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5. On or about October 18, 2018, Ms. Nixon dual-filed a Charge of Discrimination (“Charge”) with the Equal Employment Opportunity Commission (“EEOC”) and the Missouri Commission on Human Rights (“MCHR”) based on her claims of race discrimination.

6. The matter was assigned EEOC Charge No. 563-2019-0147 and MCHR Charge No. FE-10/18-29755. (A copy of the MCHR Charge is attached as **Exhibit A**).

7. On or about June 6, 2019, the MCHR issued Ms. Nixon a Right to Sue Letter (“RTS”). (A copy of the RTS is attached as **Exhibit B**).

8. Ms. Nixon’s Petition is filed within ninety days of the issuance of the MCHR RTS and within two years of the discrimination.

9. Ms. Nixon has exhausted her administrative remedies against Defendant regarding her claims of race discrimination.

GENERAL ALLEGATIONS

10. Ms. Nixon is an African American. She has worked in communications and community relations since 2010.

11. On or about January 2018, the District listed an open position for the Executive Director of Public Relations.

12. On or about January 23, 2018, Ms. Nixon submitted her application for the Executive Director of Public Relations through the District online application process. Dr. Dennis Carpenter was the superintendent of the District when Ms. Nixon submitted her application.

13. Prior to submitting her application, Ms. Nixon had worked as the Director of Communications and Community Relations for another school district for two years.

14. Dr. Dennis Carpenter is an African American.

15. On or about February 1, 2018, Ms. Nixon was contacted by the District's Human Resources Manager, Sharon Griffin via email. Ms. Griffin invited Ms. Nixon to participate in the screening interviews for the Lee's Summit R-7 School District Executive Director of Public Relations Position.

16. On or about February 6, 2018, Ms. Nixon went to Stansberry Leadership Center for the screening interview. Ms. Nixon conducted a performance event prior to interviewing.

17. After Ms. Nixon conducted the written performance event, she met for the interview portion. The interview included the District's Human Resources Director, David Carlson; the District's Superintendent, Dennis Carpenter; as well a female who is believed to be a senior level administrator.

18. During the meeting Ms. Nixon was presented with the opportunity to ask questions. Ms. Nixon attempted to ask Dr. Carpenter about the five year plan for the District, however, Ms. Nixon was directed to only ask Dr. Carlson and the female questions. Dr. Carpenter refused to answer Ms. Nixon's question.

19. After the initial screening and interview, Ms. Nixon emailed a thank you note to the District.

20. A few days later, Ms. Nixon was contacted by the District's Human Resources Department again to come in for another interview with a larger panel.

21. On or about February 9, 2018, a second interview was conducted with Ms. Nixon and the District. This interview had a panel of nine people and lasted forty-five minutes to an hour. The individuals who were in the second interview were: Dr. David Carlson, Dr. Katie Collier, Dr. Dennis Carpenter, Dr. Jeff Meisenheimer, Dr. Jennifer Kephart, Sheryl Franke, Tracey Sample, Keith Henry, and Dr. Amy Gates.

22. Dr. Carpenter sat in the back of the room. He did not engage in the interview until near the end when he announced that he had a flight to catch so they needed to wrap up the interview.

23. As the second interview ended Dr. Carlson told Ms. Nixon that she would be contacted if she was moving forward to the next step in the interviewing process.

24. A few days later, Ms. Nixon received a call from Dr. Carlson. He indicated that she did well in the interview and the panel was impressed by her interview. He also stated that she would be moving on to have a meeting with Dr. Carpenter and members of the Citizen Advisory and Business Community.

25. On or about February 21, 2018, Ms. Nixon met with Dr. Carpenter and various members of the Citizen Advisory and Business Community. This interview included six to seven people. As the interview concluded, Dr. Carpenter communicated that the District would be in contact if Ms. Nixon was the person selected.

26. On or about February 21, 2018, at approximately 4:00 p.m. Ms. Nixon received a call from Dr. Carlson. He notified Ms. Nixon that the District had selected another candidate for the Executive Director of Public Relations Position.

27. Upon information and belief, Ms. Nixon was selected as a finalist for the position.

28. Upon information and belief, Dr. Dennis Carpenter told the selection committee that he would never hire an African American female for that key role.

29. Upon information and belief, Dr. Dennis Carpenter stated that the District could not have African Americans in two key roles and being the face of the District.

30. Upon information and belief one of the individuals involved in the interview process was present when Dr. Carpenter announced that he would not hire an African American

for the position of Executive Director of Public Relations. Furthermore, Plaintiff believes that the individuals present when the statement was made have been interviewed by representatives of the District who have confirmed that Dr. Carpenter publicly admitted that he had disqualified Plaintiff based upon her race as an African American. That despite this unrefuted evidence, the District has failed to take any remedial action in violation of their stated EEO policy.

31. Shortly thereafter, the District announced that Kelly Rachel had been selected for the Executive Director of Public Relations Position. Ms. Rachel is Caucasian.

32. On or about September 10, 2018, Ms. Nixon was contacted by the Missouri National Education Association and was informed of the illegal hiring criteria that occurred by the District.

COUNT I – RACE DISCRIMINATION BASED ON A FAILURE TO HIRE

33. Ms. Nixon reasserts and re-alleges the allegations set forth in paragraphs 1 through 32 as if fully set forth herein.

34. The acts described above constitute race discrimination on a failure to hire theory in violation of the MHRA.

35. Ms. Nixon is in a protected class by reason of her race, which is African American.

36. Ms. Nixon was subjected to race discrimination on a refusal to hire theory because Ms. Nixon had a long history in communication and community relations and was qualified to serve as the Executive Director of Public Relations.

37. The District refused to hire Ms. Nixon to the Executive Director of Public Relations position and instead selected Kelly Rachel, a Caucasian.

38. Ms. Nixon's African American race was a motivating factor to the District's decision to not offer Ms. Nixon the position she applied for.

39. The conduct cited above caused Ms. Nixon great emotional upset. She was frequently stressed out, lost sleep over whether she could pursue her career.

40. The Defendants' act of discriminating against Ms. Nixon based on her race constitutes malice or a reckless indifference to Ms. Nixon's protected rights.

WHEREFORE, Ms. Nixon prays for judgment against Defendant on Count I of her Petition, for a finding that she has been subjected to unlawful race discrimination prohibited by the MHRA; for interest; for an award of compensatory and punitive damages; for her costs expended; for her reasonable attorneys' and expert fees and expenses, and for such other and further relief the Court deems just and proper.

JURY DEMAND

Plaintiff hereby requests a trial by jury on all issues triable by jury.

Respectfully submitted,

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