

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Alysia Lajune,

Court File No. 16-cv-01418 (JRT/FLN)

Plaintiff,

vs.

**FIRST AMENDED COMPLAINT
WITH JURY DEMAND**

University of Minnesota; Katrice A. Albert,
individually and in her official capacity as Vice
President of the Office for Equity & Diversity;
Eric W. Kaler, individually and in his official
capacity as President of the University of
Minnesota,

Defendants.

INTRODUCTION

1. This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983 and 1988, the First and Fourteenth Amendments to the United States Constitution, and under Minnesota state law against the University of Minnesota, Katrice A. Albert, individually and in her official capacity as Vice President of the Office for Equity & Diversity, and Eric W. Kaler, individually and in his official capacity as President of the University of Minnesota.
2. It is alleged that Defendants violated Plaintiff's First and Fourteenth Amendment rights when they issued her a letter of warning, and when they terminated her employment via contract non-renewal with the University of Minnesota, all in retaliation for Plaintiff exercising her right to free speech. It is also alleged that Defendants Albert and University of Minnesota defamed Lajune under Minnesota state law.

JURISDICTION

3. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343, and on the pendent jurisdiction of this Court to entertain claims arising under state law pursuant to 28 U.S.C. § 1367.

VENUE

4. This Court is the proper venue for this proceeding under 28 U.S.C. § 1391, as the material events and occurrences giving rise to Plaintiff's cause of action occurred within the State of Minnesota.

PARTIES

5. Plaintiff Alysia Lajune is an individual person who resides in Woodbury, Minnesota.
6. Defendant University of Minnesota is a Land-grant, Research I institution of higher learning, and a public employer, located primarily in Minneapolis, Minnesota.
7. Defendant Katrice A. Albert was at all times relevant to this Complaint a duly appointed and acting Vice President of the Office for Equity & Diversity of Defendant University of Minnesota, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of Minnesota and/or the University of Minnesota. Ms. Albert is sued individually and also in her official capacity as Vice President of the Office for Equity & Diversity within the University of Minnesota.
8. Defendant Eric W. Kaler was at all times relevant to this Complaint a duly appointed and acting President of the University of Minnesota, acting under color of law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the State of

Minnesota and/or the University of Minnesota. Mr. Kaler is sued individually and also in his official capacity as President of the University of Minnesota.

FACTS

9. Alysia Lajune is an African-American woman, age 40, who grew up in Mississippi.
10. In March 2012, Lajune left Mississippi for a position within the University of Minnesota, Twin Cities, as Assistant Director of Orientation & the Transfer Experience in the department of Orientation & First Year Programs (OFYP).
11. Lajune chose to reside in University housing for faculty and staff located in the Dinkytown neighborhood of Minneapolis, and quickly embraced Minnesota.
12. Lajune was successful in her role within OFYP, and made valuable contributions to the University, including creating the OFYP Transfer Student Ambassador program and facilitating the chartering of Tau Sigma National Honor Society at the University of Minnesota.
13. Although Lajune enjoyed her work, and was a proud and involved member of the Gopher Family, she was concerned by the lack of racial diversity on campus, namely of Black/African-American faculty and staff.
14. In September 2012, Lajune coordinated a meet-and-greet reception to bring Black faculty and staff together. Defendant Kaler spoke at the event and publicly commended Lajune for her efforts to unite the University's Black community.
15. Lajune led a six-month effort to re-establish the U of M Black Faculty & Staff Association (the BFSA), and served as president. At the time, the BFSA was the University's only

employee affinity group for People of Color. As president, Lajune collaborated with numerous University leaders and departments to fulfill the BFSA's mission and goals.

16. On May 27, 2013, Kris N. Lockhart (Lockhart), Associate Vice President of the OED, emailed Lajune a position announcement for "Assistant to the Vice President" within the Office for Equity & Diversity (the OED). Defendant Albert, would be joining the University administration in June 2013, as Vice President of the OED. Lockhart believed that Lajune would be ideal for the "Assistant to" position, and on June 2, 2013, Lockhart spoke at length with Lajune in an effort to recruit her. Lajune was flattered, but declined Lockhart's invitation to apply.

17. In June 2013, Albert began employment with the University. On July 3, 2013, Barbara Chapin (Chapin), the OED Business Manager, emailed Lajune stating that Albert wanted to meet with her.

18. Albert and Lajune met on July 12, 2013, and discussed Lajune's leadership of the BFSA. They also discussed finding a "home" for the BFSA, and agreed that the BFSA should be "housed" in the Office of Human Resources (OHR) for funding purposes and for greater visibility, with supplemental support by the OED. Albert stressed that the BFSA would still need to operate as an independent organization, because Albert didn't want to give the impression that she or any other University leader was influencing or dictating the association's agenda.

19. Albert used the July 12 meeting to convince Lajune to apply for the "Assistant to" position. Albert explained that serving in the position would catapult Lajune's career in higher education, and she stated that she would mentor Lajune throughout a doctoral program if Lajune worked for her. Albert also offered to pay Lajune a higher salary than Lockhart had

proposed in May. After discussing the opportunity with OFYP colleagues, Lajune decided to apply.

20. Lajune was offered, and accepted, the “Assistant to” position, because she felt a kindred connection with Albert—who is also an age 40+ Black woman from the Deep South. Lajune genuinely wanted to help Albert succeed in her role at the University.

21. On September 16, 2013, Lajune began employment with the OED.

22. Lajune worked diligently to impress Albert and to meet Albert’s incessant needs and demands, which often included personal assignments, during business hours, that were unrelated to Albert’s role within the University. Albert assigned Lajune the task of finding medical doctors and dentists for Albert and for Brandon Jones, Albert’s live-in boyfriend. Albert had a key to her home made for Lajune so that Lajune could attend to matters in Albert’s home during business hours, including supervising maintenance work that was performed in Albert’s kitchen and living room. Albert provided Lajune with nearly \$200 cash so that Lajune could run personal errands for Albert, which included mailing packages to Albert’s family. At Albert’s request, Lajune also acted as Albert’s personal driver when Albert visited the University of Minnesota campuses in Morris and Duluth.

23. Although Lajune was uncomfortable with the personal duties, she acquiesced so as not to disappoint or upset Albert. Lajune disclosed her concerns during a lunch meeting with Lockhart, who acted as chief of staff within the OED, yet Albert’s personal assignments continued. Lajune believed that if she obliged Albert, she would soon be rewarded with more challenging and professional work.

24. On October 16, 2013, after one month in the “Assistant to” position, Lajune received a bouquet of fresh flowers from Albert with the message: “One month in. A lifetime

friendship beginning. Love always, KA.” Albert very frequently expressed her satisfaction with Lajune’s work during her first few months as Albert’s assistant.

25. Shortly after Lajune began working in the OED, the University of Minnesota Police Department (UMPD) released numerous crime alerts to the University community, in compliance with the Jeanne Clery Act. The alerts primarily involved robberies that occurred on and near campus.
26. In the majority of the crime alerts, the alleged suspects were described, simply and generically, as “black male.” Very rarely were additional descriptors provided that would serve to narrow in on a specific individual. BSFA members, Black students, and University allies were bothered by the vague descriptions in the crime alerts, and many believed that the alerts contributed to a climate of fear, and encouraged racial profiling of Black males.
27. In response to persistent negative feedback from Black students, faculty, and staff, Lajune, acting as the BFSFA president, scheduled a meeting with the UMPD Chief of Police, Gregory Hestness (Hestness), and invited representatives of six University-affiliated stakeholder organizations— BFSFA, Black Student Union, Black Graduate & Professional Student Association, Black Men’s Forum, Huntley House for African American Males, and African & African-American Studies Department (Stakeholders).
28. On November 6, 2013, Lajune and the representatives met with Hestness. Also in attendance were Dr. Na’im Madyun (Madyun), Associate Dean in the College of Education & Human Development (CEHD), and Kimberly Hewitt (Hewitt), the University’s Director of Equal Opportunity & Affirmative Action. Hewitt’s foremost duty in that capacity was to review and investigate discrimination claims.

29. Acting as the BFSFA president, Lajune led the meeting, and began by acknowledging that the UMPD was State-mandated to have an anti-racial-profiling policy, which she could not find anywhere online. Lajune also stated that she had contacted the Jeanne Clery Organization regarding the required content for crime alerts, and was told that the Clery Act does not require the inclusion of suspect descriptions.
30. The Stakeholders expressed concerns and frustrations regarding the crime alerts, and some individuals shared personal experiences of being feared by White students, and being profiled by police.
31. Hestness, Hewitt, and the Stakeholders agreed that, since Black males are not as likely to file a complaint with a police department, an unbiased process for filing a racial profiling complaint needed to be established, and publicized.
32. The Stakeholders asked Hestness to take three immediate steps toward remedying racial profiling, to include: (1) posting the University's anti-racial-profiling policy (Policy 402) on the UMPD website with instructions for filing a racial profiling complaint; (2) sending a University-wide email stating that the University does not tolerate racial profiling and including content from Policy 402; and (3) adding a summary statement at the bottom of all future crime alerts indicating that racial profiling is not tolerated at the University, and including a hyperlink to Policy 402 on the UMPD website.
33. At the close of the meeting, Hestness assured the Stakeholders that he would implement the three recommendations as quickly as possible.
34. On November 11, 2013, the UMPD issued a campus-wide lockdown following an alleged armed robbery on the West Bank campus. The suspect was described as "a black man in a black puffy jacket." Not long after the initial alerts were distributed, a picture of "a black

man in a black puffy jacket” surfaced on the University’s website and local news. UMPD indicated that the man in the picture was their suspect. It was soon discovered that the individual in the photo was not the suspect, rather he was an innocent University student. The Black community was outraged because the UMPD never distributed a University-wide retraction or apology for their mistake.

35. Because of the November 11 incident, and because Hestness still had not implemented the recommendations, the Stakeholders decided to send a letter of petition to Kaler.
36. Acting as the BFSAs president, Lajune wrote the initial draft of the letter and shared it during a meeting with the Stakeholders on December 5, 2013. The Stakeholders worked collaboratively to edit the letter and to determine who to send it to.
37. After the meeting, Lajune incorporated the edits, and asked Lockhart, a former attorney, if she would review the revised letter and provide feedback. Lockhart was happy to do so, and she emailed the letter to Lajune with her changes tracked. Lajune accepted Lockhart’s changes and shared the updated draft with the Stakeholders for a final review.
38. On December 6, 2013, Lajune emailed the letter to Kaler and to Pamela Wheelock (Wheelock), Vice President of University Services, to which UMPD reported. On carbon copy were Albert, Hestness, Danita Brown Young (Young), Vice Provost for Student Affairs, Amy Phenix (Phenix), Kaler’s chief-of-staff, Leslie Kruger (Kruger), Wheelock’s chief-of-staff, and the Stakeholder representatives.
39. Shortly after Lajune sent the email, Phenix met briefly with Albert in Albert’s office. Later, as Albert was leaving her office for the day, she gave Lajune a sheet of paper, and said, “Congratulations. You got them jumping. Keep it up.” Albert had given Lajune a printed copy of an email which Phenix had sent to Kaler, Albert, and Wheelock, (time-stamped

1:11PM), with carbon copy to Timothy Busse, Leslie Krueger, Chuck Tombarge, and Liz Eull.

40. Near the end of the business day on December 6, 2013, the Stakeholders received an email with Kaler's response, in which he stated: "Let me be clear: racial profiling cannot and will not be tolerated."
41. On December 19, 2013, Albert gave Lajune an elegant silver desk tray and a \$100 gift card for spa treatments at Juut/Aveda Salon. Included with Albert's generous gift to Lajune was a handwritten note from Albert which read: "Thank you so much for all your hard work this semester."
42. Albert was out of the office for winter vacation on Friday, December 20, 2013.
43. Lajune was out of the office for winter vacation beginning Monday, December 23, 2013, through Tuesday, January 7, 2014, with prior approval by Albert.
44. Lajune returned to work on Wednesday, January 8, which was her first time seeing Albert since receiving Albert's gift on December 19, 2013. Because Albert had a busy schedule on January 8 and 9, she requested a check-in meeting with Lajune on January 10, 2014.
45. On December 31, 2013, during Lajune's winter vacation, Albert had sent Lajune an email to propose the idea of Albert and Lajune co-presenting about the BFSA and racial profiling during the 2014 NCORE annual conference. Lajune responded favorably when she returned to work on January 8. Albert suggested that they discuss the presentation proposal during the January 10 check-in meeting.
46. On January 10, 2014, Albert met with Lajune to discuss the NCORE presentation and three projects that Albert wanted Lajune to start working on, which included: (1) collaborating with the Athletics department to coordinate a Gopher torchbearers event; (2) supporting the

new Assistant Vice President of OED, Shakeer Abdullah, with Black student recruitment initiatives; and (3) working with notable Black alumni and with Lisa Lewis (Lewis), Director of the U of M Alumni Association, to establish a Black alumni association.

47. During the January 10 meeting, Albert also gave Lajune multiple action items to work on, and they discussed Albert's schedule for the following week.
48. At no point on January 10, 2014, did Albert ever say or imply that she was dissatisfied with, or had concerns about, Lajune's performance. Contrarily, Albert was jovial and complimentary towards Lajune, and she expressed confidence in Lajune's ability and readiness to take on the new projects.
49. Prior to the January 10 meeting, Lajune—who has a Master of Arts degree and over 10 years professional experience in higher education—had secretly felt misled and disappointed because the “Assistant to” position had only entailed managing Albert's calendar and performing personal duties for Albert. Lajune left the January 10 meeting very excited to have finally been given professional assignments that were related to the University.
50. Immediately following the January 10 meeting, Albert emailed Lajune a proposal outline and asked Lajune to “get [her] thinking cap on” to determine a “sexy and titillating” title for their co-presentation at NCORE.
51. On January 12, 2014, Albert sent Lajune an email with the subject “On second thought.” In the email, Albert rescinded her offer to co-present with Lajune at NCORE on the topic of the BFSAs and racial profiling. The email stated: “My reasoning is that if you can remember we continuously talk about wanting the BFSAs to be seen as independent organization... Therefore, we don't want to give anyone any ideas that I am orchestrating your strategic

plan or seen as incestuous. I think we need to be mindful that presenting together... might give the wrong idea.” Lajune sustained Albert’s decision.

52. On January 14, 2014, Lajune emailed Albert stating that she wanted the BFSA to be more established before presenting about it at NCORE. Albert asked Lajune if she had other presentation ideas, and added: “I think it’s important that you infuse yourself into the national organization as quickly as possible. I was hoping to use this year’s NCORE to introduce you around.”

53. In the weeks following the submission of the December 6 letter to Kaler and Wheelock, scrutiny regarding the racial profiling issue escalated, and numerous media sources reported on the topic, including the internationally-distributed *Chronicle of Higher Education*.

54. As the controversy grew, Madyun, who had attended the November 6 meeting with Hestness, decided to organize a discussion forum on campus safety and racial profiling (the Forum). The Forum was scheduled for January 29, 2014, and would be open to the general public.

55. During a regularly scheduled check-in meeting in early January, Albert told Lajune that Kaler was upset about the Forum. She stated that Kaler’s office had received a request for him to speak at the Forum and that Kaler “[didn’t] appreciate being summoned.” Albert told Lajune that Kaler had a scheduling conflict and that he wanted the Forum to be postponed until later in the semester. Lajune informed Albert that the Forum was not initiated by the Stakeholders, rather it was spearheaded by Madyun, who oversees diversity efforts within the CEHD. Albert asked Lajune to convince Madyun to postpone the event, reiterating that Kaler was “really upset” about it.

56. Lajune shared Albert's feedback with Madyun, who forwarded the information to his planning committee via email on January 16, 2014. In the email, Madyun referenced the President's displeasure about the timing of the Forum, and Albert's recommendation to delay the event. After discussion and consideration, the planning committee decided that it was best to keep January 29, 2014, as the date of the forum, and was agreeable to Kaler sending someone to speak on his behalf.
57. On January 17, 2014, Lajune communicated the decision to Albert, and Albert responded by telling Lajune that Kaler "won't like that at all." Albert told Lajune that Kaler had been receiving racist feedback from individuals who believed that it was appropriate for Blacks to be racially profiled if it resulted in crime reduction. Albert confided in Lajune that Kaler felt "torn" and did not like that the racial profiling issue was getting media exposure.
58. Albert also informed Lajune that she and Phenix had also discussed the necessity for the Forum to be rescheduled, and Albert revealed that Phenix was considering asking Dr. Jean Quam (Quam), Dean of CEHD, and Madyun's supervisor, to "make him do it." Albert told Lajune that Madyun wouldn't want to lose his job over this, and suggested that Lajune appeal to him once again. That evening, Lajune urgently contacted Madyun to inform him of the conversation between Albert and Phenix. On January 19, Madyun emailed Kaler and others, including Quam, to explain his rationale for keeping the date, and to apologize for any challenges it created.
59. On January 27, 2014, Wheelock sent the Stakeholders a response to their December 6 letter of petition. The Stakeholders were displeased with Wheelock's response because she chose not to address the 12 points outlined in the December letter, and instead offered her "broad perspective on this topic." The Stakeholders were also bothered by Wheelock's declaration

that “neither Chief Hestness nor I have received any formal complaints of racial profiling this fall against University Police.” Wheelock reiterated that declaration more than once when speaking with news reporters prior to the Forum.

60. Lajune and others believed that Wheelock’s assertion was misleading, at best, considering that, on November 6, 2013, both Hestness and Hewitt had heard first-person feedback from individuals who had experienced racial profiling. Further, Lajune knew that formal complaints could not be submitted because there was no known process for submitting them; and since the University’s anti-racial profiling policy had never been posted or published, victims would not necessarily know that profiling was a policy violation that could be reported.

61. The Forum occurred on January 29, 2014, as planned. Kaler adjusted his schedule to offer a welcome message at the Forum, but he left immediately following his speech, while Phenix stayed for the entire event. Wheelock, Albert, and Young, served as panelists along with student Ian Taylor, founder and president of the Black Men’s Forum.

62. When Lajune was given the opportunity to speak at the Forum, she directed her comments to Wheelock. Lajune introduced herself as president of the BFSA and a co-author of the December 6 letter. Lajune spoke candidly and passionately about Wheelock’s January 27 response letter. She stated that Wheelock’s assertion that Wheelock and Hestness had not received complaints about racial profiling was “insulting” because she and the Stakeholders had met with Hestness to discuss recent accounts of racial profiling. Lajune shared a personal testimony about being profiled by police herself. Lajune also stated that it was “a slap in the face” that the six Stakeholders had been excluded by University administration from conversations about racial profiling despite their written request (in the December 6

letter) to work together with administration. Lajune asked Wheelock how they would be involving the Stakeholders moving forward. She ended by exemplifying the impact of crime alerts on the Black community and the vague descriptors therein.

63. Lajune's comments received applause from the audience, and she received praise and positive feedback from numerous individuals following the forum, including Anne Phibbs, Director of Education in the OED, who also spoke as an audience member at the Forum.

64. Immediately following the Forum, Lajune spoke privately with Wheelock and Hestness, and both expressed appreciation for the opportunity to hear different perspectives and insights.

65. When Lajune arrived at her home on the night of the Forum, a forum attendee called Lajune to inform her that Albert was upset and that Lajune's "job might be on the line." The same evening following the Forum, Albert had sent the caller a series of text messages in reference to Lajune's speech at the Forum. These text messages stated, "Have been thinking all night, she is proving to be a liability... It's obvious that she has totally gone rogue! So maybe she wants to be the BFSA president for her professional career...has no frame of reference for verbally assaulting the woman..."

66. On January 30, 2014, Lajune made multiple attempts to speak with Albert, but Albert avoided and ignored Lajune. When Lajune noticed that a meeting with Human Resources consultant Wendy Lane (Lane) was added to Albert's calendar, she became concerned. Lajune reached out to Lockhart, insisting that she had spoken at the Forum as the BFSA president, not as Albert's assistant or representative of OED. Lajune asked Lockhart if it was even legal for Albert to discipline Lajune for her work with the BFSA, which Albert herself considered independent of the OED. Lockhart responded by telling Lajune that she is an "at-will" employee who can be let go for any reason, or for no reason.

67. On January 31, 2014, Albert emailed Lajune requesting to meet on February 3. Albert met with Kaler at 10:15AM on January 31, and then with Lane and Lockhart at 2:00PM. Later the same day, Albert sent more text messages about Lajune, which stated: “Ohhh well all the posturing is over and we have a docile little lamb VERY [sic] worried about her future...All emotion about the situation was with her all day. Came in the office trying to talk individually with others about her status. Making her wait to converse about performance issues... The big bowed up in the cheap [sic] posturing on the night of the event has turned into a grim reality that I really do hold the Power [sic]. Not talking to her until next week. Let her sweat... Progressive discipline is the only tactic. She verbally insulted and assaulted a Vice President. She embarrassed herself, me, and OED. Progressive discipline is about as peaceful of a resolution that we can get... I will say that she said that people told her I looked ‘visibly displeased’ [sic] with her during the comments. I don’t believe that to be true and if it is, it’s just her messy ass friends who want to stir the pot. I made certain that I didn’t change my facial expression as not to tip off these archaic black folks.”

68. On February 3, 2014, Albert met with Lajune and berated and demeaned her for her comments at the Forum. Albert told Lajune that when she met with Kaler on January 31, the only question Kaler had for Albert was, “What do we do about your assistant?” Albert stated that Kaler told her that “he just wants this [racial profiling issue] to go away,” and she told Lajune that Kaler was pressuring Albert to act. Albert also told Lajune that Kaler believed Lajune was a liability to Albert and therefore a liability to him. Albert added that “The only reason you’re not being non-renewed today is because we both know there would be backlash from the Black community for firing the BFSAs president.”

69. Albert informed Lajune during the February 3 meeting that she would be receiving a letter of warning to be added to her personnel file. Albert justified the warning letter by falsely claiming that Albert had discussed her dissatisfaction with Lajune's performance when they met on January 10, 2014. Lajune was shocked by Albert's gross mischaracterization of that meeting, which had centered on new projects for Lajune, and had occurred on Lajune's third day back to work after receiving the elaborate gift from Albert on December 19, 2013. Just a few days after the January 10 meeting, Albert told Lajune that she wanted to introduce Lajune around at NCORE, which Lajune believed was further evidence of Albert's satisfaction with, and pride in her. Furthermore, on January 28, 2014, exactly one day before the forum, Albert emailed Lajune and acknowledged that she had assigned Lajune special projects "early in the semester." This assignment of "special projects" happened during the January 10, 2014, meeting, which Albert later falsely characterized as a meeting during which Lajune's unsatisfactory performance was discussed. This further shows that the January 10, 2014, meeting focused on Lajune's positive and satisfactory performance, not Lajune's negative and unsatisfactory performance as Albert later claimed.
70. On February 10, 2014, Albert hand-delivered the letter of warning to Lajune. The letter falsely indicated that Albert had discussed Lajune's allegedly unsatisfactory performance on January 10, 2014.
71. Following Albert's harsh reprimand of Lajune, and Albert's blatant attempt to "paper" Lajune's file with a falsified performance-related documentation intended to pre-date the Forum, Lajune worked very hard to redeem herself with Albert, because she needed to keep her job in order to remain in University housing.

72. Despite Lajune's best efforts, Albert remained generally negative toward Lajune, frequently bullying, intimidating, and criticizing Lajune. At the University of Minnesota, all employees who wish to file grievances, such as Lajune's, are directed to EOAA or to the Office for Conflict Resolution. Since both of these offices report to Albert, staff in OED are therefore disadvantaged, and are understandably uncomfortable utilizing either office as recourse. Recognizing this, Lockhart informed Lajune that it is OED's practice to refer OED staff who have grievances to an external consultant of Lockhart's choosing, and that consultant is compensated by OED. Because Lajune did not believe that to be an unbiased or trustworthy option either, and because Lajune had previously been informed that she could not speak directly with Kaler, Albert's supervisor, Lajune had no recourse for reporting Albert. Consequently, Lajune's mental health began to deteriorate, and Lajune experienced severe anxiety and a major depressive episode, which resulted in Lajune attempting suicide in her home in March of 2014.

73. Beginning March 27, 2014, Lajune took an extended medical leave pursuant to the Family Medical Leave Act (FMLA). Lajune returned to her position May 19, 2014, on a part-time basis initially.

74. On May 21, 2014, Albert and Lockhart met with Lajune, at which time Lockhart informed Lajune that her employment contract would not be renewed (non-renewed), thus terminating her employment. Later that day, Lockhart hand-delivered a non-renewal letter to Lajune which was post-dated June 13, 2014. Lockhart stated that she was giving the letter to Lajune early to help Lajune figure out her "housing dilemma." The letter indicated that Lajune's last day would be September 12, 2014.

75. During her final months with the OED, Lajune struggled to gain employment within the University system, and was denied interviews for positions that she was highly qualified for. It was revealed to Lajune that Albert disclosed, to at least one University administrator, the confidential nature of Lajune's medical leave and had also made very disparaging and hurtful remarks about Lajune, including a text message in which Albert—who holds a PhD in Counseling Psychology—stated: “I think she has a personality disorder. She is just really disturbed. It's more than alcohol and depression, I am convinced it's much, much more.”
76. In mid-July, due to Albert's increasingly disrespectful behavior towards her, Lajune called Lane to request a reassignment in accordance with OHR non-renewal policy. Lane informed Lajune that Albert had already been presented with the option to reassign Lajune, but opted instead to keep Lajune as her assistant.
77. On July 21, 2014, following another effort by Albert to intimidate and demean Lajune, Lajune begged Lockhart to let her transfer to another office. Lajune asked specifically to move to the OED Women's Center, which was short-staffed, hoping that Albert would feel better about Lajune moving to another OED unit, and welcome the opportunity to be rid of Lajune's allegedly poor performance. Lockhart said that she would ask Albert, but later informed Lajune that Albert denied the request because Albert needed Lajune.
78. Lajune departed the University on September 12, 2014, and vacated University housing thereafter. Albert continued to defame Lajune's character even after her last day of employment.
79. On August 29 and September 15, 2014, Albert defamed Lajune by contacting Danita Young, Vice Provost of Student Affairs, and making a number of false and derogatory statements about Lajune to Young. This happened while Lajune was actively seeking

employment with the Office of Student Affairs and Albert defamed Lajune specifically to interfere with her ability to obtain employment with the Office of Student Affairs. Albert's false and defamatory statements about Lajune included false statements pertaining to Lajune's work performance and were thus defamatory per se. Albert's false and defamatory statements about Lajune included, but were not limited, to the following:

- a. That Lajune "[had] not broadened her job search outside of the U."
- b. That Lajune "cursed [Albert] out" while at work.
- c. That Lajune was "saying the most vicious and vile things" to Albert while at work.
- d. That Lajune "has a personality disorder."
- e. That Lajune "is really disturbed."
- f. That Lajune has problems that are "much, much more" than "alcohol and depression."
- g. That Lajune had "destroyed all of her relationships in the BFSA" and "has no one else."
- h. That Lajune's "[d]ad is deceased," that "Lajune came to the U . . . to run away from" her brother and mother who live in Mississippi, and that Lajune has "no family that's relevant and in her life."
- i. That Lajune "came to the fourth floor of Morrill hall . . . [on September 15, 2014, after her employment had ended,] because it was KILLING her that . . . [Albert] didn't reveal her replacement so she had to come see for herself." (emphasis in original).

- j. That Lajune was “trolling [on the fourth floor of Morrill hall] to introduce herself to the new woman that . . . [Albert] specifically didn’t have start until AFTER . . . [Lajune’s] last day.” (emphasis in original).

INJURIES SUFFERED

80. As a direct and proximate result of the said acts of the Defendants, Plaintiff Lajune has suffered the following injuries and damages:

- a. Violation of her right to free speech under the First Amendment to the United States Constitution;
- b. Lost wages, retirement contributions, and health benefits;
- c. Loss of future earning capacity;
- d. Medical expenses;
- e. Damage to personal and professional reputation;
- f. Humiliation and embarrassment;
- g. Emotional distress, depressed mood, and loss of quality and enjoyment of life.

CLAIMS FOR RELIEF

COUNT I: 42 U.S.C. § 1983 – FIRST AMENDMENT RETALIATION AGAINST ALBERT AND KALER

81. Paragraphs 1 through 80 are incorporated herein by reference as though fully set forth.

82. Based on the above factual allegations, Defendant Albert, through her actions, acting under the color of state law, violated Lajune’s constitutional right to free speech under the First Amendment to the United States Constitution and engaged in First Amendment retaliation against Lajune when Albert, following a directive by, and/or in partnership with, Kaler, submitted a letter of warning to Lajune, when Albert, following a directive by, and/or in

partnership with Kaler, terminated Lajune's employment via contract non-renewal, and when Albert defamed Lajune and disclosed confidential information about Lajune during and/or following Lajune's employment with the University of Minnesota.

83. Specifically, Lajune engaged in free speech protected under the First Amendment to the United States Constitution when Lajune, while speaking at a public forum as BFSA president, and on behalf of the Black community, publicly criticized Wheelock's letter dated January 27, 2014, and Wheelock's statements to the media prior to the Forum.

84. Albert took adverse action against Lajune when, following a directive by, and/or in partnership with, Kaler, Albert (1) issued a letter of warning to Lajune, (2) terminated Lajune's employment via contract non-renewal, and (3) defamed Lajune and released Lajune's confidential information.

85. Lajune's protected conduct, as outlined in Paragraph 82 above, was a substantial, material, and motivating factor behind Albert's and Kaler's adverse actions against Lajune, as outlined in Paragraph 83 above. Albert's and Kaler's adverse actions against Lajune, as outlined in Paragraph 83 above, were also sufficiently serious to chill a person of ordinary firmness from engaging in protected speech and/or conduct.

86. As a result of these constitutional violations, Lajune suffered damages as aforesaid.

COUNT II: 42 U.S.C. § 1983 – FOURTEENTH AMENDMENT DUE PROCESS VIOLATIONS AGAINST ALBERT

87. Paragraphs 1 through 80 are incorporated herein by reference as though fully set forth.

88. Based on the above factual allegations, Defendant Albert, through her actions, acting under the color of state law, violated Lajune's constitutional right to due process of law when Albert defamed Lajune in the process of and following Lajune's termination. Specifically, Albert made public and defamatory statements about Lajune during the course of

terminating Lajune and Lajune suffered an alteration or extinguishment of a right or legal status.

89. As a result of these constitutional violations, Lajune suffered damages as aforesaid.

COUNT III: 42 U.S.C. § 1983 – FIRST AMENDMENT RETALIATION AND FOURTEENTH AMENDMENT DUE PROCESS VIOLATIONS AGAINST UNIVERSITY OF MINNESOTA

90. Paragraphs 1 through 80 are incorporated herein by reference as though fully set forth.

91. Prior to September of 2014, Defendant University of Minnesota developed and maintained policies and/or customs exhibiting deliberate indifference to the constitutional rights of its employees, which caused the constitutional violations of Lajune's rights.

92. It was the policy and/or custom of Defendant University of Minnesota to inadequately supervise and train its employees, and Defendant University of Minnesota failed to adequately train its employees, including Defendants Albert and Kaler, in the area of constitutional rights, thereby failing to adequately discourage further constitutional violations on the part of its employees.

93. As a result of the above described policies, customs, and lack of training, University of Minnesota employees, including Defendants Albert and Kaler, believed that their actions would not be properly monitored by supervisory employees and that misconduct and/or constitutional violations would not be investigated or sanctioned, but would be tolerated.

94. The above described policies, customs, and lack of training demonstrate a deliberate indifference on the part of University of Minnesota policymakers to the constitutional rights of University of Minnesota employees and were the cause of the violations of Lajune's constitutional rights alleged herein.

**COUNT IV: DEFAMATION AND DEFAMATION PER SE AGAINST ALBERT AND
UNIVERSITY OF MINNESOTA**

95. Paragraphs 1 through 80 are incorporated herein by reference as though fully set forth.

96. Based on the above factual allegations, Defendant Albert defamed Lajune when she made the false and derogatory statements about Lajune to Young. Furthermore, because Albert's defamatory statements related to Lajune's employment and profession and because she defamed Lajune with the intent of interfering with Lajune's employment prospects, Albert's false statements about Lajune were defamatory per se.

97. In making these defamatory statements, Defendant Albert acted with malice and reckless disregard for the truth.

98. Defendant University of Minnesota is vicariously liable for Defendant Albert's defamatory statements.

99. As a direct and proximate result of Defendants' defamation, Plaintiff suffered damages as aforesaid.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests that this Court grant the following relief:

- A. Issue a declaratory judgment against Defendants University of Minnesota, Albert, and Kaler, finding that these Defendants violated Plaintiff's constitutional right to free speech and unlawfully retaliated against Plaintiff under the First Amendment to the United States Constitution and that Defendants University of Minnesota and Albert Albert violated Plaintiff's Fourteenth Amendment rights.
- B. Issue a declaratory judgment against Defendants University of Minnesota and Albert, finding that Defendants defamed Lajune under Minnesota state law.

- C. Issue an order granting Plaintiff judgment against Defendants, finding that Defendants violated Plaintiff's constitutional rights under the First and Fourteenth Amendments to the United States Constitution, that Defendants defamed Lajune under Minnesota state law, and that Defendants are liable to Plaintiff for all damages resulting from these violations;
- D. Award of compensatory damages to Plaintiff against all Defendants, jointly and severally;
- E. Award of punitive damages to Plaintiff against all Defendants, jointly and severally;
- F. Renewal of Plaintiff's P&A employment contract by the University of Minnesota.
- G. A written retraction by Defendants Albert and University of Minnesota regarding the defamatory statements Albert made about Lajune.
- H. That Defendant University of Minnesota develop and adopt formal training for all employees working in a supervisory capacity pertaining to employees' rights to freedom of speech and expression as well as First Amendment retaliation at work.
- I. Award of reasonable attorney's fees and costs to Plaintiff pursuant to 42 U.S.C. § 1988;
- J. Award of such other and further relief as this Court may deem appropriate.

THE PLAINTIFF, ALYSIA LAJUNE, HEREBY DEMANDS A JURY TRIAL.

THE LAW OFFICE OF ZORISLAV R. LEYDERMAN

Dated: July 19, 2016

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