

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF CONNECTICUT**

BRENDA WEBB,

Plaintiff,

vs.

**CENTRAL CONNECTICUT STATE
UNIVERSITY,**

Defendant.

No. 3 : 11 - CV - 1686

COMPLAINT

DEMAND FOR TRIAL BY JURY

Plaintiff Brenda Webb (“Coach Webb”), by and through her undersigned counsel, Freeman Lewis LLP and the Law Offices of Harold R. Burke, files her suit against Defendant Central Connecticut State University (“CCSU”), and in support thereof alleges the following.

INTRODUCTION

1. This is a case of unlawful retaliation in violation of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 *et seq.*, (“Title IX”), sex discrimination in violation of 42 U.S.C. §§ 2000e-1, *et seq.* (“Title VII”) and Conn. Gen. Stat. §§ 46a-60 *et seq.*, and sex discrimination retaliation under the federal and state statutes.

2. In October 2006, CCSU hired Coach Webb to improve the performance of its women’s track and cross country teams which had previously failed to satisfy minimum gender equity requirements. However, when Coach Webb brought to the attention of the CCSU Administration concerns regarding non-compliance with Title IX and sex discrimination, such as the inequality of the budgets for the men’s and women’s

programs, she was met with indifference, hostility and retaliation. Rather than investigate her good faith gender equity concerns, CCSU investigated her, threatened disciplinary action and eventually terminated her employment. In so doing, CCSU violated Title IX and anti-sex discrimination federal and state laws for which CCSU is liable to her in damages.

THE PARTIES

3. Plaintiff is a female resident of Connecticut currently residing at 20 Quail Drive, Rocky Hill, Connecticut 06067.

4. Plaintiff was employed by CCSU as Head Women's Track and Cross-Country Coach from October 2006, until the termination of her employment in May 2010.

5. CCSU is a state university located at 1615 Stanley Street, New Britain, Connecticut 06050 and employs over five hundred individuals.

6. Upon information and belief, CCSU has received and continues to receive federal financial assistance and benefits pursuant to Title IX such that all CCSU programs, including athletics, are subject to the requirements of Title IX.

JURISDICTION

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 for violations of Title IX and Title VII.

8. This Court has pendent jurisdiction over the state law claims given that they are related claims arising out of the same nucleus of operative facts. This Court has supplemental jurisdiction over Plaintiff's claims pursuant to Conn. Gen. Stat. §§ 46a-60 *et seq* which is conferred by 28 U.S.C. § 1367(a).

9. Defendant was an educational institution receiving federal financial assistance for its education and athletic programs and was an enterprise engaged in commerce. CCSU is a fully accredited, public state university.

10. Upon information and belief, at all times relevant to this Complaint, CCSU received over a million dollars annually in federal educational grant assistance.

VENUE

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 on the grounds that the events giving rise to Plaintiff's claims occurred in this district, and both parties reside in this district.

FACTS

Coach Webb's Extensive Experience in Intercollegiate Athletics and Success at CCSU

12. Coach Webb has extensive experience in intercollegiate athletics as a coach and a player. At the time of her hiring at CCSU, Coach Webb had over nine years of experience as a Division I Cross Country and Track and Field Coach, including six years as a Head Coach and three years as an Assistant Coach.

13. Coach Webb has coached teams that have qualified for the NCAA National Championships in Cross Country and Indoor and Outdoor Track and Field, coached NCAA All-Americans in two events, and coached eight teams that have earned NCAA Academic All-American honors. She was selected as the Coach for three USA National Teams who competed in the Track and Field World Championships and Cross Country World Championships.

14. Coach Webb served from 1984 to 2000 on various track and field related advisory groups, including the United States Track and Field Board of Directors, Woman's Track and Field Executive Committee, and Athlete's Advisory Committee.

15. Under the leadership of Coach Webb, the Cross Country Team reached the top half of the NEC Conference rankings, while the Indoor and Outdoor Track teams also improved, finishing 8th and 10th, up from no higher than 11th.

16. Under Coach Webb's leadership, there were 23 school records broken by the women's track athletes, including 12 by freshmen or sophomores recruited during Coach Webb's tenure.

17. The women's track team rose in conference rankings, except for the year its operating budget was reduced to its lowest level in four years. By contrast, upon information and belief, during much of her tenure the men's program and other sports at CCSU had lesser improvement and lower rankings in the NEC.

18. In addition, under Coach Webb's tenure, the number of student athletes who participated in the women's track and cross country teams substantially increased from approximately 17 to approximately 26 to 29.

19. Coach Webb has held American and World Records in the 5000 and 8000 meters events and has represented the United States on 25 National teams in Olympic events in the Cross Country World Championships. Coach Webb was a three time NCAA National Champion in Track and Field and was an 11 time All-American in Track and Field and Cross Country.

CCSU's History of Non-Compliance with Title IX

20. Title IX, among other things, prohibits discrimination on the basis of sex with respect to athletic programs, requires equitable distribution of funds to men's and women's programs, and mandates equal treatment of athletic coaches. Title IX also prohibits retaliation against those who complain about violations of Title IX requirements.

21. Upon information and belief, CCSU has a history of non-compliance with Title IX. For example, in or about March of 1995, CCSU entered into a Title IX Compliance Agreement with the Federal Office of Civil Rights, the federal agency responsible for compliance with Title IX, to reach substantial male to female proportionality in its intercollegiate athletic programs by the year 2000.

22. Upon Coach Webb's arrival at CCSU, she was advised that CCSU had not met gender equity requirements in prior years. However, once installed as Head Coach, the total number of athletes on her teams consistently exceeded the Athletic Departments' gender equity requirements.

Coach Webb's Arrival at CCSU and Early Success There

23. On September 27, 2006, Coach Webb interviewed for the position of CCSU Head Woman's Coach for Track and Cross Country. She was told that CCSU was looking to hire a new head coach for the women's program, having decided to split the men's and women's programs which had previously been combined under Coach George Kawecky. She was told that CCSU was looking for strong leadership of the women's program, with the men's program to continue to be coached by Mr. Kawecky. She was also told that the Athletic Department had previously selected a male candidate to coach

the women's program, someone who was connected to Mr. Kawecki, but CCSU's President had rejected the male candidate and instructed the search committee to locate a "qualified woman" for the job.

24. Coach Webb was also told that during the first year the men's and women's programs would share an assistant coach, Eric Blake, and thereafter she would be able to hire her own assistant coach.

25. Upon information and belief, Mr. Blake had applied for the position that was offered to Coach Webb.

26. In October 2006, excited about the challenges offered by the possibilities of serving as Head Coach to the Women's Track and Cross Country teams, Coach Webb accepted the position. She signed a letter of agreement for a one-year term, which was renewed annually until her termination in May 2010.

27. During her first year at CCSU, CCSU praised Coach Webb for her performance. On or about October 10, 2007, Coach Webb met with Chief Administrative Officer Richard Bachoo and Athletic Director C.J. Jones to review her team's Athletic Progress Report scores. Athletic Director Jones reported to Chief Administrative Officer Bachoo.

28. Messrs. Bachoo and Jones were pleased with the team's academic performance and remarked that her cross country GPA was excellent. In a November 5, 2007 memorandum, Mr. Bachoo praised Coach Webb's performance, stating, "Clearly your efforts, in the short time you have been here, have contributed to the fact that your teams remain academically and athletically competitive."

29. For 2007-2008, the Women's Cross Country Track Team was awarded the Team Highest Grade Point Average for the Year.

Coach Webb's Early Title IX and Sex Discrimination Concerns

30. From the outset of her employment, Coach Webb encountered non-compliance with Title IX. She also faced gender discrimination.

31. When Coach Webb attempted to investigate, raise or address these issues within the Athletic Department, she met resistance, misinformation and/or outright hostility.

32. Budgets and/or expenditures for the men's and women's programs were inequitable.

33. Shortly after her arrival, Coach Webb was advised she was already \$5000 over budget. She was also advised that she could face termination if her expenses exceeded the reduced budget.

34. For the following year, the Athletic Director advised Coach Webb by email dated February 21, 2007, that "the men's and women's track program will be treated ... with equal budgets." However, Coach Webb received documents showing that the budgets were far from equal. According to these documents, the budget for the 2007-2008 men's program was \$81,000, while the women's budget was only \$70,000. When she inquired about these disparities, she was told that the two budgets "were equal" but the men's budget "was larger".

35. Allocation of assistant coaches also appeared inequitable. Although Coach Webb was told that during her first year she would share the services of Assistant

Coach Blake, in practice, he provided little assistance to her, spending most of his time coaching the men's program.

36. Compensation paid to assistant coaches also appeared unequal. Although Coach Webb was initially told that Men's Assistant Coach Eric Blake and another men's assistant coach did not receive a stipend separate from the budget, and she could not receive any additional funding for her assistant coach, she was later told that Assistant Coach Blake received additional funding, including funding taken from her own program.

37. In addition, Coach Webb became concerned that she was not provided with timely access to the same training facilities which were available to the men's teams. For example, Coach Webb was not provided with a key to the New Britain Parks and Recreation Veterans Outdoor Track Stadium, where the track and cross country teams trained, until late December 2006, after the fall training season was over. During this period, the men's Head Coach had his own key to the Stadium, affording the men's program this valuable training arena.

38. Coach Webb also had difficulty obtaining adequate transportation for the women's teams. For example, at the NEC Conference Championships in October 2007, Coach Webb was not provided with a van large enough to accommodate the women's cross country team while the coach of the men's team was provided with a larger, appropriately sized van.

39. In addition, the women's teams were provided with lesser meet facilities. Thus, at the rainy October 2007 NEC Conference Championships, Coach Webb was provided with a leaky tent that was too small in size for the cross country team. By

contrast, the men's team was provided with a working, adequately sized tent. When Coach Webb complained about this unequal treatment to Athletic Director Jones, he replied that "things do not always go as planned" and he "commended [his] staff on how they handled the events of the day."

40. Coach Webb was denied equal access to scheduling training sessions with the strength and conditioning coach which were separate from the sessions for the men's program.

41. Coach Webb's concerns about the safety of her athletes were also ridiculed or dismissed. The track teams customarily practiced in the "bubble", a small, often crowded indoor facility without any cage or other guard between the throwers and other athletes. In or about January 2007, Coach Webb became alarmed when one of her team members was nearly hit by a weight throw. When she voiced her concerns to the Athletic Director, her credibility was challenged and safety concerns downplayed -- she was told that the problem resulted from her runners crossing the path of the throwers, her runners "needed to follow some etiquette," and that, rather than focus on safety issues, Coach Webb needed to be "congenial".

42. Male members of the Athletic Department appeared interested in creating difficulties for Coach Webb. For example, upon information and belief, on or about December 15, 2006, Coach Webb's assistant coach, Pat Boykin, was called into the office by Assistant Athletic Director Michael Ansarra who told Ms. Boykin that Coach Webb was "paranoid" and "can't communicate with men." Upon information and belief, in or about the Spring of 2007, Mr. Ansarra repeatedly encouraged a student to complain about Coach Webb even though the student had no such complaints.

43. Coach Webb was not accorded routine procedures and respect provided to the heads of the male teams. She was not formally introduced to her team for approximately three months, Sports Information did not provide an official announcement that she was the Head Coach until January 2007, she was not listed as a CCSU coach in the NEC Conference Office until at or about that time, and she was not able to issue campus mail until approximately February 2007. Upon information and belief, this was worse treatment than accorded her male counterparts.

44. Nor was Coach Webb listed in the CCSU online staff directory for 11 months, which rendered it difficult for recruits and others to identify or readily locate her. By contrast, the men's coaches, including her Assistant Coach Dan Fleming, were listed in the online directory within days of their arrival at CCSU. Moreover, even when Coach Webb was added to the database, the men's coaches were still listed as "Head Coaches for Track" rather than "Men's Head Coaches for Track".

45. From the outset, Coach Kawecki and others in the Athletic Department were hostile and disrespectful to her, repeatedly attempting to undermine her authority. For example, in one of Coach Kawecki's first communications to Coach Webb, on her third day at CCSU, Coach Kawecki came into her office and yelled at her, saying that he had been coaching for a long time and that he and his Assistant Coaches would decide what everyone's role in track and cross country programs would be. In addition, Coach Kawecki repeatedly caused or encouraged his teams to block or interfere with Coach Webb's practices. Coach Webb later learned that Coach Kawecki was on the Committee which evaluated Coach Webb's performance; Coach Webb's requests to remove him from this role were unsuccessful.

Coach Webb's Title IX and Sex Discrimination Complaints to the CCSU Administration Resulting in The Commencement of a Campaign of Retaliation Against Her

46. Faced with inconsistent information, indifference and hostility, and after having unsuccessfully attempted to deal with her Title IX and sex discrimination concerns within the Athletic Department, Coach Webb contacted the CCSU Administration. In response, rather than take her concerns seriously or attempt to address them, CCSU commenced a campaign of retaliation against Coach Webb. Indeed, instead of investigating Coach Webb's Title IX and sex discrimination complaints, the CCSU Administration investigated Coach Webb.

47. On May 5, 2008, Coach Webb spoke with CCSU Chief Administrative Officer Bachoo about her concerns. He suggested that Coach Webb submit her concerns in writing to him, and on May 12, 2008, she submitted some initial documentation regarding, among other things, the poor treatment of the women's teams.

48. On or about May 29, 2008, Mr. Bachoo sent Coach Webb a memorandum purportedly detailing her concerns. However, Mr. Bachoo's memorandum was sarcastic and dismissive. Among other things, the memorandum claimed that Coach Webb complained:

"They" never wanted [you] to have a team. The administrators in Athletics have never wanted you or supported you.

"They" did not announce your appointment as coach until January. ***

You were given the runaround on getting vans.

"They" are trying to frustrate you...

Mr. Bachoo concluded, "I will be investigating your concerns with the appropriate individuals in the Athletics Department and I will respond to you as soon as possible."

49. Significantly, nowhere in his May 29th memorandum did Mr. Bachoo ask Coach Webb to clarify her concerns or advise her that he would delay his investigation until he received her clarification.

50. On or about June 4, 2008, Coach Webb had a follow up meeting with Mr. Bachoo, Athletic Director Jones, and Athletics Fiscal Officer Melanie Abel. According to his memorandum that day, Mr. Bachoo claimed, for the first time, that the purpose of his May 29, 2008 memorandum was to give Coach Webb “an opportunity to clarify, in writing, any concerns or points” she made during the May 5th meeting and that he would review her concerns after he received her response. For the first time, he told Coach Webb that she should follow an “organizational chain of command” regarding her complaints.

51. Curiously, Mr. Bachoo also noted that he apparently had decided to expand his investigation into an “overall review”, including review of student exit interviews, thereby introducing new issues that had not been raised by Coach Webb.

52. On June 9, 2008, Coach Webb submitted additional documents detailing the inequities between the men’s and women’s teams and her mistreatment at CCSU, including the unequal budgets, unequal access to the weight room, unequal transportation to and from events, unequal compensation for assistant coaches and hostility to the separation of the men’s and women’s teams. Among other things, Coach Webb complained that the men and women’s budgets for 2007-2008 were not equal. She submitted documents showing that the men’s budget was \$81,000 budget, while the women’s budget was only \$70,000.

53. Meanwhile, on May 27, 2008, Athletic Director Jones met with Coach Webb to review her performance. Mr. Jones told Coach Webb that she had done an outstanding job in areas of budget management and academics and that he would recommend renewal of her contract. Although the meeting was supposed to address Coach Webb's performance, Mr. Jones turned to her complaints of gender equity, alleging that, contrary to documents showing otherwise, the budgets for the men and women's team were in fact equal. Mr. Jones went on to criticize the competitiveness of Coach Webb's teams.

CCSU's Increasing Attacks of Coach Webb and Threats of Disciplinary Action

54. In or about mid-August, 2008, Mr. Bachoo called Coach Webb to another meeting, to be held on August 21, to discuss his "investigation." Significantly, shortly before the meeting, Mr. Bachoo advised Coach Webb to invite her union representatives.

55. The August 21 meeting was attended by Mr. Bachoo, Coach Webb, Mr. Jones, Associate Director of Athletics/Compliance Amy Strickland, and Coach Webb's two union representatives. At the meeting, Mr. Bachoo said, among other things, that the men and women's budgets were equal, she just didn't understand how they worked, and "all the men's teams had larger budgets than the women's team." In addition, Mr. Jones stated, for the first time, that compensation for assistant coaches was unequal, admitting that he had taken \$5,000 out of the women's budget to put towards the salary of Men's Assistant Coach Eric Blake. Thereafter, rather than explain how unequal budgets could be equal, explain why money should be taken from the women's budget to pay the men's assistant coach, or address her other Title IX or sex discrimination concerns, the rest of

the meeting was devoted to an attack on Coach Webb's credibility and her relationship with student athletes and assistant coaches.

56. On August 25, 2008, at an Athletic Department Staff Meeting, Mr. Bachoo publicly attacked Coach Webb. Mr. Bachoo announced that it was "no secret" that one sport filed a complaint against another sport. According to Mr. Bachoo, "Human Resources is not happy, the President is not happy." He said that there would be an "investigation" and probably "some type of disciplinary action." In so doing, Mr. Bachoo made clear that Coach Webb was being targeted for disciplinary action. Coach Webb was distressed and demoralized at this highly personal, public attack.

57. Although Mr. Bachoo later offered a letter stating that he would not take disciplinary action against Coach Webb, his reference to "disciplinary action" and his continued linking of "the Brenda Webb situation" with "disciplinary action" made clear his hostility and ill will towards her.

58. Coach Webb repeatedly asked for copies of documents to which Mr. Bachoo and others referred, including student comments, but she was not provided them.

59. In early September 2008, Mr. Bachoo advised Coach Webb that he wanted to meet with her again, and a meeting was set for 11:30 a.m. on September 11. Coach Webb said she would attend along with her union representative. However, by email at 8:10 a.m. on September 11, Mr. Bachoo's assistant advised Coach Webb that Mr. Bachoo wanted to change the meeting time to breakfast that day. In making this last minute change, Mr. Bachoo effectively prevented Coach Webb's union representative from attending the meeting. At the meeting, Coach Webb again raised her concerns about

inequities, Mr. Bachoo said that certain inequities would be addressed, and he told her to “ignore everything” that had been happening.

60. Later that day, at about 11 a.m., having not been informed that the 11:30 a.m. meeting time had been changed to an earlier time, the union representative arrived in Coach Webb’s office to accompany her to the meeting with Mr. Bachoo. According to the union representative, a meeting had been held the day before in Human Resources where Coach Webb had been discussed. He said that considerable profanity had been used at the meeting.

61. On September 16, 2008, Mr. Bachoo stopped by Coach Webb’s office. When she inquired about the issue of budgets for the men’s and women’s programs and other gender equity concerns, Mr. Bachoo became hostile. He said that all men’s teams had more money than women’s teams. Mr. Bachoo asked Coach Webb “what made her think that she should have more money?” When she asked him about receiving a salary commensurate with that of the male coaches, he said that, regardless of what male coaches were paid, she would probably stay at or near the compensation level where she started. When she asked if anything would be done about her concerns, Mr. Bachoo again linked her complaints to the prospect of “disciplinary action”. He went on to explicitly warn her that if she continued to complain she could face an “Article 16” proceeding, under which she could be reprimanded, suspended or terminated.

62. On or about October 17, 2008, Coach Webb met with Mr. Bachoo and others to hear what she thought would be the results of his investigation into her complaints. To her dismay, Mr. Bachoo again spent most of the meeting attacking her, stating that her program was not competitive and fundraising was insufficient. He

accused her of being a “suspicious person”, said her “perception” that her program was treated differently than the men’s program was “wrong”, and directed her to undergo a monthly “follow-up” evaluation in order to review her performance.

63. By memorandum dated October 31, 2008, Mr. Bachoo again attacked Coach Webb’s performance, reiterated that she was to be subjected to monthly performance evaluations, and repeatedly referenced disciplinary action. He warned, “[I]f there is a repeat of some of the action I have observed or learned about throughout this review, I will refer the matter to the University’s Human Resources Department to handle as they deem appropriate.”

Increased Competitiveness of the Women’s Cross Country Team and Strong Academic Performance and Recruiting

64. Despite the lack of CCSU support, Coach Webb’s teams improved. On November 1, 2008, the women’s cross country team finished fifth out of twelve teams in the NEC Conference Cross Country Championship. This was an improvement over the team’s sixth place finish the prior year. Mr. Jones subsequently acknowledged her team’s improved performance.

65. By contrast, the men’s team did not improve its performance over the previous year, finishing seventh.

66. Under Coach Webb’s leadership, the academic performance of her teams improved substantially. Among other things, the Teams continued to be honored as NCAA All-American Academic Teams.

67. Coach Webb also expended great efforts recruiting new athletes, bringing in talented freshman and sophomores.

CCSU's Efforts to Cancel the Scholarship of Coach Webb's Top Female Athlete

68. One of Coach Webb's top recruits and scholarship recipients was minority sprinter Jamilette Sanjurjo, who had the best high school athletic record in track and field among the recruits. Ms. Sanjurjo joined CCSU as a freshman in the fall of 2008, providing the team with great hope and promise to increase its competitiveness.

69. By email dated December 22, 2008, at a time when many students and administrators had already left campus for the holidays, Ms. Strickland, Associate Director of Athletics/Compliance, advised Coach Webb that Ms. Sanjurjo's scholarship was in jeopardy because Ms. Sanjurjo had failed certain classes. Ms. Strickland advised Coach Webb that it would be Coach Webb's decision whether to continue Ms. Sanjurjo's scholarship. Ms. Strickland's advice was consistent with Coach Webb's experience that Head Coaches typically decide whether to continue granting scholarships to athletes who face academic problems.

70. However, in late January 2009, without consultation with Coach Webb, the Athletic Director cancelled Ms. Sanjurjo's scholarship.

71. Coach Webb and Ms. Sanjurjo were very upset and surprised by this cancellation.

72. Upon information and belief, the decision to cancel the scholarship was made without due consideration of Ms. Sanjurjo's learning disabilities and in retaliation for Coach Webb's complaints against CCSU.

73. Coach Webb attempted to discuss the matter with the Athletic Director who was not in his office. She then went to Human Resources Director Anne Alling who advised Coach Webb to speak with the CCSU President.

74. However, when Coach Webb followed Ms. Alling's advise and contacted the President to challenge the cancellation of Ms. Sanjurjo's scholarship, Mr. Bachoo again retaliated against Coach Webb. By memorandum dated February 5, 2009, Mr. Bachoo challenged Coach Webb's veracity, asserting that Ms. Sanjurjo did not have learning disabilities. He also criticized Coach Webb for "not follow[ing] the organizational chain of command during the process...." Significantly, Mr. Bachoo harkened back to Coach Webb's earlier Title IX and sex discrimination complaints:

In my memo to you dated October 31, 2008, and when we met with you, I expressed to you my concern that you tend to base your actions on unsubstantiated rumors or comments and not on facts. I also indicated to you when we met that you need to keep things in perspective and not see things that do not exist. Clearly, the manner in which you handled this entire situation indicated that you have not heeded my advice in these areas....

75. Upon information and belief, on February 8, 2009, a hearing on the scholarship cancellation was held before the Appeals Committee, consisting of four CCSU staff members who had no connection to the Athletics Department. By email dated February 9, 2009, the Appeals Committee advised that they had not yet reached a decision and would reconvene on February 11, 2009. By email dated February 11, 2009, the Athletic Department advised Ms. Sanjurjo that it had withdrawn its cancellation of her scholarship, thereby reversing its earlier decision to deny her aid.

76. However, Athletic Director Jones nonetheless declared Ms. Sanjurjo ineligible to compete, a decision which was beyond the jurisdiction of the Appeals Committee. This ineligibility decision adversely affected the competitiveness of Coach Webb's team and its NEC standings.

77. Upon information and belief, with the assistance of CCSU's Learning Disabilities Center, Ms. Sanjurjo thereafter made great strides in learning and managing

her disability and returned to eligibility by the following year, at which time she scored at the Conference meet, both individually and as part of relays.

CCSU's Additional Retaliation Against Coach Webb

78. Coach Webb continued to raise Title IX and sex discrimination issues, and CCSU continued to retaliate.

79. In March 2009, Mr. Jones told Coach Webb that her team's 2009-2010 budget would be cut from \$75,000 to \$62,820 and that the women's scholarship budget would be cut by \$16,000, making it more difficult to raise the level of the women's program. Upon information and belief, the amount provided to the men's teams was greater.

80. Also in March 2009, Coach Webb was reprimanded after attempting to obtain permission for a driver of one of the vans to transport the women's team to the airport. Coach Webb followed proper procedure and got permission from Mr. Bachoo for her proposed driver so long as the driver had a proper license and no violations.

81. Despite following proper procedure, on or about March 20, 2009, Mr. Bachoo revoked his permission for the proposed driver without explanation.

82. Mr. Bachoo then organized a meeting among Coach Webb, himself, Mr. Jones and Ms. Strickland. At this meeting, Mr. Bachoo issued another reprimand to Coach Webb, this time, accusing her of failing to follow "reasonable administrative practices", despite the fact that Coach Webb had followed the proper procedure for finding a driver for her team, and despite the fact that Mr. Bachoo had originally approved Coach Webb's selection. In fact, the majority of Mr. Bachoo's attacks were directed to Coach Webb's prior Title IX and sex discrimination complaints, noting,

Your failure to follow the process for dealing with the denial of a scholarship, your failure to communicate your transportation issues to the Director of Athletics during your original complaint to me, your inaccurate budget claims, and the present transportation problem you are facing. All of these issues could have been dealt with effectively if you had appropriately communicated with the Director of Athletics. . . . If there is another time when you fail to appropriately communicate with the Director of Athletics ... I ... will request disciplinary action be taken.

In so doing, Mr. Bachoo continued the campaign of retaliation against Coach Webb in violation of Title IX and anti-sex discrimination statutes.

83. On or about May 21, 2009, Mr. Jones e-mailed Coach Webb, writing that he would recommend renewal of her contract. However, in her July 7, 2009 evaluation, Mr. Jones criticized her performance, attaching Mr. Bachoo's retaliatory February 5 and March 20 memoranda. Ignoring improvements in the women's program, including setting school records and attracting better athletes, Mr. Jones concluded that "competitiveness is anemic and must dramatically improve for the coming year."

84. In or about the summer of 2009, Eric Blake replaced Coach Kawecki as head of the men's program. Coach Kawecki retired, having been accused of compelling one of his athletes to drink blood.

Continued Success of Coach Webb's Teams and CCSU's Recommendation to Renew Her Contract

85. At the fall 2009 meet, the women's cross country team consistently finished in the top half of participating schools at the Conference Championship. Athletes set and broke nineteen school records. The strongest athletes were freshman and sophomores, the athletes recruited by Coach Webb.

86. In the 2009-2010 academic year, the women's program continued its academic achievements. At least half of the program reached the Dean's List, three

athletes were Commissioner's Cup Honor Roll Recipients, and two athletes had a 4.0 GPA. The cross country team achieved an average grade point average of 3.45, the highest in the NEC. Seven athletes received the NEC Academic Honor Roll awards, and the team was ranked 59 out of the 338 NCAA Division I cross country programs, or in the top 15 percent, for the NCAA All American Academic Team Award. The track team had an average grade point average of 3.23.

87. In fact, the cross country team qualified for the NCAA All American Academic Team Award for each year from 2007 to 2010.

88. In addition, Coach Webb's teams participated in significant community activities, working with the New Britain Museum of American Art, the Special Olympics, Cell Phones for Soldiers, and the American Cancer Society. The Women's Track Team won the Athletic Department's Athletic Director's Cup for the most community engagement activities completed by any team.

89. Under Coach Webb, the number of athletes had increased significantly from approximately 17 in 2006 to 26 to 29 three years later, achieving gender equity compliance. All of the accomplishments of the program occurred with less than three scholarships, a minimal percentage of the eighteen scholarships allowed by the NCAA.

90. Coach Webb also increased fundraising for the women's program. Among other things, the Teams increased the number of fundraisers held and the amounts collected, allowing the track team to travel to Atlanta, Georgia and/or Tampa, Florida for spring break competitions.

91. On or about December 5, 2009, the Athletic Department Evaluation Committee recommended the renewal of Coach Webb's contract.

This season Coach Webb led her team to a 6th place finish in the Northeast Conference Championship. In her short tenure to date at CCSU she has reestablished a level of consistency to the program where they are genuinely competing with the top programs in the conference.

The Committee went on to commend Coach Webb as a “detail-orientated person” with “firm control over her budget” who “spearhead[ed] several fundraising activities to supplement her program”. The Committee also noted her recruitment of “solid student athletes who have also done well in the classroom”, the team’s GPA was in the top three of the department, the repeated receipt of the “prestigious USTFCCCA All Academic Team Award”, and the team’s productive community service. In conclusion, “The Department Evaluation Committee is happy to recommend the renewal of Coach Brenda Webb.”

92. On or about May 12, 2010, the Evaluation Committee recommended Coach Webb to continue coaching in indoor track and cross country. They commended her administration and conduct of sport, relationship with student athletes, record of student of athletes in competitive performance and productive service to the Athletic Department.

CCSU’s Termination of Coach Webb’s Employment and Promotion of Eric Blake to Head Men’s and Women’s Programs

93. Notwithstanding Coach Webb’s success with her teams, and the Evaluation Committee’s recommendation to renew her contract, in May 2010 Coach Webb’s contract was not renewed.

94. Thereafter, the men’s and women’s teams were recombined under one head coach, and Coach Blake was promoted to head both the men’s and women’s programs. While Coach Webb had a total of 13 years of Division I coaching experience,

Mr. Blake had only five total years of coaching experience, much in Division III. While Coach Webb had extensive high level coaching experience, having coached teams that qualified for the NCAA National Championships in Cross Country, and Indoor and Outdoor Track and Field, upon information and belief, Coach Blake had little or no comparable coaching accomplishments.

95. The selection of Mr. Blake, and not Coach Webb, as Head Coach of the men's and women's programs, constituted further retaliation for Coach Webb's complaints and blatant sex discrimination.

CCSU's History of Termination of Female Coaches

96. Upon information and belief, CCSU has a history of terminating female head coaches. In 2005, CCSU terminated Yvette Harris, Head Women's Basketball Coach. In 2007, CCSU terminated Amanda Rocznik, Head Women's Softball Coach. In 2010, CCSU terminated Brenda Webb, Head Women's Cross Country and Track and Field Coach. In 2011, CCSU terminated Rachel Tingali, Head Women's Lacrosse Coach, and Paula Cloud, Head Women's Golf Coach.

97. Upon information and belief, during this period, two male head coaches of women's teams, Bill Ball and Mick D'Arcy, were not terminated.

98. Upon information and belief, from 2005-2011, no male head coaches were terminated.

Procedural Posture

99. On or about October 18, 2010, Coach Webb filed a complaint with the Connecticut Commission on Human Rights and Opportunities ("CCHRO") and cross-filed with the Equal Employment Opportunity Commission ("EEOC").

100. The CCHRO made a finding following its Merit Assessment Review that there was reasonable cause to believe that the Defendant had discriminated against the Plaintiff contrary to the provisions of the Connecticut Fair Employment Practices Act.

101. On August 3, 2011, the CCHRO issued Coach Webb a Release of Jurisdiction. (See Exhibit A.)

102. On October 26, 2011, the EEOC issued Coach Webb a right to sue letter. (See Exhibit B.)

FIRST CLAIM FOR RELIEF
RETALIATION IN VIOLATION OF TITLE IX

103. Plaintiff incorporates the foregoing paragraphs 1 through 102.

104. Title IX, among other things, prohibits exclusion from participation in, denial of benefits of, or being subjected to discrimination under any education institution program or activity receiving federal financial assistance.

105. Plaintiff engaged in activity protected by Title IX, including:

- a. Complaining about the unequal budgets between the men and women's teams – each year during Coach Webb's tenure, the budgets and/or actual expenditures for the men's program was materially greater than for the women's program;
- b. Complaining about her team's unequal access to training facilities;
- c. Complaining about unequal access to facilities at competitions;
- d. Complaining about unequal access to transportation; and
- e. Complaining about what appeared to be unequal compensation of assistant coaches.

106. CCSU deliberately and intentionally subjected Coach Webb to adverse employment actions because she engaged in activity protected by Title IX.

107. These adverse employment actions included, among other things:

- a. Mr. Bachoo's repeated public threat of discipline against Coach Webb for filing her Title IX complaint;
- b. Mr. Bachoo's threat to Coach Webb that she would face discipline if she submitted additional Title IX complaints;
- c. Mr. Bachoo's reprimand of Coach Webb on October 17, 2008, where he accused her of being a "suspicious person" and directed her to undergo a monthly "follow-up" evaluation in order to review her performance;
- d. Mr. Bachoo's February 5, 2009 memorandum criticizing Coach Webb's performance, questioning her veracity, and criticizing her for bringing her Title IX complaints;
- e. CCSU's refusal to provide Coach Webb's team with adequate transportation;
- f. Mr. Bachoo's March 20, 2009 reprimand of Coach Webb, where he again attacked Coach Webb's Title IX complaints;
- g. CCSU's July 7, 2009 evaluation which attacked Coach Webb's team's competitiveness despite her team's improved performance at the NEC Conference Cross Country Championships in November 2008;
- h. CCSU's attempted cancellation of the scholarship of her top athlete and barring her from competition; and

- i. CCSU's termination of Coach Webb's employment and replacement by a male with substantially less experience.

108. CCSU's repeated reprimands and ultimate termination of Coach Webb were acts of unlawful retaliation against her in violation of Title IX.

109. As a direct and proximate result of CCSU's unlawful acts, Coach Webb suffered and continues to suffer lost earnings and benefits, emotional pain, suffering, professional and personal embarrassment, humiliation, loss of enjoyment of life, and inconvenience.

**SECOND CLAIM FOR RELIEF
SEX DISCRIMINATION IN VIOLATION OF
42 U.S.C. §§ 2003-1 et seq.**

110. Plaintiff repeats, realleges, and incorporates by reference herein paragraphs 1-109.

111. Coach Webb was discharged by CCSU because of her sex, in violation of 42 U.S.C. §§ 2000e-1, et seq., arising out of her discharge from employment and the retaliation for opposing discriminatory practices.

112. The CCSU Athletic Department hiring committee initially selected a male coach for Coach Webb's position. That candidate was rejected by CCSU's President who instructed the Athletic Department to find a qualified female candidate.

113. Shortly after being hired at CCSU, Coach Webb was discriminated against on the basis of her sex by the CCSU athletic department.

114. Coach Webb encountered hostility, resentment and disparate treatment from the Athletic Department because of her sex.

115. On Coach Webb's third day at CCSU, Coach Kawecki yelled at her and said that he and his Assistant Coaches would decide what everyone's role in the track and cross county programs would be.

116. Coach Kawacki repeatedly caused or encouraged his athletes to interfere with Coach Webb's practices.

117. Shortly after Coach Webb's arrival, a senior member of the Athletic Department described Coach Webb to her assistant coach as "paranoid" and someone who "could not communicate with men."

118. A senior member of the Athletic Department encouraged Coach Webb's athletes to complain about her.

119. CCSU ignored or dismissed Coach Webb's concerns about the safety of her athletes in the Bubble, and, instead, Coach Webb was instructed by the Athletic Department to be "congenial".

120. CCSU failed to introduce Coach Webb to her team for three months after she was hired.

121. CCSU failed to provide Coach Webb's name to the mail room, preventing her from mailing, and failed to list Coach Webb's name in its online directory for nearly a year after her hire.

122. Coach Webb encountered hostility from weight room personnel when attempting to schedule weight lifting times for her team.

123. When Coach Webb complained about this discriminatory treatment and CCSU's Title IX violations, CCSU retaliated against her.

124. CCSU retaliated against Coach Webb by, among other things, subjecting her to monthly evaluations, threatening her with discipline if she made any further complaints, and ultimately terminating her.

125. Notwithstanding the Evaluation Committee's recommendation of the renewal of her contract, commendation of her team's improved competitiveness and GPA and her fundraising and recruitment, CCSU terminated her employment in May 2010 and replaced her with substantially less experienced Eric Blake.

126. CCSU terminated Coach Webb because of her sex.

127. As a direct and proximate result of CCSU's sex discrimination, Coach Webb suffered and continues to suffer lost earnings and benefits, emotional pain, suffering, professional and personal embarrassment, humiliation, loss of enjoyment of life, and inconvenience.

**THIRD CLAIM FOR RELIEF
SEX DISCRIMINATION IN VIOLATION OF
CONN. GEN. STAT. §§ 46a-60 et seq.**

128. Plaintiff repeats, realleges, and incorporates by reference herein paragraphs 1-127.

129. Conn. Gen. Stat. § 46a-60 (1) provides that "It shall be a discriminatory practice... For an employer, by the employer or the employer's agent..., to refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment because of the individual's... sex...."

130. The CCSU Athletic Department hiring committee initially selected a male coach for Coach Webb's position. That candidate was rejected by CCSU's President who instructed the Athletic Department to find a qualified female candidate.

131. Shortly after being hired at CCSU, Coach Webb was discriminated against on the basis of her sex by the CCSU athletic department.

132. Coach Webb encountered hostility, resentment and disparate treatment from the Athletic Department because of her sex.

133. On Coach Webb's third day at CCSU, Coach Kawecki yelled at her and said that he and his Assistant Coaches would decide what everyone's role in the track and cross county programs would be.

134. Coach Kawacki repeatedly caused or encouraged his athletes to interfere with Coach Webb's practices.

135. Shortly after Coach Webb's arrival, a senior member of the Athletic Department described Coach Webb to her assistant coach as "paranoid" and someone who "could not communicate with men."

136. A senior member of the Athletic Department encouraged Coach Webb's athletes to complain about her.

137. CCSU ignored or dismissed Coach Webb's concerns about the safety of her athletes in the Bubble, and, instead, Coach Webb was instructed by the Athletic Department to be "congenial".

138. CCSU failed to introduce Coach Webb to her team for three months after she was hired.

139. CCSU failed to provide Coach Webb's name to the mail room, preventing her from mailing, and failed to list Coach Webb's name in its online directory for nearly a year after her hire.

140. Coach Webb encountered hostility from weight room personnel when attempting to schedule weight lifting times for her team.

141. When Coach Webb complained about this discriminatory treatment and CCSU's Title IX violations, CCSU retaliated against her.

142. CCSU retaliated against Coach Webb by, among other things, subjecting her to monthly evaluations, threatening her with discipline if she made any further complaints, and ultimately terminating her.

143. Notwithstanding the Evaluation Committee's recommendation of the renewal of her contract, commendation of her team's improved competitiveness and GPA and her fundraising and recruitment, CCSU terminated her employment in May 2010 and replaced her with substantially less experienced Eric Blake.

144. CCSU terminated Coach Webb because of her sex.

145. As a direct and proximate result of CCSU's sex discrimination, Coach Webb suffered and continues to suffer lost earnings and benefits, emotional pain, suffering, professional and personal embarrassment, humiliation, loss of enjoyment of life, and inconvenience.

**FOURTH CLAIM FOR RELIEF
RETALIATION IN VIOLATION OF
42 U.S.C. §§ 2003-1 et seq.**

146. Plaintiff repeats, realleges, and incorporates by reference herein paragraphs 1-145.

147. CCSU retaliated against Coach Webb in violation of 42 U.S.C. §§ 2000e-1, et seq. for opposing CCSU's discriminatory practices.

148. In May and June 2008, Coach Webb complained to the CCSU Administration that she was treated hostilely and unfairly and otherwise being discriminated against because of her sex.

149. In response to her complaints, CCSU retaliated against her.

150. CCSU's retaliation against Coach Webb included subjecting her to monthly evaluations, threatening her with discipline if she made any further complaints, and ultimately terminating her.

151. Notwithstanding the improved competitiveness of Coach Webb's teams, her athletes' increased academic performance, her program's extensive community service, and the Athletic Department Evaluation Committee's commendation of her performance and endorsement of her re-employment, in May 2010 Coach Webb's employment was terminated.

152. Coach Webb's employment was terminated because of her complaints about sex discrimination at CCSU.

153. Coach Webb was replaced by Men's Coach Eric Blake, with substantially less experience than her.

154. As a direct and proximate result of CCSU's sex discrimination, Coach Webb suffered and continues to suffer lost earnings and benefits, emotional pain, suffering, professional and personal embarrassment, humiliation, loss of enjoyment of life, and inconvenience.

**FIFTH CLAIM FOR RELIEF
RETALIATION IN VIOLATION OF
CONN. GEN. STAT. §§ 46a-60 et seq.**

155. Plaintiff repeats, realleges, and incorporates by reference herein paragraphs 1-155.

156. Conn. Gen. Stat § 46a-60 (4) provides that "It shall be a discriminatory practice... (4) For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice...."

157. In May and June 2008, Coach Webb complained to the CCSU Administration that she was treated hostilely and unfairly and otherwise being discriminated against because of her sex.

158. In response to her complaints, CCSU retaliated against her.

159. CCSU's retaliation against Coach Webb included subjecting her to monthly evaluations, threatening her with discipline if she made any further complaints, and ultimately terminating her.

160. Notwithstanding the improved competitiveness of Coach Webb's teams, her athletes' increased academic performance, her program's extensive community service, and the Athletic Department Evaluation Committee's commendation of her

performance and endorsement of her re-employment, in May 2010 Coach Webb's employment was terminated.

161. Coach Webb's employment was terminated because of her complaints about sex discrimination at CCSU.

162. Coach Webb was replaced by Men's Coach Eric Blake, with substantially less experience than her.

163. As a direct and proximate result of CCSU's sex discrimination, Coach Webb suffered and continues to suffer lost earnings and benefits, emotional pain, suffering, professional and personal embarrassment, humiliation, loss of enjoyment of life, and inconvenience.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Brenda Webb prays for relief as follows:

- (1) with respect to all Claims for Relief, judgment awarding Plaintiff back pay, front pay, damages for emotional distress, compensatory damages, and punitive damages in an amount to be determined at trial but no less than \$2 million;
- (2) with respect to all Claims for Relief, an award to Plaintiff of her attorneys' fees and costs; (3) with respect to all Claims for Relief, prejudgment interest at the statutory rate; and
- (4) such other and further relief as the Court may deem appropriate.


Dated: November 1, 2011

Respectfully submitted,

FREEMAN LEWIS LLP

By _____
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Robert Y. Lewis
Alexander Linzer
(Admissions for pro hac vice to be sought)
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STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Brenda Webb
COMPLAINANT

vs.

DATE: August 3, 2011

Central Connecticut State University
RESPONDENT

CHRO Case No. 1110151
EEOC No. 16A201100133

RELEASE OF JURISDICTION

Pursuant to the request for a release of jurisdiction, the Commission on Human Rights and Opportunities hereby releases ~~its~~ jurisdiction over the ~~above-identified~~ complaint in accordance with CONN. GEN. STAT. § ~~46a-101~~. The Complainant ~~is~~ authorized to commence a civil action in accordance with CONN. GEN. STAT. § ~~46a-100~~ against the Respondent in the Superior Court for the ~~judicial district~~ in which the ~~discriminatory practice~~ is alleged to have occurred or in which the Respondent transacts business. If this action involves a ~~state agency or official~~, it may be brought in the ~~Superior~~ Court for the judicial district of Hartford.

A copy of any civil action brought pursuant to this release must be sewed on the Commission at 25 Sigourney Street, Hartford, CT 06106 at the same time all other parties are served. THE COMMISSION MUST BE SERVED BECAUSE IT HAS A RIGHT TO INTERVENE IN ANY ACTION BASED ON A RELEASE OF JURISDICTION PURSUANT TO CONN. GEN. STAT. § 46a-103.

In granting this release, the Commission ~~expressly~~ finds in accordance with CONN. GEN. STAT. §§ ~~46a-100~~ and ~~46a-101(b)~~ that all conditions precedent to the issuance of the release have been met. The complaint was timely filed under CONN. GEN. STAT. § ~~46a-82~~ and the ~~complaint~~ has been pending for a period of not less than 210 days. The complaint is not ~~currently~~ scheduled for public hearing ~~nor is there reason~~ to believe that the complaint will be resolved within a period of 30 days from the date the Commission received the request. [REDACTED]

~~The Complainant must bring an action in Superior Court within 90 days of receipt of this release and within & _____ of filing the complaint with the Commission unless circumstances statute of limitations are present.~~

With the granting of this release of jurisdiction, the Commission ~~administratively~~ dismisses this complaint in accordance with CONN. GEN. STAT. § ~~46a-101(d)~~ without cost or penalty to any party.

Very truly yours,

EXHIBIT A



Robert J. Brothers, Jr.
Executive Director

cc: Complainant's Attorney Jeffrey J. Mirman by email to: jmirman@ldlaw.com
Respondents Attorney Maria C. Rodriguez by email to: maria.c.rodriguez@ct.gov



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED IL
2013 4256

210 Pennsylvania Avenue, N.W.
Karen Ferguson, EOP, PNR, Room 4235
Washington, DC 20530

October 26, 2011

Ms. Brenda Webb
c/o Jeffrey J. Mirman, Esquire
Law Offices of Levy & Dronsey
Attorneys at Law
74 BatteredMAPark Road
Farmington, CT 06032

Re: EEOC Charge Against Central Connecticut State University
No. 16A201100133

Dear Ms. Webb:

Because you Piled the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If **you** choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to **your** case is located in the EEOC Boston Area Office, Boston, MA.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Thomas E. Perez
Assistant Attorney General
Civil Rights Division

by *Karen L. Ferguson*

Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Boston Area Office, EEOC
Central Connecticut State University

EXHIBIT B