

ARIZONA DAILY WILDCAT

wildcat.arizona.edu
VOLUME 93, NUMBER 24

CELEBRATING 100 YEARS OF THE UA STUDENT PRESS

THE UNIVERSITY OF ARIZONA, TUCSON • SEPTEMBER 24, 1999

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Court awards former UA employee \$1 million

University must compensate for wrongful termination, harassment lawsuit

By Erin Mahoney

Arizona Daily Wildcat

A former UA employee who sued the University of Arizona for wrongful termination and repeated harassment was awarded \$1.1 million by a Pima County Superior Court jury yesterday.

Peter Capin, a former health physicist in UA's Radiation Control Office, claimed he was harassed by co-workers after he complained of unsafe radiation practices in 1995.

He and his wife, Charlotte Capin, filed lawsuit in 1997, seeking compensation for loss of earnings and "permanent physical and emotional injuries."

"He (Capin) is very happy with the outcome," said Silas Shultz, one of Capin's attorneys. "He is to some account vindicated, but who knows how long he'll carry the wounds."

Although Shultz had asked for an award as high as \$5 million, he said it was "a good verdict."

"Our clients are pleased," he said. "They're pleased with what the jury did, and they're pleased to have this chapter of their life closed."

Shultz said the jury made their decision in order to instigate changes in the university's employee relations.

"They want the people over there to be treated with respect," he said. "If nothing happens, the jury will be very upset."

Assistant Attorney General Charles Pyle, the attorney representing the UA, had suggested a lower compensation — about \$120,000 — but said yesterday that the jury's award was evenhanded.

"The jury worked very hard," Pyle said. "We were hoping for a lower

amount, but it was a fair jury."

Pyle said the UA acknowledged liability from the beginning of the case and now regrets firing Capin.

"We admitted fault for discharging him," Pyle said. "We said he should have been reinstated."

The UA has not decided whether it will appeal the decision. Capin will receive his settlement in 30 days if an appeal is not filed, Pyle said.

But Shultz, a partner of Shultz and Rollins Ltd., said such action is unlikely.

"I don't expect them to appeal," Shultz said. "This is a clean verdict."

The \$1.1 million will come from a state Risk Management fund, which acts as insurance for Arizona universities, he added.

UA President Peter Likins said he was unfamiliar with the facts of the case, but he was "not surprised" by

the decision.

"I have no context for any response except that this is a normal judicial process," Likins said. "The only issue that has been under consideration is the question of the magnitude of the judgment."

Pyle said the court's decision won't impact RCO procedures.

"The implication of this case on the RCO happened a long time ago," he said. "That office is operating in a very good fashion."

Pyle added that the case shouldn't encourage any additional litigation by employees.

"I don't think it will have any direct impact on anyone in the university," he said.

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