

D-1-GN-19-002387
CAUSE NO. _____KATIE PETERSON,
Plaintiff,

§ IN THE DISTRICT COURT

§ 53RD

§ NO. _____

v.

§

SAINT EDWARD'S UNIVERSITY,
INC.
Defendant.

§

OF TRAVIS COUNTY, TEXAS

§

§

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Katie Peterson ("Dr. Peterson" or "Plaintiff"), files this Original Complaint against Defendant Saint Edward's University, Inc. ("SEU" or "Defendant"), alleging violations of the Texas Commission on Human Rights Act (TCHRA), Tex. Lab. Code § 21.001, *et. seq.* and would show as follows:

I. PARTIES

1. Plaintiff Katie Peterson is an individual currently residing in Austin, Texas.
2. Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure.
3. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.
4. Defendant Saint Edwards University, Inc. is a domestic nonprofit corporation which is authorized to do business in Texas and is doing business in Texas. Process may be served by serving Defendant's registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

II. JURISDICTION

5. This Court has subject matter jurisdiction because Plaintiff's damages are in excess of the minimal jurisdictional limits of the Court and within the maximum jurisdictional limits of the Court.

III. VENUE

6. Venue is proper in the Travis County District Court because Travis County is the county in which all or a substantial part of the events or omissions giving rise to the claims in this lawsuit occurred.

IV. FACTUAL ALLEGATIONS

7. Dr. Peterson is a female working in academia.
8. Dr. Peterson received her PhD from the University of Texas at Austin.
9. SEU then hired Dr. Peterson as an Interim Assistant Professor, in August of 2013.
10. SEU promoted Dr. Peterson to Assistant Professor in August of 2014. SEU considered Dr. Peterson a tenure-track faculty member.
11. SEU and Dr. Peterson shared the common goal that Dr. Peterson would perform well, publish articles, receive tenure, become a full professor, and spend her academic career teaching at SEU.
12. Dr. Peterson performed well and published articles.
13. Dr. Peterson in fact performed excellent substantive work while employed with SEU.
14. SEU never gave Dr. Peterson any kind of formal disciplinary action while she was employed with SEU.
15. SEU also benefitted from Dr. Peterson's efforts as part of several university wide, departmental, and community serving committees aimed at bettering the university.
16. Dr. Peterson published multiple articles while at SEU:

Peterson, K., Davis, B., & Key, T. (In Press) Summer literacy: A school/university partnership that benefits young learners and beginning teachers. *Journal of Literacy Practice and Research*

Peterson, K. (2016). "Why are you pretending like you know about that?:" Self-Authoring practices within and across literacy contexts. *Research and Instruction*.

Peterson, K. (2016). "Making Meaning with Friends: Exploring the Function, Direction and Tone of Small Group Discussions of Literature in Elementary School Classrooms. *Reading Horizons*.

Wetzel, M., Hoffman, J., Peterson, K., (2016). Finding spaces for writing in a preservice reading tutorial: A development and design study of a practicum experience in learning to teach. *Literacy Research and Instruction*.

Peterson, K., & Chamberlain, K. (2015). "They treated him like he was from a different world:" Bilingual fourth-graders develop social Awareness through read-alouds focused on critical literacies. *Literacy Research and Instruction*.

Roser, N., Hoffman, J., Wetzel, M. Price- Dennis, D., Peterson, K., & Chamberlain, K. (2014) Pull up a chair and listen to them write: Preservice teachers learn from beginning writers. *Early Childhood Teacher Education*, 35(2), 150-167.

Worthy, J., Duran, L., Adonyi, A., Hikida, M., Peterson, K., (2013). Spaces for dynamic bilingualism in read-aloud discussions. *Bilingual Research Journal*.

Sailors, M., Hoffman, J., Wilson, T., Villarreal, L., Peterson, K. (2013). Implementing a Schoolwide Reading Program in Malawi: A Case Study of Change. *Literacy Research Association 62nd Annual Yearbook*.

Wetzel, M., Peterson, K., Weber, N., & Steinbach, E., (2013). Public voices: Critical literacy and newspaper writing in a fourth grade classroom. *Critical Literacy: Theories and Practice*, 7(1), 33-47.

Worthy, J., Chamberlain, K., Peterson, K., Sharp, C., & Shih, P. (2012). The Importance of Read-aloud and Dialogue in an Era of Narrowed Curriculum: An Examination of Literature Discussions in a Second Grade Classroom. *Literacy Research and Instruction*, 51(4), 308-322.

Peterson, K., Roser, N., & Lynn, B. (2010). E-pal Correspondents Meets in Cyberspace: Pre- service Teachers Learn from and about Writers. *English in Texas*, 40(1), 74-78.

Peterson, K., & Davis, B. (2007). A Novice Teacher Improves Student Engagement Through Goal Setting and Literacy Work Stations. *Ohio Journal of English Language Arts*, 48(1), 17-23.

17. SEU students gave Dr. Peterson excellent reviews. She was a beloved professor.
18. SEU benefitted from Dr. Peterson doing all the things necessary to become a tenured professor.

19. But, starting around 2015, Associate Dean Frank Smith (“Smith”), an already-tenured male SEU professor, began to sexually harass Dr. Peterson.
20. SEU had prior knowledge that Dean Smith had sexually harassed other female students and faculty.
21. SEU failed to stop this sexual harassment from continuing.
22. SEU failed to keep its faculty and students safe from sexual harassment by Dean Smith.
23. On information and belief, SEU received formal complaints about Dean Smith’s sexually harassing behavior and failed to take appropriate corrective action.
24. With respect to Dr. Peterson, Dean Smith gave Dr. Peterson a lollipop and leered at her as she unwrapped it and put it in her mouth, apparently watching for what Dr. Peterson believes was Dean Smith’s sexual pleasure. Dean Smith watched Dr. Peterson closely as she put the lollipop in her mouth, like Dr. Peterson was an object. He was standing over her, had his chin aligned with the top of her head, and let out a loud, breathy huff when she put the lollipop in her mouth. Dr. Peterson was horrified and disgusted.
25. On another occasion, Dean Smith offered Dr. Peterson candy and suggestively said, “you can have some of my sugar anytime.”
26. On yet another occasion, Dean Smith handed Dr. Peterson a lollipop and waited for Dr. Peterson to do the same thing, but Dr. Peterson did not feel comfortable opening it in front of Dean Smith and he walked off.
27. On yet another day, while Dr. Peterson was standing in the Department Chair’s office, Dean Smith came in with a box of sweet bread and offered some to Dr. Peterson. Dr. Peterson politely declined, but Dean Smith followed by saying “you have the best eyes,” then Dean Smith

turned to a male witness and said, “Doesn’t she have the best eyes?” The other male turned away and Dean Smith finally left the room.

28. Dr. Peterson told the male witness that she thought it was creepy and that she wanted it to stop.

29. The male witness independently thought Dean Smith’s actions towards Dr. Peterson constituted sexual harassment and reported the incident to SEU Human Resources (“HR”).

30. HR apparently investigated the report from the male witness and told Dr. Peterson that Dean Smith was told to stop and to no longer hand out candy.

31. The male witness later told Dr. Peterson that Dean Smith was known for “that kind of behavior” and other females had complained about it in the past, but the behavior continued.

32. After the report to HR, Dr. Peterson was notified that Dean Smith was to be on a school committee that was set to review Dr. Peterson’s file.

33. Dr. Peterson told the Vice President of Academic Affairs, who had been a part of the HR investigation, that Dean Smith should not be present when her file was being discussed because Dr. Peterson was afraid Dean Smith would retaliate against her because of the HR investigation.

34. The Vice President of Academic Affairs apparently relayed that Dr. Peterson made this request to Dean Smith.

35. In May 2016, Dean Smith put a note in everyone’s employee mailbox that said, “Happy Teacher Appreciation Day,” with lollipops taped to each card.

36. Dr. Peterson’s card had a lollipop that appeared to have been unwrapped and rewrapped and dripping sugary liquid onto the paper like Dean Smith had pre-sucked on the lollipop before putting it in her mailbox.

37. None of the lollipops in other people’s boxes were wet.

38. Dr. Peterson reported this to HR as another instance of Dean Smith sexually harassing her.
39. The SEU University Police Department came and took the lollipop away and on information and belief still has possession of it.
40. After the lollipop incident, Dr. Peterson was told that SEU performed a background check on Dean Smith to check if he had handguns and told Dr. Peterson to keep her office door locked and be careful when along on the floor or in her office.
41. On information and belief, SUE also told Dean Smith he was not to contact Dr. Peterson further.
42. HR told Dr. Peterson that Dean Smith was not to have access to administrative materials at that time.
43. SEU later took away Dean Smith's Associate Dean title, but he remained as a professor.
44. SEU failed to communicate exactly what, if any discipline, it gave to Dean Smith as a result of his actions.
45. SEU failed to provide Dr. Peterson, other faculty, students, or anyone information on what happened or inform anyone of the overall findings of the investigation.
46. SEU ultimately required that Dean Smith and Dr. Peterson continue to teach in the same building and even in the same classroom just a few hours apart.
47. SEU never informed Dean Smith's students of any of the incidents or investigations.
48. In the fall of 2016, SEU hired a new female Dean, Glenda Ballard (Dean Ballard).
49. Before Dr. Peterson could meet with Dean Ballard, Dean Smith took Dean Ballard to lunch.
50. On information and belief, Dean Smith made derogatory remarks against Dr. Peterson to Dean Ballard at that lunch regarding her reports about his sexual harassment.

51. When Dr. Peterson finally met with Dean Ballard, Dean Ballard told Dr. Peterson that Dean Smith had taken Dean Ballard to lunch.

52. Dean Ballard told Dr. Peterson that Dean Smith was “not a bad guy.”

53. Dean Ballard further told Dr. Peterson that she told Dean Smith regarding the harassment allegations something to the effect of: “now we have a generation of little girls who don’t have to take it.”

54. The Vice President of Academic Affairs asked Dean Ballard to call and rephrase the intended sentiment to Dr. Peterson. Dean Ballard did so.

55. But now, Dr. Peterson had reported both Dean Smith and Dean Ballard.

56. Over the course of the next year, Dr. Peterson worked while in fear of retaliation.

57. In the spring of 2017, Dean Smith began sitting outside Dr. Peterson’s office in a chair which was also located just outside of the SEU HR office.

58. Dr. Peterson watched Dean Smith leave that chair and walk inside the office after Dr. Peterson walked into her own office and shut the door.

59. Dr. Peterson inquired with her Chair about why Dean Smith would need to sit outside of that office when there were chairs inside HR.

60. The Chair reported this behavior to Dean Ballard, who suggested that the office was just full on that day and there was nowhere to sit.

61. It was reported to Dr. Peterson that Dean Smith was asked to stop sitting outside of her office.

62. But on the following week, at the same time of day, Dean Smith did the very same thing. After the second instance, Dean Ballard walked over to investigate the HR space, and determined that Dean Smith could easily sit inside the HR office.

63. Dean Smith stopped sitting outside Dr. Peterson's office after that.
64. SEU allowed Dean Smith to retire in May of 2017.
65. SEU never told the students what happened.
66. SEU never told the other teachers what happened.
67. SEU never told the public what happened.
68. SEU failed to warn anyone about Dean Smith's actions.
69. SEU retaliated towards Dr. Peterson for reporting harassment.
70. In the fall of 2017, Dean Ballard notified Dr. Peterson that she had not attended to Dr. Peterson's tenure paperwork and so Dr. Peterson would need to wait until next year to apply for tenure.
71. Dean Ballard sent Dr. Peterson an email admitting that Dean Ballard "dropped the ball."
72. For an academic at Dr. Peterson's level, applying for and securing tenure is a critically important next step in the job process.
73. Dean Ballard interfered in this step shortly after learning about Dr. Peterson's reports of harassment.
74. SEU then issued Dr. Peterson an evaluation, within the next week, that had a score that was curiously low in comparison to expectations set out by the criteria by which Dr. Peterson had operated the previous year.
75. Dean Ballard encouraged the faculty to ask about the scores if the faculty were unsure, but when Dr. Peterson asked, Dean Ballard indicated that Dr. Peterson did not follow the rules organized by the faculty regarding the criteria on which they were to be evaluated.
76. Eventually, Dean Ballard asked the former Chair about the score and he agreed that Dean Ballard made a mistake on the scoring.

77. This was all shortly after Dr. Peterson reported Dean Smith's sexual harassment.

78. Dr. Peterson wrote an addendum to her evaluation letter explaining her position and asking for it to be adjusted to properly reflect her excellent performance.

79. Dean Ballard later admitted that she made a mistake, but said that she "prayed about it," and was not going to change Dr. Peterson's score.

80. Dr. Peterson believes this was additional retaliation for Dr. Peterson reporting harassment.

81. Then, in the fall of 2017, Dean Ballard intentionally brought Dean Smith back to SEU in a temporary administrative position, with access to an administrative computer, files and keys, in violation of the HR prohibition. Dean Smith was back on campus with no supervision, present from before anybody else and until after people left for the day.

82. HR's solution at this time was for Dr. Peterson to avoid seeing Dean Smith by not going up to the building in which he was working, which was impossible because Dr. Peterson taught in that same building.

83. SEU again failed to keep Dr. Peterson, faculty, and students safe from Dean Smith's sexual harassment.

84. Dr. Peterson again opposed this action and reported harassment and retaliation.

85. Then in December, SEU notified Dr. Peterson, out of the blue, that her employment would be terminated following the spring semester.

86. SEU told Peterson the reason was that the University was suffering with financial issues.

87. SEU told Dr. Peterson that they could not afford her for the next 20-30 years.

88. This reason was not the real reason for this action.

89. SEU has since given a 2% raise to all its faculty and openly claimed in a general faculty meeting that SEU was not struggling financially.

90. Also, SEU has since been required to hire adjuncts and borrow time from existing faculty members, at its additional cost, to replace Peterson's teaching load.

91. On information and belief, SEU experienced no cost-savings by firing Dr. Peterson.

92. Months before firing Dr. Peterson for purported financial reasons, SEU exceeded its \$100 million fundraising campaign goal. <https://www.stedwards.edu/news-center/news-releases/st-edwards-university-announces-100-million-campaign-goal-exceeded-and>.

93. On information and belief, none of the more than \$100 million has been directed to ensure that SEU is an environment safe from sexual harassment and retaliation.

V. CAUSE OF ACTION: RETALIATION IN VIOLATION OF THE TEXAS LABOR CODE

94. Plaintiff adopts and incorporates herein by reference all preceding paragraphs.

95. At all material times, SEU was engaged in an industry affecting commerce and had 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. Defendant was thus an employer within the meaning of TEX. LAB. CODE § 21.002(8). At all material times, SEU employed the Plaintiff. Plaintiff exhausted her administrative remedies for all claims by filing a charge with the EEOC which was cross-filed with the Texas Workforce Commission. All conditions precedent to the maintenance of this case have occurred.

96. Plaintiff (1) opposed a discriminatory practice; (2) made or filed a charge; (3) filed a complaint; or (4) testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.

97. SEU committed an unlawful practice when it retaliated or discriminated against Plaintiff for doing so. See TEX. LAB. CODE § 21.055.

**VI. CAUSE OF ACTION: SEXUAL HARASSMENT IN VIOLATION OF THE
TEXAS LABOR CODE**

98. Plaintiff adopts and incorporates herein by reference all preceding paragraphs.
99. Plaintiff belonged to a protected group.
100. Plaintiff was subjected to unwelcome sexual harassment.
101. The harassment complained of was based upon sex or gender.
102. The harassment was sufficiently severe or pervasive to affect a “term, condition or privilege” of employment; and
103. The employer knew or should have known of the harassment and failed to take remedial action. See TEX. LAB. CODE § 21.051.

VII. DAMAGES

104. As a result of Defendant’s unlawful conduct, Plaintiff has suffered economic and actual damages, including past and future lost income, back wages, interest on back pay and front pay, future wages or front pay, lost earnings in the past and future, lost benefits under the contract or employment relationship, employment benefits in the past, and employment benefits and lost tenure and other benefits in the future. Plaintiff has also incurred other actual damages as a result of Defendant’s unlawful conduct, including but not limited to past and future pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of earning capacity, loss of enjoyment of life, injury to professional standing, injury to character and reputation, and other pecuniary and non-pecuniary losses.

VIII. COMPENSATORY DAMAGES

105. Plaintiff additionally brings suit for compensatory damages, including emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing,

injury to character and reputation, injury to credit standing, job search expenses, lost earning capacity in the past and future, and other pecuniary and non-pecuniary losses.

IX. PUNITIVE DAMAGES

106. The conduct committed by Defendant against Plaintiff is the type of conduct demonstrating malice or reckless indifference to the rights of the Plaintiff. Therefore, Plaintiff additionally brings suit for punitive damages.

X. ATTORNEY'S FEES AND EXPERT FEES

107. Plaintiff seeks all reasonable and necessary attorneys' fees in this case, including preparation and trial of this lawsuit, post-trial, pre-appeal legal services, and any appeals. Plaintiff additionally brings suit for expert fees.

XI. DEMAND FOR JURY TRIAL

108. Plaintiff demands a trial by jury of all the issues in this case and tenders herewith the requisite jury fee.

XII. REQUEST FOR DISCLOSURE

109. Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

XIII. PRAYER FOR RELIEF

110. WHEREFORE, cause having been shown, Plaintiff prays for, on trial of this just cause, judgment against Defendant as follows:

- a. All actual damages, including but not limited to past and future lost wages, past and future lost benefits, lost benefits of contract, consequential damages, reinstatement of lost fringe benefits or seniority rights;
- b. Mental anguish / compensatory damages;

- c. Exemplary / punitive damages;
- d. Pre-judgment and post-judgment interest as allowed by law;
- e. Court costs and expenses, and litigation expenses, including but not limited to the expenses for any expert witnesses;
- f. Equitable relief, including reinstatement, front pay;
- g. Attorneys' fees; and
- h. Any such further relief as the Court deems proper and just under the circumstances.

Respectfully Submitted,

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