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6
7 UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 Elizabeth McCoy,
10 Plaintiff,

11 vs.

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13 Gilbert Unified School District #41,
14 Defendant.

No.

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COMPLAINT

16 Plaintiff Elizabeth McCoy (“McCoy”), by and through undersigned counsel,
17 alleges the following against Defendant Gilbert Unified School District #41 (“Gilbert
18 Public Schools”, “GPS” or the “District”):

19 **PARTIES, JURISDICTION AND VENUE**

20 1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964,
21 as amended, codified at 42 U.S.C. § 2000e *et seq.*, and the Civil Rights Act of 1991, for
22 employment discrimination based on sex and retaliation for having complained of
23 discrimination based on sex.

24 2. McCoy is, and was at all relevant times, a citizen and resident of Gilbert,
25 Maricopa County, Arizona.

26 3. McCoy works for Gilbert Public Schools in Gilbert, Arizona.
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1 27. Rather, the interview score sheets often have no scores, numbers that had
2 been crossed out, or numbers that do not add up.

3 28. Tellingly, GPS did not choose the strongest performing candidate according
4 to the interview scores.

5 29. Instead, GPS chose whatever candidate the GPS superintendent, David
6 Allison, and/or assistant superintendent, Shane McCord wanted.

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8 **GPS Utilizes Discriminatory “Gut Check” Method for Choosing its Principals**

9 30. Indeed, Allison had instituted a “gut check” method for vetting candidates.

10 31. According to the “gut check” method that McCord and Allison followed,
11 after the candidates’ interviews were scored, McCord would then rank the top three
12 candidates based purely on the “gut check” method, and not based on the questions scores.

13 32. Using this “gut check” criteria, all applicants—with a single exception—
14 chosen for a principal’s position since at least 2008 (when McCord was appointed
15 assistant superintendent and placed in charge of hiring principals for the district) have
16 been males.

17 33. The only female principal hired by the District during this period was the
18 principal chosen to be McCoy’s direct boss to replace Yee for the 2012-2013 academic
19 year.

20 34. In other words, ninety percent (90%) of all principals chosen since
21 McCord—using his “gut check” criteria—has been in charge of hiring GPS’s principals
22 have been male.

23 35. In sum, McCord, simply hired whomever he wanted to hire, irrespective of
24 how the candidates performed in the interview process or their level of qualification.

25 36. In comparison, for the time-period of 1999 through 2006, only thirty-four
26 percent (34%) of successful GPS principal candidates were male.

1 37. Ironically, many of GPS's successful principal candidates chosen since
2 2008 had been hired and/or trained by McCoy.

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4 **McCoy Files New EEOC Charges**

5 38. In March 2011, Allison met with McCoy at her request to discuss why she
6 had not received a principle's position that was part of the EEOC settlement with GPS in
7 the 2008 EEOC Charge.

8 39. On or about May 11, 2011, Patrick Miller who had previously served as
9 Dean at the Highland Junior High School under McCoy received a GPS elementary
10 school principal's position.

11 40. On or about May 18, 2011, McCoy filed a Charge of Discrimination with
12 the EEOC, Charge No. 540-2011-02147 for discrimination and retaliation.

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14 **Gilbert Public Schools Retaliates Against McCoy After She Files EEOC Charge**

15 41. After McCoy filed the Charge, GPS's retaliation only increased.

16 42. On or about June 8, 2011, McCoy was excluded from Highland Junior High
17 School Dean interviews by Yee. Only after McCoy protested did Yee reluctantly agree to
18 allow McCoy to continue on the interview panel.

19 43. Though GPS policy dictates that all evaluation are to be completed prior to
20 May 1st each year it was not until on or about June 23, 2011, that McCoy received a
21 scathing, negative evaluation from Yee. This was McCoy's first negative review in her
22 entire career.

23 44. In accordance with GPS policy, McCoy provided a letter to Allison,
24 McCord and Nikki Blanchard, head of GPS's Human Resources, stating McCoy's
25 disagreement with the negative review.

26 45. On or about June 27, 2011, in further violation of GPS policy, Blanchard
27 simply replied via email that she had received McCoy's letter whereas GPS Board Policy
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1 requires a District Superintendent to investigate McCoy's concerns regarding her
2 evaluation.

3 46. In August 2011, McCoy's workload was increased to include the training
4 of a new dean.

5 47. On or about March 28, 2012, McCoy submitted a letter of interest and
6 resume for three posted GPS elementary school principal positions for the 2012-2013
7 academic year.

8 48. In May 2012, GPS announced three appointments for the open elementary
9 school principal positions.

10 49. On or about May 2, 2012, in contravention to GPS policy and/or practice,
11 McCoy was not notified that she would not be interviewed nor was she notified that she
12 was not being appointed. This was done in further retaliation for McCoy's protected
13 activities.

14 50. On or about May 7, 2012, McCoy was notified via email from the executive
15 assistant for GPS's in-house legal counsel about a subpoena to testify regarding a
16 discipline case. McCoy was told to go the following day. She was not offered any legal
17 advice or legal representation from the District.

18 51. McCoy went directly to Yee's office and asked him if he knew about the
19 subpoena. Yee refused to answer.

20 52. Next, McCoy went in the dean of students' office and asked about the
21 subpoena and was told that Yee was aware of McCoy being subpoenaed and, furthermore,
22 Yee had changed the relevant discipline consequences without providing McCoy with
23 information regarding the changes. This was done in further retaliation for McCoy's
24 protected activities.

25 53. On or about June 12, 2012, McCord requested a meeting with McCoy. At
26 the meeting McCord informed McCoy that he thought she was not happy at Highland
27 Junior High School.
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1 54. At the meeting, McCord informed McCoy “that [she] was not the problem
2 [and] [she] ha[d] done nothing wrong. Nevertheless, McCord informed McCoy that he
3 wanted to transfer her to an elementary school as Dean of Students.

4 55. Such a transfer would have been a major demotion and, likely, a career-
5 ending move.

6 56. Later in the day, McCoy informed McCord that she was not interesting in
7 accepting the demotion transfer.

8 57. After this day, the retaliation by Yee toward McCoy became intolerable,
9 presumably because Yee was informed that McCoy would not be leaving voluntarily.

10 58. On June 14, 2012 at 6:02 p.m., McCoy received an email from Yee
11 requesting her schedule for the last two week of her contract though he had already
12 received and approved her schedule on June 11, 2012.

13 59. On Friday, June 15, 2012, a non-working day off, Yee sent McCoy seven
14 more emails in a period of ninety minutes requesting the same information, over and over
15 again, with each email becoming more and more aggressive.

16 60. McCoy responded each time Yee requested. In her final email, McCoy
17 informed that she would go over her schedule with Yee on Monday morning.

18 61. In one of Yee’s emails, he informed McCoy that he expected her to work
19 on her days off and during her summer vacation.

20 62. On June 18, 2012 at 8:00 a.m., Yee gave McCoy a list of 23 items he wanted
21 completed by June 28, 2012 (the last day of McCoy’s contract).

22 63. Nineteen of the 23 items could not be completed until after school started
23 back in the Fall.

24 64. Eighteen of the 23 items were the principal’s (Yee’s) responsibility.

25 65. Regarding the last item, Yee informed McCoy that a secretary would not
26 be allowed to assist with the typing but that McCoy would have to do her own typing.
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1 66. In response, McCoy informed Yee that she would do her best to complete
2 the items by June 21, 2012 (the last day of the current year contract) and would begin
3 work on the rest when she returned for the first day of the new contract, July 23, 2012.

4 67. About ten minutes later, Yee came to McCoy's office in a threatening and
5 aggressive manner, leaned over her desk and stated "all 23 items must be completed by
6 June 28, 2012."

7 68. Later that day at 12:21 p.m., Yee sent another email reiterating that McCoy
8 must complete all 23 items by June 28, 2012 and that on July 23, 2012 she would receive
9 a new list of things to do.

10 69. At this point feeling threatened by Yee's actions, McCoy again informed
11 Yee that she would do her best to complete the items she could by June 21, 2012 and
12 begin work on the rest when she came back on her new contract, July 23, 2012.

13 70. Later that day at approximately 3:30 p.m., McCoy met with McCord to
14 discuss Yee's retaliatory conduct.

15 71. In that meeting, McCord acknowledged that what Yee was doing was
16 retaliation.

17 72. In a separate meeting between Allison and McCoy, Allison told McCoy that
18 something had to be done with the employees that reported prohibited behavior of Yee.

19 73. On or about June 28, 2012, Gilbert Public Schools posted a junior high
20 principal position for the 2012-2013.

21 74. Prior to July 2, 2012, McCoy provided her resume and letter of interest for
22 the position.

23 75. On July 10, 2012, McCoy submitted her resume and letter of interest for a
24 posted position of elementary principal at the District's Mesquite Elementary School.

25 76. At a July 31, 2012 District Board Meeting, Allison informed the board
26 members that McCoy was "just a disgruntled employee who has been passed over for
27 promotions."
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RESPECTFULLY SUBMITTED this 22nd day of September, 2016.

RANDALL LAW PLLC

By /s/ Samuel R. Randall
Samuel R. Randall
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff Elizabeth McCoy hereby demands a jury trial as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this 22nd day of September, 2016.

RANDALL LAW PLLC

By /s/ Samuel R. Randall
Samuel R. Randall
Attorney for Plaintiff