

**EMPLOYMENT DISCRIMINATION COMPLAINT FORM**  
**Texas Workforce Commission Civil Rights Division**

Email: [EEOIntake@twc.state.tx.us](mailto:EEOIntake@twc.state.tx.us)  
 (888) 452-4778

TWCCRD# \_\_\_\_\_

EEOC# \_\_\_\_\_

***Please indicate if you have previously filed this complaint with any of the agencies below:***

- Texas Workforce Commission Civil Rights Division (TWCCRD)
- Equal Employment Opportunity Commission (EEOC)
- City of Austin Equal Employment and Fair Housing Office
- Fort Worth Human Relations Department
- Corpus Christi Human Relations Division

**DATE RECEIVED** (For Office Use Only):

**Please be sure you provide all the information requested.**

(For Spanish call (888) 452-4778)

**BASIS:** I believe I have been discriminated against in violation of state law (Texas Labor Code, Chapter 21) and federal law (ADEA, Title VII, ADA, etc.), as follows:

***Please mark only the basis you are filing under.***

**EXAMPLE:** If your treatment was because of race – check the box by your race.

<input type="checkbox"/> <b>Age</b> (You must be 40 years of age or older to qualify):  Date of Birth: _____ Month/day/year  Age at time of incident: _____	<input type="checkbox"/> <b>Race:</b> <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian/ Alaskan Native <input type="checkbox"/> Other	<input type="checkbox"/> <b>National Origin:</b> <input type="checkbox"/> Anglo/Caucasian <input type="checkbox"/> African-American <input type="checkbox"/> Hispanic <input type="checkbox"/> Mexican <input type="checkbox"/> East Indian <input type="checkbox"/> Other	<input type="checkbox"/> <b>Sex:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Female/Pregnancy  <input type="checkbox"/> <b>GINA</b> (Genetic Information Non-discrimination Act)
<input checked="" type="checkbox"/> <b>Religion:</b> <input type="checkbox"/> Baptist <input type="checkbox"/> Catholic <input type="checkbox"/> Jewish <input type="checkbox"/> Muslim <input checked="" type="checkbox"/> Other Christian	<input type="checkbox"/> <b>Color</b> (Based on skin color): <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Brown <input type="checkbox"/> Other	<input type="checkbox"/> <b>Disability:</b> <input type="checkbox"/> Disabled <input type="checkbox"/> Regarded as disabled <input type="checkbox"/> History of disability <i>(Pregnancy is NOT a disability unless you are regarded as disabled.)</i>	<input checked="" type="checkbox"/> <b>Retaliation:</b> <input checked="" type="checkbox"/> I filed a complaint of discrimination <input type="checkbox"/> I assisted another filing discrimination <input type="checkbox"/> I participated in an investigation of discrimination  <b>ON THIS DATE:</b> 9/2/2013

**Please call our office at (888) 452-4778 if you need assistance completing this form.**

<b>Complainant Full Name:</b> Jesse Craig James	<b>Complainant Representative (Optional):</b> <i>(If you are represented by an attorney, please have them submit a letter of representation):</i> See attached letter of representation.
<b>Address Line 1:</b> _____ <b>Address Line 2:</b> _____ <b>City/State/Zip:</b> _____ <b>Home Phone #:</b> _____ <b>Other Phone #:</b> _____ <b>Email:</b> _____	<b>Address Line 1:</b> 2001 Plano Parkway Suite 1600 <b>Address Line 2:</b> _____ <b>City/State/Zip:</b> Plano, TX 75075 <b>Phone #:</b> _____ <b>Fax #:</b> (972) 941-4457
<b>Date Hired:</b> 08/28/14 <b>Position held:</b> college football studio analyst <b>Still employed?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Name of Employer</b> <i>(Please be sure to give the complete Company name and address where you physically worked)</i> Fox Sports Southwest <b>Address Line 1:</b> 100 E. Royal Ln. #200 <b>Address Line 2:</b> _____ <b>City/State/Zip:</b> Irving, TX 75039 <b>Phone #:</b> (972) 506-7709 <b>15 or more employees:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>HR Personnel Officer/EEO Officer/or Highest Ranking officer on work site:</b> Jon Heidtke <b>Address Line 1:</b> _____ <b>Address Line 2:</b> _____ <b>City/State/Zip:</b> _____ <b>Phone #:</b> (214) 220-7713 (c/o counsel, Vanessa Griffith) <b>Fax #:</b> _____

**Employment Harms or Actions (Mark all that apply)**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Severance Pay (B5)        | <input type="checkbox"/> Hiring (H2)                   | <input type="checkbox"/> Suspension (S5)         |
| <input type="checkbox"/> Demotion (D1)             | <input type="checkbox"/> Layoff (L1)                   | <input type="checkbox"/> Terms & Conditions (T2) |
| <input checked="" type="checkbox"/> Discharge (D2) | <input type="checkbox"/> Promotion (P3)                | <input type="checkbox"/> Training (T4)           |
| <input type="checkbox"/> Discipline (D3)           | <input type="checkbox"/> Reasonable Accommodation (R6) | <input type="checkbox"/> Wages (W1)              |
| <input type="checkbox"/> Harassment (H1)           | <input type="checkbox"/> Sexual Harassment (S4)        | <input type="checkbox"/> Other:                  |

**The following questions are regarding the actions taken against you. (Each incident must be within 180 days of the date you submit your complaint to the TWCCRD.) Please call us at (888) 452-4778 if you need assistance completing this form.**

**DATE OF FIRST HARM:** 9/1/2013

Explain what happened. (Provide full names and position titles of all involved in this action.):

Mr. James was wrongfully terminated due to his sincerely held religious belief that calls upon him to define marriage as between a man and a woman, even though Mr. James shows love and kindness to all, regardless of whether they share his beliefs. (See attachments.)

Reason Employer gave you for their actions:

Fox communicated to Mr. James and Fox's spokesman communicated to national news media that Mr. James was fired for his beliefs.

Provide the full names of other employees treated *MORE FAIRLY* than you. (If you filed under race give their race, if under sex, give their sex, etc.):

Dan McLaughlin, a sportscaster who was suspended and reinstated despite multiple (humiliating) criminal convictions. (See attached.)

**DATE OF SECOND HARM:** 9/2/2013

Explain what happened. (Provide full names and position titles of all involved in this action.):

To maximize the negative impact on Mr. James, Fox Sports intentionally informed the press it was terminating him for his religious views in order to maximize the negative impact on Craig James, his reputation, and his career. (See attachments.)

Reason Employer gave you for their actions:

Fox Sports now alleges that it lied to the media about Mr. James' termination, but it has never publicly corrected its statements.

Provide the full names of other employees treated *MORE FAIRLY* than you. (If you filed under race give their race, if under sex, give their sex, etc.):

**DATE OF THIRD HARM:** \_\_\_\_\_

Explain what happened. (Provide full names and position titles of all involved in this action.):

[Attachments to this form are incorporated herein by reference.]

Reason Employer gave you for their actions:

Provide the full names of other employees treated *MORE FAIRLY* than you. (If you filed under race give their race, if under sex, give their sex, etc.):

If we draft your charge and send it to you at your email address, will you print, sign, and return the form that same day?  Yes  No

What is the most convenient method to contact you:  Email: \_\_\_\_\_  Telephone: \_\_\_\_\_

What is the best time to contact you: 8:30 a.m. 5:30 p.m.

What is the best day of the week to contact you:  Mon  Tue  Wed  Thu  Fri

Do you agree to participate in our mediation program?  Yes  No

Please return this form by email to: [EEOIntake@twc.state.tx.us](mailto:EEOIntake@twc.state.tx.us)

Please call (888) 452-4778 for assistance.

Mailing address: 101 East 15<sup>th</sup> Street, #144T, Austin, TX 78778-0001



February 25, 2014

Texas Workforce Commission  
101 East 15<sup>th</sup> Street, #144T  
Austin, Texas 78778-0001

Re: Fox Sports' unlawful termination of Craig James based upon Mr. James' religious beliefs.

Dear Texas Workforce Commission:

To facilitate the Commission's evaluation, Mr. James is transmitting a variety of supporting material and this brief explanation.

FOX Sports Southwest, FOX Sports Media Group, FOX Sports, FOX Networks Group, Fox Entertaining Group, Inc., FOX Broadcasting Company, FOX Sports Net, and Twenty-first Century Fox, Inc., (collectively "Fox Sports" or "Fox") engaged in religious discrimination in violation of Texas Labor Code §§ 21.051 *et seq.* against Craig James in two ways.

First, Fox Sports engaged in religious discrimination through disparate treatment. Craig James is a person of the Christian faith and state law protects him from discrimination. Craig James was qualified for the position as college football broadcaster. Fox Sports took an adverse employment action against Craig James by firing him because of his religious beliefs and his exercise of his sincerely held religious beliefs. Craig James was treated less favorably than another employee who was rehired even though he had caused public embarrassment to Fox Sports by being convicted in multiple embarrassing drunk-driving incidents, including an accident.

Second, Fox Sports engaged in direct religious discrimination against Craig James. Fox Sports announced that not only were they firing Craig James because of his sincerely held religious beliefs by telling the public his religious beliefs about marriage, but also that Fox Sports would not hire or allow anyone to work at Fox Sports who holds religious beliefs similar to Craig James. Mr. James was also personally informed that his religious beliefs were the reason for his termination.

Mr. James has worked in the sports and broadcast industry for thirty years. During that time, Mr. James has always maintained a professional demeanor on the air and in the course of his employment, and he had an impeccable record as a fair and open-minded person regarding social issues both on and off the air. Mr. James has always lived with the goal of measuring folks according to merit and not their beliefs or background. That is why Mr. James hired the very best campaign consultant/advisor he

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could find for his run for United States Senate in Texas, a man who happens to be openly gay.

Mr. James is a man of faith and integrity, which calls him foremost to show love and kindness to all those around him, regardless of whether they share his beliefs. According to his faith, all people have intrinsic value, and all people deserve love and respect—above all, the freedom not to be judged, penalized, or punished for their beliefs. Mr. James' faith that calls upon him to define marriage as between a man and a woman, and he said as much during his campaign for U.S. Senate. He has always been upfront and open about his faith and his deeply caring attitude towards those with whom he works and others with whom he comes in contact. He has been very honest about who he is as a person throughout his life, including when the public wanted to know more about him and his faith as he ran for the U.S. Senate. Mr. James believes very strongly in equal opportunity employment, not passing judgment on others, and having tolerance and respect for the diversity of the broadcast world and this nation as a whole.

Craig James did not seek out employment with Fox Sports Southwest ("FSSW"); rather, FSSW sought Mr. James. Mr. James' beliefs about marriage are not part of sports or sports broadcasting, and Mr. James was not terminated for discussing his personal faith on the air or in his employment capacity.

Eric Shanks, the President and Chief Operating Officer of Fox Sports, testified that Mr. James was not fired based at all upon his performance. (Two Fox Sports executives were deposed as part of a Rule 202 proceeding Mr. James initiated.) Instead, the evidence demonstrates that Mr. James was terminated—as was widely reported—for his religious beliefs.

### **Factual Background**

FSSW general manager Jon Heidtke sought out Craig James for an on-air position at FSSW and then hired James to serve as an on-air college football analyst for Fox Sports Southwest's postgame show, FOX College Saturday, following primetime college football games on Saturdays as well as for segments of FSSW's Big 12 Live wrap-up show. FSSW's Senior Executive Producer Mike Anastassiou announced FSSW's hiring of Craig James on Friday, August 30, 2013, stating, "We're excited to add Craig to the Fox Sports Southwest team. He's a talented broadcaster who I've admired throughout his career. His knowledge of college football and the experience he brings as an analyst will be a tremendous asset to our coverage."

The following evening, Saturday, August 31, Craig James made his first and what would become his only appearance on FSSW. During this appearance, Craig James provided analysis and insight on a college football game. Mr. James did not discuss his religious beliefs or his U.S. Senate campaign during the telecast.

On Monday, September 2, Fox Sports announced that it was terminating Craig James because of his religious beliefs. Referencing comments that Craig James made regarding his religious beliefs during his Senate campaign, a Fox spokesperson said, “We just asked how Craig’s statements would play in our human resources department. He couldn’t say those things here.”

Fox Sports likewise communicated to Mr. James that he had been fired due to his beliefs about marriage.

Craig James believes that he, as a Christian, is called to love everyone regardless of his or her sexual orientation. He simply wants to receive the same tolerance for his religious beliefs that he himself practices towards others.

### **Legal Action**

As a result of Fox’s actions towards Mr. James, Liberty Institute sent Fox Sports a demand letter on September 24, 2013, requesting that Mr. James be reinstated as a college football analyst and noting that Liberty Institute intended to pursue pre-suit depositions if necessary.

Fox Sports refused to reinstate Mr. James, so Liberty Institute instituted a Rule 202 proceeding against Fox Sports to investigate potential claims. The parties agreed that Liberty Institute would be allowed to depose Eric Shanks, President and Chief Operating Officer of Fox Sports, and Jon Heidtke, General Manager of FSSW. The last of those depositions, Jon Heidtke’s, happened on February 17, 2014.

In those depositions, the President and Chief Operating Officer of Fox Sports now claims, for the first time, that Fox’s statements to the media and to Mr. James about his termination were in fact false. However, as emails produced by Fox demonstrate, Mr. James’ termination was directly caused by his beliefs about marriage. Moreover, in almost six months since his termination, no one at Fox Sports has publicly repudiated the reports that Mr. James was terminated on the basis of his religious beliefs about marriage, or said that its statements to that effect were false. No attempt was made to correct the nationally reported fact that Mr. James was fired because of his views on marriage expressed during his Senate campaign.

Furthermore, the President and Chief Operating Officer of Fox Sports testified that Mr. James was the only person that he had ever intervened at a regional network in order to terminate. In fact, the President of Fox Sports could recall intervening in only one other case at a regional network: that of a sportscaster who had multiple driving-under-the-influence charges. Dan McLaughlin, the sportscaster in question, was reportedly so drunk during his prior DUI arrest that he wet himself. A year later, in 2011, he plowed into various signs and a vehicle before lying to the police and claiming he lived a few houses away and could drive, despite having two flat tires and being unable to operate his own door lock.

Dan McLaughlin, unlike Mr. James, was merely suspended from appearing on Fox Sports Midwest; he was not terminated. And the following year, Mr. McLaughlin was reinstated. (Please see the attached news reports documenting Mr. McLaughlin's story, including copies of the police reports.) The President and Chief Operating Officer of Fox Sports testified that the only sportscaster he could remember intervening at a regional network to recommend termination or suspension was Dan McLaughlin; and despite multiple criminal convictions, the sportscaster was reinstated rather than being publicly humiliated and denounced.

As a result of the substantial confirmatory information obtained during the Rule 202 proceeding, Mr. James decided to file this complaint. In support of his complaint, Mr. James is attaching all information obtained during the Rule 202 process. In particular, we are transmitting the following:

- The demand letter Liberty Institute sent to Fox Sports on September 24, 2013.
- A portion of the deposition transcript and non-confidential exhibits from the depositions of Eric Shanks (along with certain other informative documents). We also have video files of the depositions that are informative; however, EEO Intake advised that they do not have capacity to accept and further, would not need video files at this stage. We believe these files would assist any investigation and are happy to transmit them.
- All the non-confidential documents produced by Fox Sports in response to Mr. James' Rule 202 proceeding.
- The protective order from the Rule 202 proceeding governing use of confidential information disclosed in the Rule 202 proceeding.
- News articles detailing the exploits of Dan McLaughlin and his subsequent reinstatement by Fox Sports.

In addition to the material above, Liberty Institute possesses and can transmit to the Texas Workforce Commission the confidential documents produced by Fox Sports as well as the full transcripts and videos from the depositions of Eric Shanks and Jon Heidtke. No reference has been made to the confidential portions of those materials herein, even though the confidential materials further support Mr. James' complaint. If you have any questions about this material or Mr. James' complaint, please contact me at (972) 941-4444; I am happy to provide more detailed information in order to assist your investigation.

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Respectfully submitted,



Jeffrey C. Mateer  
General Counsel

*Counsel for Craig James*

cc: Craig James  
Clyde Siebman  
Charles Bundren