

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 Joseph Norgren. For 27 years, I was employed with the Minnesota Security Hospital (“Security Hospital”), an entity within the Minnesota Department of Human Services (“DHS”). I took a short break from the Security Hospital to serve in the Federal Bureau of Investigations for a little over three years but then returned to the Hospital after my service. My son, Aaron Norgren (“Aaron”), is also employed by DHS and works at the Security Hospital. The Security Hospital employs well over fifteen employees, satisfying the standard to bring this Charge to the EEOC.

On January 6, 2021, I was constructively discharged from the Security Hospital due to the hostile and demeaning workplace environment created by DHS and Commissioner Jodi Harpstead through the implementation and propagation of Critical Race Theory, as well as the failure to respect my First Amendment right to freedom of religion. While I originally intended to continue working at the security hospital for several more years, the hostile environment forced me to retire early.

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 & Stefania, *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 50% Native American and my grandparents and mother lived on the Red Lake Reservation. Growing up, I was subjected to racial slurs and other discriminatory behavior as a result of my Native American heritage. Because of my background and specific experiences relating to my heritage, I developed my own views on race, specifically that it does not define success or failure. 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 any DHS employee or patient differently 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, Paul Ploog, 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 including 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.

It was clarified later that only two of the four trainings were mandatory. I generally opposed both trainings. I opposed the CRT training because as described as above, CRT rejects the traditional view of equality under Title VII and imparts that my refusal to subscribe to CRT as a person of color is merely “internalized whiteness.” While I generally opposed the CRT training, I specifically objected to the gender identity training on September 10, 2020 and sought an exemption from my supervisor. However, Zecharias Hailu, Director of Equal Opportunity and Access Division (“Hailu”), informed me that my request for a religious exemption was denied. However, this was not the first time that I had been discriminated and retaliated against for my religious beliefs.

On October 12, 2018, I was working on an overtime night shift at the Security Hospital and saw the night-shift supervisor, Luke Pherson (“Pherson”), while doing my rounds. Pherson had been talking with another employee about politics, specifically on the topics of *Roe v. Wade*, the U.S. Constitution, and gender identity. On the topic of gender identity, Pherson directly asked me how many genders existed. While I felt uncomfortable answering, because he was my supervisor and I was on shift, I responded that I believed there were only two genders and two sexes, based on everything I read and researched on DNA and biology. However, Pherson grew angry and told me that “my God made them that way,” despite that I hadn’t even mentioned my religious beliefs at this point in the conversation. As we continued to discuss and disagree on this topic, he told me I could be fired for the way I think or talk. From there on, I noticed a difference in how both I, and my son Aaron, were treated as employees at the Security Hospital. This, of course, only grew worse when we were mandated to take trainings contrary to our beliefs.

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 50% Native American as well as a devout Christian, I am a protected class for both my race and religion under Title VII.

Second, having worked at the Security Hospital for approximately 27 years, I am more than qualified for my position. Before retiring, I had never received any formal complaint relating to my performance or ability to do my job. Additionally, I could have continued doing my job successfully for several more years and was not originally planning on retiring for at least three years.

Third, on January 6, 2021, I was constructively discharged when DHS created a hostile workplace environment by attempting to impose its own ideologies upon me, which forced me to retire early because I could no longer work in such a toxic environment where my freedoms protected by the Constitution, and specifically Title VII, were infringed upon.

Finally, the circumstances surrounding my constructive discharge demonstrate discrimination by DHS, rather than my lack of ability to work or successfully do my job. I was discriminated on the basis of race when DHS and the Security Hospital attempted to indoctrinate me with the views and theories on race that they believe I should subscribe to as a person of color and as a DHS employee, despite my advocacy for the traditional view of equality in conformance with Title VII. DHS also discriminated against me for my religious beliefs by threatening to fire me for such beliefs.

While I originally planned to work at the Security Hospital for several years, I was forced to retire early, forgoing a larger pension, due to this hostile workplace environment. In an email sent to Hailu on November 2, 2020 I confirmed this, stating:

Your decision [to refuse exemption from the training] solidified and confirmed my contemplating of not continuing my 27 year service with the State of Minnesota. This year has created a hostile and uncomfortable work environment with the implementation and propagation of “Critical [Race] Theory” as evidenced by the State of Minnesota and SHA trainings and emails from Commissioner Harpstead and the Strategic Anti-Racism Team (start). As well as the weekly videos send out by DHS on info link. It is unfortunate that I feel forced to prematurely separate from the State of Minnesota service.

(Exhibit A.)

For these reasons, DHS discriminated against me for my refusal to subscribe to CRT and the beliefs I am expected to hold as a person of color, as well as for my religious beliefs.

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 refusing to comply, DHS retaliated by threatening to terminate me for such beliefs.

The above-described retaliation created a hostile workplace environment, which ultimately caused my constructive discharge as such environment left me no choice but to leave the Security Hospital and my end my employment with DHS.

Formal Charge against EEOC

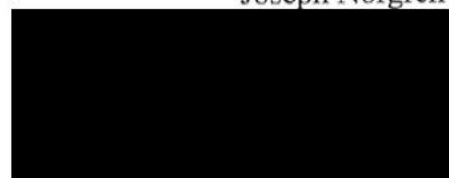
I vocally but respectfully have voiced my disagreement with the beliefs forced on me by DHS and the Security Hospital. In conformance with federal law, I believe in equality for all and as a person of color, I also believe that we cannot return to an era of race essentialism. I also believe that as a 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 engaged in discriminatory and retaliatory behavior by constructively discharging 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 threatening to fire me for such beliefs. As stated,

I was ultimately constructively discharged for the hostility I faced based on 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.

Joseph Norgren 6-25-21

Joseph Norgren



Norgren, Joseph N (DHS)

From: Norgren, Joseph N (DHS)
Sent: Monday, November 02, 2020 6:39 PM
To: Hailu, Zecharias X (DHS)
Subject: RE: Religious Accommodation

Thank you for your response and including the slideshow. Your decision has solidified and confirmed my contemplation of not continuing my 27 year service with the State Of Minnesota. This year has created a hostile and uncomfortable work environment with the implementation and propagation of "Critical Theory" as evidenced by the State of Minnesota and DHS trainings and emails from Commissioner Harpstead and the Strategic Anti- Racism Team (StART). As well as the weekly videos sent out by DHS on info link. It is unfortunate that I feel forced to prematurely separate from State of Minnesota service.

From: Hailu, Zecharias X (DHS) [REDACTED]
Sent: Monday, November 02, 2020 4:17 PM
To: Norgren, Joseph N (DHS) [REDACTED]
Cc: Kuhlman, Allison A (DHS) [REDACTED]; Gresczyk, Melissa K (DHS)
[REDACTED]; Jones, Connie L (DHS) [REDACTED]
Subject: RE: Religious Accommodation

Hello Joseph,

Thank you for your response. Unfortunately there is no appeal from this decision. I have attached the PowerPoint presentation of the training you requested.

Thanks

Zecharias Hailu
Director | Equal Opportunity & Access Division
Minnesota Department of Human Services
P.O Box 64997
St. Paul, MN, 55164-0997



mn.gov/dhs



From: Norgren, Joseph N (DHS) [REDACTED]
Sent: Friday, October 30, 2020 9:34 AM
To: Hailu, Zecharias X (DHS) [REDACTED]
Cc: Kuhlman, Allison A (DHS) [REDACTED]; Gresczyk, Melissa K (DHS) [REDACTED]; Jones, Connie L (DHS) [REDACTED]
Subject: RE: Religious Accommodation

Hello. I disagree with your decision. I have seen small clips from co-workers watching the training and still feel that it violates my religious beliefs. I believe other trainings we do on respectful workplace relations and our employee code of conduct sufficiently addresses the topics you described in your response of denying my request to be exempted. I do believe it is discriminatory as that there is no trainings on understanding heterosexual Christian men and women. The State of Minnesota has separated and favored classes of persons in trainings. I have suffered negative comments made toward my God, beliefs, and bible at work and feel I cannot respond freely or safely. I also feel that your denial of my request and subjecting me to participating in the training HR670.2 subjects me to harassment.

I have two request of you and would like a response to both please.

1. Is there an appeal process to your decision?
2. May I be sent a hard copy of the training HR670.2 for my records?

From: Hailu, Zecharias X (DHS) [REDACTED]
Sent: Tuesday, October 27, 2020 3:46 PM
To: Norgren, Joseph N (DHS) [REDACTED]
Cc: Kuhlman, Allison A (DHS) [REDACTED]; Gresczyk, Melissa K (DHS) [REDACTED]; Jones, Connie L (DHS) [REDACTED]
Subject: Religious Accommodation

Hello Joseph,

Attached please find a determination given on your request for religious accommodation from taking Training HR670.2(Understanding Gender Identity and Expression: Moving Beyond the Binary).

Thanks

Zecharias Hailu
Director | Equal Opportunity & Access Division
Minnesota Department of Human Services
P.O Box 64997
St. Paul, MN, 55164-0997

[REDACTED]
mn.gov/dhs

mn DEPARTMENT OF HUMAN SERVICES

