

RAYMOND GRUENDER ON WOMEN

Highlights:

- Raymond Gruender was in the majority that ruled a company did not promote a hostile work environment after one of their managers installed a peephole in the women's bathroom.
 - Gruender and the majority agreed with the District Court's ruling that due to the victim's negligence involving the peephole and her being spied upon, it could not be used to establish there was a hostile workplace.

Gruender Was Anti-Women On The Bench

GRUENDER WAS ON THE MAJORITY THAT RULED A PEEPING TOM DID NOT CONSTITUTE A HOSTILE WORKPLACE DUE TO THE VICTIM BEING UNAWARE IT WAS HAPPENING

Jill Cottrill And Mary Combs Accused Their Employer, MFA, Of Discriminating Against Them Via Title VII Of The Civil Rights Act

Jill Cottrill And Mary Combs Appealed The District Court's Summary Judgement That Ruled They Were Not Discriminated Against In Violation Of Title VII Of The Civil Rights Act. According to Cottrill v. MFA, Inc., No. 05-1748 , via a PDF of the case, "Jill Cottrill ("Cottrill") and Mary Combs ("Combs") appeal the district court's order granting summary judgment to MFA, Incorporated, doing business as MFA Agri-Services, Inc. ("MFA"). Appellants brought suit against MFA alleging sex discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. For the reasons discussed below, we affirm the grant of summary judgment to MFA." [Cottrill v. MFA, Inc., No. 05-1748, via PDF, Accessed [6/26/24](#)]

- **Title VII Of The Civil Rights Act Protected Employees From Gender Based Discrimination.** According to the Federal Trade Commission, "Title VII of the Civil Rights Act, as amended, protects employees and job applicants from employment discrimination based on race, color, religion, sex and national origin. Title VII protection covers the full spectrum of employment decisions, including recruitment, selections, terminations, and other decisions concerning terms and conditions of employment." [FTC.gov, Accessed [6/26/24](#)]

Cottrill And Combs Brought A Lawsuit After Their Manager Installed A Peephole In The Women's Bathroom And MFA's Subsequent Response

A Peephole Was Installed By Cottrill And Combs's MFA Manager, Scott Adkins, To Spy On The Women's Bathroom. According to Cottrill v. MFA, Inc., No. 05-1748 , via a PDF of the case, "Cottrill was hired by MFA as a bookkeeper in 1987 and Combs as a part-time bookkeeper in July of 2001. The Albany facility contained one women's restroom, consisting of a single room with a sink, toilet and mirror. The manager of the facility and the appellants' supervisor, Scott Adkins, remodeled this restroom in 1997. During the remodeling, Adkins constructed a peephole through one wall in order to view Cottrill while she was in the women's restroom.[...]Between 1997 and 2001, Adkins used the peephole to observe Cottrill in the restroom two or three times a day. Cottrill did not know or have any suspicion that Adkins was viewing her through the peephole. Adkins also stated that he unintentionally viewed Combs in the restroom once or twice after she began working in the Albany facility in 2001." [Cottrill v. MFA, Inc., No. 05-1748, via PDF, Accessed [6/26/24](#)]

Cottrill Accused MFA Of A Hostile Work Environment In Regards To Their Investigation Of The Peephole

Cottrill Contended That MFA Managers Had Her Act As Bait And In An Embarrassing Manner In Order To Catch Adkins Viewing The Peephole. According to Cottrill v. MFA, Inc., No. 05-1748 , via a PDF of the case, "Janice Schuerman, the vice president responsible for human resources, was notified about the discovery of the peephole and may have been told

about the idea of using surveillance equipment. There is no indication in the record, however, that she or anyone from her department was involved in the decision to have Cottrill lure Adkins into peeping by using the restroom four different times while he watched. Instead three male managers with other responsibilities devised the scenario in which Cottrill was required to play an embarrassing and demeaning role, repeatedly serving as bait while engaging in what are normally very private acts (as opposed to combing her hair or checking her makeup, for example), despite the considerable circumstantial evidence that existed about Adkins' surreptitious spying.” [Cottrill v. MFA, Inc., No. 05-1748, via PDF, Accessed [6/26/24](#)]

Cottrill Successfully Got Adkins On Camera Using The Peephole And He Pled Guilty To A Class C Felony

Cottrill Had Video Evidence Of Adkins Using The Peephole To Spy On Her. According to Cottrill v. MFA, Inc., No. 05-1748 , via a PDF of the case, “On Monday, October 21, Cottrill came to work and used the women’s restroom four times. Cottrill left the Albany facility between 9:45 and 10:00 a.m. and brought her husband home from the hospital. That night the appellants and their husbands, Bryan, Skiles and David Cottrill met at the home of Cottrill’s mother-in-law to view the tape. The tape showed Adkins entering the breakroom and looking through the peephole each time Cottrill used the restroom.” [Cottrill v. MFA, Inc., No. 05-1748, via PDF, Accessed [6/26/24](#)]

Adkins Admitted To The Peephole A Pled Guilty To A Class C Felony For Invasion Of Privacy. According to Cottrill v. MFA, Inc., No. 05-1748 , via a PDF of the case, MFA offered counseling to Cottrill and Combs and fully cooperated with law enforcement. Adkins denied placing any foreign substances on the toilet seat or toilet paper holder. However, he admitted to the peeping and pleaded guilty to a class ‘C’ felony of invasion of privacy.” [Cottrill v. MFA, Inc., No. 05-1748, via PDF, Accessed [6/26/24](#)]

Cottrill Accused MFA Of Harassment In Retaliation For Her Filing A Workers Compensation Claim For Therapy After The Incident

Cottrill Accused MFA Of Harassment After She Filed A Workers Compensation Claim For Therapy And Counseling. According to Cottrill v. MFA, Inc., No. 05-1748 , via a PDF of the case, “Although Cottrill was offered and received counseling after Adkins was discharged, she testified that Bryan first delayed her worker compensation claim to pay for the counseling and then only ‘reluctantly’ authorized it. He then persistently asked her when she would be ‘about done’ and shamed her publicly by telling her new manager to make sure that all her fellow employees knew how much worker compensation claims like hers were costing the company. Bryan also told her that she should simply ‘get over’ and ‘forget’ what had happened, became highly critical of her work, and forced her manager to go over what she did ‘with a fine-tooth comb.” [Cottrill v. MFA, Inc., No. 05-1748, via PDF, Accessed [6/26/24](#)]

Gruender And The Majority On The Panel Of The Eighth Circuit Court Of Appeals Ruled In MFA’s Favor Due To Cottrill And Combs Being Unaware Of The Peephole

Gruender Was On The Majority Of The Eighth Circuit Court Of Appeals That Found, Cottrill Was Not Aware Of Being Peeped On, And Therefore, Could Not Use It To Establish Her Claim That MFA Was A Hostile Work Environment. According to Cottrill v. MFA, Inc., No. 05-1748, via a PDF of the case, “We first consider Cottrill’s hostile work environment claim. Cottrill was not aware of the peeping, stating in her deposition that she did not know that Adkins was viewing her. Because she did not subjectively perceive the peeping, Cottrill may not rely on the peeping to establish that her work environment was hostile.” [Cottrill v. MFA, Inc., No. 05-1748, via PDF, Accessed [6/26/24](#)]

- **Gruender Was On The Majority That Ruled Against The Women.** According to SCOTUS Blog, “And in 2006, in Cottrill v. MFA, Inc., Gruender wrote for a panel that came to the same conclusion in a case in which an employee’s supervisor had installed a peephole in the woman’s rest room. Gruender noted that a ‘Title VII plaintiff ‘may only rely on evidence relating to harassment of which she was aware during the time that she was allegedly subject to a hostile work environment’; the panel, over the dissent of one judge, held that aside ‘from the peeping activities of Adkins, which Cottrill did not subjectively perceive,’ the other conditions the employee objected to ‘were not so objectively hostile as to poison Cottrill’s work environment.’” [SCOTUS Blog, [1/12/17](#)]