

PLUNKETT  **COONEY**

September 5, 2017

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Christine Hodge, Investigator
Ohio Civil Rights Commission, Columbus Office
Rhodes State Office Tower
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

RE: Joselyn Parker v. Columbus Urban League
Charge no. COL 71 (45245) 05252017

Dear Ms. Hodge:

This office represents Respondent, the Columbus Urban League (hereinafter "CUL") with respect to the above-captioned charge of discrimination. The Complaining Party, Ms. Parker, alleges that her employment with CUL was terminated as a result of her female gender and sexual orientation. Please accept this correspondence and attached documents as CUL's response to the charge and to the Commission's Request for Information.

By way of background, CUL stands as Central Ohio's oldest and most successful family and minority advocacy group. Fighting for equity and justice for nearly a century, CUL has instituted best practice initiatives focused on economic transformation, foundational education and family stabilization to touch and transform the lives of more than 7,000 people a year. Under the leadership of its first female CEO and president, Ms. Stephanie Hightower, the Columbus Urban League is now ranked among the top 5% of all 88 urban league affiliates across the country. CUL's mission is to provide services to minority and underrepresented communities.

The Complaining Party was hired by CUL on January 23, 2017, as its Director of Education and Youth Services. (See Personnel File containing job description, Exhibit A). As a director-level position, Ms. Parker was an exempt employee and was in charge of coordinating and administering CUL's Youth Services Department, which serves a large population and administers a considerable budget. Since 2012, CUL placed 883 young people into paid summer internships. From 2013-15 CUL paid \$1,434,132 in youth wages.

Notably, CUL was aware of Ms. Parker's gender and sexual orientation at the time she was hired. (See Affidavits of Boyd and Hightower, Exhibits B and C). Ms. Parker is certainly not shy about the fact that she is gay. In fact, the administrators at CUL who hired Ms. Parker – knowing that she is gay – are the same that made the decision to terminate her employment for performance reasons and blatant policy violation. Under well-settled law,

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a presumption of nondiscrimination is invoked when the individual terminating the employee is the same person who hired the employee, and the hiring and firing occur within a relatively short time span. *Buhrmaster v. Overnite Transp. Co.*, 61 F.3d 461, 464 (6th Cir. 1995) (“This general principle applies regardless of whether the class is age, race, sex, or some other protected classification.”) The logic behind the doctrine is explained as “[c]laims that employer animus exists in termination but not in hiring seem irrational. **From the standpoint of the putative discriminator, [i]t hardly makes sense to hire workers from a group one dislikes . . . only to fire them once they are on the job.**” *Brown v. CSC Logic, Inc.*, 82 F.3d 651, 658 (5th Cir.1996).

Below, we have detailed the performance issues and defiant policy violation that lead to Ms. Parker’s termination.

First Issue: Ms. Parker’s Inability to Get Along With her Co-Workers

The difficulties with Ms. Parker’s employment began relatively soon after she began her employment, when, on March 3, 2017, CUL Human Resources was made aware of an interpersonal conflict between Ms. Parker and a contract worker she supervised, Dana Bernard. (See Employee Statements and Documentation, Exhibit D). Both Ms. Parker and Ms. Bernard claimed that they were being sexually harassed by one another. Ms. Bernard ultimately did not return to work at CUL over the conflict and filed a complaint of sexual harassment against Parker. (Ex. D).

Not long thereafter, Human Resources was made aware of another conflict between Ms. Parker and an outside contractor she supervised, Mandy Hisey. The conflict centered around Ms. Parker and others in her department sharing personal information with co-workers. (Ex. D). At that time, Ms. Parker was counseled that her interaction with her staff was to be kept on a strictly professional level and she was not to share intimate personal details about her private life with her staff. (Ex. D) Ms. Hisey was eventually asked to not return to CUL.

By this point, CUL has begun to be suspicious about whether the workplace conflicts were being caused by other employees, as claimed by Ms. Parker, or whether it was Parker, herself, who was unable to conduct herself in a professional manner. Less than one month after the issues with Ms. Hisey, yet another employee, Destiny Saffell, tendered her resignation because of the treatment of her by Ms. Parker. At issue, yet again, was Ms. Parker’s sharing of highly personal information with her staff and failing to maintain a professional level of interaction. Ms. Saffell was specifically asked by CUL to reconsider her resignation, but she decided she would rather be unemployed than continue to work with Ms. Parker. (Ex. D).

Lastly, an incident occurred in which Ms. Parker showed a co-worker obscene material on her cellular telephone. The incident is described as follows:

While in a confidential conversation with a staff member, it was brought to my attention that Jocelyn Parker, during the time that she was a Director for CUL visited the Financial Empowerment Services Department to meet with a Housing Counselor about a housing issue. During this meeting Jocelyn was supposed to be showing the Counselor a document that was stored in her cell phone. *Jocelyn handed the Counselor the phone and when the Counselor looked at the phone, she quickly realized that it was not housing related documents, but instead it was images of women's vaginas.* The Counselor handed Jocelyn her phone back and told her she was not interested in looking at the images and redirected the discussion to the housing related issue.

(See Brandy Avery email, Ex. D).

Second Issue: Ms. Parker's Inability to Perform her Job.

In addition to having 3 employees of Ms. Parker's department resign because of her unprofessional behavior over the course of just 3 months, it was becoming apparent to CUL that Ms. Parker was woefully unqualified for her job position. First, Ms. Parker demonstrated the inability to follow even the most basic procedures of the office (See Mary Love Memorandum, Ex. D), was late to work functions and was late to crucial meetings with governmental officials, which reflected poorly on CUL, which is partially funded by public grants. (Hightower Aff., Ex. C). Mary Love, the Vice President and Chief Financial Officer for the Urban League repeatedly counseled Ms. Parker regarding her work performance, to no avail. (See Memo, Ex. D). Ultimately, Ms. Love concluded regarding Ms. Parker as follows:

I found it very challenging to work with Ms. Parker. Her attitude, communication skills, inability to take charge, unwillingness to work within the culture of CUL, and her total disrespect of executive management became disruptive to other staff and created an undesirable work environment that affected the agency in a negative way.

(Ex. D).

Third Issue: Ms. Parker's Outright Defiance of Personnel Policy.

CUL has a workplace policy entitled "Relationships in the Workplace" which forbids employees who are dating one another (among other relationships such as blood relatives) from "occupy[ing] positions of any level in the same line of authority that may affect the review of employment decisions" regarding the employees involved in the personal relationship. (See Employee Handbook, Exhibit E). The policy goes on to state that any dating relationship that arises after employment must be "disclosed" to management so that decisions may be made to avoid a "potential conflict of interest." (Ex. E).

Unbeknownst to the administration at CUL, Ms. Parker began an intimate relationship with another CUL employee, Chyna Mitchell, within approximately one month of Ms. Parker's hire, in February 2017. Even though other employees of CUL were aware of – and made uncomfortable by – the relationship, in part, because of overt displays of affection between the two in the workplace, the relationship was not reported to CUL administration until May 1, 2017. (Ex. D). The relationship was problematic because Ms. Mitchell was employed in a Vice President level and was involved in decisions that directly effected the employment of Ms. Parker.

After learning about the relationship, on May 9, 2017, Ms. Parker and Ms. Mitchell met with CUL Human Resources and with CUL's attorney (the undersigned) to go over the applicable policy and set ground rules going forward for interaction in the workplace. (See Boyd Aff., Ex. B). Ms. Parker and Ms. Mitchell were informed that their relationship was not prohibited, but they would not be allowed to be involved in decisions/meetings regarding one another's employment and would not be allowed to have personal contact at work because there was no legitimate business reason for them to be spending time together at work. Parker and Mitchell were told in no uncertain terms that they should not be spending time together at work, should not be in closed-door meetings with one another and should not be displaying physical affection toward one another in the workplace. Both indicated understanding of the policy going forward. Neither was disciplined for failing to disclose the existence of the relationship, even though the failure to report was a clear violation of CUL policy. (Ex. B).

Unfortunately, instead of complying with CUL policy, Ms. Parker and Ms. Mitchell set out to defiantly violate it whenever they thought they could get away with it. As demonstrated by the statements of other employees attached hereto, Parker and Mitchell, thereafter, engaged in physical displays of affection in the workplace, held closed-door meetings in Ms. Mitchell's office and "the two could have used better discretion when it came to their personal dealings with one another" including "speaking of personal feelings for one another, in common areas, amongst staff." (Statement of Alicia Wilkes, Ex. D). As noted by one employee:

I must point out that these past few months have been an extremely uncomfortable working atmosphere, since Chyna and Joselyn have been involved in a personal relationship. I thought that this would change once President Hightower was notified of this relationship, *however it seemingly began to get worse. . . .* I can comfortab[ly] say that most times that President Hightower is out of the office Joselyn Parker will come and visit Chyna Mitchell.

(Statement of Michele Orr, Ex. D).

Needless to say, when CUL administration learned of Ms. Parker's outright defiance of the Relationships in the Workplace policy, that was the final straw. This defiant behavior, coupled with the disruption in the department and the failure to perform her job duties lead CUL to make the decision to terminate Ms. Parker's employment. Of note is the fact that Ms. Mitchell, who is also gay, was not terminated, because CUL was not aware (at least at that time) of performance-related issues for Ms. Mitchell. If CUL was motivated to discriminate against gay people, Ms. Mitchell would have been terminated as well. Instead, she was given a 3-day suspension for her blatant violation of policy. (Boyd Aff., Ex. B).

Following Ms. Parker's termination, she drafted a complaint which she sent to the Chair of the CUL Board of Directors, complaining, among other things, that her employment had been terminated because she was gay. (Parker Complaint, Exhibit F). Thereafter, the Board of Directors retained the services of an outside investigator – an employment lawyer with nearly 20 years of experience – to fully investigate Ms. Parker's complaints. That investigation included review of documents and interviews of CUL staff, including Chyna Mitchell. The investigator concluded that there was no evidence whatsoever that Ms. Parker had been terminated because she is gay or because she is a woman. (Investigator Report, Exhibit G).

Ms. Parker's claims of discrimination are totally and completely without merit.

Per the Commission's Request for Information, attached as detailed below, please find the following:

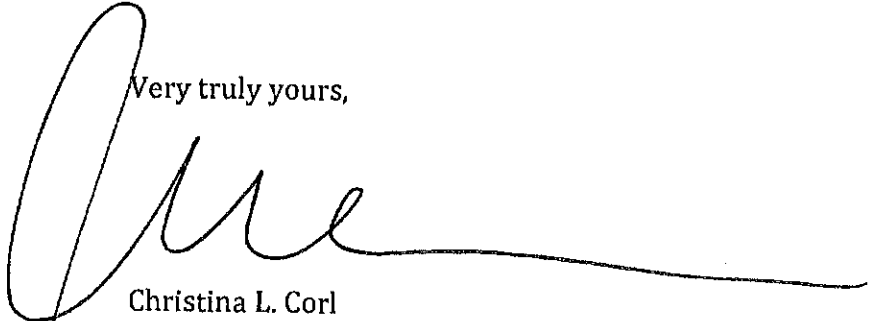
- Exhibit H: CUL Current Employment Application
- Exhibit I: CUL completed OCRC-53 Form
- Exhibit J: FEP verification
- Exhibit K: Documentation for other employees terminated for performance/policy violation reasons in past two years.

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We trust this information and attached documents is a satisfactory response to the charge of discrimination. However, if you are in need of any additional information, please do not hesitate to contact me.

Very truly yours,



Christina L. Corl

cc: Cherese Boyd

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