New Hampshire Commission for Human Rights

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March 6, 2013

Chief Executive Officer
Open Stories Foundation
PO Box 6368
North Logan UT 84341

Re: Anne Peffer v. Open Stories Foundation
ES(H)(R) 0098-13

Dear Sir or Madam:

The enclosed Charge of discrimination has been received and docketed by the New Hampshire Commission for Human Rights. The Commission is the state agency granted authority by statute (RSA 354-A) to receive and investigate claims such as the enclosed.

Please submit a written response to the Charge. Any allegation in the complaint which is not denied in the answer shall be deemed admitted. This response **MUST BE VERIFIED** by the Respondent (signed and sworn, or affirmed, before a notary public or justice of the peace), and shall include at least the following:

(a) Has the Respondent been named in the Charge by its correct legal name? If not, provide the correct name and spelling of the legal entity that owns the Respondent in your Answer to the Charge. In addition, state the legal status of your organization, e.g. corporation, partnership, sole proprietor, limited liability corporation, non-profit corporation, etc.;

(b) The name and address of Respondent and of Respondent's attorney if represented by counsel;

Please note Commission for Human Rights rules (Hum 204 and Hum 303) require approval of a request to appear *pro hac vice* before an attorney who is not a member in good standing of the New Hampshire Bar Association may appear on behalf of a client at the Commission. Please review the text of those rules on the Commission website, www.nh.gov/hrc, and comply with them if they apply to your situation.

(c) For each allegation of the Charge contested by the Respondent, state a general or specific denial, or a statement that the Respondent is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation;

(d) Any affirmative defenses that the Respondent wishes to raise;

(e) A copy of the Complainant's complete personnel file. "Personnel file" as used in RSA 275.56 means any and all personnel records created and maintained by an employer and pertaining to an employee including and not limited to employment applications, internal evaluations, disciplinary documentation, . . . and performance assessments, whether maintained in one or more locations, unless such records are exempt from disclosure under RSA 275.56, III or are otherwise privileged or confidential by law. The term does not include recommendations, peer evaluations or notes not generated or created by the employer. Lab 802.09. **Do not include** benefit, payroll or I-9 documents unless specifically requested.

The Commission for Human Rights' statute and rules govern what documents are to be provided for the purpose of investigating charges of discrimination. See, RSA 354-A:5 (VII); PART Hum 102 and 207.02.

It is your duty as Respondent to **redact any and all references to Complainant's date of birth, social security number or any other personal identifiers wherever located** before submitting the personnel file to the Commission.

(f) A copy of the Respondent's anti-discrimination policy and all personnel policies in effect at the time of the Complainant's employment;

(g) Provide a copy of an organizational chart and a statement or documents describing the structure of any relationship to any subsidiaries or parent organizations, if applicable;

(h) For any organization claiming they have fewer than 20 employees, indicate the largest number of employees in your organization (full-time, part-time, temporary or seasonal) on any one day in the six months prior to the date stamp on the charge and provide supporting documentation; and

(i) A complete list of witnesses you believe will support your position. Include their name, position, contact information and a **brief description of the information each is expected to provide the investigator.** You may request this list remain confidential at this time and need not provide it to the Complainant.

You may submit additional documentary evidence in support of your answer at this time.

IMPORTANT
You are required to preserve any and all evidence in connection with this Charge of Discrimination including, but not limited to, documents such as payroll records, notes, letters,

applications, certificates, transcripts, disciplinary notices, witness statements, investigation reports, personnel records, email, instant messaging, voice mail messaging, dvd, cd, videotape, text messaging, any electronic media whatsoever including but not limited to hard drives, removable drives, external drives, objects, posters, magazines, postcards, cartoons, or any other thing that could possibly be probative of the allegations, charges, claims and defenses in this matter.

This response is due at the Commission by May 6 2013. Provide Complainant a copy of the response and all non-confidential materials submitted to the Commission. (If Complainant is represented by counsel, send him or her a copy of the response instead, at the address indicated below.) In your response, certify that you have done so.

For your information, NH RSA 354-A:19 prohibits retaliation for filing a complaint or for testifying or assisting in any proceeding under this chapter

The Commission offers the parties voluntary mediation. A brochure describing the mediation program is enclosed. If you are interested in further information about the mediation program, please feel free to contact me.

Until an investigator is assigned to this case, please submit all documents and information to my attention.

Very truly yours,

Roxanne Juliano

Roxanne Juliano
Assistant Director

enc.

cc: Complainant's Attorney
Jon Meyer Esq
Backus Meyer & Branch LLP
PO Box 516
Manchester NH 03105-0516

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

COPY

Charge Presented To:	Agency(ies) Charge No(s):
[X] FEPA	ES(H)(R) 0098-13
[ ] EEOC	

New Hampshire Commission for Human Rights and EEOC

State or local Agency, if any

Name *(Indicate Mr., Ms., Mrs.)*	Home Phone *(Incl. Area Code)*	Date of Birth
Anne Peffer	(617)	

Street Address: | City, State and ZIP Code: Hudson, New Hampshire 03051

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name	No. Employees, Members	Phone No. *(Include Area Code)*
OPEN STORIES FOUNDATION	Under 15	

Street Address: PO Box 6368 | City, State and ZIP Code: North Logan, Utah 84341

Name	No. Employees, Members	Phone No. *(Include Area Code)*

Street Address: | City, State and ZIP Code:

DISCRIMINATION BASED ON *(Check appropriate box(es).)*

[ ] RACE [ ] COLOR [X] SEX [ ] RELIGION [ ] NATIONAL ORIGIN

[X] RETALIATION [ ] AGE [ ] DISABILITY [X] OTHER *(Specify below.)*

NH RSA 354-A

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
08-10-2012	09-17-2012

[X] CONTINUING ACTION

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s)):*

PLEASE SEE ATTACHED NARRATIVE

RECEIVED
FEB 26 2013
NH COMMISSION FOR HUMAN RIGHTS

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

02/26/2013
Date *Charging Party Signature*

NOTARY – *When necessary for State and Local Agency Requirements*

PATRICIA A. STAUFFER NOTARY PUBLIC STATE OF NEW HAMPSHIRE MY COMMISSION EXPIRES NOVEMBER 17, 2015

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE *(month, day, year)*

02/26/2013

1. I worked for Respondent Company between December 2010 and December 2011 as a volunteer, and then was hired as an employee in 2012.
2. I worked from my home until my discharge on August 31, 2012.
3. I served as Director of Operations.
4. My job performance was excellent.
5. The executive director, John Dehlin, and I engaged in a consensual sexual and emotional relationship.
6. I repeatedly told him that I wanted to discontinue the sexual aspect of our relationship.
7. He attempted to continue a sexual relationship.
8. On August 9th I told him that because of his insistence on the sexual aspect of our relationship, I could no longer have any personal relationship with him.
9. On August 10th he e-mailed me that I would have to leave the organization.
10. On August 11th he changed my password making it impossible for me to perform some of the functions of my job.
11. On the same date, Dehlin informed Joanna Brooks, the chair of the organization, that we had fallen in love, and she requested that I leave the organization.
12. Between August 12th and August 22nd I was no longer allowed to work with the volunteers whom I had been managing in New York City, Seattle and Washington, D.C. My responsibilities were given to others and I was isolated from the business.
13. On August 22nd I reported to Brooks our relationship: that I had told Dehlin to stop, and he refused and kept on pursuing me.

14. On August 23rd, Dehlin changed my passwords again, and removed my access to all of the on-line communities I was in charge of.
15. He banned me from them in a manner that allows their leaders to see the banning, and removed my name from all locations on the website.
16. On August 25th, Brooks asked myself and Dehlin to resign.
17. On August 27th I told Brooks that I would not resign or sign a release.
18. On August 31st I receive a letter from an attorney for the organization informing me that I am being terminated.
19. On September 6, 2012 I informed other members of the Board about the sexual harassment.
20. On September 9th the Board reinstated me as a "temporary employee".
21. On September 17th I was informed by two members of the Board that I will be fired a second time unless I resign.
22. After this telephone call I submitted my letter of forced resignation.
23. I believe the reason that I was fired was because I was unwilling to continue the personal and sexual component of my relationship with Dehlin, and because I complained to the Board about his insistence upon attempting to continue that relationship after it was no longer welcome.
24. As a result of my termination I have suffered financial loss, emotional injury, and damage to my reputation.