

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil Action No.

THE TOWN OF WEST TERRE HAUTE,

Defendant.

COMPLAINT

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 Town of West Terre Haute, Indiana ("Town of West Terre Haute") is a political subdivision of the State of Indiana, created pursuant to the laws of the State of Indiana.
4. Defendant Town of West Terre Haute 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. Defendant Town of West Terre Haute is responsible for establishing the terms, conditions and other practices which bear upon the employment conditions of employees of the Town of West Terre Haute.
6. Ms. Jana Buchanan was employed by Defendant Town of West Terre Haute from October 1998 through August 2000. Former Town Marshal Harry W. Hughes subjected Ms. Jana Buchanan to demeaning and harassing conduct, including, but not limited to: making crude comments about her breasts, body and weight; frequently touching her body; repeatedly suggesting that she was having sexual relations with her co-workers; and making threatening remarks.
7. Defendant Town of West Terre Haute has discriminated against Ms. Jana Buchanan on the basis of her sex, female, in violation of Section 703(a) of Title

VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

- (a) Creating, maintaining, and condoning sexual harassment and a sexually hostile work environment in the West Terre Haute Police Department;
- (b) Subjecting Ms. Jana Buchanan to sexual harassment during her employment at the West Terre Haute Police Department, which created an intimidating, hostile or offensive work environment and which adversely affected the terms, conditions and privileges of Ms. Jana Buchanan's employment;
- (c) Subjecting Ms. Jana Buchanan to sexual harassment during her employment at the West Terre Haute Police Department which created an intimidating, hostile or offensive work environment which was so intolerable that it caused her to resign her position; and
- (d) Failing or refusing promptly and effectively to investigate, remedy or prevent the conduct described in Paragraphs 6(a)-(c).

8. The Equal Employment Opportunity Commission (EEOC) received a timely charge, Charge No. 240-A1-0356, filed by Ms. Jana Buchanan. She alleges that she had been discriminated against in employment by Defendant Town of West Terre Haute on the basis of her sex (female). The EEOC investigated the charge, pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, found reasonable cause to believe that the allegations of discrimination were true, attempted to achieve through conciliation a voluntary resolution of the charge, and subsequently referred the matter to the Department of Justice when such conciliation efforts proved unsuccessful.

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

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

- (a) Award Ms. Jana Buchanan equitable relief, including an offer of reinstatement with appropriate retroactive seniority and compensatory damages as would fully compensate her for injuries caused by Defendant Town of West Terre Haute's discriminatory conduct against her, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, codified at 42 U.S.C. § 1981a;
- (b) Require Defendant Town of West Terre Haute to take other appropriate nondiscriminatory measures to overcome the effects of the discrimination, including the implementation of an effective program to: address and prevent sexual harassment against female employees in the Police Department as well as all other female employees employed by the Town of West Terre Haute; ensure that employees with sexual harassment allegations are not discouraged from bringing forth their complaints; and ensure that all complaints of sexual harassment, including those made to supervisors, are promptly and objectively

investigated and resolved; and

(c) Award such other additional relief as justice may require, together with Plaintiff's 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.

John D. Ashcroft

Attorney General

By:

Ralph F. Boyd, Jr.
Assistant Attorney General
Civil Rights Division

John M. Gadzichowski [WI Bar # 1014294]
Deputy Chief
Benjamin Blustein [DC Bar # 418930]
Amanda Rocque [NY Bar (no number issued)]
Attorneys
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Employment Litigation Section
Patrick Henry Building, Fourth Floor
Washington, D.C. 20530
Telephone: (202) 514-4073

Susan W. Brooks
United States Attorney
Southern District of Indiana

Sue Hendricks Bailey
Assistant United States Attorney
Southern District of Indiana
10 West Market Street
Suite 2100
Indianapolis, IN 46204