

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

SEP 28 2000

ROBERT H. SHEM WELL, CLERK
BY XB DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

RECEIVED
U.S. DISTRICT COURT OF LA
ROBERT H. SHEM WELL, CLERK
DATE SEP 25 2000

UNITED STATES OF AMERICA,

Plaintiff,

v.

CALCASIEU PARISH SCHOOL BOARD,

Defendant.

Civil Action No.

CV00-2178 LC

JUDGE TRIMBLE
MAGISTRATE JUDGE WILSON

CONSENT DECREE

1. This action was brought by the United States against the Calcasieu Parish School Board ("School Board") 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"), following receipt by the Department of Justice from the Equal Employment Opportunity Commission ("EEOC") of EEOC Charge Numbers 270-95-1119 & 270-99-0499 filed by Dorenda Turner.

2. In its complaint, the United States alleges that the School Board has discriminated against Dorenda Turner in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by failing or refusing to select her in June 1994 for an assistant principal position at Lake Charles Boston High School in Lake Charles, Louisiana, because of her sex. This allegation corresponds to the allegations contained in EEOC Charge Number 270-95-1119. In EEOC Charge Number 270-99-0499, Ms. Turner also alleges the School Board retaliated against her for filing EEOC Charge Number 270-95-1119.

3. The School Board denies that it has discriminated against Ms. Turner on the basis of

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her sex or retaliated against her in violation of Title VII.

4. The Court has jurisdiction over the parties and the subject matter of this action, venue is proper, and all administrative prerequisites have been met.

5. This consent decree constitutes the complete agreement between the parties with respect to the matters referred to herein, resolves all issues raised in the complaint filed by the United States in this case, and is final and binding between the parties as to the issues raised in the complaint. No waiver, modification or amendment of any provision of this consent decree shall be effective unless agreed to in writing by the parties and approved by the Court or ordered by the Court.

6. The parties hereby waive, for the purposes of this consent decree only, hearings and findings of fact and conclusions of law on all issues.

7. This consent decree does not constitute an adjudication or finding on the merits of the case, nor is it an admission by the School Board or a finding of any wrongdoing or violation of any applicable federal or state law or regulation.

A. GENERAL RELIEF

8. The School Board by and through its officials, agents, employees and all persons in active concert or participation with the School Board in the performance of employment or personnel functions shall not engage in any act or practice that has the purpose or effect of unlawfully discriminating against any employee because of that employee's sex, including, but not limited to, the selection of individuals for employment opportunities based on their sex.

9. The School Board by and through its officials, agents, employees and all persons in active concert or participation with the School Board in the performance of employment or

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personnel functions shall not retaliate against any person because that person formally or informally has complained of or otherwise opposed an allegedly discriminatory employment policy or practice, filed a charge with the EEOC or any state or local fair employment practices agency, or participated or cooperated in any proceeding under Title VII, including, but not limited to, the initiation, investigation, litigation, or administration of this case or this consent decree.

B. SPECIFIC RELIEF

In settlement of the claims of the United States for relief on behalf of Dorenda Turner, as well as in settlement of the claims of Ms. Turner if she accepts the relief provided her by this decree, the School Board agrees to do the following:

10. The School Board shall offer Ms. Turner a monetary award of \$80,000. The School Board shall inform Ms. Turner in its notice letter to her (attached as Appendix A) that all or part of this award may be subject to federal income tax.

11. In order to accept the relief offered to her by the School Board under this consent decree, Dorenda Turner must execute the release form attached as Appendix B to this consent decree.

12. The School Board shall notify Ms. Turner of the terms of this consent decree within ten (10) days after it is entered by the parties by mailing to her by certified mail, in care of her attorney, return receipt requested, a copy of the letter set forth in Appendix A, a copy of this consent decree, and a copy of the release form attached as Appendix B. The letter set forth in Appendix A will advise Ms. Turner that, to accept the relief offered to her or any part of it, she must return the executed release form to the School Board within forty-five (45) days of her

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receipt of the letter set forth in Appendix A unless she shows good cause for failing to do so.

13. The School Board shall pay the monetary award pursuant to Paragraph 10, above, to Dorenda Turner, in care of her attorney, within ten (10) days after its receipt of the executed Appendix B release form.

C. TRAINING

14. The School Board shall provide employment-discrimination awareness training to all supervisory and management personnel, as well as to any other individuals employed by the School Board who participate in the process by which individuals are selected for employment by the School Board, according to the following terms:

- (a) The training session will include at least two (2) hours of instruction.
- (b) The training will include the following topics: what constitutes employment discrimination in violation of Title VII; how to prevent, identify and remedy employment discrimination; what constitutes retaliation in violation of Title VII; the School Board's policy against employment discrimination and retaliation; and implementation of the School Board's policy against employment discrimination, including procedures and responsibilities for reporting, investigating and remedying conduct an employee believes may constitute employment discrimination.
- (c) The School Board will retain a consultant/trainer who will conduct the training session.
- (d) Within thirty (30) days after execution of this consent decree by the parties, the School Board shall submit to the United States the name, address, telephone

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number and resume of the proposed consultant/trainer together with the date of the proposed training session and a detailed outline of the proposed training. The United States will have thirty (30) days after the date of receipt of such information to accept or reject the training proposal. The United States will not unreasonably withhold its approval of the proposal. If the United States does not approve the consultant/trainer designated by the School Board and/or the contents of the training session, the parties shall attempt to resolve the matter and, if unsuccessful, submit the dispute to the Court pursuant to paragraph 18 of this consent decree.

- (e) The training session will be conducted within ninety (90) days after the date of the entry of this consent decree by the Court.
- (f) The School Board will prepare and maintain a videotape of the training session. Within thirty (30) days after the date of the training session, the School Board will show the videotape to any employee who should have received training under this paragraph but was unable, despite good faith efforts, to attend the training session. Additionally, the School Board will require that each individual who begins working in the School Board as a supervisory or management employee, principal or assistant principal after the date of the training session watch the videotape within thirty (30) days thereafter.

D. RECORD KEEPING AND REPORTING

15. The School Board shall make and maintain records of each complaint of employment discrimination received during the term of this consent decree (including, the name and job title

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of the individual receiving the complaint, the name of the complainant, the name of the alleged discriminator, the date of the complaint and of the discrimination, and a brief description of the discrimination alleged), of all investigative actions taken in response, of any findings or conclusions regarding the complaint, and of all remedial actions taken.

16. The School Board shall make the records maintained pursuant to paragraph 15, above, as well as any other records reasonably requested by the United States in order to investigate or verify compliance with this consent decree, available to the United States upon request.

17. The School Board shall provide semi-annual compliance reports to the United States. Each report shall list (by date of complaint and name and job title of complainant) and briefly describe all complaints of employment discrimination received during the preceding six-month period. Additionally, each report shall identify (by name and job title) each individual who received live or videotaped employment discrimination training pursuant to paragraph 14 of this consent decree during the preceding six-month period. The first such report will be due three (3) months after the entry of this consent decree by the Court, and the last will be due three (3) months prior to the expiration of the consent decree pursuant to paragraph 21, below.

E. IMPLEMENTATION

18. The parties shall attempt to resolve informally any disputes that may occur under this consent decree. If the parties are unable to reach agreement within thirty (30) days after a matter has been brought to the attention of one of the parties by the other, the issue may be submitted by either party to the Court for resolution.

19. All documents required to be delivered under this decree to the United States shall be

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sent to the following address: Stephen J. Curran, Trial Attorney, Employment Litigation Section, Civil Rights Division, U. S. Department of Justice, P. O. Box 65968, Washington, D. C. 20035-5968 or such other address as the United States shall provide to the School Board in writing.

20. The Court shall retain jurisdiction of this action during the term of the consent decree for the purpose of enforcing the consent decree, resolving any disputes that may arise between the parties under the consent decree and entering such orders as may be appropriate.

21. This consent decree shall terminate three (3) years after the date of its entry, unless the parties have agreed in writing to extend the term of the consent decree, the Court has ordered an extension of the term of the consent decree, or an issue has been submitted to the Court for resolution pursuant to paragraph 18 of this consent decree and has not yet been resolved.

22. In the event that an issue has been submitted to the Court for resolution pursuant to paragraph 18 of this consent decree and has not yet been resolved, the consent decree shall remain in effect until the issue is resolved.

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AGREED TO:

For the Calcasieu Parish School Board:

By:



WILRIDGE P. DOUCET

President

Calcasieu Parish School Board

Dated: 9-22-00



JAMES SPRUEL, JR.

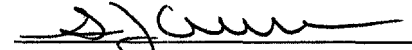
Assistant District Attorney
Fourteenth Judicial District,

Calcasieu Parish
1020 Ryan Street
Lake Charles, Louisiana 70601
(318) 437-3400

Dated: 9-22-00

For the United States Department Of Justice:

BILL LANN LEE
Assistant Attorney General



By: **WILLIAM B. FENTON**

STEPHEN J. CURRAN

Attorneys

Employment Litigation Section

Civil Rights Division

U.S. Department of Justice

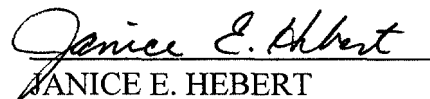
P.O. Box 65968

Washington, D.C. 20035-5968

(202) 307-3925

(202) 514-4762

Dated: 9/19/00



JANICE E. HEBERT

Assistant U.S. Attorney

800 Lafayette Street, Suite 2200

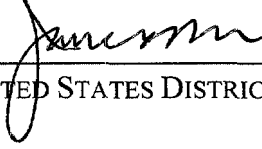
Lafayette, Louisiana 70501

(318) 262-6618

Dated: 9/25/00

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DONE and ORDERED this 28th day of September, 2000.


UNITED STATES DISTRICT JUDGE

COPY SENT

DATE 9-28-00
BY JB
TO JTT:RH
JB

COPY SENT:

DATE: 10-3-00
BY: DMN
TO: Hebert
Flanagan
Cunanan
Spiegel

APPENDIX A
NOTICE LETTER

Ms. Dorenda Turner
in care of
Lonnie Smith, Esq.
918 Moss Street
Lake Charles, Louisiana 70601-5338

Dear Ms. Turner:

A consent decree has been entered settling a complaint of employment discrimination filed by the United States against the Calcasieu Parish School Board.

Under the terms of the consent decree in the case of United States v. Calcasieu Parish School Board, Civil Action No. _____ (W.D. La.), a copy of which is enclosed, you are being offered a monetary award of \$80,000. All or part of this award may be subject to federal income tax.

The above relief is being offered to you on the following condition: in order to accept the relief offered, the School Board will require that you release it from all employment discrimination claims you may presently have against it arising out of the above referenced case and EEOC Charge Nos. 270-95-1119 and 270-99-0499. To accept the relief offered, you must complete the enclosed Release form and return it to:

Mr. James Spruel, Jr.
Assistant District Attorney
Fourteenth Judicial District, Calcasieu Parish
1020 Ryan Street
Lake Charles, Louisiana 70601
(318) 437-3400

The release form must be signed and returned within forty-five (45) days of your receipt of this letter. The release may be returned by mail or in person. In either case, the release must be signed in the presence of a notary public and thereafter notarized before you return it.

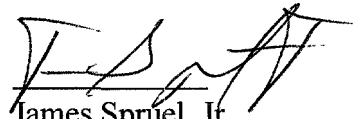
IF YOU FAIL TO SIGN AND SUBMIT THE RELEASE FORM WITHIN FORTY-FIVE (45) DAYS FROM YOUR RECEIPT OF THIS NOTICE LETTER, YOU WILL FORFEIT YOUR RIGHTS TO ANY MONETARY AWARD OR OTHER RELIEF UNDER THIS CONSENT DECREE, UNLESS YOU CAN SHOW GOOD CAUSE FOR YOUR FAILURE TO DO SO WITHIN A REASONABLE TIME THEREAFTER.

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Payment to you of the monetary award will be made within ten (10) days after receipt by the undersigned of your signed Release.

If you have any questions concerning this settlement, you may contact Stephen J. Curran, attorney for the United States Department of Justice at (202) 514-4762.

Sincerely,



James Spruel, Jr.
Attorney for Defendant

Enclosure

APPENDIX B

RELEASE

United States v. Calcasieu Parish School Board
Civil Action No.

STATE OF LOUISIANA

Calcasieu Parish

For and in consideration of the acceptance of the relief offered me pursuant to the provisions of the consent decree entered in United States v. Calcasieu Parish School Board, Civil Action No. _____ (W.D. La.), I, Dorenda Turner, hereby release and forever discharge the Defendant Calcasieu Parish School Board, employees and agents, of and from all legal and equitable claims arising out of that action and EEOC Charge Nos. 270-95-1119 and 270-99-0499.

I understand that the relief offered to me by Defendant Calcasieu Parish School Board in consideration for this release does not constitute an admission by any of the parties released of the validity of any claim raised by me or on my behalf.

This release constitutes the entire agreement between Defendant Calcasieu Parish School Board and myself, without exception or exclusion.

I acknowledge that a copy of the consent decree in this action has been made available to me.

I HAVE READ THIS RELEASE AND UNDERSTAND THE CONTENTS THEREOF, AND I EXECUTE THIS RELEASE OF MY OWN FREE ACT AND DEED.

Signed this _____ day of _____, 2000.

Dorenda Turner

Subscribed and Sworn to before me this _____ day of _____, 2000.

NOTARY PUBLIC

My commission expires: _____.