

RAYMOND GRUENDER ON AFFIRMATIVE ACTION

Highlights:

- Raymond Gruender was in the majority that ruled affirmative action prevented a white teacher from receiving multiple promotions.
 - The District Court originally ruled in the school district's favor.
 - Gruender was in the majority that reversed the ruling, and furthermore, giving a summary judgment in the teacher's favor regarding one of her promotions.

Gruender Ruled That A White Woman Was A Victim Of Affirmative Action

GRUENDER REVERSED A DISTRICT COURT'S DECISION THAT RULED A TEACHER WAS NOT A VICTIM OF AFFIRMATIVE ACTION

In Humphries vs. Pulaski County Special School District, A Teacher Sued Her School District Asserting She Was Denied Promotions Due To Her Race And Affirmative Action

Humphries First Filed A Claim With The Equal Employment Opportunity Commission Alleging She Was Denied An Assistant Principal Position Due To Her Race. According to Humphries v. Pulaski County Special School District via Case Text, "In August 2005, Humphries filed a claim with the Equal Employment Opportunity Commission ('EEOC'), alleging that the District repeatedly denied her an assistant principal position based on her race. After receiving a notice from the EEOC regarding her right to sue, Humphries filed suit in the district court on May 24, 2006, contending that the District discriminated against her based on her race when it failed to promote her to the assistant principal positions and that the District breached its contract with her by failing to give priority consideration to current employees when filling the assistant principal positions. Humphries filed an amended complaint on September 26, 2007, which added the allegation that she was denied the director of counseling services position because of her race." [Humphries v. Pulaski County Special School District via Case Text, [9/3/09](#)]

Humphries Filed A Complaint Arguing She Did Not Receive An Assistant Principal Position And Was Denied A Director Of Counseling Services Role Due To Her Race. According to Humphries v. Pulaski County Special School District via Case Text, "In August 2005, Humphries filed a claim with the Equal Employment Opportunity Commission ('EEOC'), alleging that the District repeatedly denied her an assistant principal position based on her race. After receiving a notice from the EEOC regarding her right to sue, Humphries filed suit in the district court on May 24, 2006, contending that the District discriminated against her based on her race when it failed to promote her to the assistant principal positions and that the District breached its contract with her by failing to give priority consideration to current employees when filling the assistant principal positions. Humphries filed an amended complaint on September 26, 2007, which added the allegation that she was denied the director of counseling services position because of her race." [Humphries v. Pulaski County Special School District via Case Text, [9/3/09](#)]

The District Court Ruled In The School District's Favor That Humphries Was Not Discriminated Against

The District Court Granted A Summary Judgment To The District And Ruled Humphries Did Not Give Evidence To Prove She Was Discriminated Against Due To Affirmative Action. According to Humphries v. Pulaski County Special School District via Case Text, "The district court granted summary judgment to the District, holding that Humphries failed to set forth direct evidence of unlawful discrimination because she 'presented no evidence that the 'affirmative action' plan played any part in the District's decisions not to promote her.' The court further held that even if Humphries could establish that the District followed its affirmative action plan in failing to promote her, Humphries could not establish that its plan was invalid." [Humphries v. Pulaski County Special School District via Case Text, [9/3/09](#)]

Gruender Was Part Of The 8th Circuit Appeals Panel That Reversed The District Court's Ruling

Gruender And The Eighth Circuit Of Appeals Panel Ruled En Banc To Reverse The District Court's Ruling That She Was Not Discriminated Against When She Applied For Assistant Principal. According to *Humphries v. Pulaski County Special School District* via Case Text, “For the foregoing reasons, we reverse the district court's grant of summary judgment to the District with respect to Humphries's assistant principal claims, affirm the grant of summary judgment on her director of counseling claim, and remand for proceedings consistent with this opinion. We also reinstate Humphries's state law claims so that the district court may reconsider whether to hear the state law claims along with the federal claims.”[*Humphries v. Pulaski County Special School District* via Case Text, [9/3/09](#)]

- **Gruender Authored The Opinion For The Eighth Court Of Appeals That Reversed The Ruling.** According to SCOTUS Blog, “Gruender also wrote for an appeals court panel in *Humphries v. Pulaski County Special School District*, a 2009 reverse-affirmative-action case arising in the context of school desegregation. The plaintiff, a white educator, claimed that she was denied several positions within the school district based on her race. The district court granted summary judgment for the school district, and the court of appeals reversed.” [SCOTUS Blog, [1/12/17](#)]

Gruender And The Eighth Circuit Granted Humphries A Summary Judgement That She Was Discriminated Against In Her Job Search For Director Of Counseling

The Eighth Circuit Of Appeals And Gruender Granted Humphries A Summary Judgement And Ruled That She Was Discriminated Against When She Applied For The Director Of Counseling Services. According to *Humphries v. Pulaski County Special School District* via Case Text, “For the foregoing reasons, we reverse the district court's grant of summary judgment to the District with respect to Humphries's assistant principal claims, affirm the grant of summary judgment on her director of counseling claim, and remand for proceedings consistent with this opinion. We also reinstate Humphries's state law claims so that the district court may reconsider whether to hear the state law claims along with the federal claims.”[*Humphries v. Pulaski County Special School District* via Case Text, [9/3/09](#)]