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17 UNITED STATES DISTRICT COURT
18 DISTRICT OF ARIZONA

19 Dr. Matthew Abraham, an individual,
20 Plaintiff,

No. CV-25-00656-TUC-RCC

21 v.

First Amended Complaint

22 Arizona Board Of Regents, for and on
23 behalf of the University of Arizona,
24 Defendant.

25 Plaintiff Dr. Matthew Abraham through the undersigned counsel, hereby files this
26 First Amended Complaint for compensatory damages, declaratory and injunctive relief
27 against Defendant Arizona Board of Regents (“ABOR”), for and on behalf of the
28 University of Arizona (“UA”).

INTRODUCTION

1. This is an action for unlawful retaliation in violation of Title VII of the Civil
Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*



1 **ADMINISTRATIVE EXHAUSTION**

2 9. Abraham timely filed a Charge of Discrimination with the EEOC (No. 540-
3 2022-02125) alleging retaliation for engaging in protected activity.

4 10. The EEOC issued a Determination and Notice of Rights with a right-to-sue-
5 letter dated September 2, 2025. This suit is filed within 90 days of Abraham’s receipt of
6 that letter.

7 11. Abraham’s Title VII claims are within the scope of the EEOC charge and
8 related allegations, including retaliation arising from the same nucleus of facts.

9 **FACTUAL ALLEGATIONS**

10 **Abraham’s Background**

11 12. Abraham is a tenured faculty member at UA and, at all relevant times, was
12 qualified and willing to serve on CAFT and APR.

13 13. UA hired Abraham as a tenured professor in 2013, and Abraham achieved
14 the rank of full professor in 2016.

15 14. Throughout his employment at UA, Abraham has performed his duties
16 competently and successfully, contributing to UA’s scholarship and governance. He has
17 consistently been eligible for professional advancement and leadership opportunities
18 within UA’s governance structure, including service on CAFT and APR.

19 **Protected Activity**

20 15. Beginning in 2017 and continuing through 2022, Abraham made good-faith
21 complaints to UA officials concerning discriminatory hiring and selection practices that,
22 in his view, unlawfully favored candidates based on race and other protected characteristics
23 under Title VII. His complaints included formal internal grievances, public records
24 requests, and written communications to UA leadership opposing such practices.

25 16. Between November 2018 and September 2020, Abraham submitted multiple
26 public records requests under Arizona’s Public Records Law, A.R.S. § 39-121 *et seq.* to
27 obtain documents concerning faculty hiring, leadership appointments, and committee
28 proceedings.



1 17. On September 15, 2020, Abraham, through counsel, served a formal demand
2 letter on UA and ABOR documenting instances of race-based discrimination and practices
3 favoring DEI criteria in ways that adversely affected him in hiring and selection decisions.
4 The letter expressed Abraham's opposition to perceived race-based decision-making and
5 alerted ABOR and UA to Abraham's protected opposition to what he reasonably believed
6 were unlawful practices. *See* Exhibit 1.

7 18. In September 2021, Abraham filed a special action in Pima County Superior
8 Court against ABOR (No. C20214306) to compel compliance with the public records laws
9 regarding hiring and selection records. The trial court eventually denied relief, and the
10 Arizona Court of Appeals, Division Two, affirmed on January 6, 2025, in *Matthew*
11 *Abraham, PhD v. Arizona Board of Regents*, No. 2 CA-CV 2024-0073.

12 19. Thereafter, Abraham continued to be outspoken about his opposition to the
13 use of DEI-preferential criteria and race-based decision-making in hiring, evaluation, and
14 committee selection processes.

15 20. Abraham filed a Charge of Discrimination with the EEOC on August 4,
16 2021, charging UA with race discrimination due to being denied leadership positions in
17 the Department of English on racial grounds, and in favor of lesser qualified persons of
18 different racial classifications than Abraham's. On August 12, 2021, the EEOC notified
19 UA of Abraham's Title VII charge (No. 540-2021-03104), and later treated the charge as
20 unperfected.

21 21. Abraham filed a subsequent Title VII Charge of Discrimination with the
22 EEOC on March 1, 2022 (No. 540-2022-02125), alleging retaliation by UA officials for
23 engaging in protected activities. Specifically, Abraham alleged that he was retaliated
24 against when he was excluded from serving on CAFT and APR because he engaged in
25 protected activity. *See* Exhibit 2. The EEOC issued a Determination and Notice of Rights
26 on September 2, 2025. *See* Exhibit 3.



1 22. Abraham’s efforts—internal complaints, counsel’s demand letter, public
2 records litigation, and EEOC charges—constitute protected opposition and participation
3 activity under Title VII and the First Amendment.

4 **Governance Structure and Applicable Policies**

5 23. ABOR Policy 6-201 and UA’s faculty governance instruments—including
6 the University Handbook for Appointed Personnel (“UHAP”), the English Department
7 Constitution (Fall 2021), Faculty Constitution and Bylaws (July 2020), and the Nominating
8 Committee processes—govern faculty service on CAFT and APR.

9 24. As applied, these governance policies and processes gave UA discretion to
10 consider eligibility criteria when proposing nominees. UA officials leveraged and
11 manipulated these provisions to exclude Abraham from leadership opportunities on
12 pretextual grounds.

13 **Adverse Employment Actions: Exclusion from CAFT**

14 25. CAFT is a high-profile faculty governance body at UA charged with hearing
15 and evaluating disputes implicating academic freedom, tenure, and related faculty rights.
16 CAFT handles high stakes employment decisions, including faculty dismissals and tenure
17 decisions. Service on CAFT is widely regarded as a prestigious and influential assignment
18 that materially enhances a faculty member’s standing, visibility, and prospects for future
19 leadership roles within UA.

20 26. After UA became aware of Abraham’s protected activities and complaints on
21 or around October 5, 2021, UA officials excluded him from consideration for CAFT,
22 constituting overt and materially adverse actions under Title VII.

23 27. Shortly after, and in the midst of, Abraham’s protected activities and
24 complaints, UA officials involved in the faculty nominating and selection process adopted
25 and implemented practices designed to label and exclude “problematic” faculty members
26 from CAFT—those who had previously filed grievances, challenged administrative
27 practices, or otherwise engaged in protected conduct—from eligibility or consideration for
28 grievance-related committees.



1 28. On October 5, 2021, Nominating Committee member Dr. Katharine Zeiders
2 (“Zeiders”) reported that Jane Cherry (“Cherry”), Senior Program Coordinator at UA’s
3 Faculty Center, identified certain faculty as ineligible based on being “impartial faculty”
4 with “hidden agendas,” described such faculty as “problems for the university,” and stated
5 they were “not easy to work with”—criteria unrelated to any published eligibility rule and
6 consistent with excluding faculty who had filed grievances or challenged UA practices.

7 29. On October 5, 2021, Zeiders documented that Cherry had marked Abraham
8 and others as “ineligible” for CAFT, not due to bylaws or rank, but due to Cherry’s personal
9 experience, rumors that they were “problematic,” and a concern that Abraham “may have a
10 CAFT case”—referencing protected grievance activity as a basis to disqualify.

11 30. On January 24, 2022, Cherry wrote to members of the Nominating Committee
12 that Faculty Center staff “have always guided the [Nominating Committee] with the
13 selection process based on confidential information that the office has been privy to,” and
14 that “not all faculty are deemed appropriate,” citing “facts about certain candidates’ past
15 dealings with committees, the Office of General Counsel, and Faculty Senate.”

16 31. In a presentation to the Nominating Committee, Cherry indicated the faculty
17 members she deemed “problematic”—including Abraham—by highlighting their names in
18 red.

19 32. UA applied extra-statutory, subjective filters—such as whether a candidate
20 had filed grievances, challenged administrative decisions, or been involved with the Office
21 of General Counsel—to pre-screen, target, and disqualify candidates for CAFT.

22 33. UA’s bylaws and eligibility criteria for CAFT and other grievance
23 committees do not prohibit service by faculty members who have filed grievances or
24 participated in protected activity. Nevertheless, UA used protected grievance-related
25 activity as a *de facto* disqualifier for committee consideration.

26 34. In 2022, when Abraham was proposed for CAFT consideration, UA officials
27 declared him ineligible for supposedly having a “conflict of interest” due to his pending
28 grievances, in the exercise of protected activities.



1 35. UA asserted before the EEOC, among other things, that Abraham’s “pending
2 grievance” created a “conflict of interest” rendering him ineligible for CAFT.

3 36. UA’s internal communications reveal that CAFT disqualifications were
4 driven by disfavor of so-called “problematic” faculty members and those with “past
5 dealings” with the Office of General Counsel or committees.

6 37. UA’s use of a “pending grievance/conflict of interest” basis to exclude
7 Abraham was not grounded in any neutral, consistently applied rule. It was selectively
8 invoked in response to protected activity, including Abraham’s internal discrimination
9 complaints regarding his opposition to DEI-based selection practices.

10 38. In addition to the pretextual “conflict of interest” justification, UA later
11 proffered an ostensibly neutral rule excluding “degree-seeking” faculty members from
12 service or leadership positions on CAFT.

13 39. Abraham was also pursuing a Juris Doctor degree at the University of
14 Arizona’s James E. Rogers College of Law at the time of his exclusion from CAFT.

15 40. UA’s invocation of a degree-seeking restriction is pretextual and inconsistent
16 with prior practice, as numerous faculty members who were enrolled in degree programs
17 were permitted to serve in comparable or identical committees during the same period.

18 41. UA selectively and retaliatorily applied the degree-seeking exclusion to
19 Abraham after he engaged in protected activities, such as filing internal grievances,
20 sending a demand letter through counsel, and initiating a public records lawsuit.

21 42. At no point prior to Abraham’s protected activity did UA treat his scholarly
22 degree enrollment as disqualifying for leadership or service.

23 43. UA’s pre-screening, red-flagging, and disqualification of Abraham tainted
24 UA’s Nominating Committee process and constituted adverse employment actions that
25 would dissuade a reasonable employee from engaging in protected activity.

26 44. UA’s explanations—citing alleged conflicts of interests arising from
27 Abraham’s protected activity and ineligibility for pursuing a law degree—are designed to
28 mask retaliation for his protected speech and activity.



1 45. The exclusion from CAFT materially impacted Abraham’s university service
2 opportunities, visibility, influence in faculty governance, and leadership opportunities.

3 46. In response to Abraham’s protected activities, the Faculty Senate Chair
4 requested that the Committee of Eleven, a standing faculty governance body, conduct an
5 independent investigation into the CAFT selection process.

6 47. In January 2023, the Committee of Eleven issued a written report finding a
7 series of irregularities that unchecked will continue to allow, inappropriate interventions
8 from a number of sources against an eligible faculty member’s right to participate fully in
9 elections to CAFT. The report concluded that non-elected staff had improperly influenced
10 which faculty were treated as eligible for CAFT, and that these interventions were not
11 grounded in any published criteria.

12 48. The Committee of Eleven’s report determined that the practice of using
13 undisclosed criteria, including labeling certain faculty members as “problematic” or as
14 having “hidden agendas,” to screen them out of CAFT consideration was inappropriate and
15 inconsistent with Faculty Bylaws. The report further found that there is no provision in the
16 applicable governing documents rendering a faculty member categorically ineligible to
17 serve on CAFT by virtue of having filed a grievance or having matters pending before
18 faculty committees.

19 49. In light of the Committee of Eleven’s findings, the CAFT selection process
20 was reformed whereby Abraham was allowed to run for a position on CAFT. Abraham
21 began serving a three-year term on CAFT on July 1, 2024, after being elected.

22 50. In August 2025, however, UA removed Abraham from CAFT. UA’s
23 purported and pretextual reason for the removal was that Abraham had been recommended
24 for dismissal from employment by his Dean and the Provost on August 20, 2025, mainly
25 because Abraham held concurrent employment at the Arizona Attorney General’s Office.

26 51. The true reason for Abraham’s removal from CAFT in August 2025 was his
27 history of protected activity, including EEOC charges, internal grievances about
28



1 discriminatory and retaliatory practices in faculty hiring and committee selection, and his
2 public records litigation.

3 52. The sequence of events—Abraham’s repeated protected activity, the
4 Committee of Eleven’s findings, his subsequent election to CAFT when the selection
5 process was corrected, and then his sudden ouster from CAFT in August 2025 on a thin
6 concurrent employment rationale—demonstrates that UA’s purported justification was
7 pretextual and that Abraham was again targeted and excluded from CAFT in retaliation for
8 his opposition to UA’s DEI/race-based hiring and selection policies.

9 **Adverse Employment Actions: Exclusion from APR**

10 53. APR is an English Department faculty governance body at UA that reviews
11 annual faculty performance and provides rankings for faculty members in the areas of
12 teaching, research, and service. Service on APR is an important professional opportunity
13 that enhances a faculty member’s standing, visibility, and prospects for future leadership
14 roles.

15 54. From 2015 through 2018, Abraham successfully served on APR. During his
16 APR service, Abraham performed his duties competently and without any findings of bias,
17 misconduct, or conflict of interest. His prior appointment confirms that he met all stated
18 eligibility requirements and that UA considered him a suitable APR member.

19 55. After Abraham began raising formal concerns about race and DEI-based
20 practices, UA faculty declined to return Abraham to APR, effectively excluding him from
21 further service.

22 56. In March 2022, the English department chair nominated Abraham to serve
23 on APR. In what was expected to be a pro-forma vote ratifying the chair’s nomination, the
24 department council instead voted against Abraham 7-4. At the time of the election, the
25 APR was understaffed, and the department had a difficult time filling positions.

26 57. At the time UA declined to elect Abraham to APR service, UA
27 decisionmakers were aware that Abraham had filed internal grievances, served the
28 September 15, 2020 demand letter through counsel alleging race discrimination, filed and



1 pursued a public records special action against ABOR in September 2021, and initiated
2 EEOC litigation.

3 58. Like his exclusion from CAFT, Abraham’s exclusion from APR was based
4 on his past protected activities which were known to the department council voters at the
5 time.

6 59. Faculty members who had not filed grievances or publicly challenged UA’s
7 DEI practices were not prevented from serving on APR.

8 60. Any purported neutral rationale for declining Abraham’s election to APR
9 service—such as alleged “degree-seeking” ineligibility or generalized neutrality
10 concerns—was not contained in a consistently enforced policy and had not been applied to
11 bar his initial APR appointment or his prior APR service. Those rationales emerged only
12 after Abraham engaged in protected activity.

13 61. Termination of APR service caused Abraham concrete professional harm,
14 including loss of an ongoing leadership and service role, reduced influence over
15 performance evaluations for Abraham’s peers, and loss of service/leadership credit
16 important for evaluation and professional advancement.

17 **Knowledge and Timing**

18 62. The exclusion from CAFT and APR occurred after UA had actual knowledge
19 of Abraham’s protected activities. Namely, Abraham’s public records requests, internal
20 grievances, demand letter, and special action lawsuit.

21 63. As a direct and proximate result of UA’s unlawful retaliation, Abraham
22 suffered lost professional opportunities, reputational injury, and emotional distress, and he
23 will continue to suffer such harms absent relief.

24 64. Venue and jurisdiction are proper because the events giving rise to these
25 claims occurred in this District, and UA is located and does business here.

26

27

28



CAUSES OF ACTION

COUNT I

**Retaliation in Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §
2000e-3(a)**

65. Abraham realleges and incorporates by reference paragraphs above as though fully set forth herein.

66. Title VII prohibits an employer from retaliating against an employee because the employee has opposed any practice made unlawful by Title VII or has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VII.

67. Abraham engaged in protected activity under Title VII, including:

a. Opposing what he reasonably and in good faith believed to be racially discriminatory hiring and selection practices tied to DEI criteria, through internal grievances and communications to UA officials;

b. Filing a public records special action against ABOR, resulting in a January 6, 2025, appellate affirmance by the Arizona Court of Appeals, Division Two (2 CA-CV 2024-0073), to obtain records concerning the challenged hiring processes;

c. Serving a demand letter on September 15, 2020, through counsel, challenging race/DEI discriminatory practices and pressing public records requests concerning hiring;

d. Filing a Charge of Discrimination against UA on August 4, 2021, with the EEOC alleging race discrimination, for being denied leadership positions in the Department of English on racial grounds in favor of lesser qualified persons of different racial backgrounds than Abraham's; and

e. Filing a Charge of Discrimination with the EEOC on March 1, 2022 alleging retaliation by UA for engaging in protected activity, which resulted in a Determination and Notice of Rights on September 2, 2025.



1 68. UA took materially adverse actions against Abraham, in violation of his
2 constitutional rights, that would dissuade a reasonable employee from making or
3 supporting a charge of discrimination, including but not limited to:

4 a. Pre-screening, red-flagging, and declaring Abraham “ineligible” for CAFT
5 under a purported and pretextual “conflict of interest” based on his protected activity;

6 b. Excluding Abraham from consideration for service on CAFT and APR;

7 c. Tainting the nominating and selection process through staff-driven
8 gatekeeping and disqualifications based on Abraham’s protected activity and perceived
9 opposition to UA’s practices; and

10 d. Removing Abraham from CAFT in August 2025, invoking a purported
11 concurrent employment issue as a pretext, when in reality the decision was motivated by
12 his protected activity.

13 69. UA knew of Abraham’s protected activity when it took these adverse actions.

14 70. Abraham’s protected activity was a but-for cause of the adverse actions.

15 71. By the acts and omissions described above, UA retaliated against Abraham
16 in violation of Title VII.

17 72. As a direct and proximate result, Abraham suffered and continues to suffer
18 lost professional opportunities, reputational harm within faculty governance, emotional
19 distress, and other compensable damages.

20 73. Abraham seeks all remedies available under Title VII, including injunctive
21 and declaratory relief, compensatory damages, attorneys’ fees and costs, and such other
22 and further relief as the Court deems just and proper.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff respectfully requests that this Court enter judgment on their
25 behalf as follows:

26 A. Entering a declaratory judgment declaring UA violated Title VII’s anti-
27 retaliation provisions by retaliating against Abraham for engaging in protected activity;



1 B. Enjoining UA from using, referencing, or relying on Abraham’s protected
2 activity (including internal grievances, public records requests or litigation, and EEOC
3 charges) as a basis to deem him conflicted, ineligible, or otherwise disfavored for any
4 position, committee, or leadership opportunity;

5 C. Requiring UA to implement neutral, and non-retaliatory criteria for selection
6 to CAFT, APR, and other leadership roles, and to publish those criteria in applicable
7 governance documents;

8 D. Requiring UA to provide training to officials and nominating bodies
9 regarding Title VII retaliation and to revise policies/processes that treat protected activities
10 as conflicts of interest;

11 E. Ordering UA to expunge any records labeling Abraham as conflicted,
12 “problematic” or ineligible due to his grievances, public records litigation or EEOC
13 activity, and to notify decisionmakers and nominating bodies of the expungement;

14 F. Ordering UA to consider Abraham for CAFT, APR, and comparable
15 leadership/service positions under lawful, neutral criteria without regard to his protected
16 activities, and to conduct such processes under Court supervision for a defined period;

17 G. Awarding Abraham compensatory damages for emotional distress,
18 reputational harm, loss of professional standing, and other non-pecuniary injuries caused
19 by UA’s unlawful conduct, plus applicable interest;

20 H. Awarding Abraham his costs and reasonable attorneys’ fees pursuant to the
21 Enforcement Provisions of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(k);

22 I. Awarding any such other additional relief as the Court may deem just and
23 proper.

24
25 DATED this 23rd day of January, 2026.
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