

VIA HAND DELIVERY

U.S. Equal Employment Opportunity Commission
330 South Second Avenue, Suite 720
Minneapolis, MN 55401
612-552-7306

Re: U.S. Equal Employment Opportunity Commission Charge of Discrimination

Background of Employment at the Minnesota Security Hospital

My name is Aaron Norgren and I have been employed with the Minnesota Security Hospital (“Security Hospital”), an entity within the Minnesota Department of Human Services (“DHS”), for 7 years and 11 months. I took a short break from the Security Hospital to serve in U.S. Army Special Operations for four years but then returned to work at the Hospital after my service. My father, Joseph Norgren (“Joseph”), also worked at the Security Hospital for 27 years until he resigned and retired on January 6, 2021 due to the hostile and demeaning workplace conditions created by the Security Hospital and DHS. The Security Hospital employs well over fifteen employees, satisfying the standard to bring this charge to the EEOC.

Background of Personal Beliefs on Race and Religion

Critical Race Theory (“CRT”) is a race essentialist ideology that presupposes zero sum racial conflict and seeks to remedy that by discriminating against individuals, so as to make group outcomes more equal. CRT rejects meritocracy and colorblindness and instead claims that invisible systems of power – “systemic racism” – bear the primary responsibility for racial inequality. Peggy McIntosh, *White People Facing Race: Uncovering Myths that keep Racism in Place* (2009). CRT deems any person in a minoritized racial group as a victim of a rigged system and those born into “privileged races” are automatically and inherently exploiters of minorities. Robin DiAngelo, *White Fragility* (2018). Critical Race theorists explicitly reject the principle of equality under the law, arguing that legal equality, nondiscrimination, and colorblindness are mere camouflages used to uphold white supremacist structures. Delgado & Stefancic, *Critical Race Theory: An Introduction* (1995). Importantly, encompassed in this notion, is the idea that the First Amendment serves to advance the interests of white supremacy, thus the government should restrict freedom of speech that is deemed “racist” or “hateful.” Ibram Kendi, *Inequality: Pass an Anti-Racist Constitutional Amendment*, POLITICO (2019). Finally, CRT also warns people of color against “internalized whiteness” which theorizes that people of a nondominant group believe the “myths” and “misinformation” about people of color because “whiteness” is deemed superior. National Museum of African American History & Culture, *Talking about Race: Whiteness* (accessed June 18, 2021) <https://nmaahc.si.edu/learn/talking-about-race/topics/whiteness>.

After researching CRT and taking into account my own experiences as a person of color in America, I came to believe that CRT is not a continuation of the civil rights movement but rather a repudiation of it. I am 25% Native American; my great grandparents and grandmother lived on the Red Lake Reservation. My father recalls being subjected to racial slurs and other discriminatory behavior throughout his life. Because of his background and my own experience as

a person of color, I have come to believe that race itself does not define failure or success. Importantly, I reject CRT because it itself rejects the traditional view of equality—the bedrock of our nation—as prescribed in our founding documents and the laws that protect us based on this foundation, including Title VII. I also reject CRT because it imparts that I as a person of color am oppressed and will always be oppressed because of my race and the structures and systems within the United States.

Finally, as a Christian, my religion teaches me that God created males and females. As such, it is my personal religious belief that there are only 2 sexes and 2 genders. Because of this, I reject the concepts of nonbinary individuals and the idea that one can choose their gender or sex. However, I have never treated differently any DHS employee or patient at the Security Hospital because of my own personal, religious beliefs.

DHS’s Imposition of Its Own Ideologies Through Mandatory Training and Threats

In August of 2020, while working my shift, I was informed via email from my supervisor, Luke Pherson (“Pherson”), that I would need to complete four additional trainings that surpassed the standard workplace harassment training already administered to all employees. One of the four trainings was labeled as HR 670.1 and titled “How to be Anti-Racist.” This training focused on cultural competence and how to be “antiracist,” specifically centering on the teachings of Ibram X. Kendi and included a full minute of silence for the death of George Floyd. During the training, we were instructed to stop using “I am not a racist” or “I can’t be a racist” as a defense or denial. We were also told to admit the definition of racist as someone who is supporting of racist policies or expressing racist ideas, confess to the racist policies and ideas we support, and accept the source of such racist ideas, specifically, the United States of America.

Another one of the four trainings, labeled as HR 670.2 and titled “Understanding Gender Identity and Expression: Moving Beyond the Binary,” sought to “educate” employees on gender identity and expression and the experiences of transgender and non-binary employees. The training also instructed employees to refrain from telling others that their gender identity is wrong.

Although it was clarified later to other employees that they were only required to take two of the four trainings, my supervisor made all four trainings mandatory for me. While I was generally opposed to both trainings described above, I specifically objected to the gender identity training based on my religious beliefs. However, Zecharias Hailu (“Hailu”), Director of Equal Opportunity and Access Division, informed me that my request for a religious exemption was denied. My father’s request had also been denied. Despite the refusal to grant a religious exemption, Human Resources has yet to administer the training.

Finally, on October 12, 2018, while my father was working an overnight shift at the Security Hospital, he and Pherson engaged in a debate where Pherson asked my father how many genders existed. My father stated that he believed there were only two genders and two sexes. He explained his beliefs were supported by everything he read on DNA and biology; he had not yet brought up religion in the conversation. However, Pherson grew angry and told my father that his God “made them that way.” Pherson then told my father that he could be fired for the way he

thinks and talks. I believe these types of conversations have contributed to the discrimination I still frequently face in the workplace, which has materialized through several occurrences, in addition to the mandatory training.

DHS's Discriminatory Actions in Violation of Title VII

Title VII is a provision of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, religion, gender, pregnancy, or national origin. To make a race-based discrimination claim under Title VII, an employee must show 1) the employee is a member of a protected class, 2) the employee is qualified for the position, 3) the employee suffered an adverse employment action, 4) and such action occurred under circumstances giving rise to an inference of discrimination.

All four elements of a race discrimination claim under Title VII are present here. First, because I am 25% Native American as well as a devout Christian, I am a protected class for both my race and religion under Title VII. Second, I have worked at the Security Hospital for 7 years 11 months without any formal complaint relating to my performance or ability to do my job, thus I am more than qualified for my position. Third, after voicing my dissent in regard to the mandatory training, I was denied the day off for bad weather, a practice normally available to all employees.

Finally, the circumstances surrounding this denial, as well as other actions taken by my superiors at the Security Hospital, demonstrate discrimination by DHS despite no formal complaint relating to my performance or ability to do my job. I was discriminated on the basis of race when DHS and the Security Hospital attempted to indoctrinate the views and theories on race they believe I should subscribe to as a person of color and as a DHS employee, despite my advocacy for equality in conformance with Title VII. DHS also discriminated against me based on religion by mandating a training that ran contrary to my beliefs and threatening to fire employees, like me, for such beliefs.

This discrimination occurred not only when they mandated the training described above, but also throughout my entire employment as a result of both my father and I's religion and views on race, as people of color. For example, my shift supervisor required employees on the night shift to take all four trainings, though employees on other shifts were not required to do the same. I was additionally asked to retake the trainings after completing them "too quickly," though it is unclear whether any other employee was asked to do the same. Further, after I vocalized my disagreement with the trainings, I was denied the day off when I attempted to call in for bad weather, a practice not normally even questioned and certainly afforded to other employees.

DHS's Retaliatory Actions in Violation of Title VII

Under Title VII, a manager may not fire, demote, harass, or otherwise "retaliate" against an individual for opposing discrimination. However, DHS violated Title VII by retaliating against me after I voiced my dissent to the discriminatory actions I faced for my religious beliefs and refusal to subscribe to CRT as a person of color.

I believe that I was retaliated against by DHS and the Security Hospital for my religious beliefs and my refusal to subscribe to CRT as I vocalized my disagreement when such ideologies were forced on me through the course of my employment. When I refused to subscribe to CRT, DHS continued to force such beliefs on me through the mandatory training. Similarly, DHS and the Security Hospital discriminated against me by forcing views on me that ran contrary to and violated my religious beliefs. After vocalizing this dissent, DHS and the Security Hospital retaliated against me through the instances described above.

Formal Charge against EEOC

I vocally but respectfully have voiced my disagreement with the beliefs forced on me by DHS and the Security Hospital. In conformance with federal law, I believe in equality for all and as a person of color, I also believe that we cannot return to an era of race essentialism. I also believe that as a citizen of the United States, I have a right to express and maintain my Christian beliefs, despite whether my employer supports such beliefs. However, DHS has discriminated and retaliated against me on the basis of race due to my refusal, as a person of color, to subscribe to Critical Race Theory. DHS has also discriminated and retaliated against me for my religious beliefs by mandating training that runs contrary to my beliefs and threatening to fire employees for such beliefs. As stated, I have been treated in a discriminatory manner, included being denied the day off for bad weather, for my refusal to subscribe to CRT and abandon my religious beliefs.

Because I was discriminated and retaliated against on the basis of race and religion, I am formally bringing a charge with the EEOC against the Minnesota Department of Human Services and request the EEOC take remedial action. The Security Hospital's address is 100 Freeman Dr, St Peter, MN 56082. DHS's phone number is: 651-431-2000 and email address is: DHS.info@state.mn.us. I look forward to your response and welcome any questions.

 6/12/16

Aaron Norgren

