

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

RAEDA HAMRA

Plaintiff,

v.

MIDDLE EAST BROADCASTING
NETWORKS, INC.
7600 Boston Blvd
Springfield, Virginia 22153,

Defendant.

Case No.: 1:20-cv-485

COMPLAINT

1. Plaintiff Raeda Hamra brings this complaint for monetary and equitable relief, through counsel, against Defendant Middle East Broadcasting Networks, Inc. (“MBN”), for employment discrimination on the basis of religion in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*

JURISDICTION & VENUE

2. This Court has jurisdiction and venue over this action pursuant to 42 U.S.C. § 2000e-5(f)(3).

ADMINISTRATIVE EXHAUSTION

3. Ms. Hamra filed a timely EEOC charge of discrimination addressing these claims on March 19, 2019 and she received a Notice of Right to Bring Suit on February 6, 2019, though it is stamped by the EEOC with the date January 30, 2020.

PARTIES



Raeda Hamra

4. Broadcast Journalist Raeda Hamra is a resident of Springfield, VA.
5. Ms. Hamra, like many of MBN's employees and audience members, follows the Islamic faith, and she wears a head scarf, or hijab, because she believes that it is required by her religious faith.
6. Ms. Hamra began working for MBN on August 6, 2015.
7. She applied for multiple on-camera positions, beginning in 2018, and Defendant denied her opportunities to compete for, and be promoted into, such positions because of her hijab.
8. She is currently a radio broadcaster for Radio Sawa.

9. Ms. Hamra is also a seasoned journalist with years of experience reporting the news on television and radio.

10. Her first position as a journalist began in 2006, when she began working for Al Arab Al Yawm.

11. She has worked as an on-air news anchor and reporter for Misk Satellite Channel, Al-Mashriq Satellite Channel, and Al-Babalyia News Channel.

12. In 2009 she earned a Bachelor of Science degree in Media & Communications with a minor in Political Science from Yarmouk University in Irbid, Jordan.

13. In 2014 she completed her Master of Science degree in New Media from the Jordan Media Institute.

14. She also worked as the head of Ro'ya Satellite Channel's Investigations Unit from 2011 through 2013 and taught investigative journalism for the Ather Training Company in Jordan.

15. Additionally, while at Radio Sawa, Ms. Hamra has served as on-screen talent in multiple social media-based video shorts.

Middle East Broadcasting Networks

16. Defendant MBN is a Virginia Nonstock Corporation with a principal office address within this judicial district, at 7600 Boston Boulevard, Springfield, Virginia 22153. Defendant.

17. Further, MBN is a non-profit organization financed through a grant from the Broadcasting Board of Governors.

18. It operates Alhurra, a United-States-based public Arabic-language satellite TV channel that broadcasts news and current affairs programming to audiences in the Middle East and North Africa.

19. MBN also operates Radio Sawa, a 24-hour 7-day-a-week Arabic language radio station broadcasting in the Arab world.

20. All told, MBN employs some 750 employees around the globe.

FACTS

I. AS NART BOURAN ARRIVED TO EXECUTE ALHURRA’S RELAUNCH, MS. HAMRA BEGAN SEEKING ON-CAMERA POSITIONS BUT WAS MET WITH MANAGEMENT’S REQUEST THE SHE REMOVE HER HIJAB.

21. In April 2018, now-former Senior Vice President (“SVP”) Nart Bouran—formerly CEO of Sky News Arabia—joined MBN, in part, to lead a transition and relaunch of MBN’s properties, including Alhurra channel.

22. As news of this relaunch spread, Ms. Hamra realized that her position at Radio Sawa might disappear, and she decided to try to get back into on-camera work, hopefully with MBN, as she was forced by MBN’s plans to reevaluate her career.

23. So, Ms. Hamra spent the bulk of 2018 trying to secure a TV Anchor or other on-camera position with MBN, as described herein.

24. And as Ms. Hamra continued her efforts to achieve an on-camera position with MBN, she experienced increasing pushback and dishonesty from MBN's management, on account of her hijab not being good for Alhurra's "image."

25. At the same time, she experienced an increasing number of comments from colleagues, MBN management, and others with knowledge of MBN's internal decision-making about her religious head covering in the context of her search for an on-camera position.

26. As described further herein, some of these comments were made by members of MBN management who were in a position to know why MBN was not allowing Ms. Hamra to advance to an on-camera position.

27. As described further herein, those same comments were explicitly about MBN's unwillingness to advance Ms. Hamra to an on-television position because of Ms. Hamra's head scarf.

28. Ms. Hamra has heard from many MBN colleagues that, despite the many hijab-wearing Muslim women that work for MBN, MBN has not employed any female Muslim women that wear a headscarf in a TV News Anchor position for a long time.

29. This 'statistic' often gets recited in the workplace in varying ways, and Ms. Hamra cannot say with certainty how long it has actually been since, for example, Alhurra has employed a hijab-wearing Muslim woman in a long-term on-camera position.

30. Nevertheless, this is the context of Ms. Hamra's employment relationship as the facts described below unfolded.

a. SVP Bouran's Prior Colleague Tells Ms. Hamra That Bouran Would Never Let Ms. Hamra On Camera While Wearing Her Hijab.

31. On or about March 10, 2018, Ms. Hamra first heard it said that she, specifically, might face trouble securing an on-camera position at MBN because of her hijab.

32. In a meeting with Arar Al-Sharie at the offices of Almamlaka News Channel in Amman, Jordan, Mr. Al-Sharie, a purported friend of SVP Bouran, offered Ms. Hamra a job with Almamlaka channel.

33. Ms. Hamra declined, citing her interest in becoming, once more, a television anchor with MBN.

34. Then, Mr. Al-Sharie told Ms. Hamra that, based on his experience working with soon-to-arrive SVP Bouran during Bouran's time at Sky News Arabia in Abu Dhabi, he knew SVP Bouran would not permit Ms. Hamra to work in an on-camera anchor position because of her hijab.

35. In fact, Mr. Al-Sharie told Ms. Hamra that SVP Bouran would "never" allow Ms. Hamra to work as a TV News Anchor while wearing a hijab.

b. *Elie Youssef Tells Ms. Hamra of the Upcoming Anchor Positions but Warns Hamra About Her Hijab.*

36. Then, around the beginning of April 2018, Ms. Hamra first learned from then-Producer Elie Youssef about specific potential openings for new on-television personalities.

37. Mr. Youssef told Ms. Hamra that SVP Bouran would be looking for TV Anchors soon and suggested that she should go introduce herself and express interest in one.

38. But Mr. Youssef also cautioned Ms. Hamra.

39. He told her that perhaps her hijab might be a problem for SVP Bouran.

40. Nevertheless, Mr. Youssef suggested that Ms. Hamra go meet SVP Bouran and show him how professional and “pretty” she was.

41. A week or two later, Ms. Hamra went to visit Mr. Bouran in his office.

42. There, Ms. Hamra introduced herself, and the two spoke briefly about Ms. Hamra’s experience on- and off-camera, as well as Ms. Hamra’s desire to find a TV Anchor or other on-camera position.

43. On that day, SVP Bouran suggested that Ms. Hamra could apply for some new openings that he anticipated, including, specifically, an off-camera news writer position for Alhurra.

44. Ms. Hamra was grateful but explained that she was primarily interested in getting back into on-camera work, saying that she would be excited to be a part of Alhurra's then-pending transformation and relaunch.

45. SVP Bouran told her that it was nice to meet her, and then he ended the conversation.

c. Hassan Shweiki Asks Ms. Hamra To Remove Her Hijab When She Asks Him About Anchoring On-Camera.

46. A few days after Ms. Hamra met with SVP Bouran—on or about April 15, 2018—she met with Executive Producer Hassan Shweiki in his office.

47. Ms. Hamra mentioned that Mr. Yousef had shared that SVP Bouran was looking for new faces to be TV news anchors.

48. EP Shweiki looked at her and asked, “Raeda are you willing to take off your hijab?”

49. In that moment, Ms. Hamra recalls being struck by what Mr. Al-Sharie had told her a month before: SVP Bouran will never allow you on camera while you wear your hijab.

50. Ms. Hamra replied, “Do I have to take off my hijab to be a TV anchor?”

51. EP Shweiki replied, “I am just asking.”

52. Then, he told Ms. Hamra that “Nart” did not want “local candidates.”

53. Ms. Hamra asked him what he meant, and he said that SVP Bouran was looking for someone from outside of MBN.

54. Ms. Hamra perceived, in that moment, that EP Shweiki had lied to her when he said he was “just asking” about Ms. Hamra’s willingness to remove her hijab and when he claimed that Mr. Bouran was only seeking local candidates.

II. MBN ANNOUNCES OPEN ON-CAMERA ANCHOR POSITIONS AND MS. HAMRA APPLIES.

55. In mid-May 2018, Ms. Hamra saw an announcement for a TV Anchor position on the website for MBN’s Alhurra channel.

56. According to the job description, the TV Anchor positions required between three and five years of on-camera news anchoring experience, which Ms. Hamra possesses, though earlier resumes she’d submitted to MBN do not highlight that fact.

57. Ms. Hamra applied for the anchor job, uploading a new resume highlighting her on-air television experience, but experienced difficulties with MBN’s electronic computer system for accepting applications.

58. Because she’d experienced technical difficulties with MBN’s electronic application system, Ms. Hamra spoke with HR Manager (“HRM”) Amna Gabr.

59. Ms. Hamra wanted help resolving technical difficulties she was experiencing with MBN’s system, but HRM Gabr instead treated Ms. Hamra unprofessionally and

unpleasantly for having sent an email to HR Director (“HRD”) Myrna Ganley, directing Ms. Hamra to write an apology to HRD Ganley.

60. But Ms. Hamra’s primary concern was that she had designed the resume on file with MBN to help her secure a radio broadcasting position with Radio Sawa, thus it did not highlight her on-camera experience.

61. Now, applying for a TV Anchor position, Ms. Hamra hoped to update her resume to better suit her desired position.

62. Owing to HRM Gabr’s redirection of the meeting’s purpose, Ms. Hamra left that meeting intimidated and unsure whether MBN had a copy of her new resume on file.

63. But Ms. Hamra also emailed a copy of

III. AT ABDALRAHIM ABDALLAH’S SUGGESTION, MS. HAMRA PURSUES ON-CAMERA POSITIONS WITH THAIR SOUKAR, WHO EXPRESSES INTEREST IN WORKING WITH HER.

64. On or around May 1, 2018—a couple weeks after EP Shweiki asked Ms. Hamra to take off her hijab and shortly before Ms. Hamra applied for an Anchor position—Senior Assignment Editor (“SAE”) Abdalrahim Abdallah spoke with Ms. Hamra in Alhurra’s digital newsroom.

65. According to SAE Abdallah, he had recently spoken with SVP Bouran, and Abdallah said that SVP Bouran wanted Alhurra’s social media department to begin producing more video packages.

66. Ms. Hamra had already produced a number of social media video packages, where she was able to work on camera and produce high quality, engaging content.

67. She enjoyed that work, and one of her videos was viewed over 3 million times.

68. She preferred a TV Anchor position, but she could also see the opportunity to advance her career doing on-camera work in the Digital and Social Media office. She was interested.

69. Next, SAE Abdallah told Ms. Hamra that he (Abdallah) would soon leave MBN's digital and social media efforts.

70. He then suggested that when Alhurra's new Director of Digital Content ("DDC") Thair Soukar arrived, Ms. Hamra should introduce herself, and show DDC Soukar her prior video shorts.

71. During June and August of 2018, Ms. Hamra worked to pursue an on-camera position working for DDC Soukar.

72. On June 18, 2018, at about 9:00 am, Ms. Hamra introduced herself to DDC Soukar in his office.

73. She told him that she was interested in working in his department as a digital or social media presenter, citing her experience doing social media videos, she also told him that she would send him links to her prior videos working in social media.

74. In that meeting, DDC Soukar was welcoming, interested in seeing her videos, and Ms. Hamra left his office feeling excited and positive about her chances to secure an on-camera position.

75. She followed up by email that day, sending DDC Soukar four links.

76. A few minutes later, DDC Soukar wrote back, saying, “Thanks a lot for passing by & for sending across the links. The samples you’ve shared with me are in line with what we are planning to do. So stay tuned, we’ll definitely work together soon.”

77. That email made Ms. Hamra feel even more like DDC Soukar was likely to hire her.

78. She wrote back, telling Soukar she was “ready for the next step.”

79. Two days later, on June 20, 2018, Ms. Hamra was speaking with Anchor Answer Tourjman in Tourjman’s office.

80. DDC Soukar came up to both of them and asked to speak with Ms. Hamra in his office.

81. Ms. Hamra then met Soukar in Soukar’s office, and Soukar asked her if she would put together some ideas for social media reports to present for his department.

82. Ms. Hamra was happy to do so, and told him as much, promising to get him some ideas the next week.

83. The next Monday, Ms. Hamra delivered to DDC Soukar a Microsoft word document that listed four proposals for some short videos.

84. As described in Part V below, Ms. Hamra and DDC Soukar would speak again about one month later and start to prepare for a pilot which would never happen.

IV. BOURAN STARTS RECORDING PILOTS WITH HAND-PICKED ANCHOR CANDIDATES, THEN BOURAN AND HR STAFF LIE TO HAMRA ABOUT OPEN POSITIONS.

85. On or around August 12, 2018, Assignment Editor (“AE”) Jana Elhassan told Ms. Hamra that two other colleagues, then-Producer Joseph Khawly and then-Writer Maysaa Alamoudi, were filming pilots for the Anchor position Ms. Hamra was seeking.

86. In fact, those pilots were recorded in Studio C, which is next to Ms. Hamra’s desk.

87. According to AE Elhassan, SVP Bouran had hand-picked those two individuals to create pilots and it looked likely that Mr. Khawly would be offered an Anchor position.

88. AE Elhassan encouraged Ms. Hamra to approach SVP Bouran directly to ask for an opportunity to compete for the job.

¹ Ms. Alamoudi does not wear a hijab.

a. Hamra Approaches Bouran Directly About an Anchor Position.

89. On August 15, 2018, Ms. Hamra approached SVP Bouran in SVP Bouran's office.

90. Ms. Hamra expressed interest in on-air television positions to SVP Bouran, and SVP Bouran asked Ms. Hamra why she wanted an anchor position.

91. Ms. Hamra replied that she already had experience working as a television anchor, and that she knew she could represent MBN well in that role as she had as a news anchor for Radio Sawa.

92. SVP Bouran smiled, told Ms. Hamra that he was tired then but would think on her request and speak with her later, and their brief conversation ended with Ms. Hamra promising to follow up in a week's time.

b. John Saleh Tells Ms. Hamra that Others Were Recording Pilots, but MBN Would Never Allow Her to Do So While She Wore a Hijab.

93. Then, on August 18, 2018, Production Assistant ("PA") John Saleh spoke to Ms. Hamra in the Alhurra newsroom.

94. He told her that he'd been a guest in a pilot recorded by Mr. Khawly in Studio C.

95. He continued, telling Ms. Hamra that Khawly, Alamoudi, and others had been recording pilots for over a week.

96. Ms. Hamra told PA Saleh about her brief meeting with SVP Bouran three days before.

97. PA Saleh then told Ms. Hamra that SVP Bouran would never allow her to record a pilot because of her hijab and that MBN would not allow a woman wearing a hijab on-camera.

98. In that moment, Ms. Hamra felt even more frustration than she had, as it seemed that everywhere she turned, colleagues mentioned her hijab as an impediment to her career.

99. She felt like the target of discrimination, and she wondered what had happened to the concept of equal employment opportunity.

100. PA Saleh then told Ms. Hamra that he would be speaking with MBN President Alberto Fernandez in the next week, and that he would raise Ms. Hamra's name, asking her to send her resume to him with pictures, which he mentioned that he would share with President Fernandez.

101. Maybe, PA Saleh said, President Fernandez might allow her to compete for one of the Anchor positions.

c. Soukar asks Ms. Hamra to Record a Pilot for an On-Camera Social Media Job.

102. About a month after Ms. Hamra had shared social media video short ideas with DDC Soukar—on or about August 20, 2018—Ms. Hamra approached him in his office to ask what he had thought of the ideas.

103. He told her that he liked all of the ideas, then asked her to select one to record as a pilot.

104. Hamra thanked Soukar for the opportunity and promised to send him her best idea shortly.

105. As Ms. Hamra left DDC Soukar's office, she saw SVP Bouran, whose office is adjacent, leave his office to speak with Soukar.

106. While Ms. Hamra was still hopeful that she could find a position at MBN on camera while wearing a hijab, she was concerned, because of her prior experience, that SVP Bouran would prevent Soukar from letting her record a pilot.

107. The next day, Ms. Hamra sent Soukar her proposal for the pilot via email.

d. Bouran Lies to Hamra Twice, First Telling Her That MBN Was Recording No Pilots, Then Telling Her That Only HR Had the Power to Offer a Pilot to Hamra.

108. On August 21, 2018, Ms. Hamra approached SVP Bouran again in his office.

109. This time, Ms. Hamra told SVP Bouran that she would be grateful for the opportunity to film a pilot for the open Alhurra anchor position.

110. SVP Bouran told Ms. Hamra that MBN was not filming pilots as part of a hiring process for new on-air television anchor positions with Alhurra.

111. That statement surprised Ms. Hamra, and appears to be wholly false, given that Ms. Hamra already knew about the pilots recorded for Mr. Khawly and Ms. Alamoudi.

112. Ms. Hamra knew PA Saleh had participated as a guest for Mr. Khawly's pilot.

113. Further, the pilots were recorded in the month of August in Studio C, beside Ms. Hamra's desk.

114. Ms. Hamra replied, telling SVP Bouran that the recording for the pilots had occurred in Studio C, right next to her office.

115. She told SVP Bouran that she wasn't asking to be hired, *per se*, but she was asking for the opportunity to compete with the other candidates.

116. A week prior to this conversation, SVP Bouran had promised to think on Ms. Hamra's request.

117. This time, however, he told Ms. Hamra that only the Human Relations Department ("HR") could offer Ms. Hamra the opportunity to record a pilot.

118. Ms. Hamra told SVP Bouran that, because there appeared to be no official job announcement, HR would just ask her to wait for an official announcement.

119. At the same time, she said, her colleagues were given the opportunity to record pilots already. Bouran then told her: just go talk to HR.

120. In that moment, Ms. Hamra knew that she was being lied to.

121. It hurt, and she became more convinced than ever that she was being excluded from on-camera work because of her hijab.

e. Ms. Hamra Immediately Heads to HR to Talk about a Pilot, and there she finds that Bouran Arrived Before Her.

122. After hearing SVP Bouran's claim that Ms. Hamra would need to speak with HR, Ms. Hamra resolved to do so quickly.

123. Just a handful of minutes after speaking to Bouran, Ms. Hamra went straight to HR.

124. Once there, she had to wait to speak with HR Manager Merit Ghebrial.

125. Surprisingly, however, Ms. Hamra would learn that she was waiting because SVP Bouran, following his meeting with Ms. Hamra, had himself rushed to speak with Ms. Ghebrial and HR Director Myrna Ganley.

126. Ms. Hamra saw Bouran meeting with Ms. Ganley and Ms. Ghebrial as she waited.

127. Seeing SVP Bouran there, right after he'd told Ms. Hamra to speak to HR, was painful for Ms. Hamra.

128. She felt as if Bouran was doing all he could to prevent her from getting an on-camera position because of her hijab.

129. She anticipated that there, in Director Ganley's office, Bouran was telling Ganley and Ghebrial not to allow her to record a pilot.

f. Ghebrial Falsely Tells Ms. Hamra That Applicants are Not Recording Pilots for Anchor Positions and Ms. Hamra Confronts Her with Contradictory Facts.

130. Minutes later, Ms. Ghebrial (but not Ms. Ganley) met with Ms. Hamra, and in that meeting, Ms. Hamra told Ms. Ghebrial that she'd been referred to HR by SVP Bouran, and that she hoped for the opportunity to record a pilot and compete for an on-television position.

131. Ms. Ghebrial told Ms. Hamra, falsely, that there were no such opportunities available.

132. Again, Ms. Hamra knew this statement to be a lie, and all the lying, from multiple members of management, convinced her even more that she was subject to discrimination on account of her hijab.

133. Recall that, by this time, Arar Al-Sharie, Elie Youssef, Hassan Shweiki, and John Saleh had all warned Ms. Hamra that her hijab was the reason that Bouran would not allow her on camera.

134. Ms. Hamra related to Ms. Ghebrial that Mr. Khawly and Ms. Alamoudi had recorded pilots in studio C.

135. Ms. Ghebrial then told Ms. Hamra that she would check with Ms. Ganley and follow up with Ms. Hamra.

V. SOUKAR AND HAMRA AGREE TO RECORD A PILOT, THEN SOUKAR GOES QUIET BEFORE IGNORING HAMRA IN THE CAFETERIA.

136. Two days later, on August 23, 2018, Soukar emailed Ms. Hamra about the proposal she'd sent to him on August 21 and said, "The idea is great. Thanks. Let's plan on doing it. Please come by whenever you can."

137. That day, Ms. Hamra was in North Carolina with family, so she wrote back and let Soukar know that she would follow up with him.

138. Soukar wrote back and said, "Enjoy. See you next week."

139. In that moment, Ms. Hamra felt better, believing that she would finally have an opportunity to record a pilot in pursuit of on-camera work.

140. On August 30, 2018, Ms. Hamra emailed DDC Soukar again with some edits of the text in her proposal.

141. In that email she wrote, "For sure, I am ready to shoot this video during my workdays from Sunday to Thursday."

142. DDC Soukar never responded.

143. On September 3, 2018, Ms. Hamra saw DDC Soukar in the cafeteria. He was getting coffee. Ms. Hamra said hello.

144. DDC Soukar then, in front of others, ignored her, saying nothing.

145. He did not even respond as Hamra greeted him.

146. Ms. Hamra felt humiliated.

147. In that moment, she felt that it was obvious that Bouran, or someone else at MBN, had told Soukar not to allow Ms. Hamra on camera because of her hijab.

148. She could find no other explanation for the fact that, there in the cafeteria, just days after agreeing to record a pilot for Ms. Hamra, he simply ignored her in front of her colleagues.

VI. MS. HAMRA CONTINUES AN UNPRODUCTIVE DIALOGUE WITH HR WHILE NON-HIJAB-WEARING COLLEAGUES CONTINUE TO RECORD PILOTS AND ACCEPT ANCHOR POSITIONS. COMMENTS ABOUT HER HIJAB CONTINUE.

149. On September 11, 2018, Ms. Hamra first saw an Instagram post that Mr. Khawly posted on August 24, 2018.

150. That post showed him in suit-and-tie in what appears to be an Alhurra studio.

151. Mr. Khawly wrote, in that post, “For the past weeks, I was focusing on turning my trials into triumphs. Guess what? I succeeded! I will share more with you later on! #Rise #riseandgrind.”

152. Ms. Hamra thought the post was a reference to Khawly’s efforts to secure an Anchor position with Alhurra’s relaunch. This reminded her of the falsehoods Bouran and

Ghebrial had told her, namely that MBN was not recording pilots or considering anyone for Anchor positions.

a. Ghebrial Lies to Hamra Again, Telling Hamra That Colleagues in Studio C Were Doing Something Other Than Recording Pilots.

153. So that day, Ms. Hamra went back to Ms. Ghebrial, who had yet to follow up with Ms. Hamra as promised three weeks earlier.

154. What followed was another falsehood: Ms. Ghebrial told Ms. Hamra that, in fact, Mr. Khawly and Ms. Alamoudi had not filmed pilots, but were doing some other work (the details of which she did not disclose).

155. Ms. Hamra knows this to be false because MBN stored these and other pilots in locations on its computer network that Ms. Hamra had access to in the normal course of business.

b. Arwa Sawan Posts Information on Instagram About Her Attempts to Secure an Anchor Position.

156. The next day, September 12, 2018, Ms. Hamra saw another Instagram post, this time from another colleague that does not wear a hijab, Arwa Sawan.

157. Like Khawly's post, Sawan's showed her in the Alhurra newsroom and included inspirational text.

158. When she saw it, Hamra knew it was a reference to Sawan's efforts to secure an Anchor position: namely, recording a pilot.

159. She again felt the sting of having been lied to by Ms. Ghebrial and SVP Bouran.

160. Further, at about the same time, Ms. Hamra noticed that her colleagues, Ms. Alamoudi and Mr. Khawly, had begun signing their emails with a new position title: “TV News Anchor.”

161. When Ms. Hamra saw that, she realized that she could not accept as true the statements that SVP Bouran or HR had made to her about the hiring process.

c. Doaa Elatrby Tells Hamra that MBN Will Never Allow Hamra On Camera While Wearing a Hijab.

162. On or about September 15, 2018, Ms. Hamra was working in the Alhurra news room, and she spoke with Director Doaa Elatrby.

163. Ms. Elatrby told Ms. Hamra that she (Elatrby) had been working as a director for more than a decade, and that during that whole time, she (Elatrby) had also worn a hijab.

164. Ms. Elatrby attempted to comfort Ms. Hamra, saying she understood the challenges that Ms. Hamra was facing.

165. But she also told Ms. Hamra that she (Elatrby) knew that MBN would never allow Hamra to even record a pilot for a TV News Anchor position, let alone become a TV News Anchor, while Hamra still wore her hijab.

166. Ms. Elatrby also confided in Ms. Hamra that several folks that SVP Bouran was having record pilots and hiring for the new Alhurra positions, including Mr. Khawly and Ms. Alamoudi, had no TV Anchoring experience.

167. Upon hearing this, Ms. Hamra again felt the sting of having been discriminated against because of her faith.

168. She felt like, no matter how long or how well she worked for MBN, she would never be allowed to pursue her goal of returning to on camera work.

d. Ms. Hamra Sees Said Faraj Recording a Pilot in Studio C.

169. Then, to make matters worse, on September 17, 2018 Ms. Hamra ran into another colleague, Said Faraj, again recording a pilot in Studio C.

170. According to Mr. Faraj, on September 16, 2018 Alhurra News Managing Director Shareef Abboud called Mr. Faraj and invited him to record a pilot for an open Alhurra TV News Anchor position the next day.

171. According to Faraj, Abboud had not told him of any specific job requirements. Abboud just called and asked Faraj to record a pilot.

172. Ms. Hamra became even more convinced that she was subject to discrimination on the basis of her religious clothing.

VII. OVER A PERIOD OF TWO DAYS, TWO HIGH-LEVEL MBN EXECUTIVES ADMIT THAT MBN DISCRIMINATED AGAINST HAMRA BECAUSE OF HER HIJAB.

173. During September 17-18, 2018, Ms. Hamra had three conversations with two high level MBN Executives, and in each the executives, speaking on a matter within the scope of their employment, made relevant admissions.

a. Hassan Shweiki Admits That MBN Discriminated Against Hamra Because of Her Hijab.

174. On September 17, 2018, Ms. Hamra saw EP Shweiki at the back door of MBN's building, smoking.

175. Ms. Hamra and EP Shweiki spoke casually, and Ms. Hamra asked how it was that he (and MBN) had decided to hire Mr. Khawly and Ms. Alamoudi as TV News Anchors, despite their lack of anchoring experience.

176. EP Shweiki smiled and cryptically replied, "Raeda, when I leave this place one day, I will tell you why."

177. Ms. Hamra followed up, asking why SVP Bouran wouldn't give her an opportunity to record a pilot.

178. EP Shweiki replied: "with your hijab they will never let you be on air."

179. He added that, during a meeting with the "new administration" he had recommended Ms. Hamra to be a TV News Anchor, citing her experience and look.

180. He continued, saying that the "new administration" did not welcome having a woman wearing a hijab on the air, citing the United States' taxpayers' funding of MBN.

b. *Khaled Mohamed Admits That MBN Has an “Informal Policy” Against Hijab-Wearing News Anchors.*

181. Just a few hours later that same day—September 17, 2018—Editor in Chief (“EIC”) & Producer Khaled Mohamed confided to Ms. Hamra in the Alhurra newsroom that the “new administration” would not give Hamra a chance to be a TV News Anchor because of her hijab.

182. EIC Mohamed further said that he had been with MBN for years, and he knew that both the “new administration” and the “old administration” had informal policies against putting a hijab-wearing anchor on television.

183. For her part, Ms. Hamra was confronted with a raft of emotions.

184. She felt frustration, and she recalled the years of quality work and dedication she’d given MBN.

185. She recalled the American principle of equal employment opportunity that she had allowed herself to believe in.

186. She felt that it did not matter how hard she worked or how professional she acted, because all MBN seemed to care about was that she wore a hijab.

c. *Mohammed Abdalrahim Tells Ms. Hamra and Others that Ms. Hamra’s Hijab Would Cause a Problem for MBN’s “Image.”*

187. On September 18, 2018, Ms. Hamra ran into Alhurra Senior Assignment Editor (“SAE”) Muhammed Tola in MBN’s main hallway.

188. Mr. Said and Ms. Hamra exchanged pleasantries with SAE Tola and inquired of his health.

189. Then, EP Mohammed Abdalrahim approached the group.

190. On information and belief, EP Abdalrahim is a close associate of SVP Bouran, and this was EP Abdalrahim's second day of work with Alhurra.

191. EP Abdalrahim and SAE Tola spoke briefly about their time working together for Aljazeera, and then EP Abdalrahim looked to Ms. Hamra and asked whether she was an anchor.

192. Ms. Hamra told him that she works as an anchor for Radio Sawa. Then, EP Abdalrahim asked Ms. Hamra if Ms. Hamra had tried to do a pilot for a TV News Anchor job for Alhurra.

193. Ms. Hamra replied that she had, but that she was having difficulty getting any traction with management.

194. EP Abdalrahim then, in front of Mr. Said and SAE Tola, told Ms. Hamra that her head covering could be a problem for MBN's "image" and for HR.

195. About an hour after this, Ms. Hamra ran into EP Abdalrahim again in the cafeteria.

196. He was having difficulty figuring out the coffee machine, and he asked Ms. Hamra how to use it.

197. She helped him and sat at a table, and then EP Abdalrahim asked her if he could join her.

198. They spoke for about ten minutes, and some of that conversation focused on Ms. Hamra's work with Radio Sawa.

199. Then, EP Abdalrahim asked her why she decided to wear a hijab.

200. Ms. Hamra remarked that the decision was personal and in accordance with her faith.

201. Then, EP Abdalrahim asked Ms. Hamra: would she be willing to remove her head covering?

202. Ms. Hamra felt hurt and intimidated, as the injustice of the situation once again sunk in for her.

203. She was only able to respond by saying, "Mr. Mohammed, the USA is welcoming of my hijab and of diversity."

204. Moments later, EIC Mohamed came into the cafeteria and saw Ms. Hamra and EP Abdalrahim speaking.

d. Ms. Hamra Endures a Humiliating Public Discussion About Her Attempts to Secure an Anchor Position While Wearing Her Hijab.

205. On or about September 19, 2018, Ms. Hamra was again in MBN's main cafeteria.

206. There, she met some members of the Alhurra Iraq team: Mr. Said, Assistant Producer (“AP”) Haider Mussa, and another MBN employee, Fadi Agob.

207. AP Mussa asked Ms. Hamra if she’d had a chance to do a pilot, and Ms. Hamra replied that MBN had not allowed her to do so.

208. AP Mussa then told Ms. Hamra: if you want to get this job, and you won’t take off your hijab, then you will need to wear a wig.

209. As AP Mussa said this, other members of the Alhurra Iraq team, who were close by, laughed at Ms. Hamra, who felt as if she were going to break down and cry.

210. Ms. Hamra wanted to report what Mussa said to HR, but was afraid to do so because members of HR had already berated her, see Part II above on page 9, and lied to her on multiple occasions, see Parts IV.f, VI.a, above.

211. It was becoming quite clear, at this point, that MBN’s problem was with her hijab.

VIII. MS. HAMRA ENGAGES IN PROTECTED ACTIVITY AND ASKS MBN’S MANAGEMENT FOR HELP, TO NO AVAIL.

212. In September and October 2018, Ms. Hamra attempted to secure the assistance of HR, senior management, and counsel’s office regarding her concerns about discrimination, as described below.

213. Those efforts were not fruitful.

- a. *Ms. Hamra Emails Ghebrial, Ganley, and Sullivan about Her Search for an Anchor Position and Opportunities. They Do Not Reply.*

214. On September 21, 2018, Ms. Hamra sent an email to HR Manager Ghebrial, copying HR Director Ganley and VP of Administration and Treasurer Kelley Sullivan, with the subject “Anchor Position – Follow up.”

215. In it, she recounted her prior experience with Ms. Ghebrial and asked Ms. Ghebrial to provide to her the “criteria for the selection process for the doing a pilot for a job, and the criteria process of the recruiting for the job, so I can know my eligibility for that, and if I have been excluded from the ongoing opportunities or I am still eligible based on the equal opportunities principle, ...”

- b. *Ms. Hamra Reaches Back Out, this Time in a “Complaint” and Specifically Raises the Issue of Discrimination Based on Her Hijab, Rendering Her Complaint Protected.*

216. Ms. Ghebrial, Ms. Ganley, and Ms. Sullivan did not respond, so Ms. Hamra followed up again a week and three days later, on October 1, 2018, writing “I am afraid that my emails and inquiries had been ignored deliberately, so I lost the chance to have an equal and fair competition opportunity. I really have serious concerns that I have been excluded from TV jobs because of my hijab and based on this kind of discrimination my emails and inquiries have been ignored.”

217. On this date, Ms. Hamra also copied the President of MBN, Ambassador Alberto Fernandez, and she changed the subject line of the emails to “Complaint.”

218. This October 1, 2018 email was protected activity. 42 U.S.C.A. § 2000e-3 (West); *St. Juste v. Metro Plus Health Plan*, 8 F. Supp. 3d 287, 324 (E.D.N.Y. 2014) (employee's complaint of differential treatment based on religious dress was protected).

219. Further, Ms. Hamra was complying with MBN's own policies on reporting harassment and discrimination, contained on page 23 of MBN's U.S. Employee Handbook:

REPORTING HARASSMENT OR DISCRIMINATION

Any employee who believes that he or she has been the victim of any type of discriminatory conduct, including sexual harassment or offensive racial, ethnic, or sexual communications must report the matter immediately to the Director of Human Resources or to the General Counsel.

220. According to MBN's own policies, upon receipt of these complaints, Ms. Ganley or MBN's General Counsel ("GC") Anne Noble were obliged to conduct a "prompt investigation of all complaints, maintaining confidentiality to the fullest extent consistent with a thorough and fair investigation."

221. The next day, VP Sullivan wrote back, indicating that she had been "reviewing the situation."

222. VP Sullivan represented that "competing priorities and schedules" and nothing else were behind MBN's delay in responding.

223. VP Sullivan then claimed that “There seems to be a bit of confusion on whether you meet the minimum qualification of 3-5 years of News Anchor experience.”

224. This comment is remarkable for multiple reasons. First, it represents an about-face for MBN because, until then, HR and management had lied to Ms. Hamra regarding the mere existence of Anchor positions.

225. Second, it showed for the first time that MBN was acknowledging that Ms. Hamra was requesting an opportunity to compete for Anchor positions.

226. VP Sullivan then asked Ms. Hamra to submit a reel and clarifying information substantiating her “prior News Anchor experience” to HR Director Ganley.

227. Ms. Hamra wrote back the next day, October 3, 2018, in a lengthy email.

228. In it, she expressed her frustration with MBN’s interactions with her to date surrounding its search for new TV Anchors for Alhurra.

229. She pointed out that she had been given “confusing and misleading” information surrounding piloting.

230. And she went to lengths to clarify the qualifications that she possessed.

231. Then, regarding the entire selection process, she wrote, “Taking all of that in consideration, preventing me from doing pilot, or having a fair chance or test for this job, strongly indicates that a Muslim woman wearing hijab, maybe not welcomed to appear like that on AlHura TV.”

232. This email, again, was protected activity.

233. Ambassador Fernandez wrote back to Ms. Hamra almost immediately.

234. And he offered to meet with Ms. Hamra to discuss her email, claiming “I know that we welcome and embrace great diversity in the workforce at MBN.”

235. Ms. Hamra wrote back just ten minutes later, thanking Ambassador Fernandez, expressing her desire to meet with him, and asking her when that might be.

236. Then, GC Noble wrote to Ms. Hamra, intervening before a meeting with Ambassador Fernandez could occur.

237. GC Gomez wrote to Ms. Hamra, stating that “it is important that you meet with both me and Myrna [Ganley] in advance of any other meeting.”

238. GC Noble offered to meet with Ms. Hamra on Thursday, October 4, 2018 or Friday, October 5, 2018.

239. Ms. Hamra responded, offering to meet with her the next day, October 4, at 11:00am.

c. Ms. Hamra Meets with General Counsel and Director Ganley in a Failed Investigation Meeting that Examined Her Qualifications and Not MBN's Management's Conduct. Ms. Hamra Left Intimidated.

240. On October 4, 2018, at 11:00am, Ms. Hamra met with GC Noble and HR Director Ganley in Ganley's office.

241. In that meeting, GC Noble and Ms. Ganley were accusatory toward Hamra.

242. Ms. Hamra recalls that GC Noble's tone and demeanor were "high pressure."

243. She felt intimidated by GC Noble and HR Director Ganley and their approach to investigating her complaint.

244. Ms. Hamra recalls GC Noble and Ms. Ganley complaining to Ms. Hamra that her "voice is loud,"

245. Ms. Hamra was so upset by the meeting that she decided that she need protection from MBN's attorney and HR Director.

246. She asked them if she could speak with counsel, so that she might have the benefit of her own counsel in what appeared to her to be a hostile reception to her complaints of discrimination.

247. According to GC Noble's subsequent email memorialization of Noble's own recollection of the events in that meeting, sent to Ms. Hamra that same day, GC Noble wrote that she "explained during the first few minutes of the meeting, the meeting was called because [Hamra] complained of discrimination."

248. Noble confirmed that she and HR Director Ganley had opened an investigation into Ms. Hamra's complaints.

249. She also confirmed that Ms. Hamra told them in that meeting that she felt "intimidated."

250. She also claimed that Ms. Hamra “declined” and “would not” answer questions, but on that point GC Noble and Ms. Hamra’s recollection differ.

251. Ms. Hamra recalls being afraid of GC Noble and HR Director Ganley.

252. She recalls suspecting—owing to their tone and word choice—that they did not have her best interests at heart and that they were focused on protecting MBN.

253. She recalls asking for permission to speak with Counsel and trying to escape an uncomfortable circumstance that she perceived herself to need assistance navigating.

254. She disputes that she “refused to cooperate or to answer any questions” and recalls that GC Noble did not attempt to prevent her or stop her from speaking with her own counsel, and neither did GC Noble suggest to her that she was violating any MBN policy by seeking counsel’s assistance.

255. Upon opening an investigation into Ms. Hamra’s allegations of discrimination, as GC Noble admits she and HR Director Ganley did, their first avenue of questioning was to examine Ms. Hamra’s qualifications.

256. But Ms. Hamra had complained to them about dishonesty and discrimination in the hiring process based on her hijab.

257. The meeting appears to have failed to lead to any resolution of Ms. Hamra’s concerns.

258. Ms. Hamra is unaware of any facts tending to show that MBN continued in its investigation after that moment, until the undersigned contacted them by letter on March 5, 2019, which GC noble responded to by promising to initiate an investigation.

259. In fact, things worsened after Ms. Hamra first met with GC Noble and HR Director Ganley.

IX. MS. HAMRA'S COLLEAGUES SPECULATE THAT HER HIJAB IS BEHIND MBN'S REFUSAL TO PUT HER ON-CAMERA.

260. On or about October 6, 2018, Ms. Hamra was approached by International Production Admin Osman Eltayieb.

261. Mr. Osman asked Ms. Hamra if she was interested in working with him in the technical department, which he said needed more employees.

262. Ms. Hamra politely declined, and she pointed out to Osman that she was a journalist, and she was not interested in changing careers.

263. Osman responded, saying he was "trying to help" Ms. Hamra, adding that he already knew that Ms. Hamra was trying to secure an Anchor position.

264. He told her that it would be impossible for Ms. Hamra to work as an anchor for MBN with the current administration, because MBN, according to Osman, was supporting republicans, who are "against" Muslims.

265. Osman then told Ms. Hamra that, because of her hijab, she clearly looked Muslim.

266. He then suggested that she start looking for work at American channels, citing CNN, because, he claimed, they would welcome diversity.

267. A couple days later, on or about October 8, 2018, Ms. Hamra related to Radio Sawa AE Feras Alamarat that she had not been permitted to record a pilot like Mr. Khawly and Ms. Alamoudi.

268. AE Alamarat told Ms. Hamra that it was clear to him that Ms. Hamra's hijab was the only obstacle she faced in getting an Anchor job.

X. EXECUTIVE PRODUCER ABDALRAHIM EXPOSES A LIKELY LEAK OF HAMRA'S COMPLAINT, SAYS SHE LOOKS LIKE A TERRORIST, AND DISCLOSES A POLICY OF DISCRIMINATION.

269. In November and December 2018, EP Abdalrahim made numerous material statements to Ms. Hamra that demonstrate the discrimination, as described below.

a. Abdalrahim Discloses that Management Considers Hamra a "Troublemaker."

270. On November 4, 2018, EP Abdalrahim came to Ms. Hamra's desk at about 4:00pm.

271. He asked Ms. Hamra about MBN's new vision for Alhurra, and, in fact, November 4 was the date of Alhurra's relaunch.

272. Ms. Hamra and EP Abdalrahim spoke about Alhurra's new look, colors, studio, and logo.

273. EP Abdalrahim then looked at Ms. Hamra and told her: stop being a problem here.

274. He then told her that the new administration considered Ms. Hamra a “troublemaker.”

275. Ms. Hamra asked Abdalrahim who had said that, and he declined to say.

276. Ms. Hamra told EP Abdalrahim that she was not a troublemaker, and then she got up and walked away.

277. In that moment, Ms. Hamra was perplexed.

278. EP Abdalrahim’s statements raise the important question: Who told EP Abdalrahim that Ms. Hamra was a troublemaker?

279. She suspected, of course, that the comment was related to her complaints to GC Noble, HR Director Ganley, Ambassador Fernandez, Ms. Ghebrial, and VP Sullivan.

280. Notably, EP Abdalrahim was not copied on Ms. Hamra’s emails and it is MBN’s policy to maintain “confidentiality to the fullest extent consistent with a thorough and fair investigation.”

281. Given EP Abdalrahim’s comment, it appears that MBN failed to live up to that promise in Ms. Hamra’s case.

b. *Abdalahim Says That Hamra's Radio Sawa Audience Would Never Know She Wears a Hijab Because of Her Nice Voice.*

282. On November 20, 2018, at about 3:00pm, EP Abdalahim came to visit Ms. Hamra in the studio as she was recording an episode of a morning program.

283. EP Abdalahim told Ms. Hamra that she had a nice voice, and that voice did not reflect her personality.

284. Ms. Hamra was confused, and asked EP Abdalahim for clarification.

285. EP Abdalahim then told her that her Radio Sawa audience would never imagine her appearance when they listened to her live.

286. Ms. Hamra again asked him what he meant.

287. Then he told her that her hijab was the most obvious trait in her outfit, and because she worked in the United States for Radio Sawa, her audience definitely couldn't imagine her wearing a hijab.

288. As he said this, Ms. Hamra felt insulted and targeted by him and by MBN's unfair (unwritten) policy of preventing hijab-wearing women from working on camera.

c. *Abdalahim Humiliates Hamra in Public by Claiming She Looks like a "Terrorist" Because She Wears a Hijab.*

289. EP Abdalahim's commentary about Ms. Hamra's hijab continued in late November.

290. On or about November 25, 2018, EP Abdalahim approached Ms. Hamra in the cafeteria located in the technical section.

291. She was talking at the time with a colleague and producer, Ali Srour.

292. EP Abdalrahim told Ms. Hamra that he had never seen her in that cafeteria, and she told him she more frequently visited the second-floor cafeteria.

293. EP Abdalrahim then told her not to go to that cafeteria, citing its proximity to the administration floor.

294. Ms. Hamra asked what EP Abdalrahim meant, and he told her the administrative employees would think she was a “terrorist” because of her hijab, and they would fear that she would blow up an explosive, again, because of her hijab.

295. Ms. Hamra was startled and hurt, and she felt humiliated in front of Mr. Srour.

296. She told EP Abdalrahim that his comments were serious and unacceptable.

297. EP Abdalrahim then said he was just joking.

d. Abdalrahim Feigns Ignorance but Admits, and is Recorded Admitting, That MBN Discriminated Against Ms. Hamra And Promises that MBN Can Escape Liability by Lying.

298. On December 25, 2018, between 4:00 and 5:00pm, EP Abdalrahim came to Ms. Hamra’s desk and spoke with her.

299. Ms. Hamra, by this time, had reasonably become wholly convinced that MBN discriminated against her in its search for on-camera talent for Alhurra’s relaunch;

- a. In doing so, MBN was furthering an informal policy that it will not broadcast images of anchors wearing hijabs in order to convey a particular “image” to its audience around the world;
- b. Some person in the GC Noble’s office, or the offices of HR Director Ganley, VP Sullivan, Ambassador Fernandez, or Ms. Ghebrial, likely leaked Ms. Hamra’s discrimination complaint in a manner that led to EP Abdalrahim’s reference to Ms. Hamra as a troublemaker; and
- c. EP Abdalrahim had revealed himself to know a good deal about MBN’s informal policy against hiring an anchor that wears a hijab.

300. Based on that knowledge, Ms. Hamra elected to record her conversation with EP Abdalrahim on December 25.

301. In making this recording, Ms. Hamra was engaged in opposition to, and in order to seek redress for, unlawful conduct that was directly impacting the terms and conditions of her employment, and which she believed would capture specific direct evidence of illegal discrimination.

302. It in fact did capture direct evidence of illegal discrimination in arabic.

303. The following excerpt is from a Court Reporter and translator’s translation of the audio:

...

Mohammed Abdalrahim: I don't like to talk about this subject. It is a hard decision to allow women wearing a hijab on TV. Since the beginning, they never had a woman wearing a hijab on TV. There is a style and they don't want to break it. Even myself, I don't like woman wearing a hijab on the TV screen at all.

Mohammed Abdalrahim: Whatever Ali accepts, I accept. If a lady tells me that she's a belly dancer, I will say welcome my love, your friendship is an honor. However, if she tells me that she's a dancer and at the same time tells she is a moral educator; I will say no thank you because there is something wrong. When you tell me about hijab; hijab is an Islamic idea to reduce and cover a woman to not allow men to have the thought of looking at them. Hijab, the reason of it is to cover up. To put a woman on TV with makeup, light, and three hundred million people watching is against the idea of hijab.

...

Mohammed Abdalrahim: What we do here is different, maybe if we worked somewhere else it would be different. Here we are working on stopping dictators and corruption. Our job is to have people open their minds on accepting others and enjoying the differences we share. For example, will a Muslim worker accept working here? Also, the experiment of justice and development where they call for justice and democratic election, whoever loses or wins both sides have an open mind.

...

Raeda Hamra: When I first applied for the job, it was a pilot position. My qualifications went above and beyond the requirements.

Mohammed Abdalrahim: It is the organization's policy.

...

Raeda Hamra: Yes, but this organization is owned by the government.

Mohammed Abdalrahim: Yes, but they have criteria.

Raeda Hamra: Yes and they say they want diversity.

Mohammed Abdalrahim: Yes, but to a point. How far can they go? For example, American news organizations and the federal government are allowing women wearing a hijab to work. I am talking about some

of the organizations who do not allow a hijab because they are talking about an enlightenment project and by showing women wearing a hijab that will show that Islamic ideology succeeded.

Raeda Hamra: Is that what you see?

Mohammed Abdalrahim: You should teach me about the place. As I said, for the past fourteen years I didn't see any, I understood what's going on. It is all about the message. If the message is enlightening people about getting away from wearing the hijab, the organization can't bring a woman wearing hijab into the TV. It will be against their idea and opinion about enlightenment.

Raeda Hamra: For sure.

Mohammed Abdalrahim: If you came to me and I was the decision maker, there would be different ways to get hired. I could ask you a question to quiz you about a name of a country's president and what party they belong to and you giving the incorrect answer. The person after you is not wearing a hijab and doesn't know the answer, but I help her with it. I give her the job and no one will know. It is a lost case for you. Do you know that joke about a Palestinian guy who stutters? He went to a Jordanian News Station and he was denied the job. When his friends ask him what had happened? He said in a stuttering voice because I am Palestinian.

Raeda Hamra: Laughing.

Mohammed Abdalrahim: People can find a thousand ways not to give you the job and no one will know what's going on.

XI. DIRECTOR DALAWY TELLS MS. HAMRA HE BELIEVES THAT HER HIJAB IS PROBABLY UNACCEPTABLE FOR ON-CAMERA WORK AND HR DIRECTOR FAHMY CONFIRMS THAT BOURAN MADE ALL ALHURRA HIRING DECISIONS.

304. On or about January 16, 2019, in one the Alhurra cafeteria, Director Khalid Dalawy, an On-Air Director for Alhurra, spoke with Ms. Hamra.

305. He told her that, most probably, her hijab was considered unacceptable by MBN.

306. He implored her not to mention what he told her to anyone, acknowledging that he knew such a practice would be illegal.

307. Ms. Hamra had the distinct impression, from this conversation, that Director Dalawy knew more than he was saying.

308. Shortly after that, again in the Alhurra cafeteria, Sr. HR Manager Hassan Fahmy told Ms. Hamra what Ms. Ghebrial never had: all hiring decisions for Alhurra's relaunch anchors were made directly by SVP Bouran.

309. Sr. HR Manager Fahmy further told Ms. Hamra that HR's role was limited to informing candidates of SVP Bouran's decisions.

310. When Ms. Hamra heard this, she became more convinced than ever that it was Bouran who coordinated the discrimination that she suffered based on her hijab.

XII. ALHURRA'S 'ANCHORS' AND REPORTERS' ATTIRE AND STYLE GUIDE'

311. So far, this Complaint has discussed MBN's prohibition on wearing a hijab on-camera as "informal." This is because no documents or rules appear to exist that specifically prohibit the on-screen wearing of a religious head covering like Ms. Hamra's hijab.

312. But Alhurra does internally distribute a webpage-based Alhurra Anchors' and Reporters' Attire and Style Guide (the "Style Guide").

313. For the most part, the Style Guide appears appropriately focused on ensuring that on-camera talent represents MBN professionally.

314. The Style Guide, however, also prohibits on air talent from wearing “Religious Accessories,” but images in the Style Guide accompanying that prohibition are of jewelry displaying religious iconography.

315. And, like Abercrombie’s “Look Policy,” see 135 S. Ct. at 2031, the section in the Style Guide on reporters prohibits “hats or caps at any time.”

316. Ms. Hamra’s hijab is neither.

317. Thus, if the Style Guide prohibits Ms. Hamra’s hijab, it does not do so explicitly and instead shoehorns such prohibition into a prohibition on caps or on religious accessories.

318. And, to the extent that the Style Guide does not prohibit Ms. Hamra from wearing a hijab on camera, she is fully able to comply with the Style Guide’s requirements.

COUNT I: Discriminatory Failure to Promote on the Basis of Gender and/or Religion
Violation of Title VII

319. Ms. Hamra incorporates by reference all preceding allegations into this Count.

320. The above facts satisfy the elements of a discriminatory failure-to-promote claim in the Fourth Circuit: “(1) she is a member of a protected group, (2) there was a specific position for which she applied, (3) she was qualified for that position, and (4)

[Defendant] rejected her application under circumstances that give rise to an inference of discrimination.” *Williams v. Giant Food Inc.*, 370 F.3d 423, 430 (4th Cir. 2004).

- (1) Ms. Hamra is a member of a protected class, by virtue of her being a (a) Muslim (b) woman who (c) wears a hijab.
- (2) Ms. Hamra applied for multiple on-camera positions, as described in the preceding allegations.
- (3) Ms. Hamra possessed the advertised qualifications for those positions, as described above. Even if Ms. Hamra did not meet the advertised qualifications for those positions, MBN filled at least one of those positions with other candidates that had fewer qualifications than Ms. Hamra.
- (4) The above allegations provide striking evidence tending to show that MBN’s refusal to consider Ms. Hamra for on-camera positions was on account of her hijab.

COUNT II: Hostile Work Environment Discrimination

Violation of Title VII

321. Ms. Hamra incorporates by reference all preceding allegations into this Count.

322. The above facts satisfy the elements of a discriminatory hostile work environment claim in the Fourth Circuit: “(1) unwelcome conduct; (2) that is based on the plaintiff’s [protected characteristic]; (3) which is sufficiently severe or pervasive to alter

the plaintiff's conditions of employment and to create an abusive work environment; and (4) which is imputable to the employer." *Guessous v. Fairview Property Investments, LLC*, 828 F.3d 208, 221 (4th Cir. 2016).

- (1) Ms. Hamra endured unwelcome commentary about her hijab, requests that she remove it, and deception in response to her efforts to achieve an on-camera position.
- (2) The above allegations strongly suggest that the basis of this conduct was Ms. Hamra's hijab.
- (3) The above facts demonstrate both (a) Ms. Hamra's subjective perception that the harassing conduct was sufficiently severe and pervasive to alter her work conditions and (b) the objective reasonableness of that perception.
- (4) The above allegations demonstrate that this course of harassment is imputable to MBN.

COUNT III: Retaliation
Violation of Title VII

323. Ms. Hamra incorporates by reference all preceding allegations into this Count.

324. The above facts satisfy the elements if a Title VII retaliation claim in the Fourth Circuit: "(i) that [Ms. Hamra] engaged in protected activity, (ii) that [MBN] took

adverse action against her, and (iii) that a causal relationship existed between the protected activity and the adverse employment activity.” *Guessous v. Fairview Property Investments, LLC*, 828 F.3d 208, 217 (4th Cir. 2016) (original quotations and alterations omitted).

- (1) Ms. Hamra engaged in protected activity, as described in the preceding allegations.
- (2) MBN’s employee(s) engaged in retaliatory conduct toward Ms. Hamra, by leaking that complaint and calling her a “troublemaker.”
- (3) The above facts demonstrate the causal relationship between Ms. Hamra’s protected activity and the retaliation.

RELIEF DEMANDED

325. Ms. Hamra demands lost wages for Count I.

326. Ms. Hamra demands non-economic compensatory damages for the personal toll MBN’s conduct has had on her, in an amount to be assessed by a jury at trial, and in no event less than \$1.

327. Ms. Hamra demands broad injunctive relief targeted to permanently end at MBN any policy of discriminating against her and any Muslim hijab-wearing women in on-camera positions. Ms. Hamra expects the full scope of the need for injunctive relief to

become clearer during discovery and trial, and she seeks the broadest injunctive relief authorized by law.

328. Unfortunately, though Ms. Hamra continues to work for MBN and desires to continue her career there, the above facts demonstrate that MBN has acted with malice and in conscious disregard of Ms. Hamra's federally-protected rights. Ms. Hamra will thus ask the jury to assess against MBN an appropriate punitive damages assessment to punish MBN and to serve as a deterrent.

329. Ms. Hamra also demands an assessment by the Court of her reasonable attorneys' fees and costs incurred in bringing this claim.

MS. HAMRA DEMANDS TRIAL BY JURY ON ALL ISSUES SO TRIABLE

Dated: April 28, 2020

Respectfully Submitted,

/s/

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