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17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE DISTRICT OF ARIZONA**

19 Patricia MacCorquodale and Janice Cervelli,
20 on behalf of themselves and all others
21 similarly situated,
22
23 Plaintiffs,
24 vs.
25 Arizona Board of Regents,
26
27 Defendant.

Case No.: 4:18-cv-00028-RCC

FIRST AMENDED COLLECTIVE
ACTION COMPLAINT
JURY TRIAL DEMANDED

28 Plaintiffs Patricia MacCorquodale (“Dr. MacCorquodale”) and Janice Cervelli (“Ms. Cervelli”), by and through their undersigned counsel, bring this action in their individual capacities, and on behalf of all others similarly situated, against Defendant Arizona Board of Regents (“ABOR” or “the Board”) to redress systematic gender discrimination in employment. Plaintiffs allege upon knowledge concerning themselves and their own acts,

1 and upon information and belief as to all other matters, as follows:

2 **I. OVERVIEW**

3 1. Dr. MacCorquodale and Ms. Cervelli are former Deans at the University of
4 Arizona (the “University” or “UA”). Both Plaintiffs suffered substantial pay disparities as
5 compared to their male counterparts, along with related gender-based mistreatment.
6 Plaintiffs bring this action on behalf of similarly-situated female Deans who have likewise
7 suffered from Defendant’s discriminatory policies and practices.

8 2. Dr. MacCorquodale is a tenured Professor in the Department of Gender and
9 Women’s Studies at the University of Arizona. She is also Dean Emerita of the
10 University’s Honors College, which she led from its creation in 1999 until 2016.

11 3. Under her leadership, the Honors College became a hub of intellectual life at
12 the University, attracting undergraduate students from Arizona and nationwide who might
13 otherwise not have attended the University, and contributing to the University’s reputation
14 internationally.

15 4. A five-year review committee convened in 2011 to assess Dr.
16 MacCorquodale’s performance found that she “has done an admirable job” in her role and
17 that her “passion and hard work have been fundamental to the success of the Honors
18 College.” Dr. MacCorquodale has an established reputation for making the Honor’s
19 College her life’s work, selflessly dedicating herself to building the College and enriching
20 the lives of her students.

21 5. UA Provosts have consistently recognized Dr. MacCorquodale’s exceptional
22 leadership and incredible success as the Dean of the Honors College. In 2010, then-Provost
23 Meredith Hay commended Dr. MacCorquodale on a “tremendous job in leading the college
24 in these difficult times” and for her “exceptional flexibility in adapting to new
25 circumstances in an ever-changing financial environment.” Then-Provost Dr. Andrew
26 Comrie observed in 2012 that Dr. MacCorquodale was “increasingly adept at leading with
27 the University of Arizona Honors College’s advantages.”

28 6. During her entire tenure as Dean, the University dramatically underpaid Dr.

1 MacCorquodale relative to her male colleagues, including her younger, male successors,
2 by tens of thousands of dollars or more. After Dr. MacCorquodale stepped down as Dean
3 in September 2016, she was replaced by a younger and less experienced male interim dean
4 who was offered a full-time salary as Honors College Dean that was more than \$100,000
5 higher than Dr. MacCorquodale's pay in her last full academic year. Dr. MacCorquodale's
6 experience is emblematic of the experience of other female Deans at the University of
7 Arizona.

8 7. From 2008 to 2016, before assuming her present employment as the
9 President of Saint Mary's College, Plaintiff Janice Cervelli was Dean of the College of
10 Architecture, Planning, and Landscape Architecture at the University of Arizona, where
11 she also held the position of tenured Professor of Landscape Architecture. Beginning in
12 2013, Ms. Cervelli had an additional appointment as Special Assistant to the President for
13 Downtown Initiatives and Regional Planning for the University. Upon her departure in
14 2016, the University conferred upon her the title of Dean Emerita of the College of
15 Architecture, Planning, and Landscape Architecture.

16 8. Ms. Cervelli has been a faculty member in higher education since 1981 and
17 served as a dean since 2000. She has been recognized as a Woman of Influence by *Inside*
18 *Tucson Business* in 2013 and for Excellence in Academic Administration by the Council
19 of Educators in Landscape Architecture in 2002. In addition, she has earned numerous
20 honors, including the President's Medal from the American Society of Landscape
21 Architects in 2002, the YMCA Woman of Achievement Award in 1997, and the Gamma
22 Sigma Delta Master Teacher Award from the University of Kentucky in 1992, among other
23 commendations.

24 9. Despite her significant contributions to the University and the recognition
25 she brought to the College of Architecture, Planning, and Landscape Architecture, the UA
26 refused to give her a single pay raise during her tenure as Dean. On multiple occasions,
27 Ms. Cervelli complained about her underpayment to at least four different provosts, but her
28 concerns were repeatedly dismissed. In 2015, Provost Comrie denied Ms. Cervelli a salary

1 increase even though her college had received a pool of money explicitly budgeted for
2 employee raises. During the last two years of her tenure, the University paid Ms. Cervelli
3 at least \$80,000 less per year than the average male dean for performing substantially
4 similar work.

5 10. Ms. Cervelli's strong performance and accomplishments have been
6 universally acknowledged by multiple Provosts. In addition to receiving high ratings on
7 her annual evaluations every year, Ms. Cervelli was repeatedly praised for transforming
8 the College of Architecture, Planning, and Landscape Architecture into an innovative,
9 highly-engaging College, and for her strong representation of the College to the Arizona
10 community at large. Under Ms. Cervelli's leadership, the University established its first
11 academic center located in downtown Tucson, University of Arizona-Downtown,
12 dedicated to learning and research in urban design, planning, and public policy; founded
13 the Sustainable City Project, along with the College of Science, College of Social and
14 Behavioral Sciences and the Institute of the Environment to promote sustainability in
15 Tucson; developed new degrees, including a Master's in Architecture, Master's in Real
16 Estate Development, Bachelor's in Sustainable Built Environment, and a dual Master's in
17 Planning and Business Administration; and attracted substantial funding to the College
18 during challenging enrollment times. Provost Comrie even recognized Ms. Cervelli's
19 efforts, noting she was a "strong" dean who turned around a "sleepy" College.

20 11. In spite of the overwhelming praise and commendations Ms. Cervelli
21 received, in 2014 Provost Comrie told her that he would subject her to another extensive
22 performance review immediately after the University concluded its five-year review – a
23 highly unusual and unprecedented practice that did not conform with University policies,
24 particularly in light of the fact that Provost Comrie had re-appointed Ms. Cervelli as Dean
25 following her review. When Ms. Cervelli questioned him about specific ways in which
26 she could improve her performance, Provost Comrie refused to provide any substantive
27 feedback and instead, disparagingly told her that she suffered from a "Hillary Clinton
28 complex" without any further explanation.

1 12. The pay disparities Dr. MacCorquodale and Ms. Cervelli experienced were
2 a direct result of policies and practices implemented by the University's leadership,
3 including by Provost Comrie. Female deans at the UA earn less than male deans and are
4 virtually shut out of participation in the University's Dean's Council. They are further
5 subjected to humiliating and demeaning treatment by the University's predominantly male
6 leadership to which their male peers are not subjected.

7 13. This action arises out of the University's systematic discriminatory treatment
8 of its female deans on the basis of their gender. The University discriminates against
9 female deans through its policies, practices, and procedures with respect to compensation,
10 in violation of the Equal Pay Act of 1963, 29 U.S.C. § 206(d) ("EPA"), and Title VII of
11 the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*

12 14. On behalf of themselves and all others similarly situated, Plaintiffs request
13 declaratory and injunctive relief to redress the University of Arizona's pervasive and
14 discriminatory employment policies, practices, and procedures, including its retaliation
15 against Plaintiffs for reporting such discriminatory misconduct. Plaintiffs further seek for
16 themselves, and all others similarly situated, back pay; front pay; compensatory damages;
17 nominal, liquidated, and punitive damages; and attorneys' fees and costs.

18 **II. THE PARTIES**

19 **A. Plaintiff Patricia MacCorquodale**

20 15. Plaintiff Patricia MacCorquodale resides in Tucson, Arizona, and is a citizen
21 of the United States. She has been an employee of the University of Arizona since August
22 1978.

23 **B. Plaintiff Janice Cervelli**

24 16. Plaintiff Janice Cervelli resides in Granger, Indiana, and is a citizen of the
25 United States. She was an employee of the University of Arizona from 2008 until June
26 2016.

27 **C. Defendant Arizona Board of Regents**

28 17. Defendant Arizona Board of Regents is a corporate entity created by state

1 law for the purpose of administering Arizona’s public universities. Its headquarters are at
2 2020 North Central Avenue, Suite 230, Phoenix, Arizona.

3 18. The University of Arizona, a public university located in Tucson, Arizona, is
4 a legal subdivision of ABOR. At all relevant times, ABOR controlled the UA, which has
5 been Dr. MacCorquodale’s and Ms. Cervelli’s employer within the meaning of all relevant
6 statutes.

7 19. The University employs more than 15,000 individuals.

8 **D. Administrative Exhaustion and Tolling**

9 20. Plaintiff MacCorquodale timely filed a charge with the United States Equal
10 Employment Opportunity Commission (“EEOC”) on May 16, 2017, and amended her
11 charge on July 21, 2017. Dr. MacCorquodale received her right to sue to bring claims
12 under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 42 U.S.C § 2000e
13 *et seq.* (“Title VII”) on February 14, 2018.

14 21. On September 7, 2017, the parties entered into a tolling agreement, tolling
15 Dr. MacCorquodale’s claims under Title VII, the EPA, and other applicable statutes
16 beginning from May 16, 2017 until November 15, 2017 (six months), when the University
17 terminated tolling.

18 **III. JURISDICTION AND VENUE**

19 22. The U.S. District Court for the District of Arizona has personal jurisdiction
20 over Defendant because Defendant’s offices are headquartered in Arizona, it conducts
21 business in Arizona, and the acts complained of and giving rise to the claims alleged herein
22 occurred in Arizona.

23 23. This Court has original subject matter jurisdiction over this suit pursuant to
24 28 U.S.C. § 1331 and § 1343 because this action involves claims brought under the EPA
25 and Title VII.

26 **IV. FACTUAL ALLEGATIONS**

27 **A. The University of Arizona**

28

1 24. The Arizona Constitution established the twelve-member Arizona Board of
2 Regents as the governing body for the state’s public university system, including the
3 University of Arizona, to provide management and direction to the state’s higher education
4 institutions.

5 25. Founded in 1885, the University of Arizona – the state’s flagship institution
6 of higher education – is one of the country’s leading public universities. As a premier
7 research institution, the UA brings in more than \$606 million annually in research
8 investment and has an economic impact of \$8.3 billion annually in the state of Arizona.
9 With over 15,000 employees for the 2016-2017 academic year, the UA is one of the largest
10 employers in southern Arizona.

11 26. As the University’s chief academic officer, the Provost is responsible for
12 promoting the University’s mission in education and research. Charged with overseeing
13 all aspects of academic programming, the Provost works closely with the Deans’ Council
14 – the committee of all academic deans at the UA – to craft the strategic plan for the
15 University’s academic future.

16 27. Since August 2012, Dr. Comrie has served as Provost and Senior Vice
17 President for Academic Affairs, initially as an interim Provost for the 2012-2013 academic
18 year and as Provost since 2013. As Provost, Dr. Comrie has been responsible for making
19 administrative appointments, such as appointments of deans, and for setting the salaries of
20 administrative appointees. Accordingly, deans’ salaries have been largely controlled by a
21 single, common decision-maker throughout the relevant period.

22 **B. Dr. Patricia L. MacCorquodale**

23 28. Dr. MacCorquodale earned a Bachelor of Arts in Sociology from Carleton
24 College in 1972 and a Master of Arts and Ph.D. in Sociology from the University of
25 Wisconsin at Madison in 1974 and 1978, respectively.

26 29. In 1978, Dr. MacCorquodale joined the University of Arizona as a faculty
27 member in the Department of Sociology. She was granted tenure and promoted to full
28 Professor in the Departments of Sociology and Women’s Studies for her ground-breaking

1 research on topics including the challenges faced by women in traditionally male-
2 dominated fields like law and engineering.

3 30. As a renowned scholar on gender and sexuality, Dr. MacCorquodale has
4 published articles in leading academic journals, including “Women in the Law: Tokens or
5 Partners?” in *Gender & Society* and “Trying Transformations: Curriculum Integration and
6 the Problem of Resistance” in *Signs: Journal of Women in Culture and Society*. She co-
7 authored the book, *Changing Our Minds: Feminist Transformations of Knowledge*, which
8 explores the development of academic disciplines in light of feminist scholarship.

9 31. On top of her scholarly work, Dr. MacCorquodale has participated in the
10 Dean’s Development Committee, the Provost’s Council, the University Enrollment
11 Management Council, and the Scholar Recruitment Leadership Team. Beyond her service
12 to the UA, she served as President of the Western Social Sciences Association in 1987, and
13 she served as an external reviewer for honors programs at the University of Utah, the
14 University of Kansas, and the University of California at Irvine. Beginning in 2007, she
15 served as the Founding President of the Arizona Honors Council, a statewide organization
16 for deans of honors colleges and directors of honors programs. Dr. MacCorquodale also
17 accepted positions serving as an Academic Visitor at the London School of Economics in
18 1999 and as a Visiting Scholar at the Center for Research on Women at Stanford University
19 in 1986.

20 32. In 1993, the University appointed her Director of the Honors Program, which
21 preceded the Honors College. Following a successful year-long campaign spearheaded by
22 Dr. MacCorquodale, the Honors program was formally established as a College in 1999,
23 and Dr. MacCorquodale was appointed to serve as its inaugural Dean.

24 33. Under her tireless and enthusiastic leadership, the Honors College became
25 an intellectual, cultural, and social hub of the University. The College annually awards
26 \$40,000 in undergraduate research grants, and over the past five years it has enrolled 632
27 National Merit Scholars, with 17% of Honors students holding double majors and 10%
28 seeking double degrees. The College has facilitated unparalleled academic opportunities

1 for UA students, including special interdisciplinary courses and seminars; provided
2 undergraduate research funding, internships and study abroad; hosted literary, artistic, and
3 musical events; offered academic and career advising; and supported students pursuing
4 nationally and internationally competitive scholarships. Dr. MacCorquodale also oversaw
5 the opening of a new College dorm, established College-specific faculty positions,
6 developed a new minor in Health and Human Values, and built the College through tireless
7 recruiting and fundraising efforts. In recognition of these efforts, the University
8 established the MacCorquodale Study Abroad Scholarship in her honor.

9 34. At the time that the University terminated Dr. MacCorquodale from her
10 position as Dean of the Honors College in 2016, she oversaw 35 employees while
11 managing a \$3.7 million budget and bearing responsibility for more than 4,400 students.
12 Alongside her research and teaching obligations, Dr. MacCorquodale worked as a liaison
13 between the Honors College and other stakeholders in the UA community to build
14 partnerships with alumni, parents, educators, and national and local organizations.

15 **C. Dr. MacCorquodale's Complaints of Pay Discrimination**

16 35. When Dr. MacCorquodale was first appointed Dean of the Honors College
17 in 1999, she was paid an annual salary of \$96,849.

18 36. Soon after her appointment, upon reviewing salary data in the University
19 Library, Dr. MacCorquodale learned that she was underpaid by tens of thousands of dollars
20 relative to her male counterparts. The data revealed that Dr. MacCorquodale was the
21 lowest paid dean among the eighteen academic deans, and that female deans were on the
22 whole paid significantly less than male deans.

23 37. From 1999 to 2015, Dr. MacCorquodale routinely brought data she collected
24 to the Provost's attention during her annual performance reviews. Based on these data, Dr.
25 MacCorquodale complained that she was underpaid, but the administration disregarded her
26 concerns and refused to close the pay gap. The University's disinterested attitude toward
27 its marked gender-based pay disparities caused these disparities to persist, steadily building
28 to a total disparity of hundreds of thousands of dollars over the years.

1 38. In or around July 2007, Dr. MacCorquodale wrote to then-Provost Eugene
2 Sander to request an equity adjustment to her salary, then \$131,650, based on salary data
3 available for the 2005-2006 academic year which showed that she earned considerably less
4 than her male counterparts. Only after Dr. MacCorquodale made a formal complaint did
5 Provost Sander raise her salary by \$17,033. This was nowhere near sufficient to bring Dr.
6 MacCorquodale in line with her male peers, nor did it begin to make up for years of
7 underpayment.

8 39. In subsequent years, Dr. MacCorquodale continued to complain about pay
9 disparities to the current Provost, Dr. Comrie, and to seek equity adjustments. She
10 supported her requests with comparative pay data unequivocally demonstrating that she
11 was substantially underpaid relative to her male counterparts. Nevertheless, Provost
12 Comrie consistently denied her any equitable adjustments, perpetuating the ongoing
13 gender-based discrimination against her.

14 40. In her last three years as the Honors College Dean, Dr. MacCorquodale
15 earned \$153,000 in 2013-2014, \$153,000 in 2014-2015, and \$162,750 in 2015-2016,
16 whereas the average male dean at the University made \$308,309, \$311,404, and \$320,212,
17 respectively, in those years. For example, during this period the University paid the Dean
18 of the College of Fine Arts between \$69,000 and \$83,000 more annually than Dr.
19 MacCorquodale, paid the Dean of the College of Education between \$88,000 and \$98,500
20 more annually, and paid the Dean of the Graduate College between \$32,500 and \$42,000
21 more annually. Each of these deans was less experienced than Dr. MacCorquodale in their
22 respective roles.

23 41. Dr. MacCorquodale's position as Dean of the Honors College required at
24 least the same level of skill, effort, and responsibility as was required of her male
25 counterparts. During the 2015-16 academic year, the Honors College enrolled 4,572
26 students – more than the combined graduate and undergraduate enrollment of every college
27 at the University but three. Dr. MacCorquodale was personally responsible for building
28 and maintaining relationships not just with the faculty in her college but also with faculty

1 throughout the University. She also had considerable responsibility for the well-being of
2 her students, beyond their academic work, that was not shared by other academic deans.
3 Moreover, she had fewer support staff than deans of similarly-sized or smaller colleges,
4 requiring her to become more deeply involved in every aspect of the Honor College's
5 operations, from student recruitment to coordination with Residence Life.

6 42. At her 2015 performance review, Dr. MacCorquodale highlighted for
7 Provost Comrie that there remained substantial differences in pay between her 2014-2015
8 salary and the salaries of comparable male deans, including the Dean of the College of Fine
9 Arts, the Dean of the College of Education, and the Dean of the Graduate College – and
10 that these differences persisted despite her status as the second-longest serving dean at the
11 UA. The Dean of the College of Fine Arts, who only had a little over six years of
12 experience as dean (ten years less than Dr. MacCorquodale), earned \$83,000 more than Dr.
13 MacCorquodale; the Dean of the College of Education, who had approximately twelve
14 years of experience as dean (four years less than Dr. MacCorquodale), earned \$98,449
15 more; and the Dean of the Graduate College, who had around three years of experience as
16 dean (thirteen years less), earned \$42,000 more.

17 43. The University ultimately agreed to adjust Dr. MacCorquodale's salary in
18 February 2016 by \$26,000. She interpreted the University's action as progress toward
19 taking her concerns seriously, but this measure still did not make her salary close to
20 commensurate with the salaries of comparable male deans. When she reviewed the
21 available pay data later, Dr. MacCorquodale realized this raise merely brought her salary
22 into line with that of regular faculty in her academic department, based on her seniority,
23 academic productivity, and service to the University.

24 44. In other words, before the adjustment, the University paid Dr.
25 MacCorquodale thousands of dollars less than faculty members in her department who did
26 not have deanships. After the adjustment, she still made substantially less than her male
27 dean counterparts.

28

1 45. After Dr. MacCorquodale was forced to step down as Dean in September
2 2016, the University appointed Dr. Elliott Cheu, an associate dean in the College of Science,
3 to serve as Interim Dean of the Honors College for the 2016-2017 academic year. At the
4 time of his appointment, Dr. Cheu did not have any prior experience as the dean of a college,
5 having only served as an associate dean since 2008, and he had considerably less tenure at
6 the University than Dr. MacCorquodale.

7 46. Dr. MacCorquodale learned shortly after she was forced to step down that
8 the University offered Dr. Cheu a base full-time equivalent salary of approximately
9 \$275,000 – over \$100,000 more than she was paid over the 2015-16 academic year – to
10 serve only as interim dean. This enormous difference also represented a \$90,000 increase
11 over his salary as an associate dean. Notably, he made more as an associate dean than she
12 did as a dean.

13 47. In July 2017, the University announced that it had appointed Dr. Terry Hunt,
14 an anthropologist and Dean of the University of Oregon Honors College, as the new Dean
15 of the Honors College at the University of Arizona. Dr. Hunt joined the UA with
16 substantially less experience as a dean than Dr. MacCorquodale. Dr. Hunt served as Dean
17 of the University of Oregon Honors College for only five years, during which time he had
18 overseen a college of 800 honors students – less than 20% of the students at the University
19 of Arizona Honors College. The University pays Dr. Hunt an annual salary of \$230,000 –
20 nearly \$70,000 more than it paid Dr. MacCorquodale over the course of the 2015-16
21 academic year.

22 48. Dr. MacCorquodale's pay concerns were not limited to her own experiences.
23 Upon information and belief, the University of Arizona has engaged in similar pay
24 discrimination against other female deans by assigning them lower salaries than their male
25 peers and refusing to make equity adjustments or, in some cases, not giving them any raises
26 at all for periods of several years. A common decision-maker – the University Provost –
27 was responsible for all pay decisions for all deans University wide.

28

1 49. The preferential treatment given to Dr. Cheu and Dr. Hunt – Dr.
2 MacCorquodale’s immediate successors – at her expense plainly shows that the striking
3 salary differentials between male and female deans at the University cannot be attributed
4 to legitimate distinctions among the dean positions. Instead, they are based on gender.

5 **D. The University’s Retaliation Against Dr. MacCorquodale**

6 50. Dr. MacCorquodale consistently complained of her unfairly low salary since
7 around the time she was appointed Dean of the Honors College.

8 51. During Dr. MacCorquodale’s annual review with Provost Comrie in August
9 2015, Dr. MacCorquodale raised further complaints of unequal pay. She also informed
10 Provost Comrie that she would step down as Dean of the Honors College at the end of the
11 2016-2017 academic year, which marked the expiration of her five-year term as Dean. She
12 notified him that she could not commit to another five-year contract, but indicated her
13 intent to serve through the end of her term.

14 52. Provost Comrie and Dr. MacCorquodale agreed to these terms, after several
15 rounds of negotiations, and, in February 2016, he notified her that he had memorialized the
16 transition plan in a letter. While Dr. MacCorquodale did not receive a signed copy of the
17 letter, she felt reassured that the plan had been committed to writing.

18 53. Accordingly, Dr. MacCorquodale began reaching out to faculty, alumni,
19 donors and students to notify them of her intent to step down at the end of her term in June
20 2017.

21 54. However, at a meeting with Dr. MacCorquodale in May 2016, Provost
22 Comrie unexpectedly announced that he would depart from the transition plan and instead
23 would terminate her contract early, at the end of the 2015-2016 academic year. Not only
24 did Provost Comrie’s actions violate the terms of their agreement, but this measure was
25 also inconsistent with the University of Arizona’s policy of providing 90-day notice to
26 employees, underscoring the fact that Dr. MacCorquodale’s termination was a marked
27 departure from the University’s normal policies and practices.

28

1 55. The University’s sudden refusal to honor the transition plan it had negotiated
2 with Dr. MacCorquodale placed her in a difficult position, as it forced her to either reveal
3 to faculty, alumni, donors, and students already aware of her departure plans that the
4 University was pushing her out, or to retract her earlier statements without providing an
5 explanation. In either case, Dr. MacCorquodale would have been – and was – subjected to
6 considerable embarrassment and speculation about whether her termination was
7 disciplinary in nature.

8 56. Despite the University’s unusual action of abruptly terminating her deanship,
9 Dr. MacCorquodale continued to work with Provost Comrie and others to ensure a smooth
10 transition. In August 2016, Provost Comrie and Dr. MacCorquodale reached a new
11 agreement in which she would teach or supervise the internship experience course for
12 Honors students and assist the interim Dean with transition-related activities.

13 57. Around December 2016, Interim Dean Cheu instructed Dr. MacCorquodale
14 not to supervise internships for Honors students, in violation of the transition agreement
15 she had reached with Provost Comrie. Moreover, Dr. Cheu eliminated her Honors teaching
16 assignment and informed her that she needed to apply in the future to teach specific courses,
17 despite her status as Dean Emerita of the College and longstanding history of teaching
18 Honors courses.

19 58. Notably, Provost Comrie failed to intervene on Dr. MacCorquodale’s behalf
20 to restore the terms of her transition agreement. In light of her exceptional reputation at
21 the Honors College, Provost Comrie’s continued unwillingness to advocate for Dr.
22 MacCorquodale and protect their agreement raises additional concerns about his
23 motivations in terminating her deanship.

24 59. Dr. MacCorquodale has experienced severe emotional distress as a result of
25 the University’s actions, as the speculation surrounding her departure has impacted
26 negatively her professional reputation and her relationships with countless friends,
27 colleagues, students, and alumni. Moreover, Provost Comrie’s failure to address Dr.
28 Cheu’s unjustified removal of Dr. MacCorquodale’s responsibilities at the Honors College

1 has exacerbated the considerable stress and anxiety she already felt as a result of the sudden
2 end to her affiliation with the Honors College.

3 60. The UA's years of discrimination and retaliation against Dr. MacCorquodale
4 and its failure to address her numerous complaints left Dr. MacCorquodale with no further
5 recourse but to pursue legal action. On January 22, 2018, Dr. MacCorquodale, through her
6 counsel, filed this collective action lawsuit. Almost immediately, high-level administrators
7 at the UA publicly attacked and disparaged Dr. MacCorquodale and attempted to
8 discourage other female administrators from joining this collective action and female
9 faculty members from coming forward with their own complaints.

10 61. On January 23, 2018, Lynn Nadel, the male Chair of the Faculty and the
11 Regents' Professor of Psychology and Cognitive Science, sent an email to all faculty
12 members criticizing Dr. MacCorquodale and attempting to deflect from the issues raised
13 in her lawsuit, calling her "a formerly successful administrator who may not be delivering
14 what is needed by the institution now." Dr. Nadel used his official position as Chair of the
15 Faculty to distribute his comments to all faculty on a University-controlled listserv and the
16 University's Faculty Governance website. In addition, Dr. Nadel also sent a letter to the
17 editor of *The Chronicle of Higher Education* in which he stated, "[i]t saddens me that my
18 colleague, Professor MacCorquodale, has chosen to go down this road." Dr. Nadel's
19 conduct sends a message that other women who join this lawsuit or file their own also risk
20 being publicly shamed.

21 62. Allison Vaillancourt, Vice President of Business Affairs and Human
22 Resources at UA, also submitted a letter to the editor of the *Arizona Daily Star*, defending
23 Provost Comrie even though she lacked any knowledge of the facts surrounding Dr.
24 MacCorquodale's complaints. In her letter, VP Vaillancourt claimed that Provost Comrie
25 "took a hard line when he learned that anyone was being mistreated" and had "remarkable
26 integrity," even though Ms. Cervelli had formally complained to VP Vaillancourt about
27 Provost Comrie's mistreatment, as described below. VP Vaillancourt's actions serve to
28

1 underscore an environment where gender bias and discrimination are not only tolerated,
2 but protected by the UA leadership.

3 **E. Janice Cervelli**

4 63. Ms. Cervelli earned a Bachelor of Science in Landscape Architecture from
5 Purdue University's College of Agriculture in 1979 and a Master's in Landscape
6 Architecture from the University of Guelph in 1981. When she joined the University of
7 Arizona as Dean of the College of Architecture, Planning, and Landscape Architecture in
8 2008, she brought twenty-four years of experience in higher education, including eight as
9 a dean in several large universities.

10 64. Ms. Cervelli has worked as a landscape architect for nearly forty years and
11 taught Landscape Architecture for thirty-five years at the University of Kentucky, Clemson
12 University, and the University of Arizona. A Fellow of both the American Society of
13 Landscape Architects and the Council of Educators in Landscape Architecture, Ms.
14 Cervelli was also selected as a Fellow by the American Council on Education in 1998, and
15 the Council of Educators in Landscape Architecture recognized her with the Outstanding
16 Administrator Award. Ms. Cervelli has also served as President of the Council of
17 Educators in Landscape Architects, President of the American Society of Landscape
18 Architects, and as Vice President for Education of the Landscape Architecture Foundation.

19 65. Ms. Cervelli has advised numerous U.S. cities on models for growth and
20 served as the chair of the Downtown Tucson Partnership and of Arizona Forward, a
21 statewide environmental advocacy organization. Moreover, she represented former UA
22 President Ann Weaver Hart on the Tucson Regional Economic Opportunities, a major
23 economic development player in Southern Arizona; advised the Mayor of Tucson on
24 reorganizing city planning services to improve transit and infill development throughout
25 the city; and served on the City of Tucson's Main Gate District Urban Overlay Design
26 Review Committee, the City of Tucson's Infill Incentive District Task Force, the City of
27 Tucson's Ronstadt Transit Center Redevelopment Selection Committee, and the Urban
28 Land Institute Implementation Team for Downtown Tucson. In addition, she co-founded

1 the University of Arizona Institute on Place and Wellbeing, a collaborative research and
2 teaching center between the College of Architecture, Planning, and Landscape Architecture,
3 the Arizona Center for Integrative Medicine, and the College of Medicine, the only institute
4 of its kind in the United States that explores the impact of the physical environment on
5 health and wellbeing.

6 66. Ms. Cervelli's service to the University of Arizona was just as remarkable
7 throughout her tenure as Dean of the College of Architecture, Planning, and Landscape
8 Architecture from 2008 until 2016. Under her leadership, the Bachelor of Architecture
9 program was ranked within the top 20 programs in America three times by *Design*
10 *Intelligence* and *Architectural Record*. Ms. Cervelli also developed and initiated five
11 different degree programs and study abroad programs in Dubai, Oman, Jordan, Chile, and
12 Italy. Moreover, Ms. Cervelli saved the Master of Science in Planning from its planned
13 closure and revived it to the point where it has twice been ranked in the top ten among its
14 peer programs throughout the country. Ms. Cervelli has additionally brought her College
15 its largest financial gifts in its history, totaling over \$4,500,000, and co-founded the UA's
16 first facility in Downtown Tucson, the University of Arizona Downtown.

17 67. Despite her exceptional contributions to the UA and the Tucson community
18 at large, Provost Comrie and ABOR refused to pay Ms. Cervelli fairly in comparison to
19 male deans. Before she left the UA in 2016 as Dean Emerita, she supervised 90 faculty
20 members and staff, managed a multi-million-dollar budget, and oversaw the education of
21 550 students enrolled in her College. In 2013, Ms. Cervelli was appointed as the Special
22 Assistant to the President for Downtown Initiatives and Regional Planning from 2013 until
23 her departure.

24 **F. Ms. Cervelli's Complaints of Pay Discrimination**

25 68. Ms. Cervelli performed at consistently high levels throughout her time at the
26 UA, exceeding expectations and raising the standards for her College and UA deans in
27 general. Even Provost Comrie described Ms. Cervelli as a "strong dean" and praised her
28 for taking a "very sleepy college" and turning it into an "innovative and active college."

1 In fact, he admitted to her that as the first female dean of a College dominated by male
2 faculty and students, Ms. Cervelli faced certain challenges her male predecessors did not,
3 although he took no responsibility as her supervisor for helping her to address those
4 challenges. Ms. Cervelli was also recognized by other deans as a great colleague. Ms.
5 Cervelli was able to grow the acclaim, degree offerings, and prestige of the College of
6 Architecture and Landscape Architecture despite contending with roughly one million
7 dollars in cumulative state budget reductions.

8 69. During her time as Dean, Ms. Cervelli earned a reputation for taking a strong
9 stance against sexism. After observing the University pay male professors substantially
10 more than female professors of the same rank who had stronger service records when she
11 joined as Dean in 2008, she invested significant time in addressing the gender pay gap
12 within the College of Architecture and Landscape Architecture. Unlike other male deans
13 at the time, Ms. Cervelli thoroughly investigated complaints of pay inequity and often
14 adjusted salaries of female faculty members if needed. Further, Ms. Cervelli took
15 corrective action in response to substantiated complaints of sexual harassment, including
16 terminating non-tenured faculty.

17 70. Despite Ms. Cervelli's exemplary performance, Provost Comrie never
18 acknowledged her accomplishments with a merit pay increase. In fact, throughout her
19 eight-year tenure at the UA, Ms. Cervelli never received a single salary increase for her
20 work as Dean. Moreover, Provost Comrie frequently overlooked Ms. Cervelli in favor of
21 male deans when allocating professional opportunities and funding. For example, Provost
22 Comrie never appointed Ms. Cervelli to any additional positions within the Dean's Council
23 nor did he award her College additional operating funds. Provost Comrie also excluded
24 her from special projects he initiated and search committees he convened, opportunities
25 that male deans were routinely offered. Provost Comrie's refusal to support Ms. Cervelli
26 or her College is reflective of his attitude towards female deans and a work environment
27 that hinders women's success and advancement. Nevertheless, Ms. Cervelli consistently
28

1 outperformed higher paid male deans who had the benefit of Provost Comrie's favor and
2 support.

3 71. In her eight years as Dean, Ms. Cervelli earned \$225,000 every year,
4 excluding her administrative stipend as Special Assistant to the President. In contrast, the
5 average male dean made \$311,404 in 2014-2015 and \$320,212 in 2015-2016. For example,
6 the University paid the male dean of the College of Pharmacy at least \$61,720 more
7 annually and the male dean of the College of Optical Sciences \$87,512 more annually
8 during this period, even though both colleges were of comparable size to Ms. Cervelli's.
9 Compared to the average male dean doing substantially similar work, the UA underpaid
10 Ms. Cervelli by nearly \$135,000 since January 2015 alone.

11 72. Ms. Cervelli repeatedly complained about her underpayment to four different
12 provosts throughout her time at UA. In 2014, after enduring six years of underpayment
13 without salary increases, Ms. Cervelli complained directly to the UA's Vice President of
14 Business Affairs and Human Resources, Allison Vaillancourt. In the context of
15 complaining of Provost Comrie's sexist behavior towards her and other female deans, Ms.
16 Cervelli also explained that Provost Comrie underpaid Ms. Cervelli and hindered her
17 ability to do her job. VP Vaillancourt offered no solutions and instead, asked to report the
18 complaint directly to Provost Comrie – the object of the complaint. VP Vaillancourt
19 assured Ms. Cervelli that she would take measures to ensure that Provost Comrie would
20 not retaliate. However, VP Vaillancourt failed to follow up with Ms. Cervelli about steps
21 she intended to take. In fact, neither Provost Comrie nor VP Vaillancourt ever took action
22 to resolve the issues Ms. Cervelli raised, allowing Provost Comrie to continue his
23 discriminatory behavior, and also to retaliate against her.

24 **G. The University's Retaliatory Misconduct Toward Plaintiff Cervelli**

25 73. In response to Ms. Cervelli's complaints of pay disparities and other gender-
26 based discrimination, Provost Comrie increasingly targeted her for retaliatory mistreatment
27 by subjecting Ms. Cervelli's to greater scrutiny than similar male deans. In the spring of
28 2014, after the five-year review committee concluded with a positive assessment of Ms.

1 Cervelli and Provost Comrie reappointing her as dean for another five-year term, Provost
2 Comrie, nevertheless, indicated his intention to conduct another survey of the faculty – an
3 unheard-of action. Provost Comrie also told Ms. Cervelli that he intended to send one of
4 “his people” to her college to gather information about her, but he refused to tell her what
5 kinds of questions this person would ask. To her knowledge, Ms. Cervelli is unaware of
6 any male dean who has been subjected to the threat of an off-cycle review or a secret
7 follow-up by an official from the Provost’s Office.

8 74. Provost Comrie allowed these threats to hang over Ms. Cervelli’s head for
9 almost one year until the end of the 2014-2015 academic year. This caused Ms. Cervelli to
10 suffer undue stress and severe anxiety and to develop serious insomnia.

11 75. Provost Comrie also publicly withheld his support of Ms. Cervelli during
12 meetings of the faculty of the College of Architecture, Planning, and Landscape
13 Architecture. At the faculty meeting convened to discuss Ms. Cervelli’s five-year review,
14 rather than celebrating her accomplishments, Provost Comrie refused to present any of the
15 positive commentary that Ms. Cervelli had received. Provost Comrie’s actions signaled a
16 position of no support to the faculty reporting to Ms. Cervelli even though she had an
17 impeccable record of service to the University and a history of strong performance.
18 Moreover, when her five-year review was being performed, Provost Comrie refused to
19 circulate Ms. Cervelli’s report of her accomplishments as dean to the college faculty, staff,
20 and students, and dismissed Ms. Cervelli’s concerns about such a significant oversight and
21 highly irregular conduct.

22 76. Provost Comrie further retaliated against Ms. Cervelli by withholding
23 funding earmarked for employee raises. In 2015, the University received an additional
24 pool of money specifically dedicated to salary increases. However, as part of his
25 continuing pattern of discrimination and retaliation against Ms. Cervelli, Provost Comrie
26 refused to grant her any raise from this pool. He provided no justification for doing so. To
27 Ms. Cervelli’s knowledge, no other eligible UA dean or employee was denied a salary
28 increase from this pool.

1 77. Further, Provost Comrie disparaged Ms. Cervelli to her colleagues,
2 including at least one dean, during her last two years with the University. For example,
3 Provost Comrie disparagingly told another female dean, without explanation, that Ms.
4 Cervelli suffered from a “Hillary Clinton complex,” echoing derisive comments he had
5 made to Ms. Cervelli herself.

6 **H. The University’s Pattern of Discrimination Toward Female Deans**

7 78. Pay discrimination is part of a broader pattern of discrimination against
8 female deans. The Deans’ Council, led by the Provost, is primarily composed of men.
9 Among the eighteen academic deans at the University of Arizona, there have been, at most,
10 five female deans, including Dr. MacCorquodale and Ms. Cervelli, within the past three
11 years. For the current 2017-2018 academic year, there are only three female deans, with a
12 fourth serving in an interim capacity.

13 79. The University’s leadership, and Provost Comrie in particular, has
14 perpetuated a culture that marginalizes, demeans, and undervalues women. The University
15 has discriminated against women by allowing its predominantly male leadership to favor
16 men overtly in pay and subjecting women to differential treatment. Unlike the male deans,
17 female deans have been subjected to sexist comments and increased scrutiny over their
18 performance, and their contributions have been consistently overlooked by the Provost. In
19 favoring male deans in the conditions of their employment, the University, and Provost
20 Comrie, in particular has allowed sexism to permeate the workplace to the detriment of the
21 female deans.

22 80. On numerous occasions, Ms. Cervelli observed Provost Comrie refer to one
23 female dean as “weak” and refuse to provide her with resources and support for her College.
24 His disdainful attitude and dismissive treatment of the female dean allowed male deans to
25 take advantage of her marginalized status. As a result of her consistent mistreatment, this
26 female dean resigned her deanship and remarked that she believed that her College would
27 be treated better by Provost Comrie if she were succeeded by a man.

28

1 81. Upon information and belief, Provost Comrie has a history of making sexist
2 and demeaning comments towards female deans. For example, in a one-on-one meeting
3 with the female dean he considered “weak,” Provost Comrie inappropriately criticized her
4 appearance, stating that she should wear skirts more often – a comment that was wholly
5 irrelevant to her job. In the same meeting, he also told this female dean that Ms. Cervelli
6 had a “Hillary Clinton complex.”

7 82. Ms. Cervelli has similarly been subjected to a barrage of sexist behavior from
8 Provost Comrie. While discussing her five-year review, Provost Comrie criticized Ms.
9 Cervelli for her assertive personality and commanding presence, as some comments on her
10 review noted that her “strong” leadership also made her “too vocal” and “too pushy.” In
11 the context of attempting to justify his unilateral decision for a second review, he told Ms.
12 Cervelli that she suffered from a “Hillary Clinton complex” and refused to explain further.
13 Provost Comrie then launched into a diatribe against his female colleagues, including the
14 female President of the University, his female subordinate, and another female dean.
15 Specifically, he claimed that President Hart similarly suffered from the “Hillary Clinton
16 complex” and was known to have a “wicked temper.” Provost Comrie also commented
17 that it was difficult to work with his Associate Provost, who was a woman, because she
18 was “prickly.” Not only did he repeat his criticism about a female dean being “weak,” he
19 felt that this justified the restructuring of her College and expressed annoyance that she
20 chose not to wear skirts. At this meeting Provost Comrie did not make similar criticisms
21 of any male University personnel. He also repeated his criticisms of President Hart’s
22 “wicked temper” and his Associate Provost’s “prickly” manner to Dr. MacCorquodale.

23 83. Concerned about the blatantly sexist insults and misogynist attitude
24 displayed by Provost Comrie, Ms. Cervelli filed a formal complaint against Provost Comrie
25 with the Vice President of Business Affairs and Human Resources, Allison Vaillancourt,
26 in 2014. Ms. Cervelli reported that Provost Comrie had created a hostile work environment
27 and treated her differently compared to male deans. Ms. Cervelli shared his comment to
28 her about her “Hillary Clinton complex” and his criticisms of President Hart, the female

1 Associate Provost, and the female dean. Furthermore, she complained that Provost Comrie
2 deviated from normal practice by demanding a second review immediately after her five-
3 year review, which would have undermined her ability to do her job. Ms. Cervelli
4 explained that Provost Comrie subjected her to needless stress. Ms. Cervelli never heard
5 back from VP Vaillancourt about affirmative steps taken to investigate her complaint or
6 address her grievances.

7 84. Despite being faced with multiple examples of Provost Comrie's overtly
8 sexist conduct, VP Vaillancourt took no substantive action to address this issue. Instead,
9 she conveyed Ms. Cervelli's concerns directly to Provost Comrie, even though Ms. Cervelli
10 explicitly informed her that she was concerned about retaliation by Provost Comrie. VP
11 Vaillancourt did not make any effort to follow up with Ms. Cervelli.

12 85. Further, when Ms. Cervelli resigned as Dean in 2016 to accept a job as
13 President of Saint Mary's College, the UA refused to issue a press release, a courtesy
14 commonly extended to departing male deans. For example, when the male dean of the
15 Eller College of Management was selected to be President of the University of Nevada,
16 Las Vegas, the University celebrated his success. Notably, Provost Comrie issued a
17 statement, stating that "[w]e are very proud of and excited for Dr. Jessup. This is a
18 wonderful opportunity for an incredibly competent and innovative leader." The contrast
19 with how the University treated Ms. Cervelli only served to compound the gender bias she
20 was subjected to during her tenure.

21 86. Provost Comrie's bias against female deans was particularly pronounced at
22 meetings of the Deans' Council. Under Provost Comrie's leadership, these meetings were
23 driven primarily by men. Whereas Provost Comrie often solicited the participation of male
24 deans, female deans had to make considerable efforts to participate in discussions. Provost
25 Comrie routinely disregarded the input and contributions of female deans, and only after
26 they were echoed by male deans would he pay any attention. Indeed, the
27 overrepresentation of men in the Deans' Council is the product of continuing systemic
28

1 discrimination against female employees, epitomizing and perpetuating an old boys' club
2 atmosphere at the highest levels of the University's academic leadership.

3 87. Provost Comrie's lack of support for female deans served to further
4 undermine their authority and signal to them that they were not equally valued. For
5 example, Provost Comrie refused to intervene when the male Dean of the College of
6 Science and Behavioral Sciences poached a department from a female Dean without her
7 approval. Not only did this drastically reduce the size of her College, but the move also
8 effectively eliminated a major source of funding for her College. Similarly, Provost
9 Comrie's criticism of Ms. Cervelli's "Hillary Clinton complex" and outspokenness had the
10 effect of silencing Ms. Cervelli at meetings of the Deans' Council. Provost Comrie also
11 excluded Dr. MacCorquodale from leadership opportunities across campus, including
12 university initiatives, search committees, and other special projects.

13 88. Provost Comrie's conduct is particularly notable and alarming in light of his
14 near-total control over deans' pay. Provost Comrie's attitude and behavior towards women
15 played a prominent role in his compensation decisions and refusal to make appropriate
16 equity adjustments for women who were underpaid relative to their male peers. Despite
17 knowing about Dr. MacCorquodale's and Ms. Cervelli's complaints of pay inequity and
18 gender discrimination for several years, the University refused to take any action to
19 substantively address their concerns.

20 **V. COLLECTIVE ACTION ALLEGATIONS (EQUAL PAY ACT)**

21 89. The University has engaged in systemic gender discrimination against its
22 female deans. The University has caused, contributed to, and perpetuated gender-based
23 pay disparities through common policies, practices and procedures, including but not
24 limited to common compensation and performance management policies, and centralized
25 decision-making in the Office of the Provost.

26 90. Dr. MacCorquodale and Ms. Cervelli re-allege and incorporate by reference
27 each and every allegation in the previous paragraphs alleging common practices and
28 procedures resulting in unequal pay earned by female deans at the UA.

1 91. Dr. MacCorquodale and Ms. Cervelli bring collective claims alleging
2 violations of the EPA, as a collective action pursuant to 20 U.S.C. § 216(b) on behalf of all
3 members of the EPA Collective Action Class. The EPA Collective Action Class consists
4 of all female employees who are or have been employed by Defendant as a dean at the
5 University of Arizona going back three years from the dates they join this action, plus any
6 additional tolling ordered by the Court.¹

7 92. Dr. MacCorquodale and Ms. Cervelli seek to represent all female deans at
8 the University, and maintains that they were paid less than male deans for performing
9 substantially equivalent work. The systemic gender discrimination described in this
10 Complaint has been, and is, continuing in nature.

11 93. Counts for violation of the EPA may be brought and maintained as an “opt-
12 in” collective action pursuant to 29 U.S.C § 216(b) because Plaintiffs’ claims are similar
13 to the claims of the EPA Collective Action Class.

14 94. Dr. MacCorquodale, Ms. Cervelli, and the EPA Collective Action Class are
15 similarly situated under the EPA because they (a) share common job positions and
16 responsibilities and (b) are subject to Defendant’s common compensation policies,
17 practices, and procedures and centralized decision-making that resulted in unequal pay
18 based on sex. Because of these common practices, Defendant failed to compensate female
19 deans at a level commensurate with male deans who perform substantially equal work in
20 equivalent job positions.

21 **COUNT 1**

22 **VIOLATION OF THE FAIR LABOR STANDARDS ACT OF 1938, AS**

23 **AMENDED BY THE EPA, 29 U.S.C. §§ 206(d), 216(b)**

24 **DENIAL OF EQUAL PAY FOR EQUAL WORK**

25 **(On Behalf of Plaintiffs, in Their Individual and Representative Capacities, and the**

26
27
28 ¹ The three-year period is based on the FLSA/EPA’s three-year statute of limitations for willful violations, 29 U.S.C. § 255(a).

EPA Collective Action Class)

1
2 95. Plaintiffs re-allege and incorporate by reference each and every allegation
3 contained in the previous paragraphs of this Complaint as is fully set forth herein.

4 96. This Count is brought on behalf of Plaintiffs in their individual and
5 representative capacities, and EPA Collective Action Plaintiffs.

6 97. Defendant has discriminated against Plaintiffs and the EPA Collective
7 Action Class in violation of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206, *et*
8 *seq.*, as amended by the EPA. Defendant has paid Plaintiffs and the EPA Collective Action
9 Class less than similarly-situated male colleagues performing equal work in comparable
10 job positions, which require equal skill, effort, and responsibility and which are performed
11 under similar working conditions.

12 98. Defendant subjected Plaintiffs and the EPA Collective Action Class to
13 common discriminatory pay policies and other forms of discrimination affecting pay.

14 99. The differential in pay between male and female employees was not due to
15 seniority, merit, or quantity or quality of production, but rather was due to gender.

16 100. Defendant caused, attempted to cause, contributed to, or caused the
17 continuation of the wage rate discrimination based on sex in violation of the EPA.
18 Moreover, the foregoing conduct constitutes a willful violation of the EPA within the
19 meaning of 29 U.S.C. § 255(a). Because Defendant has willfully violated the EPA, a three-
20 year statute of limitations applies to such violations, pursuant to 29 U.S.C. § 255.

21 101. As a result of Defendant's conduct alleged in this Complaint, Plaintiffs and
22 the EPA Collective Action Class have suffered and will continue to suffer harm, including
23 but not limited to: lost earnings, lost benefits, and other financial loss, as well as non-
24 economic damages.

25 102. By reason of Defendant's discrimination, Plaintiffs and the EPA Collective
26 Action Class are entitled to all legal and equitable remedies available for violations of the
27 EPA including back pay, liquidated damages, prejudgment interest, attorneys' fees, costs,
28 and other compensation pursuant to 29 U.S.C. § 216(b).

1 110. By reason of Defendant’s discrimination, Plaintiff Cervelli is entitled to all
2 legal and equitable remedies available for violations of the EPA including back pay,
3 liquidated damages, prejudgment interest, attorneys’ fees, costs, and other relief pursuant
4 to 29 U.S.C. § 216(b).

5 **COUNT 4**

6 **VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,**

7 **42 U.S.C. §§ 2000e, et seq.**

8 **GENDER DISCRIMINATION - PAY**

9 **(On Behalf of Plaintiff MacCorquodale)**

10 111. Plaintiff MacCorquodale re-alleges and incorporates by reference each and
11 every allegation contained in the previous paragraphs of this complaint

12 112. Defendant has discriminated against Plaintiff MacCorquodale in violation of
13 Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e, et seq., as amended by the Civil
14 Rights Act of 1991 (“Title VII”), by subjecting her to different treatment on the basis of
15 her gender, particularly by paying her less than her male counterparts.

16 113. As a result of Defendant’s conduct alleged in this Complaint, Plaintiff
17 MacCorquodale has suffered and will continue to suffer harm, including but not limited to:
18 lost earnings, lost benefits, and other financial loss, as well as non-economic damages.

19 114. By reason of Defendant’s discrimination, Plaintiff MacCorquodale is entitled
20 to all legal and equitable remedies available for violations of Title VII, including back pay,
21 compensatory damages, prejudgment interest, attorneys’ fees, costs, and other
22 compensation pursuant to 42 U.S.C. § 2000e-5(k).

23 **COUNT 5**

24 **VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,**

25 **42 U.S.C. §§ 2000e, et seq.**

26 **RETALIATION**

27 **(On Behalf of Plaintiff MacCorquodale)**

28 1. Plaintiff MacCorquodale re-alleges and incorporates by reference each and

1 every allegation contained in the previous paragraphs of this complaint

2 2. Plaintiff MacCorquodale has engaged in protected activity under Title VII
3 by repeatedly complaining to Defendant about gender discrimination in compensation and
4 other differential treatment.

5 3. Because of these complaints, Defendant terminated Plaintiff
6 MacCorquodale's tenure as Dean of the Honors College earlier than the previously agreed-
7 upon date for Plaintiff MacCorquodale to step down as Dean. Defendant also engaged in
8 other retaliatory conduct.

9 4. By reason of Defendant's discrimination, Plaintiff MacCorquodale is entitled
10 to all legal and equitable remedies available for violations of Title VII, including back pay,
11 compensatory damages, prejudgment interest, attorneys' fees, costs, and other
12 compensation pursuant to 42 U.S.C. § 2000e-5(k).

13
14 **VI. PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiffs, on their own behalf and on behalf of the EPA Collective
16 Action Class, pray that this Court:

17 A. Certify the claims in Count 1 as a collective action under the EPA on behalf
18 of Plaintiffs and the EPA Collective Action Class; designate Plaintiffs as representatives
19 of the EPA Collective Action Class; promptly issue notice pursuant to 29 U.S.C. § 216(b)
20 to all similarly situated members of the Collective Action, which (1) appries them of the
21 pendency of this action and (2) permits them to assert timely EPA claims in this action by
22 filing individual Consent to Join forms pursuant to 29 U.S.C. § 216(b); and toll the statute
23 of limitations on the claims of all members of the Collective from the date the original
24 Complaint was filed until the Collective Action members are provided with reasonable
25 notice of the pendency of this action and a fair opportunity to exercise their right to opt in
26 as Collective Action Plaintiffs;

27 B. Declare and adjudge that Defendant's employment policies, practices, and/or
28 procedures challenged herein are illegal and in violation of the rights of Plaintiffs and

1 members of the EPA Collective Action Class;

2 C. Issue an injunction against Defendant and its partners, officers, trustees,
3 owners, employees, agents, attorneys, successors, assigns, representatives, and any and all
4 persons acting in concert with it from engaging in any conduct violating the rights of
5 Plaintiffs, and those similarly situated as secured by the Equal Pay Act, and order such
6 injunctive relief as will prevent Defendant from continuing its discriminatory practices and
7 from engaging in any further unlawful practices, policies, customs, usages, and gender
8 discrimination as set forth herein;

9 D. Order Defendant to adjust the wage rates and benefits for members of the
10 EPA Collective Action Class to the level that they would be enjoying but for Defendant's
11 discriminatory policies, practices, and/or procedures;

12 E. Award back pay, front pay, lost benefits, and other damages for lost
13 compensation and job benefits suffered by Plaintiffs and members of the EPA Collective
14 Action Class, in an amount not less than \$1,000,000;

15 F. Award compensatory and liquidated damages to Plaintiffs and members of
16 the EPA Collective Action Class, in an amount not less than \$1,000,000;

17 G. Order Defendant to make Plaintiffs and members of the EPA Collective
18 Action Class whole by providing them with any other monetary and affirmative relief,
19 including relief necessary to compensate Plaintiffs for the harm incurred to their reputation
20 and for emotional distress;

21 H. Award litigation costs and expenses, including, but not limited to, reasonable
22 attorneys' fees, to Plaintiffs and members of the EPA Collective Action Class;

23 I. Award Plaintiffs and members of the EPA Collective Action Class all pre-
24 judgment interest and post-judgment interest available under law;

25 J. Award Plaintiffs and members of the EPA Collective Action Class any other
26 appropriate equitable relief, including equitable relief necessary to repair damage caused
27 by Defendant to Plaintiffs' reputations;

28 K. Order that this Court retain jurisdiction of this action until such time as the

1 Court is satisfied that the Defendant has remedied the practices complained of herein and
2 such practices are determined to be in full compliance with the law; and

3 L. Award additional and further relief as this Court may deem just and proper.

4 **VII. JURY DEMAND**

5 Plaintiffs demand a trial by jury on all issues triable of right by jury.

6
7 Dated: March 7, 2018

Respectfully submitted,

8 /s/ James E. Richardson

9 James E. Richardson (*admitted Pro Hac*
10 *Vice*)

11 David Sanford (*admitted Pro Hac Vice*)

12 Andrew Melzer (*admitted Pro Hac Vice*)

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16 *Collective Action Class*

1 [Continued from Caption Page]

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