

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

THE FLORIDA DEPARTMENT OF
CORRECTIONS,
Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII").
2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant Florida Department of Corrections ("DOC") is a governmental agency of the State of Florida created pursuant to the laws of the State of Florida. Fla.Stat. Ann § 20.315.
4. Defendant DOC is a person within the meaning of 42 U.S.C. § 2000e(a), and an employer within the meaning of 42 U.S.C. § 2000e(b).
5. The DOC is responsible for operating and supervising the state system of correctional facilities, including the Glades Correctional Institute in Belle Glade, Florida. Fla.Stat. Ann § 945.04.
6. The Board of Correctional Education ("Board") was a body corporate created in 1987 pursuant to the laws of the State of Florida which possessed the power to sue and be sued. Fla.Stat. Ann § 242.68(3) (repealed).
7. During its existence, the Board supervised the Correctional Education School Authority ("CESA"), a Florida state agency which operated educational programs and educational facilities within the DOC's prisons. Fla.Stat. Ann § 242.68 (repealed).
8. In 1995, the Florida State Legislature eliminated CESA and the Board and transferred all of their functions, responsibilities, property, and funds to the DOC. 1995 Fla. Sess. Law Serv. Ch. 95-325, § 5.
9. Carnell Robinson was employed by CESA at the DOC's Glades Correctional Institute. She worked as a substitute academic teacher from November 1989 to April 1991 and as a full-time academic teacher from April 1991 to February 1994, except for a few months in 1992 when she was laid off.
10. Defendant DOC, through its predecessor agency CESA, has discriminated against Carnell Robinson on the basis of her sex in violation of Section 703(a) and retaliated against her in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-2(a) and § 2000e-3

(a), among other ways, by:

(a) Subjecting Ms. Robinson to a sexually hostile work environment;

(b) (1) conditioning the terms, conditions, and privileges of Ms. Robinson's employment upon the submission to unwelcome sexual advances of her immediate supervisor;

(2) threatening to alter the terms, conditions, and privileges of Ms. Robinson's employment unless she assented to such unwelcome sexual advances; and

(3) taking adverse action against Ms. Robinson because of her opposition to those unwelcome sexual advances;

(c) Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Ms. Robinson.

11. The Equal Employment Opportunity Commission (EEOC) received a timely charge filed by Carnell Robinson (Charge No. 150-94-2228) in which she alleged that she had been discriminated against in employment by CESA on the basis of sex by being sexually harassed and retaliated against because she opposed such harassment. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC

investigated the charge, found reasonable cause to believe that the allegations of sexual harassment and retaliation were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of these matters, and subsequently referred the charge to the Department of Justice.

12. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, plaintiff United States prays that this Court grant the following relief:

(a) Enjoin Defendant DOC from failing and refusing to:

(i) Provide sufficient remedial relief to the charging party, Carnell Robinson, to make her whole for the loss she has suffered as the result of the discrimination against her as alleged in the complaint; and

(ii) take other appropriate nondiscriminatory measures to overcome the effects of the discrimination; and

(b) Award compensatory damages to Carnell Robinson to fully compensate her for injuries caused by the Defendant's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The Plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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