

EEOC Sues Maryland Private School for Reverse Discrimination

By former Associate Jeffrey Hord

On July 30, 2018, the U.S. Equal Employment Opportunity Commission (EEOC) announced a new lawsuit filed in the U.S. District Court for the District of Maryland, Baltimore Division. In the suit, EEOC v. Park School of Baltimore, Inc. (Civil Action No. 1:18-cv-02319), the EEOC alleges that Park School of Baltimore (the “Park School”) unlawfully discriminated against Richard Schneider (“Schneider”)—the male head coach of the school’s all-girl softball team—by “failing to renew his contract based on his gender.”

In the civil complaint filed on Monday, the EEOC charges that the Park School violated Title VII of the Civil Rights Act of 1991 (“Title VII”), which prohibits discrimination based on sex. The suit alleges that Schneider was hired in early 2014 as head softball coach, and that his performance as coach from 2014 through 2016 was entirely satisfactory (in 2016, his last year as head coach, the Bruins finished with a record of 15-16). According to the complaint, the Park School informed Schneider in early 2017 that it would not be renewing his contract for the 2017 softball season “because of its preference for female leadership.” The school subsequently hired a female head coach, who led the team to a nearly identical record of 16-17 in 2017.

As Schneider’s sex was the only reason offered for the non-renewal of his contract, the Park School’s alleged actions deprived him of equal employment opportunities and “otherwise affected his status as an employee” simply because he is male, which is prohibited under federal law. The lawsuit seeks a permanent injunction preventing the Park School from engaging in such conduct, an order forcing the Park School to implement (and post in a conspicuous place) non-discriminatory policies and practices, and monetary relief for Schneider personally, including back and front pay, punitive damages, and litigation costs.

The fact that the EEOC’s Baltimore Field Office opted to proceed with federal litigation in this case is highly significant, given the scarcity of such merit lawsuits each year. Last year, for example, nearly **85,000** workplace discrimination charges were filed by employees, and only 184 of them—just **0.002%**—resulted in lawsuits filed by the Commission. The EEOC obviously saw Schneider’s claim as a “Category A” charge, and had no choice but to file suit when the parties failed to reach a voluntary, pre-litigation settlement through the EEOC’s conciliation process.

This case serves as an important reminder to employers that even non-minority employees (e.g., white males) can be victims of discrimination if they suffer an adverse employment action based exclusively on their race, age, sex, religion, or national origin. Employers must take care to avoid making employment decisions based on any such categories...even the ones that might not fit traditional notions of protected characteristics.