77006

Texas Workforce Commission
101 East 15th Street
Guadalupe-CRD
Austin, Texas 78778

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Dr. Olga Chapa

(b) County of Residence of First Listed Plaintiff Hidalgo County, TX
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Joe Hernandez and Heather Scott, Guerra, & Sabo, PLLC,
10213 N. 10th Street, McAllen, TX 78504, 956-383-4300

DEFENDANTS

The University of Houston at Victoria and The University of Houston System

County of Residence of First Listed Defendant Victoria County, TX
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act		
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 2000e

Brief description of cause:

Hostile work environment, retaliation, sexual harassment, gender and race/national origin discrimination

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/19/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/Joe Hernandez

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE