

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with FED. R. APP. P. 32.1

**United States Court of Appeals**

**For the Seventh Circuit**

**Chicago, Illinois 60604**

Submitted February 3, 2023\*

Decided February 6, 2023

**Before**

ILANA DIAMOND ROVNER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 22-1932

REUBEN HALEY,  
*Plaintiff-Appellant,*

Appeal from the United States District  
Court for the Northern District of Illinois,  
Eastern Division.

*v.*

No. 19 C 5333

URBAN OUTFITTERS, INC.,  
*Defendant-Appellee.*

Virginia M. Kendall,  
*Judge.*

**ORDER**

Reuben Haley, a former department manager at Urban Outfitters, Inc., appeals the summary judgment against him in this suit asserting claims of sex discrimination and retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e. The

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\* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

district court determined that Haley failed to introduce sufficient evidence to support his claims. We affirm.

In reviewing the entry of summary judgment against Haley, we recount the record in the light most favorable to him. *See Hackett v. City of South Bend*, 956 F.3d 504, 506 (7th Cir. 2020). Haley's claims arise from his former employment at Urban Outfitters, a clothing retailer, where he managed one department at the downtown Chicago store from 2016 to 2018. Haley oversaw sales in the men's department and trained sales associates, but when asked he also assisted the private security guards who monitored the store's entrance. At times in late 2016 and early 2017, he was asked by the store's manager Susan Oliver to stand by the door and assist security. On two such occasions, Oliver specifically referred to Haley's gender. These were not the only times Haley helped with security; he says "it became an assumed role" for him, as other colleagues also sometimes asked him to stand by the door. Additionally, on account of Haley's security duties, he was assigned to more closing shifts than opening shifts, which he preferred because they afforded "more uninterrupted time" to perform his managerial duties.

Haley was covering the closing shift on March 3, 2017, when the store was robbed. During the incident, he was pepper sprayed, requiring medical attention. Afterward, Haley raised concerns with Oliver about being assigned security duties only on account of being a man. He told her he felt unsafe when he was the lone manager present during closing shifts. Shoplifting, it turns out, was a recurring problem at the store, and in late 2017 another department manager reported that suspected shoplifters had threatened to stab or mace her.

Meanwhile, Haley's supervisors were beginning to perceive problems with his job performance. Haley disputes some of their assessments, but he concedes that in December 2016, he was issued a written warning for speaking on his cell phone during his shift, in violation of company policy, and for failing to lock the store's safe properly overnight. And then twice in the following months, in February and October 2017, he was the subject of complaints that colleagues filed with Oliver over his conduct at work. According to the complaints, he reportedly interrupted them during customer calls, yelled at them, and behaved "aggressively" toward suspected shoplifters. Haley denies that he acted aggressively toward the shoplifters but did not dispute that he was characterized this way in his colleagues' complaints. On October 27 and November 1, 2017, Oliver held consecutive counseling sessions with Haley to discuss the complaints and his performance. According to Oliver, Haley used an "elevated tone" when responding to her criticism. At these sessions, Haley reiterated his dissatisfaction with

his additional security duties, telling Oliver that they should not fall to him simply because he was a man and that they caused him to be underutilized at work. Haley disputed whether Oliver's evaluation of his work performance was accurate, but he did not dispute that the counseling sessions occurred or Oliver's assessment of his tone.

While working the opening shift a few weeks later, on December 2, 2017, Haley left shipment boxes scattered on the sales floor after the store had opened to customers. Additionally, he disappeared during his shift from the sales floor and left it unsupervised. The following day, he was assigned to cover the closing shift but failed to complete a walk-through of the store and other required tasks. As a result of these problems, Oliver issued Haley a written warning as well as a 60-day final warning—meaning that a future infraction could lead to his discharge from the company.

On January 9, 2018, Haley was involved in a confrontation with a group of suspected shoplifters who had entered the store. Oliver went to the sales floor to address them. According to Oliver, Haley was pacing around the floor in a nervous and "aggressive" manner, causing "the biggest commotion on the sales floor." But Haley maintains that, while Oliver addressed the shoplifters, he just stood behind the cash register alongside the other department managers. Tensions escalated, and one of the suspected shoplifters tried to tase Oliver. Police eventually arrived to defuse the situation.

Two weeks later, on January 25, 2018, Urban Outfitters fired Haley. The district manager, who was responsible for the decision, cited Haley's multiple disciplinary infractions, his inability to receive criticism professionally in the counseling sessions with Oliver, and Oliver's overall evaluation of his poor job performance.

Haley sued Urban Outfitters under Title VII. He first asserted that the company engaged in reverse sex discrimination by requiring him to assume additional security duties, assigning him to primarily closing rather than opening shifts, and eventually firing him because he was a man. He also asserted that his employers fired him in retaliation for his complaints about the security duties, particularly after the pepper-spray incident.

The district court entered summary judgment for Urban Outfitters, concluding that Haley was unable to establish a prima facie case of sex discrimination or retaliation under Title VII. With regard to his claim of sex discrimination, the court determined that no reasonable juror could find that his assignments to security duty and to closing shifts were adverse employment actions; that even if Haley's firing was an adverse action, his employer had ample evidence of its honestly held belief that he had not satisfied his employer's legitimate expectations, given his substantial disciplinary

record in the preceding months; or that Urban Outfitters treated him worse than any similarly situated female colleague with a similar disciplinary record. As for his retaliation claim, the court ruled that Haley had not produced evidence for a juror to infer that his complaints over security duty were causally linked to his firing.

On appeal, Haley first asserts that Urban Outfitters discriminated against him based on his gender. Tracking the framework created in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802–03 (1973), to establish a prima facie case on his reverse-sex-discrimination claim, Haley needed to introduce evidence that: (1) background circumstances could show an inference that Urban Outfitters had reason to discriminate invidiously against men, or that there was something “fishy” about the facts at hand; (2) he met his employer’s legitimate expectations; (3) he suffered an adverse employment action; and (4) he was treated less favorably than similarly situated female employees. *Bless v. Cook Cnty. Sheriff’s Off.*, 9 F.4th 565, 574 (7th Cir. 2021) (internal citation omitted). Haley first argues that the district court overlooked evidence—specifically his deposition testimony and that of Oliver’s—that he suffered adverse employment actions when he was required to work security, with attendant safety risks; assigned to closing shifts more frequently than female department managers; and eventually fired. He also disputes the court’s conclusion that he failed to meet his employer’s legitimate expectations, citing positive feedback he had received from his supervisors before the fall of 2017.

We agree with the district court that Haley’s discrimination claim fails at the prima facie stage, because he has not created a question of fact over whether he was meeting Urban Outfitters’ legitimate expectations. The evidence in the record supports Urban Outfitters’ assertions that Haley’s managers had honestly held beliefs that Haley did not perform his duties satisfactorily as a department manager: The record contains evidence that supervisors warned Haley repeatedly for not completing required tasks during his shifts, that colleagues submitted complaints about his behavioral issues at work, and that supervisors perceived that he failed to accept critical feedback about his work or improve his performance after receiving the criticism. Haley disputes these contentions. It is not the court’s task, however, to evaluate whether the employer’s purported reason for the adverse employment action was correct, justified, or even if it was fair. We look only to see if the employer honestly believed those reasons. *Igasaki v. Illinois Dep’t of Fin. & Pro. Regul.*, 988 F.3d 948, 958 (7th Cir. 2021) (internal citation omitted).

Haley relatedly contends that the district court undervalued the evidence in his deposition testimony that his security duties and closing-shift assignments were

adverse employment actions. One type of a materially adverse employment action redressable under Title VII is a change in an employee's work environment that alters the workplace conditions in a humiliating, unsafe, or otherwise negative way. *See O'Neal v. City of Chicago*, 392 F.3d 909, 911 (7th Cir. 2004). But as the district court rightly explained, no reasonable jury could conclude that Haley's additional assignments amounted to adverse actions. Haley did not introduce sufficient evidence to suggest that these assignments altered his work conditions to his detriment when compared to his colleagues' experiences. Indeed, safety risks were a hazard experienced by other employees who did not cover security. One department manager, for instance, reportedly was threatened by shoppers with mace or even a stabbing. And on another occasion, Oliver was nearly tased by a shoplifter on the sales floor. As for Haley's preference to open rather than close the store, no jury could infer from his evidence that he was objectively disadvantaged by working the closing shifts. *See Herrnreiter v. Chi. Hous. Auth.*, 315 F.3d 742, 744–45 (7th Cir. 2002).

Haley next contests the entry of summary judgment on his claim that he was fired in retaliation for complaining about his security duties. He argues that the district court overlooked his deposition testimony that he received increasingly negative performance assessments; was assigned to additional, undesirable closing shifts; and was eventually fired after he began complaining about the security assignments.

The district court appropriately concluded that Haley could not make out a prima facie case of retaliation. Significantly, he introduced no evidence that his complaints about his employer's purported sex discrimination motivated his supervisors' decision to fire him. *See Baines v. Walgreen Co.*, 863 F.3d 656, 661 (7th Cir. 2017). Haley has not presented evidence of a causal connection between his complaints about his security duties and his eventual discharge from the company. He does not call into question, for instance, Urban Outfitters' evidence that his extensive disciplinary record justified his firing—the multiple warnings for failing to open and close the store properly, for inappropriate behavior, and for poor job performance. Haley speculates that he was fired in retaliation for making complaints to Oliver, but speculation about retaliatory motives cannot create a genuine issue of material fact. *See Devbrow v. Gallegos*, 735 F.3d 584, 588 (7th Cir. 2013).

AFFIRMED