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HUMAN RIGHTS BUREAU

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BEFORE THE HUMAN RIGHTS BUREAU OF THE STATE OF MONTANA

DR. GILBERT KALONDE
212 Reid Hall
Department of Education
Montana State University
Bozeman, Bozeman MT 59718
406-994-5775.

Case# 0160581

Complainant

Vs.

WALMART STORE # 2084
1500 N 7th Ave
Bozeman, MT 59715
406-585-8788

Respondent

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1. I am an Assistant Professor at Montana State University, teaching Technology Education in the Department of Education, College of Education, Health and Human Development. I am a lawful resident of the State of Montana. I have been employed in this position at Montana State

University since 2014. I was born in Zambia, Africa and am of African descent.

2. I have a Ph.D. in Curriculum and Instruction from Southern Illinois University, a Master of Science in Education from Southern Illinois University, a Bachelor of Science in Liberal Studies from Excelsior College, an Associate of Science in Liberal Arts from Los Angeles Southwest College, and an Advanced Diploma in Secondary School Art Education from Evelyn Hone College of Applied Arts and Commerce.
3. I am asking the Human Rights Bureau to conduct an investigation into my complaint. It is based on the facts set forth below, that demonstrate discrimination based on the protected class of race.
4. I first purchased a Montana resident fishing license at the Bozeman Walmart Store #2084 in April of 2015.
5. On February 24, 2016, at 5:34 PM I purchased and renewed my fishing Montana Fish, Wildlife and Parks license for 2016 – 2017 season at the Walmart Store identified above. This purchase was also made at the Bozeman Walmart Store #2084. It is my understanding that this Walmart Store operates on a contract with the Montana Department of Fish, Wildlife, and Parks to sell hunting and fishing licenses as the agent for the

State of Montana, and as such are carrying out the functions of a state service. As I purchased the license, the female Walmart employee that was assisting me asked me what I do, and I told her that I work at Montana State University. I was not asked what my actual occupation was. I was not asked, or told, to sign my license while at Walmart.

6. I have since been told that the female Walmart employee referred to in Paragraph 3 was Janice Enos.
7. On February 25, 2016, after teaching a class, some of my students stayed on in the classroom to ask questions, as was their usual practice. Others decided to have their lunch in my classroom as it was mid-day. My Teaching Assistant, Kayce Williams, came into the room. He joined in our conversation. Mr. Williams and I had previously talked about going fishing together. I asked him when he might be able to take me to his favorite fishing spots.
8. Mr. Williams asked me if I had renewed my fishing license. I told him that I just renewed it the previous day. Another student (Joshua Mostad) who was sitting at the far end of the classroom having his lunch said that I should check my license, as it was possible it might only be valid for the days remaining before the new season began on March 1, 2016.

9. I was concerned and got my license from my wallet. I tried to check the expiration date but could not find the dates. Mr. Williams offered to check the license since he knew where that information could be found. He confirmed that it was for the upcoming fishing season (beginning March 1, 2016). As he was leaving my classroom, he asked me if I had changed my job. I asked him what he meant.
10. Kayce then showed me that my license listed that my occupation as "CLEAN TOILETS." I was shocked and embarrassed. It was during this discussion on February 25, 2016 that I first learned that my occupation had been listed in the Montana Fish Wildlife and Parks licensing system as "CLEAN TOILETS."
11. On the following day, February 26, 2016, I went back to the Bozeman Walmart Store #2084, accompanied by a PhD student at Montana State University, Wigganson Matandiko. We went to the Customer Service desk where I stood in line to wait for my turn to speak to the manager. A few minutes later, before we got to the front of the line, Ms. Enos, the female Walmart employee who issued me the license renewal on February 24, 2016, came by and informed me that the manager was waiting for us at the sporting goods counter.

12. We said thank you and went to see the manager. He introduced himself as Jeremy Huckleberry. We also met the assistant manager for the section who did not say anything and did not introduce himself.
13. I explained to Mr. Huckleberry what had transpired and expressed my anguish, anger and pain. He asked a young man that was working at the counter to find out what had happened, but the employee was not able to learn how the disparaging information on my license had gotten into their system.
14. Mr. Huckleberry said he had spoken to Janice Enos, and she had told him that she saw two occupations on my profiles, one as professor and the other as student. Neither appeared on my license, only "CLEAN TOILETS."
15. While I was there, a Walmart clerk reissued my license, changing my occupation to Professor. When he reissued the license, he told me and the manager that they did not have a dropdown box for occupations in their licensing computers. Instead, you have to type in the occupation just as you do with a person's name and other personal information.
16. I provided Mr. Huckleberry with a business card and said I wanted an apology in writing on behalf of Walmart. He asked if he could send an apology by email. I told him I would prefer a letter, but I would agree to an

apology that was emailed to me. We shook hands, and Mr. Matandiko and I left. I never received the promised apology.

17. I later called Mr. Huckleberry and asked why I had not received an apology.

He said that he did not believe that he needed to apologize since it was not he who entered the information or issued the license. I explained that the transaction in Walmart and the employees in the store were his representatives, just as he was a representative of the regional or corporate office. He sounded angry with me. He did not apologize.

18. The only other thing I ever heard from Walmart was on a local TV broadcast about the incident. Their spokesperson said that they had apologized to "this customer" and were going to change the way they deal with how licenses are issued.

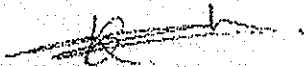
19. I have been told that the Walmart employee of the Bozeman Walmart Store #2084 that originally put my occupation down on 4-15-15 as "CLEAN TOILETS" was Brendan O'Meagher, and that my occupation was unchanged by Ms. Enos at the Bozeman Walmart Store #2084 when she issued my renewed license on February 24, 2016.

20. I was treated in a discriminatory fashion, based on my race, by the Bozeman Walmart Store #2084 in the way I was issued a fishing license, in

how it was renewed, and how they handled the matter after I brought it to their attention. Their actions were intended to harass me and subject me to personal humiliation. I believe their actions violated MCA §§ 49-1-102, 49-3-204, and 49-3-205.

I swear of affirm that I have read the above charge and I declare under penalty of perjury that the foregoing is true and correct.

Signature:



Dr. Gilbert Kalonde

Date: August 1, 2016



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