

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. <u>2:12-cv-434</u>
)	
v.)	
)	
STATE OF LOUISIANA)	
DEPARTMENT OF PUBLIC)	
SAFETY and CORRECTIONS,)	
)	
Defendant.)	
)	

COMPLAINT

Plaintiff, the 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").

JURISDICTION AND VENUE

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1345.

3. Defendant STATE OF LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS (the "DPSC") is a government entity created pursuant to the laws of the State of Louisiana. The DPSC oversees the operation of the adult Probation and Parole ("P&P") District Offices and more specifically, the Thibodaux District Office located in LaFourche Parish.

4. The Equal Employment Opportunity Commission ("EEOC") received a timely charge (EEOC Charge No. 461-2009-00911) filed by Laura Arceneaux ("Arceneaux") on or about March 18, 2009. In her EEOC Charge, Arceneaux alleged, *inter alia*, that she had been

subject to sexual harassment, which included two attempts of sexual assault by her supervisor, District Administrator Farrell Veillion (“Veillion”). Pursuant to Section 706 of Title VII, the EEOC investigated the charge, found reasonable cause to believe that Arceneaux was subjected to gender-based discrimination and sexual harassment in the form of a hostile work environment, the DPSC failed to take corrective action to stop it, and the DPSC did not have an effective sexual harassment policy in place at the time of the harassment. The EEOC attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge, and subsequently referred the matter to the Department of Justice.

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

CAUSE OF ACTION

6. Arceneaux commenced employment with DPSC on July 23, 2001 as an Office Coordinator III at the Thibodaux District of its P&P Division. At the time, Veillion was a P&P supervisor, and in that capacity was an indirect supervisor of Arceneaux. In 2005, DPSC promoted Veillion to District Administrator and Arceneaux to Administrative Program Manager. As a result, Veillion became Arceneaux’s direct supervisor.

7. Commencing in 2002 and continuing through November 2008, Arceneaux was subjected to sexual harassment by Veillion. The harassment began as inappropriate comments, escalated to inappropriate touching, and culminated in two incidents of sexual assault.

8. In 2001 Veillion began hanging around her desk frequently. By May 2002, Veillion attempted to kiss Arceneaux following an off-site work function. Arceneaux pushed Veillion away, sobbing, and told him she was married and loved her husband.

9. In 2005, Veillion trained Arceneaux behind closed doors so that nobody could hear or see what was going on inside. On multiple occasions, Veillion chased Arceneaux around

the desk and attempted to kiss her. He told Arceneaux he loved her and wanted her to leave her husband and let him take care of her. Veillion also regularly invaded Arceneaux's personal space by standing behind her or over her when she was at her desk; hugged her from behind; caressed her shoulders; touched or commented on her buttocks; played with her hair; and asked Arceneaux if he could perform oral sex on her. Arceneaux consistently rebuffed Veillion's advances and repeatedly asked Veillion to stop, informing him that she loved her husband and had no desire to have an affair. Each time he was rebuffed, for the following weeks, Veillion gave Arceneaux the silent treatment.

10. By 2007, Veillion's harassing behavior occurred on a daily basis when Veillion moved Arceneaux's office next to his on an isolated hallway. He closed the door when he was with Arceneaux and constantly hounded her about having an affair with him. Arceneaux continued to inform Veillion that she loved her husband and wanted no part of an affair. Veillion also continued to invade Arceneaux's space by standing over her too closely and putting his hands on her back and neck. He resumed chasing Arceneaux around her desk and at least weekly touched her offensively and made offensive comments to her.

11. Although the DPSC had a sexual harassment policy in place in 2007, the policy required that reports of harassment be made to the undefined "Unit Head," which Arceneaux and her coworkers believed to be District Administrator Veillion. The policy did not provide for any alternative means of reporting harassment.

12. Between 2007 and 2008, Arceneaux confided in three co-workers about Veillion's behavior. She also reported the harassment in late 2007 and early to mid 2008 to a part-time P&P Internal Affairs investigator. These individuals failed to treat the allegations as a report of sexual harassment. As a result, the harassment continued unabated.

13. By mid-2008, Veillion's sexual harassment of Arceneaux escalated to sexual assault. On July 9, 2008, Veillion trapped Arceneaux in his office and advised her he wanted to see her breasts. When Arceneaux refused and tried to leave, Veillion grabbed Arceneaux, pinned her to the wall, pulled up her shirt, and pulled her bra over her breasts. Arceneaux was able to escape after a few minutes.

14. On November 5, 2008, Veillion again trapped Arceneaux in his office and demanded she kiss him. When Arceneaux refused, Veillion pushed Arceneaux onto his sofa, pinned her down, pulled open her shirt, pushed up her bra over her breasts, began suckling on her breasts and then began to attempt to unbutton her pants, stating, "If you would just lie still and quit resisting me for five minutes, everything would be okay." Arceneaux was able to finally escape Veillion's grasp and leave the office. Following this assault, Arceneaux did not go back to work for almost a week.

15. On or about December 5, 2008, Arceneaux filed a complaint of harassment with the DPSC Director of Investigations. Arceneaux also filed criminal charges against Veillion and obtained an 18 month restraining order against him.

16. The DPSC conducted an internal investigation in December 2008. During the investigation, Veillion admitted to some of the conduct alleged by Arceneaux, but claimed to be "in love" with her. In reviewing Veillion's office during the investigation, the DPSC discovered photographs of Arceneaux including multiple copies of her driver's license and several photos where Arceneaux had been cropped out of group photos in Veillion's desk. Following its investigation, the DPSC cited Veillion with violating six employee rules and with aggravated malfeasance sexual harassment. On December 17, 2008, Veillion resigned prior to his disciplinary hearing.

17. By its conduct, the DPSC has discriminated against Arceneaux in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

- (a) creating and maintaining a hostile work environment sufficiently severe or pervasive to alter the terms, conditions or privileges of her employment;
- (b) failing to have an adequate sexual harassment policy in place that clearly explained how, and to whom, reports of harassment should be made;
- (c) failing or refusing to take prompt or adequate remedial action in response to Arceneaux's complaints of sexual harassment;
- (d) failing or refusing to take prompt or adequate remedial action when the DPSC knew, or should have known, about the sexual harassment of Arceneaux;

PRAYER FOR RELIEF

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

- (a) Enjoin Defendant DPSC from discriminating against employees based on their sex and/or retaliating against employees who engage in activity protected under Title VII;
- (b) Order Defendant DPSC to develop and implement appropriate and effective measures designed to prevent sexual harassment in violation of Title VII;
- (c) Award compensatory damages to Arceneaux to fully compensate her for the injuries caused by Defendant DPSC'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; and
- (d) Award such 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. § 1981(a).

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