

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DR. LUH YU REN,	§	CIVIL ACTION NO.:
Plaintiff,	§	
	§	
v.	§	
	§	
THE UNIVERSITY OF HOUSTON AT VICTORIA and THE UNIVERSITY OF HOUSTON SYSTEM,	§	JURY DEMANDED
	§	
Defendants.	§	

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE U.S. DISTRICT COURT JUDGE:

NOW COMES Plaintiff Dr. Luh Yu Ren (hereinafter referred to as “Plaintiff”) in the above-referenced matter, complaining of and about Defendants The University of Houston at Victoria (hereinafter referred to as “UHV”) and The University of Houston System (hereinafter referred to as “the UHS”) (hereinafter collectively referred to as “Defendants”), and for cause of action files this Original Complaint, showing to the Court the following:

I. PARTIES

1. Plaintiff Dr. Luh Yu Ren is an individual residing in Sugar Land, Fort Bend County, Texas. Plaintiff is a citizen of the United States and the State of Texas.

2. Defendant The University of Houston at Victoria is a state-funded university in the State of Texas. Defendant UHV may be served with process by serving its registered agent, Jim Davis, its Deputy Attorney General for Civil Litigation, at The Price Daniel Senior Building, 209 West 14th Street, 8th Floor, Austin, TX 78701.

3. Defendant The University of Houston System is a state-funded university in the State of Texas. Defendant UHS may be served with process by serving its registered agent, Jim Davis, its Deputy Attorney General for Civil Litigation, at The Price Daniel Senior Building, 209 West 14th Street, 8th Floor, Austin, TX 78701.

II. JURISDICTION

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, as Plaintiff's causes of action arise under federal statutes: Title VII of the Civil Rights Act of 1964 (as amended) (which is codified in 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a)) (hereinafter referred to as "Title VII"); the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et seq. (as amended by the Civil Rights Act of 1991) (which is codified in 29 U.S.C. § 621 et seq.) (hereinafter referred to as the "ADEA"); and, the Americans with Disabilities Act (as amended) (which is codified in 42 U.S.C. § 12101 et seq.) (hereinafter referred to as the "ADA").

5. Additionally, this Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiff's similar state claims that arise under the Texas Commission on Human Rights Act, which is codified in Chapter 21 of the Texas Labor Code, Texas Labor Code § 21.001 et seq. (hereinafter referred to as the "TCHRA"), because such claims are so related to the claims within the Court's original jurisdiction that they form part of the same case or controversy under Article 3 of the United States Constitution.

6. Venue is proper in the Southern District of Texas - Houston Division pursuant to 28 U.S.C. § 1391(a) because this is the judicial district where a substantial part of the events or omissions giving rise to the claim occurred.

III. NATURE OF THE ACTION

7. This is an action brought pursuant to Title VII and the TCHRA on the ground that

Plaintiff was discriminated and retaliated against because of Plaintiff's national origin (as he is Chinese) and Plaintiff's sex (i.e., a male). The action is to correct and recover for Defendants' unlawful employment practices on the basis of Plaintiff's national origin and sex, including the discrimination and retaliation based on Plaintiff's protected activities involving his national origin and sex (e.g., the complaints Plaintiff made about it). See 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a); 42 U.S.C. §§ 1981 and 1983; and Texas Labor Code § 21.001 et seq..

8. Further, this is an action under the ADEA and the TCHRA to correct and recover for unlawful employment practices on the basis of Plaintiff's age (i.e., sixty-four (64) years old), which includes Plaintiff being discriminated and retaliated against because of his age. See 29 U.S.C § 621 et seq.; and Texas Labor Code § 21.001 et seq..

9. This is also an action to correct and recover for Defendants' violations of the ADA and the TCHRA. Specifically, Plaintiff complains that Defendants discriminated and retaliated against him on the basis of his disability or the perception of a disability, failed to accommodate his disability, and subsequently retaliated against Plaintiff after engaging in protected activities. See 42 U.S.C. § 12101 et seq.; and Texas Labor Code § 21.001 et seq..

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. On November 5, 2012, Plaintiff filed a charge with the U.S. Equal Employment Opportunity Commission (hereinafter referred to as the "EEOC") against Defendants for race discrimination, national origin discrimination, age discrimination, and retaliation (which is Charge No. 460-2013-00429). This charge was filed for discrimination and retaliation. (See Exhibit 1, which is attached hereto and incorporated by reference).

11. On July 29, 2016, Plaintiff filed an amended charge of discrimination based on national origin discrimination, age discrimination, sex discrimination, disability discrimination,

and retaliation with the EEOC; Charge No. 460-2013-00429. This charge was related to ongoing discrimination and retaliation. (See Exhibit 2, which is attached hereto and incorporated by reference).

12. Subsequently, the EEOC issued Plaintiff a Notice of Right Sue, dated November 4, 2016 (but not postmarked until November 8, 2016), which was received on November 14, 2016. (See Exhibit 3, which is attached hereto and incorporated by reference). The United States Department of Justice – Civil Rights Division also issued Plaintiff a Notice of Right to Sue, dated November 4, 2016, which was received on November 14, 2016. (See Exhibit 4, which is attached hereto and incorporated by reference). Plaintiff files this lawsuit within ninety (90) days of receiving the Right to Sue notices. Therefore, this lawsuit is timely filed.

V. FACTS

13. Plaintiff is a sixty-four (64) years old Chinese male. In 1986, Plaintiff received his Ph.D. from the Department of Information Systems and Quantitative Science in the College of Business Administration at Texas Tech University with a major in Business Statistics. Plaintiff has primarily researched business forecasting and its applications in finance. His research papers have been published in various journals.

14. In 1987, Plaintiff began working for Defendants (i.e., his employer) at the UHV's School of Business Administration (hereinafter referred to as "UHV - SBA"). Plaintiff is the most senior faculty member at UHV - SBA. Both Defendants offer online programs, which are open to to national and international students. Plaintiff teaches face-to-face, online, and iTV classes for Defendants.

15. On September 23, 2007, Plaintiff's spring 2008 assignment to QMS 6351 was cancelled. The reason it was cancelled was because of Plaintiff's refusal in May of 2007 to give

students (who complained about their grades) a “B” grade in Plaintiff’s QMS 6351 classes, which was demanded by the former department chair (who was Iranian). This demand was made via an e-mail to Plaintiff with a cc to the students that complained about their grades. Plaintiff refused to abide by the demand because those students had received grades in the 40s to the 60s. Since Plaintiff refused to change the grades, Plaintiff was put on a faculty development plan. Therefore, Plaintiff complained about it and filed a grievance, which was determined to have merit.

16. Since that time, Defendants’ administration started retaliating against Plaintiff for not cooperating with them. As a result, Plaintiff was reassigned to teach a “quantitative decision making” class (which was identified as “QMS 3321”), which Plaintiff had been previously excluded from teaching in 2000 due to his lack of academic qualifications for that class. Since then, Plaintiff was paid according to the salary standard for faculty members that taught economics and statistics classes. The department chair promised Plaintiff, in writing, that the assignment of QMS 3321 would only be for one (1) semester. Defendants allowed a younger male to quit teaching QMS 3321 after he had created and taught it for seven (7) years. Defendants did not assign two (2) younger faculty members to teach QMS 3321 even though they were hired in response to a job posting specifically for QMS 3321. In 2009, a younger female faculty member was hired to teach QMS 3321 and a business statistics class for the Victoria campus. But, Plaintiff was still required to teach her QMS 3321 and business statistics classes at the Victoria campus even though Plaintiff’s home campus was in Sugar Land. As such, there was a driving distance of about two (2) hours between the Victoria and the Sugar Land campuses. To date, between the two QMS faculty members, the younger female faculty member has only taught one (1) time at her home campus in Victoria, whereas Plaintiff has

taught in Victoria, which is not his home campus, more than seven (7) times.

17. The discrimination between the two QMS faculty members (i.e., Plaintiff and the younger female faculty member) by Dean Farhang Niroomand (hereinafter referred to as “Dean Niroomand”), who is Iranian, began when the younger female faculty member was hired at a higher salary than Plaintiff’s currently salary (which salary he has gotten after working for Defendants for about twenty-nine (29) years). Aside from being given a higher salary, Dean Niroomand also hired her at a higher position as being an associate professor. Records show that it was accomplished using inaccurate information and criteria to do it. Furthermore, that faculty member was hired to work at the Victoria campus. However, even though Plaintiff was assigned to work at the Sugar Land campus, Plaintiff is the faculty member that has been assigned more than others to teach at off-campus sites, including at the younger female faculty member’s designated teaching site of Victoria. Teaching on these campuses are less favorable teaching assignments than being able to teach on the internet. This younger female faculty member has also never been assigned to teach QMS courses in the off-campus site of Cinco Ranch, whereas Plaintiff has taught there more than fifteen (15) times. In terms of extra travel time, this is equivalent to teaching an extra fourteen (14) classes. This gender and age discrimination also enabled the younger female faculty member to be the most-appointed faculty member, serving on seven (7) out of the twelve (12) school-level committees, and helped her be promoted to a full-time professor in four (4) years.

18. In 2010, Dean Niroomand changed the promotion policy to require professors that have been at the school longer, who are predominantly older professors, to publish articles more than the younger professors. Plaintiff, who had published four (4) papers in the preceding five (5) years, suddenly had to have published seven (7) more papers in order to be eligible to apply

for a promotion.

19. Around January 23, 2010, Dean Niroomand denied Plaintiff's application for publication award of \$600.00 by fabricating a reason, which was not true. Plaintiff filed a grievance about it. On February 4, 2010, Dean Niroomand e-mailed Plaintiff to demand that he not contact UHV's former Provost Suzanne LaBrecque. On February 12, 2010, Dean Niroomand threatened Plaintiff, in person, by stating that if he and his co-workers continued to complain, then, Dean Niroomand would conduct an investigation on them. Thereafter, Dean Niroomand sent a negative report to the Provost and his department chair about Plaintiff's unreasonable absence from Plaintiff's paper presentation in a conference. Despite Dean Niroomand denying Plaintiff's publication award, Dean Niroomand granted a younger female professor, who comes from the same country as him, \$10,000.00 for her summer research sabbatical even though her paper had already been sent in for publication on January 7, 2011. However, although this same professor was entitled to a \$600.00 publication award, she was not entitled to the \$10,000.00 grant. In March of 2010, Plaintiff was also penalized in his annual evaluation for contacting Provost LaBrecque too much.

20. In a UHV - SBA meeting on October 14, 2011, Dean Niroomand announced that the faculty development fund of \$2,000.00 was no longer available to UHV - SBA faculty members. In that same meeting, Dean Niroomand told Plaintiff that he should leave their school to go to another school where the funds were still available. Oddly, on April 10, 2015, UHV's former Provost Jeffrey Cass (hereinafter referred to as "Provost Cass") announced to the entire faculty that the \$2,000.00 faculty development award was always available to every faculty member.

21. Around April 18, 2012, Plaintiff (and at least four (4) other Chinese faculty

members) had five (5) points deducted on their annual evaluations for not attending the commencement ceremony in 2011 even though about twenty-two (22) out of the thirty-eight (38) other faculty members, who were mostly from other countries, missed the commencement ceremony. These other non-Chinese faculty members did not receive any points deducted from their annual evaluations. Plaintiff received an additional 0.5 deduction (out of a 5.0 point scale) from his overall annual evaluation score. The deduction of points that was made was a discretionary deduction that was made by Dean Niroomand. Since Plaintiff's annual evaluation was unfairly lower, Plaintiff did not receive the similar increases as his non-Chinese colleagues or younger female colleagues. Given the fact that the annual evaluations directly correlate to annual pay raises, Plaintiff has only received a very minimal pay raise, and no pay raise in the last three (3) years since Dean Niroomand started discriminating and retaliating against Plaintiff, whereas other faculty members (e.g., the younger and female QMS faculty members) have received a pay raise of about twenty percent (20%) to thirty percent (30%). The difference in these pay raises is about a \$30,000.00 salary difference between Plaintiff and the other younger female QMS faculty members. In addition, other faculty members, who were from the same geographic region as Dean Niroomand, received high annual evaluations even though they received low student evaluations.

22. Furthermore, most of Plaintiff's travel requests for presenting his research (which occurs at conferences) were not properly funded. In 2012, three UHV - SBA faculty members attended the same conference in New Orleans, which is called the Federation of Business Discipline. Plaintiff was the only one who got the Dean's approval with reduced funding while the other two (2) younger female faculty members received full funding as they had requested. While Dean Niroomand approved Plaintiff for \$750.00 in 2012, in 2013, Dean Niroomand

approved his younger female colleague for \$1,200.00 to attend the same conference in New Orleans, which was the Southwest Economic Association Conference. Plaintiff was never provided a valid reason for why he was denied his request for full travel funds (especially when others were receiving it, as described above). Nonetheless, on April 24, 2012, Provost Cass e-mailed Plaintiff stating that just because Plaintiff's funding was cut, it did not mean that the other two female faculty members could not get fully funded.

23. As part of the harassment, hostile work environment, discrimination, and retaliation, Dean Niroomand would also ask Plaintiff if he understood English. He would also tell Plaintiff to not contact the Provost. Additionally, Dean Niroomand referred to Plaintiff as a "troublemaker" to other faculty members and to Plaintiff. On March 15, 2012, Dean Niroomand also said in front of UHV – SBA executive team members that Plaintiff did not make any contributions, but was merely making trouble. Dean Niroomand has also previously called Chinese people stupid by stating "stupid Chinese".

24. As a result of Defendants' actions, in March of 2012 through May of 2012, Plaintiff filed four (4) grievances against Defendants, including (but not limited to) unfair summer teaching assignments, unfair funding approval, unfair annual evaluations, and public humiliation by Dean Niroomand (which included when he fabricated information about Plaintiff). However, these grievances were dismissed by Provost Cass. Plaintiff received no relief from the grievances that he made about Defendants.

25. The faculty members that Dean Niroomand was hiring were under the age of forty (40) years old.

26. In mid-October of 2012, Plaintiff received open records about the hiring of the younger female QMS faculty member. These documents showed that there were issues with the

manner and method that she was hired, including not abiding by the new hire's contract, which appeared to have been disregarded in terms of the subject she was teaching and her teaching location. This impacted Plaintiff's teaching assignments and locations. Plaintiff reported this issue to Defendants' legal department; but, his complaint was ignored.

27. On November 5, 2012, Plaintiff filed an EEOC Charge for national origin discrimination, race discrimination, age discrimination, and retaliation.

28. On April 8, 2013, Plaintiff also reported the age and sex discrimination issues regarding the younger female QMS faculty member to Provost Cass. Plaintiff's April 8, 2013 confidential complaint, which was sent only to Provost Cass, was intentionally leaked to the younger female QMS faculty member. This led to Plaintiff receiving threats towards him regarding the situation. Thus, on April 21, 2013, Plaintiff complained about it to human resources and Provost Cass. Plaintiff never received a response. That same day, the younger female QMS faculty member filed a counter complaint. Eventually, Plaintiff was officially reprimanded. Human resources ignored or dismissed the many complaints made by Plaintiff regarding the discrimination, retaliation, harassment, and hostile work environment.

29. In further retaliation, Defendants' administration made unfounded accusations regarding Plaintiff sexually harassing the younger female faculty member. However, even she denied any sexual harassment. Nonetheless, on November 8, 2013, Provost Cass officially reprimanded Plaintiff for this alleged harassment despite the fact that these claims had been invalidated by all parties. On February 6, 2014, Defendants' grievance committee ruled that Provost Cass' actions were inappropriate. But, on March 4, 2014, UHV's former President, Philip Castille (hereinafter referred to as "President Castille"), supported Provost Cass' actions, including officially reprimanding Plaintiff, in writing, by putting the reprimand in Plaintiff's

employment file. Moreover, in Provost Cass' December 15, 2014 e-mails, he essentially claimed that Plaintiff sexually harassed the same younger female faculty member, again, as well as two other female colleagues (including a department chair, who Plaintiff identified in his grievances for unfair teaching assignments, etc.). However, these claims were also unsubstantiated.

30. Thereafter, Plaintiff reported this retaliation to Defendants' Office of Equal Opportunity Services (hereinafter referred to as "EOS"). But, Defendants' EOS dismissed Plaintiff's complaint; and, returned the case to Defendants. The hearing was processed in violation of its own procedures. In mid-February 2016, Defendants' human resources director informed Plaintiff about the mid-March 2016 deadline for providing additional information and witnesses. Although Plaintiff requested an extension of the hearing date (due to the procedural violation and his health issues), Plaintiff's request was denied. Thus, the hearing went forward without Plaintiff being present at the hearing. Defendants also did not use the documents that Plaintiff had previously provided to the panel, which was over one hundred (100) pages.

31. In 2013, Plaintiff applied for travel funding to present his full paper at the Decision Sciences Institute Conference, which was considered to be a Tier 1 conference. For Tier 1 conferences, Defendants should approve \$1,500.00. But, Plaintiff was only given \$1,100.00 for it. In 2014, Plaintiff's travel request for this same conference was denied. The reason Plaintiff was given for the denial was because Plaintiff was apparently accused of self-plagiarism, which was proven to be untrue. In contrast, in 2013, a younger Middle Eastern faculty member, who was also allegedly accused of self-plagiarism was promoted to being a full-time professor. Additionally, in 2014, a younger female American faculty member, who was also allegedly accused of plagiarism/self-plagiarism, was promoted to being a full-time professor as well as being appointed to chair a department.

32. On December 4, 2014, in a policy review meeting, Dean Niroomand referred to Plaintiff as a “troublemaker”, stated two faculty members/chair members were constantly being harassed, and mentioned Plaintiff’s complaint about being assigned to teach in Victoria (which was part of Plaintiff’s EEOC claims). Plaintiff then complained to Defendants, via a few of UHV’s administrators, including the former President Castille. But, no action was taken regarding the complaints. Dean Niroomand learned about Plaintiff’s complaints.

33. Thereafter, during a February 20, 2015 school meeting, Dean Niroomand said in front of the entire business faculty that Plaintiff sent a “nasty letter to the top administrators” and “created friction between the top administrators” and himself. Dean Niroomand also told Plaintiff to “go make another report about this meeting”. After the meeting, everyone got their pizza, and nobody sat next to Plaintiff. Dean Niroomand said to the former Associate Dean, Jeffrey Blodgett, that it was sad to see Plaintiff sitting alone, but that it felt good to insult Plaintiff in public. Dean Niroomand similarly singled out Plaintiff about his complaints in the junior faculty meeting on April 3, 2015.

34. In the spring of 2015, a younger female Iranian economics faculty member was scheduled to teach a statistics class in Victoria. Plaintiff was then assigned to replace her assignment in Victoria without any advanced notice to Plaintiff or discussing it with Plaintiff. The reason for this change was because the UHV - SBA claimed that she was more qualified to teach graduate statistics than Plaintiff, even though his background was in business statistics and had been teaching graduate business statistics since 1987. Her background was in economics. Plaintiff’s student annual evaluations were much better than those of the younger female economics faculty member. Moreover, the other younger female QMS faculty member has only taught once at the Victoria campus, which was her home campus (as identified in her

contract). Neither of the two other female faculty members that teach statistics has ever been assigned to teach that statistics class at the Victoria campus. Defendants have further disregarded Plaintiff's teaching subjects (which were adjusted in accordance with the AACSB accreditation requirement for an instructor's qualification) and Plaintiff's home campus in Sugar Land, as agreed upon with the former Dean (i.e., Charles Bullock). Defendants denied the ruling made by the grievance committee, which was that Plaintiff's grievance had merit. In Defendants' dismissal letter, Provost Cass said that Plaintiff's 1987 contract specified that Plaintiff could be assigned to teach at other locations. No mention was made in that letter about Plaintiff's complaint that the younger female QMS faculty, who was hired in 2009 to teach in Victoria, was teaching different subjects and at a different location than what was set forth in her contract.

35. In the summer of 2015, the SBA administration unjustifiably classified Plaintiff as a non-academic qualified (hereinafter referred to as "AQ") faculty member. However, Plaintiff had more than three (3) journal publications in a consecutive five-year period to meet the AQ requirement in business statistics. Defendants had arbitrarily used four (4) years and seven and a half (7.5) months to replace the five (5) year period - the latter which had been defined in the contracts that were issued to newly hired employees. Defendants then increased Plaintiff's teaching load from three (3) to four (4) classes per semester and assigned him two (2) classes entitled MGMT 3306, which is outside of the scope of his knowledge. Importantly, there were two (2) younger Iranian faculty members that were hired in 2014 to teach this subject.

36. Due to Plaintiff being assigned the MGMT 3306 class, as well as the ongoing discrimination and retaliation by Defendants, Plaintiff's health suffered to the point where he had to apply for medical leave under the Family Medical Leave Act in August of 2015. Plaintiff's

initial application for medical leave was denied because of the delay caused by the human resources director regarding approving a third doctor. Although Plaintiff ended up not teaching the assigned MGMT 3306 class in 2015, the SBA administration assessed Plaintiff's teaching of MGMT 3306 at a 2.0 in his 2015 annual performance evaluation.

37. In the summer of 2015, Plaintiff's graduate level statistics class had nine (9) students enrolled, which was above the minimum requirement of five (5) students. But, his class was cancelled about one (1) week before the class started. The cancellation was right after Plaintiff complained about the unfair assessments in his 2014 annual evaluations (which evaluation was based on false allegations). Plaintiff was the only professor in the SBA that had a class cancelled when there were enough students that enrolled to meet the minimum requirement. Similarly, in the summer of 2016, Plaintiff already had five (5) students enrolled two (2) weeks before the class was to set to start; but, Plaintiff's class was cancelled. However, there were three (3) other statistics classes that were assigned to three (3) younger economics faculty members, including two (2) of them that were already teaching other summer classes. Out of all the business faculty members responding to the SBA administration's request for teaching in the summer, Plaintiff was the only one not teaching in the summer. Previously, Dean Niroomand required Plaintiff to teach a face-to-face class in the summer of 2011, the summer of 2012, and the summer of 2013, which contradicts Defendants' school policy that that if a faculty member taught one (1) class that was eight (8) to twelve (12) weeks long the previous summer, that professor would be given preference to teach two (2) online classes in the current summer semester.

38. Given the discrimination and retaliation, Plaintiff was diagnosed with having a major depression disorder. As a result, Plaintiff (and his doctor) requested a workplace accommodation for Plaintiff's disability. Specifically, as part of the accommodation, Plaintiff's

doctor stated that any assignments requiring long distance driving should be avoided and that Plaintiff should not be assigned to teach MGMT 3306 (which is beyond his experience), as they trigger his medical issues. On November 2, 2016, Defendants denied Plaintiff's request for an accommodation even though all requested documents were provided to Defendants. The denial of Plaintiff's application for an accommodation was recommended by the human resources director, who was involved in the improper hiring of the younger female faculty member in 2009. The human resources director determined that Plaintiff was qualified to teach MGMT 3306 despite the fact that this was beyond his business statistics discipline. That determination was based on an incorrect 2014 job description that the human resources director found (that was for new management faculty members), which was used for Plaintiff's application. After Plaintiff's several requests for a correct job description for him, in August of 2016, the human resources director sent Plaintiff a new job description, which was created by his department chair for a non-existing position in management science, in order to have it fit the MGMT 3306 class that they were trying to force Plaintiff to teach. No management science class had been offered since 2012. Despite the fact that Plaintiff is the only full-time faculty member with a Ph.D. in business statistics, and there are about six (6) to nine (9) business statistics classes that are offered each semester, as a result of the discrimination and retaliation, Plaintiff is not teaching those classes (even though Plaintiff would clearly best be utilized by having him teach those classes).

39. Although Plaintiff timely filed an appeal to the denial using Defendants' internal process, as Plaintiff submitted it on or before November 16, 2016, on January 5, 2017, Defendants upheld the denial of Plaintiff's workplace accommodation. Plaintiff was informed that said decision was Defendants' final decision; and, that it was not appealable. Plaintiff has

been treated less favorably because of his disability.

VI. COUNT 1 - TITLE VII NATIONAL ORIGIN DISCRIMINATION

40. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

41. Defendants, as joint employers, intentionally engaged in unlawful employment practices involving Plaintiff because of his national origin (i.e., Chinese), including discrimination, harassment, retaliation, and creating a hostile work environment.

42. Defendant discriminated against Plaintiff in connection with the compensation, terms, conditions, and privileges of employment; or limited, segregated, or classified Plaintiff in a manner that would deprive or tend to deprive Plaintiff of any employment opportunity or adversely affect his status because of Plaintiff's national origin (i.e., Chinese), in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a).

VII. COUNT 2 - TCHRA NATIONAL ORIGIN DISCRIMINATION

43. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

44. Defendants, as joint employers, intentionally engaged in unlawful employment practices involving Plaintiff because of his national origin (i.e., Chinese).

45. Defendants discriminated against Plaintiff in connection with the compensation, terms, conditions, and privileges of employment; or limited, segregated, or classified Plaintiff in a manner that would deprive or tend to deprive Plaintiff of any employment opportunity or adversely affect Plaintiff's status because of Plaintiff's national origin (i.e., Chinese), in violation of Texas Labor Code § 21.051 et seq..

VIII. COUNT 3 - TITLE VII GENDER DISCRIMINATION

46. Plaintiff reasserts and incorporates by reference all of the above numbered paragraphs.

47. Defendants, as joint employers, intentionally engaged in unlawful employment practices involving Plaintiff because of his sex (i.e., male).

48. Defendants' actions demonstrate they also engaged in discrimination, harassment, retaliation, and creating a hostile work environment against Plaintiff because of his gender (i.e., a male). Defendants' treatment against Plaintiff affected the compensation, terms, conditions, and privileges of Plaintiff's employment in violation of federal discrimination laws; or, limited, segregated, or classified Plaintiff in a manner that would deprive or tend to deprive Plaintiff of any employment opportunity or adversely affect Plaintiff's status as an employee because of Plaintiff's gender, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a).

IX. COUNT 4 - TCHRA GENDER DISCRIMINATION

49. Defendants intentionally engaged in unlawful employment practices involving Plaintiff because of his gender (i.e., male).

50. Defendants, as joint employers, discriminated against Plaintiff in connection with the compensation, terms, conditions, and privileges of employment; or limited, segregated, or classified Plaintiff in a manner that would deprive or tend to deprive Plaintiff of any employment opportunity or adversely affect Plaintiff's status because of Plaintiff's gender (i.e., male), in violation of the Texas Labor Code § 21.051 et seq..

X. COUNT 5 - ADEA AGE DISCRIMINATION

51. Plaintiff incorporates by reference all of the foregoing allegations in each of the

paragraphs above as if fully set forth herein.

52. Defendants, as joint employers, intentionally engaged in unlawful employment practices involving Plaintiff because of his age (i.e., sixty-four (64) years old).

53. Defendants discriminated against Plaintiff in connection with the compensation, terms, conditions, and privileges of employment; or limited, segregated or classified Plaintiff in a manner that would deprive or tend to deprive him of any employment opportunity or adversely affect his status because of Plaintiff's age (i.e., sixty-four (64) years old), in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.).

XI. COUNT 6 - TCHRA AGE DISCRIMINATION

54. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

55. Defendants, as joint employers, intentionally engaged in unlawful employment practices involving Plaintiff because of his age (i.e., sixty-four (64) years old).

56. Defendants discriminated against Plaintiff in connection with the compensation, terms, conditions, and privileges of employment; or limited, segregated, or classified Plaintiff in a manner that would deprive or tend to deprive Plaintiff of any employment opportunity or adversely affect Plaintiff's status because of Plaintiff's age (i.e., sixty-four (64) years old), in violation of the Texas Labor Code § 21.051 et seq..

XII. COUNT 7 - ADA DISABILITY DISCRIMINATION

57. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

58. Plaintiff is disabled as defined by the ADA. See 42 U.S.C. §§ 12102 and 12111(8).

59. Plaintiff is an employee within the meaning of the ADA. See 42 U.S.C. § 12111(4).

60. Defendants, as joint employers, violated the ADA by intentionally discriminating against Plaintiff on the basis of his disability, including treating him less favorably than non-disabled employees. See 42 U.S.C. § 12112.

61. Defendants further discriminated against Plaintiff by denying his request for reasonable accommodations, in violation of 42 U.S.C. §§ 12111(9) and 12112(b)(5)(A).

62. Defendants discriminated against Plaintiff in connection with the compensation, terms, conditions, and privileges of employment; or limited, segregated, or classified Plaintiff in a manner that would deprive or tend to deprive Plaintiff of any employment opportunity or adversely affect Plaintiff's status because of Plaintiff's age (i.e., sixty-four (64) years old), in violation of the ADA.

XIII. COUNT 8 - TCHRA DISABILITY DISCRIMINATION

63. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

64. Defendants, as joint employers, intentionally engaged in unlawful employment practices involving Plaintiff because of his disability (i.e., major depression disorder).

65. Defendants discriminated against Plaintiff in connection with the compensation, terms, conditions, and privileges of employment; or limited, segregated, or classified Plaintiff in a manner that would deprive or tend to deprive Plaintiff of any employment opportunity or adversely affect Plaintiff's status because of Plaintiff's disability (i.e., major depression disorder), in violation of the Texas Labor Code § 21.051 et seq..

XIV. COUNT 9 - TITLE VII RETALIATION

66. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

67. Defendants, as joint employers, intentionally retaliated against Plaintiff because of the complaints made to Defendants and the EEOC about the national origin discrimination and sex discrimination, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a).

XV. COUNT 10 - TCHRA RETALIATION

68. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

69. Defendants, as joint employers, intentionally retaliated against Plaintiff because of the complaints made to Defendants and the EEOC about the national origin discrimination, sex discrimination, age discrimination, and disability discrimination, in violation of the Texas Labor Code § 21.055.

XVI. COUNT 11 - ADEA RETALIATION

70. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

71. Defendants, as joint employers, intentionally retaliated against Plaintiff because of the complaints made to Defendants and the EEOC about the age discrimination, in violation of the ADEA.

XVII. COUNT 12 - ADA RETALIATION

72. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

73. Defendants, as joint employers, intentionally retaliated against Plaintiff because of the complaints made to Defendants and the EEOC about the disability discrimination, in violation of the ADA.

XVIII. JURY DEMAND

74. Plaintiff demands a jury on all issues to be tried in this matter. Plaintiff submits the jury demand and herein submits the jury fee.

XIX. PRAYER

75. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, and that on final trial, Plaintiff have judgment against Defendant for:

- a. All damages to which Plaintiff may be entitled pursuant to this Original Complaint, or any amendments thereto, including but not limited to back pay, future wages, reinstatement, upgrading, and compensation for benefits not received;
- b. Compensatory damages, including, but not limited to, emotional distress;
- c. Past, present, and future physical pain and mental suffering;
- d. Punitive damages;
- e. Liquidated damages;
- f. Reasonable attorneys' fees, as allowed by law (with conditional awards in the event of appeal);
- g. Pre-judgment interest at the highest rate permitted by law;
- h. Post-judgment interest from the judgment until paid at the highest rate permitted by law;

- i. Costs of Court; and
- j. Such other and further relief, at law or in equity, to which Plaintiff may be entitled, whether by this Original Complaint or by any proper amendments thereto.

Respectfully submitted,



A handwritten signature in blue ink, appearing to read 'A. Kennard', is positioned above a horizontal line.

Alfonso Kennard, Jr.
Texas Bar No.: 24036888
Southern District No: 713316
2603 Augusta Drive, Suite 1450
Houston, TX 77057
Telephone No.: (713) 742-0900
Facsimile No.: (713) 742-0951
Alfonso.Kennard@kennardlaw.com
ATTORNEY-IN-CHARGE FOR PLAINTIFF

OF COUNSEL FOR PLAINTIFF:



Davina Bloom
Texas Bar No.: 24091586
Southern District Bar No: 2851454
2603 August Drive, Suite 1450
Houston, TX 77057
Telephone No.: (713) 742-0900
Facsimile No.: (713) 742-0951
Davina.Bloom@kennardlaw.com

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. Luh Yu Ren

(b) County of Residence of First Listed Plaintiff **Fort Bend**
(EXCEPT IN U.S. PLAINTIFF CASES)

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

Alfonso Kennard, Jr.
2603 Augusta Dr., Suite 1450 Houston, Texas 77057 (713) 742-0900

DEFENDANTS

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

County of Residence of First Listed Defendant **Harris**
(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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other 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	<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"/> 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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<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 <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	CIVIL RIGHTS	PRISONER PETITIONS		
<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	<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	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		

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-2(a), 2000e-3(a); 42 U.S.C. §§ 1981, 1983 TLC § 21.001 et seq. 621 et seq TLC 21.001 et seq
Brief description of cause:
National Origin, Gender, Age, Disability and Retaliation

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

SIGNATURE OF ATTORNEY OF RECORD

02/10/2017

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT 1

CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA	460-2013-00429
		<input checked="" type="checkbox"/> EEOC	
Texas Workforce Commission Civil Rights Division and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)	Date of Birth
Dr. Luh -Yu (Louie) Ren		(281) 757-9965	
Street Address		City, State and ZIP Code	
3722 Stockbridge Rd., Sugar Land, TX 77479			
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		No. Employees, Members	Phone No. (Include Area Code)
UNIVERSITY OF HOUSTON - VICTORIA		201 - 500	(281) 275-3300
Street Address		City, State and ZIP Code	
14000 University Blvd, Sugar Land, TX 77479			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN		Earliest Latest	
<input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION		10-15-2009 11-05-2012	
<input type="checkbox"/> OTHER (Specify)		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I. On or around October 15, 2009, my new Dean began subjecting me to harassment, intimidation, a hostile work environment, and different terms and conditions of employment. Respondent is a university. I work as Associate Professor.</p> <p>II. Farhang Niroomand, Dean, an Iranian male, had hired Jie Yang, a Chinese female in her 30's, as Associate Professor instead of Assistant Professor as was advertised in the job opening. As the head of the search committee, I had questioned Niroomand about the hiring and he began retaliating against me. I recently found out that Yang was hired earning more than I. Niroomand had provided false information to the former Provost when he had improperly hired her as Associate Professor. He assigns me to teach courses in Katy and Victoria. I am the only professor that he assigns every semester (including summer school) to teach in Katy and Victoria, which are less favorable assignments than teaching on-line. He accused me of "spying" and "embezzlement." He taunted me by asking if I understood English and intimidated me by telling me not to contact the former Provost. He deducted points in all categories on my evaluation, and tried to put me on a faculty development plan. I am the oldest in seniority and I believe that he is trying to terminate me and other older professors. In March-May, 2012, I filed four formal grievances with Respondent, but they were denied. Niroomand has hired new faculty all under age 40, and placed them on committees in an effort to give the impression that his mistreatment of older employees is by the committees. He has never granted me my full travel fund applications, just partial without a valid reason. He gives some other employees their full travel fund applications.</p> <p>III. I believe that I have been discriminated against because of my race, Asian, and national origin, Taiwanese, and retaliated against, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe that I have been discriminated against because of my age, and retaliated against, in violation of 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.		Marela Esther Guerra	
		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	
Nov 05, 2012		SUBSCRIBED AND SWORN TO BEFORE ME THIS	
Date		MARELA ESTHER GUERRA	
Charging Party Signature		April 5, 2015	
		November 05, 2012	

EXHIBIT 2

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):

☐ FEPA**460-2013-00429**☒ EEOC**Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Dr. Luh Yu Ren

Home Phone (Incl. Area Code)

(281) 757-9965

Date of Birth

Street Address

3722 Stockbridge Dr.

City, State and ZIP Code

Sugar Land, TX 77479

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

>15

Phone No. (Include Area Code)

(877) 970-4848

Street Address

3007 N. Ben Wilson St.

City, State and ZIP Code

Victoria, TX 77901

Name

University of Houston

No. Employees, Members

>15

Phone No. (Include Area Code)

(713) 743-1010

Street Address

4800 Calhoun Rd.

City, State and ZIP Code

Houston, TX 77004

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☒ RETALIATION ☒ AGE ☒ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest**09/23/2007**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Dr. Ren is Chinese, male, and is sixty-four (64) years old. He began working at the UHV School of Business Administration ("SBA") in 1987 and is the most senior faculty member in the SBA. Dr. Ren received his Ph.D. in 1986 from the Department of Information Systems and Quantitative Science in the College of Business Administration at Texas Tech University with a major in Business Statistics. Dr. Ren taught in the College of Business Administration at Arkansas State University in Jonesboro. Dr. Ren has primarily researched business forecasting and its applications in finance. His research papers have been published in various refereed journals such as the *Asian Academy of Management Journal of Accounting and Finance*, *International Advanced Economic Research*, *International Journal of Business*, *International Journal of Economics Research*, *International Journal of Statistics and Economics*, *Accounting, and Finance*, *Journal of Global Business Development*, *Journal of American Academy of Business*, *International Business and Economics Journal*, and the *International Journal of Production Economics*, and *Managerial Finance*. Dr. Ren is currently affiliated with the American Finance Association, Decision Science Institute, and the Southwest Finance Association.

On September 23, 2007, Dr. Ren's Spring 2008 assignment to QMS 6351 was cancelled and he was reassigned to teach QMS 3321. The Dept. Chair promised Dr. Ren that the assignment of QMS 3321 was only for one semester. The university allowed a younger male, Dr. Yong Glasure, to quit teaching QMS 3321 after he had created and taught it for 7 years, and did not assign 2 younger faculty, Dr. Chien-Ping Chen and Dr. Eischen, to teach QMS 3321, even though they were hired in response to a job posting specifically for QMS 3321. Similarly, in 2009, the younger female Dr. Yang was also hired to teach QMS 3321, but Dr. Ren was still required to teach it.

EEOC Form 5 (5/01)

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):

☐ FEPA☒ EEOC

Texas Workforce Commission Civil Rights Division

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Dr. Yang was also hired to work at the Victoria campus. Dr. Ren was assigned to work at the Sugar Land campus, but he is the faculty member most assigned to teach at off campus sites, including at Dr. Yang's designated teaching site in Victoria. For example, between the two QMS faculty members, Dr. Yang has taught only once in her campus of Victoria while Dr. Ren has taught her courses in her home campus seven times. Dr. Yang has never been assigned to teach QMS courses in the off-campus site of Cinco Ranch, but Dr. Ren has taught there more than 15 times. In terms of extra travel time spent on the road, it is equivalent to teaching an extra 14 classes. The gender and age discrimination also enabled Dr. Yang to be the most appointed to serve 7 out of the 12 school-level committees, and helped her be promoted to Full Professor in less than three years. Dr. Yang was also hired at a higher salary than Dr. Ren, even though they were both hired at the same rank (Associate Professor) in QMS, and Dr. Ren had been there for 20 years at that time. Furthermore, Dr. Ren had never received an increase in pay for teaching QMS 3321.

In 2010, Dean Niroomand changed the promotion policy to require professors who have been at the school longer, who are predominantly older professors, to publish more than the younger professors. Suddenly, Dr. Ren, the most senior faculty member at the SBA, who had published four (4) papers in the most recent five years, had to have published seven more in order to be eligible for applying for promotion. This is not a requirement at other schools.

In 2012, Dr. Ren and some other Chinese faculty had points deducted on their annual evaluations for not attending Commencement, while many professors from other countries received no deduction, despite also missing Commencement. Because his annual evaluations have been unfairly downgraded, Dr. Ren did not receive as many pay increases as his non-Asian colleagues or younger female colleagues.

Furthermore, most of Dr. Ren's travel requests for presenting his research works in conferences have not been properly funded. In 2012, three SBA faculty members attended the same conference, the Federation of Business Discipline, in New Orleans. Dr. Ren was the only one who got the Dean's approval with reduced funding, while the other two younger female faculty members, Jun Lu and Olga Chapa, had been fully supported per their requests. While the Dean approved Dr. Ren for \$750 in 2012 and claimed it was more than reasonable, in 2013, the Dean approved another younger female faculty member, Vera Adamchik, for \$1,200 to attend the same level of conference, the Southwest Economic Association Conference, in the same city, New Orleans.

In November 4, 2012, Dr. Ren filed an EEOC Charge for national origin, age, and sex discrimination and retaliation.

In 2013, Dr. Ren applied for travel funding to present his full paper at the DSI Conference. Tier 1 conferences should be approved at \$1500, but he was only given \$1100.

In 2014, Dr. Ren's travel request for the DSI Conference was denied because he was accused of self-plagiarism, even though that had been proven to be untrue. In contrast, the younger, Middle Eastern faculty, Dr. Swaidan, committed self-plagiarism but was still promoted to Full Professor in 2013. The younger, female, American faculty, Dr. Cloninger, also committed plagiarism and was promoted to Full Professor in 2014, using the paper that she plagiarized.

EEOC Form 5 (5/01)

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):

☐ FEPA
☒ EEOC

Texas Workforce Commission Civil Rights Division

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

On December 4, 2014, in the Policy Review Meeting, Dean Niroomand referred to Dr. Ren as a "troublemaker" and referenced Dr. Ren's EEOC claims. Dr. Ren reported this to the top UHV administrators, including former President Castelle. Dr. Niroomand learned about this report, and again insulted Dr. Ren in front of the entire business faculty during the School Meeting on February 20, 2015, by saying that Dr. Ren sent a "nasty letter to the top administrators" and "created a friction between the top administrators and himself." He also taunted him, saying "go make another report about this meeting." After the meeting, everyone got their pizza, and no one was sitting next to Dr. Ren, so Dean Niroomand said "It's sad to see Louie sitting alone, but I feel good to insult him in public." Dean Niroomand similarly singled out Dr. Ren about his complaints about his assignment to Victoria in the Junior Faculty Meeting on April 3, 2015.

A younger, female, Iranian Economics faculty member, Dr. Hajilee, was scheduled to teach Dr. Yang's Statistics in Victoria in Spring of 2015. Dr. Ren was then assigned to replace Dr. Hajilee's assignment in Victoria, and the SBA claimed that Dr. Hajilee was more qualified to teach graduate Statistics than Dr. Ren, even though his discipline is Statistics and he has been teaching graduate Statistics since 1987. Dr. Yang has only taught in Victoria once, and neither of the two other female faculty members teaching Statistics have ever been assigned to teach Dr. Yang's Statistics in Victoria.

In the Summer of 2015, the SBA administration unjustifiably classified Dr. Ren as a non-Academic Qualified (AQ) faculty. However, Dr. Ren still had more than three journal publications in a consecutive five-year period to meet the AQ requirement in Statistics and Finance. The university increased Dr. Ren's teaching load from three to four classes per semester and assigned him MGMT 3306, which is outside of the scope of his knowledge. However, there were 2 younger Iranian faculty members who were hired to teach this subject in 2014.

Because of the assignment of MGMT 3306 and the ongoing discrimination and retaliation by the SBA, Dr. Ren applied for FMLA leave in August 2015. Although Dr. Ren did not teach the assigned MGMT 3306 in 2015, the SBA administration assessed Dr. Ren's teaching of MGMT 3306 at 2.0 in his 2015 annual performance evaluation.

For the Summer of 2015, Dr. Ren's graduate level Statistics class had nine students enrolled, well above the minimum of five, yet his class was cancelled about a week before the class started. He was the only professor in the SBA who had a class cancelled that met the minimum requirement. Similarly, in the Summer of 2016, he already had five students enrolled two weeks before the class was to begin, but it was cancelled. However, there were 3 other Statistics classes which were assigned to 3 younger Economics faculty who were already teaching other Summer classes. Dr. Ren is the only SBA professor not teaching this Summer.

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.

I declare under penalty of perjury that the above is true and correct.

7/29/2016

Date

Cynthia M. Ibarra

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

Cynthia M. Ibarra

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

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

07/29/2016

(month, day, year)

Cynthia M. Ibarra



CINTHIA M. IBARRA
 Notary Public, State of Texas
 My Commission Expires
 October 05, 2019

EXHIBIT 3

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Luh Yu (Louie) Ren
3722 Stockbridge Rd.
Sugar Land, TX 77479

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.

460-2013-00429

Gabriel Cervantes,
Investigator

(713) 651-4918

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court 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.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought 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.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

NOV - 4 2016

Enclosures(s)

Rayford O. Irvin,
District Director

(Date Mailed)

CC: Jennifer E. Bloom
Sr. Assistant General Counsel
UNIVERSITY OF HOUSTON SYSTEMS
311 E. Cullen Bldg.
Houston, TX 77204

Shelby Vick
Attorney
Kennard At Law
2603 Augusta, 14 th floor
Houston, Texas 77057

TWCCRD
101 East 15th St.
Room 144T
Austin, Texas 78778

EXHIBIT 4



U.S. Department of Justice
Civil Rights Division

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL

7010 0290 0000 2018 1168

950 Pennsylvania Avenue, N.W.

Karen Ferguson, EMP, PHB, Room 4701

Washington, DC 20530

November 04, 2016

Dr. Luh Yu (Louie) Ren
c/o Alfonso Kennard, Jr., Esquire
Kennard Law Firm
2603 Augusta Drive
14th Floor
Houston, TX 77057

Re: EEOC Charge Against University of Houston, Victoria
No. 460201300429

Dear Dr. Ren:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Houston District Office, Houston, TX.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Vanita Gupta
Principal Deputy Assistant Attorney General
Civil Rights Division

by

Handwritten signature of Karen L. Ferguson in blue ink.

Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Houston District Office, EEOC
University of Houston, Victoria