

IN THE DISTRICT COURT OF IOWA FOR POLK COUNTY

JANE MEYER,

Plaintiff,

vs.

THE UNIVERSITY OF IOWA, BOARD OF
REGENTS, STATE OF IOWA, and the STATE
OF IOWA

Defendants.

CL No.

PETITION AND JURY DEMAND

COMES NOW the Plaintiff, Jane Meyer, by and through her attorneys, and for her cause of action hereby states the following:

INTRODUCTION

1. This is an action against the University of Iowa, the Board of Regents of the State of Iowa, and the State of Iowa for wage discrimination and unequal pay based on gender, education discrimination, sexual orientation discrimination, gender discrimination, and retaliation for participation in a protected activity in violation of Jane Meyer's right protected by state law.

2. This action is brought to redress Jane Meyer's rights under the Iowa Civil Rights Act, Chapter 216.

3. This action is brought by Jane Meyer. She was subjected to discrimination based upon wages, gender, and sexual orientation. Jane Meyer is improperly paid over \$70,000 less than her male counterpart and was stripped of her job duties and title in athletics after her partner

challenged the University based on gender and sexual orientation. Jane Meyer brought forward concerns that she was being discriminated against by notifying to Director of Athletics, Gary Barta. The very next day she was transferred improperly out of athletics. Jane Meyer then alerted University of Iowa Human Resources, the UI Office of Equal Opportunity and Diversity, and to the State of Iowa Board of Regents of the discrimination concerns. Despite the University having policies that complaints of discrimination will be investigated, not one person or department within the University investigated her concerns.

4. The pay discrepancies have continued and currently Jane Meyer is being paid \$80,000 less than her male counterpart.

PARTIES

5. Plaintiff Jane Meyer is a resident and citizen of Iowa City, Johnson County, Iowa.

6. Defendant The University of Iowa is located in Iowa City, Iowa, established and maintained pursuant to Iowa Code Chapter 263.

7. The University of Iowa's purpose of teaching, research, and service is tasked with being provided to men and women on equal terms.

8. Defendant Board of Regents, the State of Iowa, resides and has its principal place of business in Des Moines, Polk County, Iowa, established and maintained pursuant to Iowa Code Chapter 262.

9. The Board of Regents' purpose is to govern five public education institutions in the state through policymaking, coordination, and oversight.

10. The State of Iowa resides and has its principal place of business in Des Moines, Polk County, Iowa.

11. The acts of which Plaintiff complains occurred in Iowa City, Johnson County, Iowa.

PROCEDURAL REQUIREMENTS

12. Prior to filing this action, Jane Meyer filed charges of employment discrimination on the basis of wage discrimination based on gender, gender discrimination, sexual orientation discrimination, and retaliation against Defendants with the Iowa Civil Rights Commission.

13. Jane Meyer has obtained a Right to Sue letter from the Iowa Civil Rights Commission.

FACTUAL BACKGROUND

14. Jane Meyer was hired as the Senior Associate Director in the Department of Athletics for the University of Iowa in March 2001.

15. Her job duties included overseeing and supervising intercollegiate athletics teams, working with student-athletes, fundraising, negotiating contracts, overseeing facilities and many other day to day operations.

16. Jane Meyer was an excellent employee with excellent reviews until late 2014.

17. Jane Meyer served as the number two position in the Department of Athletics until August 2014 when they hired a male to take over her job duties.

Jane Meyer Is Paid over \$80,000 Less than her Male Counterpart.

18. Jane Meyer reported directly to Director of Athletics Gary Barta.

19. In May 2014, Gary Barta announced the creation of a new position of Deputy Director of Athletics that would begin in the summer of 2014.

20. Jane Meyer was already performing the majority of the job duties that the Deputy Director of Athletics would be tasked with performing.

21. Jane Meyer believed she was the logical choice for this position.

22. Gary Barta disagreed and told Jane Meyer she would not be considered for the position if she applied.

23. Specifically Gary Barta told Jane Meyer that he would go in another direction and hire someone who could better represent him.

24. Gary Barta hired Gene Taylor, a heterosexual male, as the Deputy Director of Athletics, with his contract beginning on August 4, 2014.

25. Once Gene Taylor was hired, Jane Meyer was stripped of some of her job duties, and those job duties were given to Gene Taylor.

26. Some of the job duties she was stripped of included overseeing and providing operational support to football and men's basketball, which are the two highest profile sports at the University of Iowa.

27. Overseeing football and men's basketball is considered the most prestigious, most desirable, and most important of any other sports at the University because of the economic value and public interest of those two sports.

28. Gene Taylor was given a much smaller percentage of work to do than when Jane Meyer was in the number two position.

29. Despite Jane Meyer performing more work both before and after Gene Taylor was hired, Gene Taylor was paid over \$70,000 more than Jane Meyer.

30. Jane Meyer had asked for pay increases in the past for increased job duties and was met with resistance.

31. Gene Taylor was also given a two-year contract and was promised a salary increase of \$15,000 to \$260,000 after his first year of employment, making the pay gap between Gene Taylor and Jane Meyer over \$83,000.

Raising Concerns of Gender Discrimination

32. Since Gary Barta became the Director of Athletics in 2006, Jane Meyer noticed a change in the direction of women's sports and how females were viewed in the athletic department.

33. Jane Meyer witnessed and raised concerns that Gary Barta allowed staff to make sexist comments during meetings.

34. Jane Meyer witnessed and raised concerns that Gary Barta was providing more advancement in career opportunities to male coaches than female coaches.

35. Jane Meyer witnessed and raised concerns that Gary Barta favored football and other male sports by creating new staff and administrative positions within the male athletic teams.

36. Jane Meyer witnessed and raised concerns that Gary Barta permitted gender inequities in regard to the budgets for male sports over female sports.

37. Jane Meyer also witnessed a female coach being treated in a discriminatory manner and raised questions about the reasons she was fired in August 2014.

38. For the very first time, in over 13 years of employment, after Jane Meyer continued to speak out about gender inequities, she received a poor performance evaluation.

Jane Meyer's Sexual Orientation

39. Jane Meyer is a homosexual female.

40. Jane Meyer is in a relationship with former Iowa Head Field Hockey Coach Tracey Griesbaum.

41. The University has a policy regarding consensual relationships and this policy was followed by Jane Meyer.

42. Jane Meyer disclosed the relationship to the University, and the relationship was cleared by the University.

43. Jane Meyer did not have any supervisory authority over Tracey Griesbaum, and had less contact with her than other husband/wife employees. She also had less contact with Tracey Griesbaum than head football coach, Kirk Ferentz, has over his assistant-coach son.

44. Despite getting clearance from the University and following the University policy, Gary Barta used Jane Meyer's relationship against her.

45. Jane Meyer's personal relationship became more public the year before she was stripped of many of her job duties and they were given to a heterosexual male, Gene Taylor.

46. Jane Meyer was not the only homosexual female that Gary Barta targeted.

47. Gary Barta fired or forced out at least six female coaches who he learned were gay.

48. None of these coaches or the programs were under the direct supervision of Jane Meyer.

49. When deciding to fire Tracey Griesbaum, the University took into consideration her relationship with Jane Meyer.

50. Jane Meyer was cleared by the University that they were within the policies and cleared again during the investigation into Tracey Griesbaum.

Jane Meyer Was Demoted One Day After She Filed a Written Complaint

51. Over the course of 2014, Jane Meyer witnessed Gary Barta becoming more distant and more discriminatory against herself and other females.

52. Female student athletes approached Jane Meyer indicating they believed Gary Barta was discriminating against female student athletes in the athletic department.

53. Based upon the actions that Jane Meyer witnessed against herself, female coaches and other females, Jane Meyer filed a written complaint with Gary Barta on December 4, 2014.

54. On December 5, 2015, Gary Barta put Jane Meyer on administrative leave and removed her from the department of athletics.

55. Gary Barta announced to the rest of the athletic staff acting with full authority of the University of Iowa's position that the reason Jane Meyer was being removed from the department of athletics was because Tracey Griesbaum may be filing a lawsuit against the University.

56. The University of Iowa believes and tells its employees that it is permissible to remove a long-term employee from her position if a family member, partner, or spouse has threatened legal action against the University.

57. Despite Jane Meyer making a formal complaint of wage discrimination, gender discrimination and retaliation, and sexual orientation discrimination and retaliation, she was ignored.

58. Gary Barta failed to investigate her complaint.

59. Jane Meyer brought her concerns to human resources regarding discrimination, retaliation, and her improper removal from athletics, and her complaints were ignored.

60. Jane Meyer notified the UI Equal Opportunity and Diversity office regarding discrimination, retaliation and her improper removal from athletics, and she was again ignored.

61. Jane Meyer contacted the Board of Regents about discrimination, retaliation and her improper removal from athletics, and she was ignored yet again.

62. Jane Meyer has still not been returned to athletics.

63. Each day that Jane Meyer is kept out of the athletic department hurts her career in athletics around the country.

64. Because of Defendants' refusal to follow its own policies and investigate claims of discrimination and retaliation, Jane Meyer's career in athletics is profoundly and permanently damaged, if not ruined.

CAUSES OF ACTION

COUNT I VIOLATION OF THE IOWA CIVIL RIGHTS ACT GENDER DISCRIMINATION AND RETALIATION

65. Jane Meyer re-alleges paragraphs 1 through 64 as if fully set forth herein.

66. Under the provisions Chapter 216, it is unlawful for an employer to discriminate against an employee on the basis of gender or to retaliate against her for engaging in activity protected by Chapter 216.

67. Defendant's conduct was a motivating factor in that it has discriminated against Jane Meyer with respect to failing to treat her equally to male employees, allowing her to be discriminated against by her supervisor, subjecting her to different and heightened scrutiny at work but paid less than her male counterpart, holding her to different and higher standards, removing her from her position in athletics one day after making a complaint of discrimination, and retaliating against her for engaging in conduct protected by Chapter 216, in violation of Chapter 216.

68. Jane Meyer suffered an adverse employment action when she received a negative performance review, was paid over \$70,000 less than her male counterpart, is now being paid over \$80,000 less than her male counterpart, and when Defendants removed her from the department of athletics.

69. As a proximate result of Defendant's actions, as outlined above, Jane Meyer has in the past and will in the future suffer mental and emotional harm, anguish, humiliation, embarrassment, loss of dignity, lost wages and benefits, and lost earning capacity.

70. Jane Meyer requests relief set forth below.

COUNT II
VIOLATION OF THE IOWA CIVIL RIGHTS ACT
UNEQUAL PAY BASED ON GENDER AND RETALIATION

71. Jane Meyer re-alleges paragraphs 1 through 70 as if fully set forth herein.

72. Under the provisions of Chapter 216, it is unlawful to pay employees differently on the basis of gender.

73. Jane Meyer's job duties required equal or substantially similar skill, effort, and responsibility as those of her male counterpart.

74. Defendants failed to compensate Jane Meyer at a rate equal to her male counterpart.

75. Jane Meyer suffered an adverse employment action when Defendants failed to pay her equally to a male employee who took over her job duties.

76. Defendants paid her over \$70,000 per year less than a male employee for performing substantially the same work.

77. The pay gap will continue over the next few years as the male employee received a raise to \$260,000 for 2015/2016, making the pay gap over \$80,000 per year.

78. After Jane Meyer voiced that she was not being paid equally, she was demoted and removed from the department of athletics.

79. Defendants' actions were willful.

80. As a proximate result of Defendant's actions, as outlined above, Jane Meyer has in the past and will in the future suffer mental and emotional harm, anguish, humiliation, embarrassment, loss of dignity, physical harm, lost wages and benefits, and lost earning capacity.

81. Jane Meyer requests relief set forth below.

**COUNT III
VIOLATION OF THE IOWA CIVIL RIGHTS ACT
SEXUAL ORIENTATION DISCRIMINATION AND RETALIATION**

82. Jane Meyer re-alleges paragraphs 1 through 81 as if fully set forth herein.

83. Under the provisions Chapter 216, it is unlawful for an employer to discriminate against an employee on the basis of sexual orientation or to retaliate against her for engaging in activity protected by Chapter 216.

84. Defendant's conduct was a motivating factor in that it has discriminated against Jane Meyer with respect to failing to treat her equally to heterosexual employees, allowing her to be discriminated against by her supervisor, subjecting her to different and heightened scrutiny at work, holding her to different and higher standards, removing her from her position in athletics one day after making a complaint of discrimination, and retaliating against her for engaging in conduct protected by Chapter 216, in violation of Chapter 216.

85. After Jane Meyer made her sexual orientation known more publicly, she was discriminated against in the terms and conditions of her employment.

86. After Jane Meyer's partner went public with a potential lawsuit, Gary Barta, on behalf of the University of Iowa retaliated against Jane Meyer by removing her from the department of athletics.

87. As a proximate result of Defendant's actions, as outlined above, Jane Meyer has in the past and will in the future suffer mental and emotional harm, anguish, humiliation, embarrassment, loss of dignity, physical harm, lost wages and benefits, and lost earning capacity.

88. Jane Meyer requests relief set forth below.

**COUNT IV
VIOLATION OF IOWA CIVIL RIGHTS ACT
EDUCATION DISCRIMINATION AND RETALIATION**

89. Plaintiff repleads paragraphs 1 through 88 as if set forth herein.

90. The University of Iowa is an “educational institution” within the meaning of section 216.9 of the Iowa Code.

91. The University of Iowa denied Jane Meyer the benefits of and subjected her to discrimination.

92. Jane Meyer voiced her concerns about gender inequities to her supervisors and the administration.

93. As a result of Jane Meyer’s complaints, The University of Iowa retaliated against Jane Meyer by reassigning her in violation of Chapter 216.

94. As a proximate result of the University of Iowa’s actions, Jane Meyer has in the past and will in the future suffer injuries and damages set forth above.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount which will fully and fairly compensate her for her injuries and damages, for attorneys’ fees, for interest and costs as allowed by law, and for such further relief as is just and consistent with the purposes of Chapter 216.

RELIEF

WHEREFORE, Jane Meyer respectfully requests the Court grant the following relief:

COUNT I:

A. Grant equitable relief in the form of orders requiring Defendant to do the following:

- (i) Refrain from engaging in any employment practice which discriminates on the basis of gender and violates Chapter 216; and
- (ii) Provide training to its supervisory employees regarding how to effectively avoid engaging in gender discriminatory practices and to report to the court once every six months for a period of three years on the training provided and on its effectiveness; and
- (iii) Require that all disciplinary, demotion and hiring decisions regarding its employees be reviewed by outside legal counsel for compliance with Iowa laws and regulations prior to implementation; and
- (iv) Monitor the workplace environment to assure that employees are not being treated differently in the department of athletics based on gender and report annually to the court for a period of three years on its monitoring; and
- (v) Test and evaluate supervisory employees to assure that they do not exhibit or act upon biased or bigoted attitudes and opinions regarding females, do not tolerate disparate treatment based on gender by his or her subordinates, and report annually to the court for a period of three years on its testing and evaluating.

B. Order Defendants to make Jane Meyer whole by awarding her lost earnings and the value of her lost benefits.

C. Order the reinstatement of Jane Meyer to her former position in the department of athletics at the pay rate of her male counterpart, Gene Taylor;

D. Order Defendants to make Jane Meyer whole by providing compensation for non-pecuniary losses, including without limitation, emotional distress, mental anguish, pain and suffering, inconvenience, humiliation and the loss of the enjoyment of life;

E. Award Jane Meyer, against Defendant, a judgment for her reasonable attorney fees and costs pursuant to Chapter 216;

F. Award pre-judgment interest, against Defendant, as allowed by law; and

G. Grant such further relief as the Court deems necessary and proper.

COUNT II:

A. Grant equitable relief in the form of orders requiring Defendant to do the following:

- (i) Refrain from engaging in any employment practice which discriminates on the basis of gender and violates the wage discrimination laws of Chapter 216; and
- (ii) Provide training to its supervisory employees regarding how to effectively avoid engaging in wage discriminatory practices and to report to the court once every six months for a period of three years on the training provided and on its effectiveness; and
- (iii) Require that all disciplinary decisions regarding its employees be reviewed by outside legal counsel for compliance with wage discrimination laws and regulations prior to implementation; and
- (iv) Monitor the workplace environment to assure that employees are not being treated with hostility based on complaints of wage discrimination and report annually to the court for a period of three years on its monitoring; and

B. Order Defendants to make Jane Meyer whole by awarding her lost earnings and the value of her lost benefits.

C. Order the reinstatement of Jane Meyer to her former position in the department of athletics at the pay rate of her male counterpart, Gene Taylor;

D. Order Defendant to make Jane Meyer whole by providing compensation for non-pecuniary losses, including without limitation, emotional distress, mental anguish, pain and suffering, inconvenience, humiliation and the loss of the enjoyment of life;

E. Order Defendants to pay double or treble damages for willful behavior;

F. Award Jane Meyer, against Defendant, a judgment for her reasonable attorney fees and costs pursuant to the wage discrimination laws of Chapter 216;

- G. Award pre-judgment interest, against Defendant, as allowed by law; and
- H. Grant such further relief as the Court deems necessary and proper.

COUNT III:

- A. Grant equitable relief in the form of orders requiring Defendant to do the following:
 - (i) Refrain from engaging in any employment practice which discriminates on the basis of sexual orientation and violates Chapter 216; and
 - (ii) Provide training to its supervisory employees regarding how to effectively avoid engaging in sexual orientation discriminatory practices and to report to the court once every six months for a period of three years on the training provided and on its effectiveness; and
 - (iii) Require that all disciplinary, demotion and hiring decisions regarding its employees be reviewed by outside legal counsel for compliance with Iowa laws and regulations prior to implementation; and
 - (iv) Monitor the workplace environment to assure that employees are not being treated differently in the department of athletics based on sexual orientation and report annually to the court for a period of three years on its monitoring; and
 - (v) Test and evaluate supervisory employees to assure that they do not exhibit or act upon biased or bigoted attitudes and opinions regarding sexual orientation, do not tolerate disparate treatment based on sexual orientation by his or her subordinates, and report annually to the court for a period of three years on its testing and evaluating.
- B. Order Defendants to make Jane Meyer whole by awarding her lost earnings and the value of her lost benefits.
- C. Order the reinstatement of Jane Meyer to her former position in the department of athletics at the pay rate of her male counterpart, Gene Taylor;

D. Order Defendants to make Jane Meyer whole by providing compensation for non-pecuniary losses, including without limitation, emotional distress, mental anguish, pain and suffering, inconvenience, humiliation and the loss of the enjoyment of life;

E. Award Jane Meyer, against Defendant, a judgment for her reasonable attorney fees and costs pursuant to Chapter 216;

F. Award pre-judgment interest, against Defendant, as allowed by law; and

G. Grant such further relief as the Court deems necessary and proper.

COUNT IV:

A. Grant equitable relief in the form of orders requiring Defendant to do the following:

- i. Refrain from engaging in any employment practice which discriminates on the basis of education and violates Chapter 216; and
- ii. Provide training to its supervisory employees regarding how to effectively avoid engaging in educational discriminatory practices and to report to the court once every six months for a period of three years on the training provided and on its effectiveness; and
- iii. Require that all disciplinary, demotion and hiring decisions regarding its employees be reviewed by outside legal counsel for compliance with Iowa laws and regulations prior to implementation; and
- iv. Monitor the workplace environment to assure that employees are not being treated differently in the department of athletics and report annually to the court for a period of three years on its monitoring; and
- v. Test and evaluate supervisory employees to assure that they do not exhibit or act upon biased or bigoted attitudes and opinions, do not tolerate disparate treatment, and report annually to the court for a period of three years on its testing and evaluating.

B. Order Defendants to make Jane Meyer whole by awarding her lost earnings and the value of her lost benefits.

C. Order the reinstatement of Jane Meyer to her former position in the department of athletics at the pay rate of her male counterpart, Gene Taylor;

D. Order Defendants to make Jane Meyer whole by providing compensation for non-pecuniary losses, including without limitation, emotional distress, mental anguish, pain and suffering, inconvenience, humiliation and the loss of the enjoyment of life;

E. Award Jane Meyer, against Defendant, a judgment for her reasonable attorney fees and costs pursuant to Chapter 216;

F. Award pre-judgment interest, against Defendant, as allowed by law; and

G. Grant such further relief as the Court deems necessary and proper.

JURY DEMAND

COMES NOW Jane Meyer and hereby requests a trial by jury in the above-captioned matter.

NEWKIRK ZWAGERMAN, P.L.C.

/s/ Jill M. Zwagerman

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