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COURT OF COMMON PLEAS  
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COURT OF COMMON PLEAS  
TOMORLAND

IN THE COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO

ENTERED

Case No. **20CV201786**

ALICE BLUMENFELD  
1106 Berlin Rd  
Huron, OH 44839

Plaintiff,

vs.

OBERLIN COLLEGE  
c/o Donica Varner, General Counsel  
Cox Administration Building  
Room 100  
70 N. Professor Street  
Oberlin, OH 44074

and

ANN COOPER ALBRIGHT  
180 Morgan Street  
Oberlin, OH 44074

and

REBECCA MOSELY  
Carnegie Building  
Room 204  
52 W. Lorain Street  
Oberlin, OH 44074

Defendants.

Judge:

JUDGE MARK A. BETLESKI

COMPLAINT FOR DAMAGES

(JURY DEMAND ENDORSED HEREON)

## PARTIES

1. Plaintiff, Alice Blumenfeld ("Ms. Blumenfeld"), is a resident of Huron, Erie County, Ohio.
2. At all times relevant to this case, Ms. Blumenfeld was employed by Oberlin College as a Visiting Assistant Professor of Dance in Oberlin, Lorain County, Ohio. Ms. Blumenfeld was an "employee" as defined by R.C. §4112.01(A)(3).
3. Defendant, Oberlin College ("Oberlin"), is a non-profit corporation and institution of higher learning located in Oberlin, Lorain County, Ohio. At all times relevant to this Complaint, Oberlin employed and continues to employ four or more persons within the State of Ohio.
4. Defendant, Ann Cooper Albright ("Ms. Albright"), is a resident of Oberlin, Lorain County, Ohio. At all times relevant to this case, Ms. Albright was employed by Oberlin as a full Professor and Chair of the Department of Dance. Ms. Albright supervised Ms. Blumenfeld.
5. Defendant, Rebecca Mosely ("Ms. Mosely"), is a resident of Lorain County, Ohio. At all times relevant to this case, Ms. Mosely was employed by Oberlin as its Director of Equity, Diversity, and Inclusion.
6. Each and all of the Defendants are "persons" and "employers" as defined by R.C. §4112.01(A)(1) & (2).
7. The Defendants individually and collectively discriminated against Ms. Blumenfeld because of her race, color, sex, sexual orientation, marital status, national

origin, and ancestry, and the Defendants retaliated against her by failing to hire her for a tenure track position to which she applied and for which she was qualified.

8. Some or all of these unlawful acts, including but not limited to the acts of discrimination and retaliation, occurred within Lorain County, Ohio.

9. The Court's exercise of jurisdiction is proper pursuant to Chapter 4112 of the Ohio Revised Code and the common law of Ohio. Venue is proper pursuant to Ohio Rule of Civil Procedure 3(B)(1), (2), (3), & (6).

### **FACTS COMMON TO ALL CLAIMS**

10. Alice Blumenfeld was a Visiting Assistant Professor of Dance at Oberlin College from July 1, 2018 to June 30, 2020.

11. Each of Ms. Blumenfeld's two years of employment at Oberlin were non-continuing appointments by the college. Her position was a non-tenure-track position.

12. Oberlin discontinued Ms. Blumenfeld's position of Visiting Assistant Professor of Dance following the completion of her second appointment year on June 30, 2020.

13. With the elimination of Ms. Blumenfeld's position, Oberlin instituted a new tenure-track position, that of Assistant Professor of Dance.

14. Oberlin faculty and administrators first discussed the creation of this new position in early 2019.

15. In July 2019, Ms. Blumenfeld learned that Oberlin was creating the new position and she informed members of the Dance Department that she intended to apply.

16. Ms. Blumenfeld was a gifted teacher of dance, and she was more than qualified for the new tenure-track position.

17. Among Ms. Blumenfeld's skills and accomplishments that established her qualifications for the new position she was qualified to teach multiple fields of dance, including flamenco, ballet, butoh, contemporary dance, and Simonson technique, as well as yoga, improvisation and composition; her skill level in flamenco, in particular, is at an elite level; she is fluent in Spanish, including having taught a course in Spanish in the Hispanic Studies Department at Oberlin; she put together a highly successful flamenco symposium at Oberlin during her first year as a visiting professor, which is virtually unheard of for a first year professor; she was involved in her local community, including using her dance skills to reach out to individuals in a women's prison in Cleveland, she started children's classes in dance at the Julia de Burgos Cultural Arts Center in Cleveland, she created a continuing project that uses flamenco to investigate loneliness in the 21<sup>st</sup> century; and she had already proven to be a successful dance professor at Oberlin.

18. On July 7, 2019, Ann Cooper Albright, the Chair of the Dance Department, a world-renowned scholar in the field of Dance, and the chair of the search committee for the new tenure-track position, invited Ms. Blumenfeld to her home in Oberlin.

19. After some brief, friendly talk, Ms. Albright advised Ms. Blumenfeld to begin looking for a new position on the job market.

20. Ms. Albright then blindsided Ms. Blumenfeld by referring to the new tenure-track position and stating, "We just can't hire another white woman from the Midwest with a husband."

21. Ms. Albright went on to say that when Oberlin hired Alysia Ramos a few years before, as an assistant professor of dance, the college could not find a person of color for the position and had to "settle" for Ms. Ramos.

22. Ms. Ramos identifies as Caucasian.

23. Ms. Blumenfeld was disgusted by Ms. Albright's words and felt demeaned.

24. Ms. Albright, acting individually and in her capacity as Chair of Oberlin's Dance Department, effectively rejected Ms. Blumenfeld for the new tenure-track position not because of her accomplishments, her skill, her experience, her work ethic, or her individual and personal qualities, but instead because of her race, the color of her skin, her sex, her marital status, her sexual orientation, her national origin, and her ancestry. Ms. Albright's actions and statements were motivated by discriminatory intent.

25. Ms. Albright's remarks about Ms. Ramos also illustrate a pattern of discriminatory activity and motive that has persisted for years, and which is further evidence that Ms. Albright and Oberlin had planned to create and fill a new position in the Dance Department based upon an individual's immutable characteristics and not based upon their qualifications, experience, or character.

26. Appalled by what she had heard, and realizing that her career was about to be significantly and negatively affected by the discriminatory motivated actions of the Chair of the Dance Department and the College, Ms. Blumenfeld made an appointment to meet with Rebecca Mosely, Oberlin's Director of Equity, Diversity, and Inclusion, to lodge a complaint.

27. When the meeting took place one week later, Ms. Blumenfeld indicated that she wanted her complaint to be anonymous as she was fearful of the retribution she would experience if Ms. Albright learned she had complained about her.

28. Ms. Mosely agreed, while indicating that she might need to communicate with Donica Varner, Oberlin's General Counsel, and Daphne John, an Associate Dean of the College of the Arts and Sciences, about the complaint.

29. Ms. Blumenfeld told Ms. Mosely about Ms. Albright's discriminatory statements and intentions for filling the new tenure track position in the Dance Department.

30. Ms. Blumenfeld also expressed concern that she now found herself in a difficult position because she worked under Ms. Albright, a powerful figure in the dance world who held tremendous influence over Ms. Blumenfeld's career path, and who was now openly discriminating against her.

31. Ms. Mosely told Ms. Blumenfeld that what Ms. Albright had done was "illegal" and acknowledged that it could have a serious impact on Ms. Blumenfeld's career.

32. Ms. Mosely asked Ms. Blumenfeld whether she felt she could even apply for the tenure-track position after what Ms. Albright had done.

33. Ms. Mosely stated that filling the tenure-track position would require a non-biased search and that she and the college would do everything they could to protect Ms. Blumenfeld.

34. One to two weeks later, Ms. Blumenfeld received an unexpected call requesting that she meet with David Kamitsuka, Dean of the College of the Arts and Sciences. Ms. Blumenfeld agreed.

35. At the meeting, Dean Kamitsuka told Ms. Blumenfeld that he was aware of her allegation of discrimination, which he asked Ms. Blumenfeld to relate to him.
36. Ms. Blumenfeld expressed her dismay to Dean Kamitsuka that the confidentiality and anonymity of her complaint, which she had requested from Ms. Mosely, had been violated.
37. Dean Kamitsuka assured Ms. Blumenfeld that the hiring process for the tenure-track position would be fair.
38. The next day, Ms. Mosely acknowledged that she had broken Ms. Blumenfeld's request for confidentiality and anonymity, and she stated that she would be speaking with Ms. Albright about Ms. Blumenfeld's complaint.
39. Ms. Albright had a meeting with Dean Kamitsuka shortly thereafter. He removed her as chair of the hiring committee, which caused her to become highly upset. Shockingly, however, he kept her as an active and influential member of the hiring committee despite her discriminatory conduct.
40. Ms. Albright immediately shunned Ms. Blumenfeld and stopped interacting with her. She stopped saying hello to Ms. Blumenfeld when they walked past each other. She stopped inviting her to lunch and dinner. She stopped talking with her about the classes she was teaching.
41. Ms. Blumenfeld was no longer invited to meetings with other faculty members in the Dance Department to discuss student capstone projects, including in the case of a student Ms. Blumenfeld was advising; instead she would be copied in on emails after the fact.

42. Following her complaint to Ms. Mosely, Ms. Blumenfeld found herself rebuffed and isolated by Ms. Albright and other members of the Dance Department.

43. Ms. Blumenfeld applied for the new tenure-track position when it officially posted in October 2019.

44. Ms. Blumenfeld was one of four candidates that Oberlin considered for the position. The college described the other three candidates as being "people of color."

45. During the entire job search process, Ms. Blumenfeld never spoke with certain members of the hiring committee, including Laura Baudot, an Associate Dean of the College of the Arts and Sciences and the individual that Oberlin appointed to replace Ms. Albright as chair of the hiring committee. She also never spoke with Joseph Vitale, Oberlin's Chief Human Resources Officer, who sat on the committee. She did, however, interview with Ms. Albright, whose discriminatory motivations and intentions were already clear.

46. During Ms. Blumenfeld's preliminary Zoom interview with Ms. Albright and other individuals on the hiring committee, a meeting that Ms. Albright controlled, Ms. Blumenfeld was in the process of providing information about herself and her qualifications when her video froze. Ms. Albright instructed Ms. Blumenfeld to turn off her video and remarked, "It's all right, we already know you," thereby attempting to deprive Ms. Blumenfeld of the opportunity to inform the committee of her qualifications.



47. For Ms. Albright, judgment had already been passed, and the interview process was just a pretext that would eventually lead to Ms. Blumenfeld being denied the position, and out of a job at Oberlin.

48. Whereas the other job candidates interviewed with the search committee over an intensive, focused two day period, Ms. Blumenfeld's interviews were spread out over one week and she never met with the entire search committee or the College Faculty Council in one setting, which unfairly changed the interviewing dynamic.

49. The other three job candidates were afforded walking tours with Oberlin students serving as dance representatives. These students played an important role in the selection of the new professor. Ms. Blumenfeld was never given the opportunity to have a walking tour with these students.

50. While Oberlin organized individual lunch or breakfast meetings with Oberlin students for each of the other job candidates, all of which were well attended, Oberlin scheduled Ms. Blumenfeld's time with students for a late Friday afternoon when snacks were provided and there was little prospect of many students attending.

51. When Ms. Albright, acting as a member of the search committee, introduced Ms. Blumenfeld at a public talk, instead of announcing her credentials and experience, or extolling accolades, as had been done with the other job candidates, Ms. Albright simply noted that Ms. Blumenfeld currently worked at Oberlin.

52. In January 2020, Oberlin denied Ms. Blumenfeld the new tenure-track position.

53. Instead, Oberlin hired a non-Caucasian, gay man of Filipino descent who does not appear to be from the Midwest or in a heterosexual marriage.

54. While Ms. Blumenfeld was more qualified for the tenure-track position than the individual Oberlin hired, she failed to meet the identity-based qualifications that the Defendants required, which included qualifications based upon race, skin color, sex, sexual orientation, marital status, national origin, and ancestry.

55. On February 14, 2020, Ms. Blumenfeld followed Oberlin's internal protocols and filed a formal complaint under the Oberlin College Policy on Discrimination and Harassment in which she alleged that she had been discriminated against and retaliated against.

56. Under the policy, Oberlin had 45 days to review Ms. Blumenfeld's complaint and render a decision.

57. On June 16, 2020, 123 days after submitting her complaint, the college finally rendered a decision.

58. The decision, which was based on a corresponding investigative report prepared by the college, stated that Ms. Blumenfeld had not suffered any forms of discrimination or retaliation, that the college had hired a more qualified candidate than Ms.

Blumenfeld for the new tenure-track position, and that the hiring process was free of bias.

59. Despite these predictable conclusions, the investigative report confirmed that Ms. Albright made discriminatory remarks to Ms. Blumenfeld: "[W]e substantiated this claim and identified a pattern of professionally inappropriate language that violates Oberlin's Policy on Discrimination."

60. Even with this stunning admission, and with Ms. Mosley's prior recognition that Ms. Albright had acted unlawfully, Oberlin left Ms. Albright on the search committee where she could discriminate and retaliate against Ms. Blumenfeld and ensure she was not hired for the tenure-track position.

61. The investigative report also acknowledged that when Ms. Blumenfeld spoke with Ms. Mosely about the discrimination she experienced, Oberlin betrayed Ms. Blumenfeld's request for anonymity and, in the words of the report, "may have caused the Complainant undue harm."

62. The report further notes that with the breakdown of confidentiality, "at least" two members of the search committee were aware of Ms. Blumenfeld's complaint against Ms. Albright, yet these individuals remained on the search committee.

63. The report also states that "the complete removal of [Ms. Albright] from the search process would have been a more effective way to eliminate the potential for bias during the search process."

64. Despite the report concluding that the hiring process was free of bias, it nonetheless outlined three "Recommended Institutional Actions" for the college, which included (1) creating a new policy to protect the confidentiality and anonymity of individuals complaining of discrimination; (2) providing training to department chairs and search committee members on fair hiring practices; and (3) creating a permanent and experienced investigative committee to review discrimination complaints similar to Ms. Blumenfeld's complaint.

65. Had the hiring process that Ms. Blumenfeld experienced been fair and unbiased, and if the investigative committee itself was qualified to make the determinations that it made, it would not have been necessary for the committee to make such recommendations.

**Count I**

**RACE AND COLOR DISCRIMINATION  
IN VIOLATION OF REVISED CODE §§4112.02(A), 4112.99 AND 4112.02(J)**

66. Plaintiff incorporates by reference all the allegations set forth above as if fully set forth herein.

67. Plaintiff's race is Caucasian and skin color is white, which are protected classes under R.C. 4112.02(A).

68. Ms. Blumenfeld was qualified for the assistant professor, tenure-track position in the Dance Department, which Oberlin created for the 2020 academic school year.

69. In July 2019, Ms. Albright invited Ms. Blumenfeld to her home to inform her that she would not be eligible for the new tenure-track position in the Dance Department because Oberlin and Ms. Albright, who was Chair of the Dance Department, chair of the hiring committee for the new tenure-track position, and a world-renowned dance scholar, did not want to hire "another white woman from the Midwest with a husband."

70. Ms. Albright explained that a few years before, when Oberlin hired Alysia Ramos, who identifies as Caucasian, as an assistant professor of dance, the college could not find a person of color for the position and had to "settle" for Ms. Ramos.

71. Ms. Albright's words show that she and Oberlin prejudged Ms. Blumenfeld as being unqualified for the new tenure-track position because of her race and the color of her skin.

72. Ms. Albright's words about having to "settle" for hiring Ms. Ramos also demonstrate that Oberlin and Ms. Albright had planned for some time to make a discriminatory hiring decision based on a candidate's immutable characteristics.

73. In October 2019, Ms. Blumenfeld applied for the new tenure-track position.

74. Despite learning that Ms. Albright had discriminated against Ms. Blumenfeld on the basis of her race and skin color in violation of the Ohio Civil Rights Act and Oberlin's own non-discrimination policy, the college failed to remove Ms. Albright from the hiring committee, and permitted her to be actively involved in and hold influence over the decision to hire a non-Caucasian, gay man of Filipino descent who does not appear to be from the Midwest or in an heterosexual marriage, over Ms. Blumenfeld, even though Ms. Blumenfeld was more qualified for the position.

75. During the hiring process, Ms. Blumenfeld was also treated differently than the other three job candidates that Oberlin considered (all of whom were not Caucasian).

76. Ms. Albright did not give Ms. Blumenfeld an opportunity to describe her skills and experience when she took part in a preliminary Zoom interview with Ms. Albright and members of the search committee; Ms. Albright failed to relate Ms. Blumenfeld's biography or describe any of her accomplishments when she introduced her to an audience of students; Laura Baudot, the individual who replaced Ms. Albright as chair of the search committee, never once spoke with Ms. Blumenfeld; while the other

candidates interviewed with the search committee over an intensive and focused two day period, Ms. Blumenfeld's interviews were spread out over one week and she never met with the entire search committee in one setting, which completely changed the interviewing dynamic; while the other candidates had walking tours with Oberlin students, Ms. Blumenfeld was not given that opportunity; and while other candidates had organized meals with students, which were well attended, Oberlin scheduled Ms. Blumenfeld's time with students for a late Friday afternoon where snacks were offered and, unsurprisingly, the meeting was poorly attended.

77. Oberlin failed to hire Ms. Blumenfeld because of her race, Caucasian, and skin color, white, and instead offered the position to an individual whose race and skin color were neither Caucasian nor white.

78. Due to Defendants' discriminatorily motivated actions, Ms. Blumenfeld went through a dehumanizing and humiliating experience that caused her to suffer emotional distress and anxiety. She understandably felt miserable and demeaned in her work environment and throughout the hiring process because she was unlawfully mistreated due to her race and skin color.

79. The Defendants acted willfully, wantonly, recklessly and/or maliciously toward Ms. Blumenfeld without regard for her legal rights or the probability of causing her unlawful injury, by discriminating against her on the basis of her race and skin color.

80. This discrimination committed and created by the Defendants caused Ms. Blumenfeld to suffer damages, including but not limited to loss of future earnings and benefits, loss of job security, increased difficulty finding another comparable dance

position at a college or university, damages for humiliation, embarrassment, loss of reputation, and pain and suffering, and punitive damages and costs, including reasonable attorneys' fees.

**Count II**

**SEX AND SEXUAL ORIENTATION DISCRIMINATION  
IN VIOLATION OF REVISED CODE §§4112.02(A), 4112.99 AND 4112.02(J)**

81. Plaintiff incorporates by reference all the allegations set forth above as if fully set forth herein.

82. Plaintiff's sex is female, and her sexual orientation is heterosexual, which are protected classes under R.C. 4112.02(A).

83. Ms. Blumenfeld was qualified for the assistant professor, tenure-track position in the Dance Department, which Oberlin created for the 2020 academic school year.

84. In July 2019, Ms. Albright invited Ms. Blumenfeld to her home to inform her that she would not be eligible for the new tenure-track position in the Dance Department because Oberlin and Ms. Albright, who was Chair of the Dance Department, chair of the hiring committee for the new tenure-track position, and a world-renowned dance scholar, did not want to hire "another white woman from the Midwest with a husband."

85. Ms. Albright explained that a few years before, when Oberlin hired Alysia Ramos, who is a Caucasian woman, as an assistant professor of dance, the college could not find a person of color for the position and had to "settle" for Ms. Ramos.

86. Ms. Blumenfeld's sex, sexual orientation, and marital status, when coupled with her race and the color of her skin, made her an especially undesirable job candidate in the eyes of Ms. Albright and Oberlin College.

87. Ms. Blumenfeld was disgusted by Ms. Albright's words and she felt demeaned and discriminated against.

88. Ms. Albright's words show that she and Oberlin prejudged Ms. Blumenfeld because of her sex, female, her sexual orientation as a heterosexual, and her marital status or prospective marital status, which notably would be a female who would marry a male and potentially become pregnant and take time off of work for maternity leave.

89. Ms. Albright's words concerning Ms. Ramos also show that this form of discriminatory hiring was something Oberlin and Ms. Albright had been planning for some time.

90. In October 2019, Ms. Blumenfeld applied for the new tenure-track position.

91. Despite learning that Ms. Albright had discriminated against Ms. Blumenfeld on the basis of her sex, sexual orientation, and marital status in violation of the Ohio Civil Rights Act and Oberlin's own non-discrimination policy, the college failed to remove Ms. Albright from the hiring committee, and permitted her to be actively involved in and hold influence over the decision to hire a non-Caucasian, gay man of Filipino descent who does not appear to be from the Midwest or in a heterosexual marriage over Ms. Blumenfeld, even though Ms. Blumenfeld was more qualified for the position.



92. During the hiring process, Ms. Blumenfeld was also treated differently than the other three job candidates that Oberlin considered (two of whom were male and the other who was regarded as "undisclosed" by Oberlin).

93. Ms. Albright did not give Ms. Blumenfeld an opportunity to describe her skills and experience when she took part in a preliminary Zoom interview with Ms. Albright and members of the search committee; Ms. Albright failed to relate Ms. Blumenfeld's biography or describe any of her accomplishments when she introduced her to an audience of students; Laura Baudot, the individual who replaced Ms. Albright as chair of the search committee, never once spoke with Ms. Blumenfeld; while the other candidates interviewed with the search committee over an intensive and focused two day period, Ms. Blumenfeld's interviews were spread out over one week and she never met with the entire search committee in one setting, which completely changed the interviewing dynamic; while the other candidates had walking tours with Oberlin students, Ms. Blumenfeld was not given that opportunity; and while other candidates had organized meals with students, which were well attended, Oberlin scheduled Ms. Blumenfeld's time with students for a late Friday afternoon where snacks were offered and, unsurprisingly, the meeting was poorly attended.

94. Oberlin failed to hire Ms. Blumenfeld because of her sex (female), her sexual orientation, and her marital status or prospective marital status and instead offered the position to an individual who is male, gay, not in a heterosexual marriage and not able to become pregnant with children.

95. Due to Defendants' discriminatory actions, Ms. Blumenfeld went through a dehumanizing and humiliating experience that caused her to suffer emotional distress and anxiety. She understandably felt miserable and demeaned in her work environment and throughout the hiring process because she was unlawfully mistreated due to her sex and sexual orientation.

96. The Defendants acted willfully, wantonly, recklessly and/or maliciously toward Ms. Blumenfeld without regard for her legal rights or the probability of causing her unlawful injury, by discriminating against her on the basis of her sex, sexual orientation and marital status.

97. This discrimination committed and created by the Defendants caused Ms. Blumenfeld to suffer damages, including but not limited to loss of future earnings and benefits, loss of job security, increased difficulty finding another comparable dance position at a college or university, damages for humiliation, embarrassment, loss of reputation, and pain and suffering, and punitive damages and costs, including reasonable attorneys' fees.

### Count III

#### NATIONAL ORIGIN AND ANCESTRY DISCRIMINATION IN VIOLATION OF REVISED CODE §§4112.02(A), 4112.99 AND 4112.02(J)

98. Plaintiff incorporates by reference all the allegations set forth above as if fully set forth herein.

99. Plaintiff's national origin and ancestry, as an individual from the United States, of European heritage, and having spent a portion of her youth in the Midwest of the United States, are protected classes under R.C. 4112.02(A).

100. Ms. Blumenfeld was qualified for the assisting professor, tenure-track position in the Dance Department, which Oberlin created for the 2020 academic school year.

101. In July 2019, Ms. Albright invited Ms. Blumenfeld to her home to inform her that she would not be eligible for the new tenure-track position in the Dance Department because Oberlin and Ms. Albright, who was Chair of the Dance Department, chair of the hiring committee for the new tenure-track position, and a world-renowned scholar, did not want to hire "another white woman from the Midwest with a husband."

102. Ms. Albright explained that a few years before, when Oberlin hired Alysia Ramos, who is a Caucasian woman and an assistant professor of dance, the college could not find a person of color for the position and had to "settle" for Ms. Ramos.

103. Ms. Blumenfeld's national origin and ancestry, when coupled with her race, the color of her skin, her sex, her sexual orientation, and her prospective marital status made her an especially undesirable job candidate in the eyes of Ms. Albright and Oberlin College.

104. Ms. Blumenfeld was disgusted by Ms. Albright's words and felt demeaned and discriminated against.

105. Ms. Albright's words show that she and Oberlin prejudged Ms. Blumenfeld as being unqualified for the new tenure-track position because of her national origin and

ancestry, as an individual from the United States, of European heritage, and having spent a portion of her youth in the Midwest of the United States.

106. Ms. Albright's words concerning Ms. Ramos also show that this form of discriminatory hiring based on immutable characteristics was something Oberlin and Ms. Albright had been planning for some time.

107. In October 2019, Ms. Blumenfeld applied for the new tenure-track position.

108. Despite learning that Ms. Albright had discriminated against Ms. Blumenfeld on the basis of her national origin and ancestry in violation of the Ohio Civil Rights Act and Oberlin's own non-discrimination policy, the college failed to remove Ms. Albright from the hiring committee, and permitted her to be actively involved in and hold influence over the decision to hire another candidate over Ms. Blumenfeld, even though Ms. Blumenfeld was more qualified for the position.

109. During the hiring process, Ms. Blumenfeld was also treated differently than the other three job candidates that Oberlin considered (including the selected candidate who was of Filipino ancestry).

110. Ms. Albright did not give Ms. Blumenfeld an opportunity to describe her skills and experience when she took part in a preliminary Zoom interview with Ms. Albright and members of the search committee; Ms. Albright failed to relate Ms. Blumenfeld's biography or describe any of her accomplishments when she introduced her to an audience of students and some members of the search committee; Laura Baudot, the individual who replaced Ms. Albright as chair of the search committee, never once spoke with Ms. Blumenfeld, while the other candidates interviewed with the search

committee over an intensive and focused two day period, Ms. Blumenfeld's interviews were spread out over one week and she never met with the entire search committee in one setting, which completely changed the interviewing dynamic; while the other candidates had walking tours with Oberlin students, Ms. Blumenfeld was not given that opportunity; and while other candidates had organized meals with students, which were well attended, Oberlin scheduled Ms. Blumenfeld's time with students for a late Friday afternoon where snacks were offered and, therefore unsurprisingly, the meeting was poorly attended.

111. Oberlin failed to hire Ms. Blumenfeld because of her national origin and ancestry, as an individual from the United States, of European heritage, and having spent a portion of her youth in the Midwest of the United States, and instead offered the position to an individual who is of Filipino ancestry and who is not from the Midwest of the United States.

112. Due to Defendants' discriminatory actions, Ms. Blumenfeld went through a dehumanizing and humiliating experience that caused her to suffer emotional distress and anxiety. She understandably felt miserable and demeaned in her work environment and throughout the hiring process because she was unlawfully mistreated due to her national origin and ancestry.

113. The Defendants acted willfully, wantonly, recklessly and/or maliciously toward Ms. Blumenfeld without regard for her legal rights or the probability of causing her unlawful injury, by discriminating against her on the basis of her national origin and ancestry.

114. This discrimination committed and created by the Defendants caused Ms. Blumenfeld to suffer damages, including but not limited to loss of future earnings and benefits, loss of job security, increased difficulty finding another comparable dance position at a college or university, damages for humiliation, embarrassment, loss of reputation, and pain and suffering, and punitive damages and costs, including reasonable attorneys' fees.

**Count IV**

**RETALIATION IN VIOLATION OF  
REVISED CODE §§4112.02(I), 4112.99 AND 4112.02(J)**

115. Plaintiff incorporates by reference all the allegations set forth above as if fully set forth herein.

116. In July 2019, Ms. Albright invited Ms. Blumenfeld to her home to inform her that she would not be eligible for the new tenure-track position in the Dance Department because Oberlin and Ms. Albright, who was Chair of the Dance Department and chair of the hiring committee for the new tenure-track position, refused to hire "another white woman from the Midwest with a husband."

117. This statement by Ms. Albright was discriminatory and violated the Ohio Civil Rights Act and Oberlin's own non-discrimination policy.

118. Shortly after this meeting with Ms. Albright, Ms. Blumenfeld met with Rebecca Mosley, Oberlin's Director of Equity, Diversity, and Inclusion, and complained about Ms. Albright's discriminatory misconduct.

119. Ms. Blumenfeld also expressed concern that she now found herself in a terribly difficult position because she worked under Ms. Albright, a powerful figure in the dance world who held tremendous influence over Ms. Blumenfeld's career path, and who was now discriminating against her.

120. Ms. Mosely asked Ms. Blumenfeld whether she felt she could even apply for the position after what Ms. Albright had done.

121. Ms. Mosely told Ms. Blumenfeld that what Ms. Albright had done was "illegal" and acknowledged that it could have a serious impact on Ms. Blumenfeld's career.

122. Ms. Blumenfeld indicated that she wanted her complaint to be anonymous as she was fearful of the retribution she would experience if Ms. Albright learned she had complained about her.

123. Ms. Mosely agreed, while indicating that she might need to communicate with Donica Varner, Oberlin's General Counsel, and Daphne John, an Associate Dean of the College of the Arts and Sciences, about the complaint.

124. Ms. Mosely falsely stated that she and the college would do everything they could to protect Ms. Blumenfeld.

125. Ms. Mosely, Ms. Albright, and Oberlin retaliated against Ms. Blumenfeld because she complained to Ms. Mosely.

126. Almost immediately, Ms. Mosely broke her promise to keep Ms. Blumenfeld's complaint anonymous and confidential. In short order, Ms. Mosely shared Ms. Blumenfeld's complaint with David Kamitsuka, Dean of the College of Arts and

Sciences, and Ms. Albright herself. It is believed that Ms. Mosely also shared Ms. Blumenfeld's complaint with other individuals.

127. Dean Kamitsuka eventually met with Ms. Albright. He removed her as chair of the hiring committee, which caused her to become highly upset and retaliate against Ms. Blumenfeld.

128. However, Dean Kamitsuka and Oberlin College failed to protect Ms. Blumenfeld as they kept Ms. Albright on the hiring committee despite her discriminatory conduct.

129. Ms. Albright immediately shunned Ms. Blumenfeld and stopped interacting with her. She stopped saying hello to her when they walked past each other. She stopped inviting her to lunch and dinner. She stopped talking with her about the classes she was teaching.

130. Ms. Blumenfeld was left out of meetings with other faculty members in the Dance Department to discuss student capstone projects, including a student Ms. Blumenfeld was advising; instead she would be copied in on emails after the fact.

131. Following and because of her complaint to Ms. Mosely, Ms. Blumenfeld found herself rebuffed and isolated by Ms. Albright and other members of the Dance Department.

132. Ms. Blumenfeld applied for the new tenure-track position when it officially posted in October 2019.

133. The Defendants' retaliation against Ms. Blumenfeld continued by treating her differently than the other three job candidates that the college considered.



134. Despite knowing that Ms. Albright had discriminated against Ms. Blumenfeld on the basis of her race, skin color, sex, sexual orientation, marital status, national origin and ancestry in violation of the Ohio Civil Rights Act and Oberlin's own non-discrimination policy, the college failed to remove Ms. Albright from the hiring committee, thereby permitting her to be actively involved in and holding influence over the decision to hire a non-Caucasian, gay man of Filipino descent who does not appear to be from the Midwest or in an heterosexual marriage instead of Ms. Blumenfeld, even though Ms. Blumenfeld was more qualified for the position.

135. During the hiring process, Ms. Albright deprived Ms. Blumenfeld of an opportunity to describe her skills and experience when she took part in a preliminary Zoom interview with Ms. Albright and other members of the search committee; Ms. Albright failed to relate Ms. Blumenfeld's biography or describe any of her accomplishments when she introduced her to an audience of students and some members of the search committee; Laura Baudot, the individual who replaced Ms. Albright as chair of the search committee, never once spoke with Ms. Blumenfeld; while the other candidates interviewed with the search committee over an intensive and focused two day period, Ms. Blumenfeld's interviews were spread out over one week and she never met with the entire search committee in one setting, which completely changed the interviewing dynamic; while the other candidates had walking tours with Oberlin students, Ms. Blumenfeld was not given that opportunity; and while other candidates had organized lunches with students, which were well attended, Oberlin

scheduled Ms. Blumenfeld's time with students for a late Friday afternoon where snacks were offered and, unsurprisingly, the meeting was poorly attended.

136. The Defendants retaliated against Ms. Blumenfeld by failing to hire her, despite her qualifications, because she had complained to Oberlin's administrators about Ms. Albright's discriminatory misconduct.

137. Due to Defendants' retaliatory actions, Ms. Blumenfeld went through a dehumanizing and humiliating experience that caused her to suffer emotional distress and anxiety. She felt miserable and demeaned in her work environment and throughout the hiring process because she was unlawfully retaliated against and mistreated due to the complaints she made about Ms. Albright's discriminatory misconduct.

138. The Defendants acted willfully, wantonly, recklessly and/or maliciously toward Ms. Blumenfeld without regard for her legal rights or the probability of causing her unlawful injury, by retaliating against her.

139. This retaliation committed and created by the Defendants caused Ms. Blumenfeld to suffer damages, including but not limited to loss of future earnings and benefits, loss of job security, increased difficulty finding another comparable dance position at a college or university, damages for humiliation, embarrassment, loss of reputation, and pain and suffering, and punitive damages and costs, including reasonable attorneys' fees.

**Count V**

**NEGLIGENT HIRING, RETENTION AND SUPERVISION**

140. Plaintiff incorporates by reference all the allegations set forth above as if fully set forth herein.

141. Oberlin employed Ms. Albright as a full professor and chair of the Dance Department.

142. Oberlin employed Ms. Mosely as Director of Equity, Diversity, and Inclusion.

143. Ms. Albright and Ms. Mosely were incompetent employees who engaged in discriminatory and retaliatory misconduct against Ms. Blumenfeld.

144. Ms. Albright told Ms. Blumenfeld that she would not be hired for the new tenure-track position because she and the college would not hire "another white woman from the Midwest with a husband." Ms. Albright additionally retaliated against and mistreated Ms. Blumenfeld because she complained to Oberlin officials, including influencing the decision not to hire Ms. Blumenfeld despite her legitimate qualifications.

145. Oberlin knew, had reason to know, and should have known of Ms. Albright's incompetence and propensity to discriminate and retaliate against Oberlin employees, including Ms. Blumenfeld.

146. Ms. Mosely heard Ms. Blumenfeld's complaint about Ms. Albright's discriminatory misconduct and failed to protect Ms. Blumenfeld from retaliation by Ms. Albright and the college, and she herself engaged in retaliation against Ms. Blumenfeld by breaking Ms. Blumenfeld's confidence and anonymity following Ms. Blumenfeld's

complaint, and by failing to protect Ms. Blumenfeld's work environment and ensure that her attempt to secure the new tenure-track position would be free of bias and retaliation.

147. Oberlin knew, had reason to know, and should have known of Ms. Mosely's incompetence and propensity to retaliate against Oberlin employees, including Ms. Blumenfeld, and failed to protect them from retaliation.

148. Oberlin negligently hired, supervised and retained Ms. Albright and Ms. Mosely as employees despite the college's knowledge of their incompetence and unlawful misconduct.

149. Oberlin's negligence in hiring, supervising and retaining Ms. Albright and Ms. Mosely directly and proximately led to the discrimination and retaliation that Ms. Blumenfeld suffered in the workplace and during the hiring process for the new tenure-track position.

150. Oberlin acted willfully, wantonly, recklessly and/or maliciously toward Ms. Blumenfeld without regard for her legal rights or the probability of causing her unlawful injury, by negligently hiring, supervising and retaining Ms. Albright and Ms. Mosely.

151. Oberlin's negligent hiring, supervising and retaining Ms. Albright and Ms. Mosely proximately caused Ms. Blumenfeld to suffer damages, including but not limited to loss of future earnings and benefits, loss of job security, increased difficulty finding another comparable dance position at a college or university, damages for

humiliation, embarrassment, loss of reputation, and pain and suffering, and punitive damages and costs, including reasonable attorneys' fees.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Alice Blumenfeld, prays for judgment in her favor and against the Defendants, Oberlin College, Ann Cooper Albright, and Rebecca Mosely, jointly and severally, and asks that this Honorable Court award her:

- A. Economic and Compensatory damages in excess of \$25,000.00, to be proven at trial;
- B. Punitive damages;
- C. Pre- and Post-Judgment interest;
- D. Costs and Reasonable Attorneys' Fees; and
- E. Such other relief as this Court may determine to be just and necessary.

Respectfully submitted,

/s/ Paul J. Corrado

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**JURY DEMAND**

Plaintiff, Alice Blumenfeld, hereby demands trial by jury of all issues so triable.

/s/Michael T. Schroth  
Attorney for Plaintiff