

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Miami District Office

Taronica White, et al.,)	EEOC No.: 510-2012-00077X
)	Agency No.: BOP-2011-00528
Complainants,)	
)	
v.)	
)	Administrative Judge
Attorney General Loretta Lynch,)	Joy R. Brockman
Department of Justice,)	
)	
Agency.)	

NOTICE OF PROPOSED RESOLUTION OF CLASS ACTION

This document contains important information about the Settlement Agreement and deadlines for steps that you must take. **You must follow the instructions by the deadlines listed in this document** or you will forfeit your right to recover any money from the settlement and to pursue any individual claims against the agency arising out of inmate sexual misconduct.

The parties have reached a proposed resolution of a class action alleging that the Federal Bureau of Prisons, Federal Correctional Complex Coleman (“FCC Coleman” or “Agency”) failed to take adequate measures to prevent male inmates from sexually harassing female employees.

THE TERMS OF THE SETTLEMENT

The Agency has agreed to pay up to \$20 million into the settlement fund. The amount to be paid will depend upon the number of Class Members who submit Claim Forms by the deadline indicating that they are eligible to recover money. The process for determining how much money each Class Member will receive is described in more detail in Attachment A to this Notice on pages 2-4. The Agency has also agreed to change its policies and practices for dealing with inmate sexual misconduct toward staff. These changes are discussed in more detail in Attachment A to this Notice on pages 4-9 and in the attached settlement agreement.

WHAT YOU MUST DO IF YOU ARE COVERED BY THE CLASS ACTION

If you want to recover money damages from the settlement, you **MUST** fill out the attached Claim Form.

While it is possible to fill out the form and return it by mail, email, or fax, **we strongly urge you to fill out the form online** as this is the only way to ensure that your form is not lost and that your entries are accurate. You can access the Claim Form online by going to the website www.colemansexualharassment.com and clicking on the “Claim Form” tab.

There are three important things to keep in mind when filling out your Claim Form:

- (1) **You Should Be as Detailed as Possible on Your Claim Form** – While it may be difficult and possibly painful to answer the questions on the Claim Form, it is important that you answer them as fully and with as much detail as possible because the Claims Administrator will be taking into account the amount of inmate sexual misconduct you experienced and the amount of harm you suffered when deciding what portion of the settlement fund should be allocated to you. **All of the information you provide will be kept confidential by the Claims Administrator and will NOT be provided to the Agency.**
- (2) **Inmate Sexual Harassment Does Not Only Mean Masturbation** – You should not only talk about inmate masturbation when filling out the Claim Form. If inmates knocked on windows in an attempt to get your attention, made sexual comments to you, made comments about your body, made sexual gestures, stalked you, left semen in an area where you would find it, or anything else that you viewed as sexual, you should discuss it on your Claim Form.
- (3) **Do Not Limit Your Answers to Only Things for Which You Submitted an Incident Report** – You should discuss everything you experienced, even if you did not submit an incident report for it. For example, if you believe an inmate masturbated at you, but you did not submit an incident report because you did not see the exposed skin of the inmate’s penis, you should still discuss that incident on this Claim Form. If you had inmates shout sexual comments at you, but you did not submit an incident report because you could not identify the inmate who made the comment, you should still discuss this incident on this Claim Form.

The Claim Form must be returned to the Claims Administrator **by no later than May 10, 2017**, or you will waive any right to recover any money from this case.

If you object to the settlement, you must submit your objection explaining why you disagree with the settlement by no later than March 13, 2017.

WHO YOU SHOULD CONTACT WITH QUESTIONS

Additional information about the settlement is contained in Attachment A to this Notice. If you have any questions, you should contact Class Counsel:

Heidi R. Burakiewicz
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1250 Connecticut Avenue, N.W.
Suite 300
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202-822-5100 (phone)
202-822-4100 (facsimile)
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You should NOT contact the Agency or the Judge with any questions about the case or settlement.

WHO IS INCLUDED IN THE CASE

If you received this Notice by email or by U.S. mail directly to you by the Claims Administrator (A.B. Data, Ltd.), then the Agency's records show that you are included in the case as a Class Member.

The case covers all women who worked at FCC Coleman at any point in time between February 6, 2011,¹ and January 17, 2017,² with the exception of the following positions: Warden, Associate Warden, Disciplinary Hearing Officer, Executive Assistant, Camp Assistant, Lieutenant, Captain, UNICOR, and Computer Services.³

If you have any questions about whether you are included in the case, there are two important things to keep in mind:

- (1) Women who held the positions Warden, Associate Warden, DHO, Executive Assistant, Camp Assistant, Lieutenant, Captain, UNICOR, and Computer Services **are still included in the case if they also held any other position at FCC Coleman at any point in time between February 6, 2011, and January 17, 2017.**
- (2) If you worked at FCC Coleman between February 6, 2011, and December 1, 2016, you are part of the case and **you should take into consideration all of the inmate harassment and all of the harm experienced going back as far as April 17, 2001, when filling out the Claim Form.**

For example, a woman who was a correctional officer at FCC Coleman from January 1, 2002, until June 23, 2014, when she was promoted to lieutenant is part of the case because she worked in a position covered by the settlement between February 6, 2011, and January 17, 2017. This Class Member should take into consideration all of the harassment and harm she suffered from the date she started at FCC Coleman on January 1, 2002, until she was promoted to lieutenant on June 23, 2014, when filling out her Claim Form.

¹February 6, 2011, is 45 days prior to the date the case was initiated on March 23, 2011.

²January 17, 2017, is the date the Judge granted Preliminary Approval.

³On April 9, 2013, Administrative Judge Brockman (the "Judge") certified the case as a class action. In 2014, the Judge modified the class definition.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

If You Want to Collect Money from the Settlement	You must submit a Claim Form to the Claims Administrator by May 10, 2017 .
If You Disagree with the Settlement and Want to Object	You must submit your objections or comments stating why you think the settlement is unfair to the class by March 13, 2017 . Even if you submit an objection, you may still submit a Claim Form. If you do not submit a Claim Form by the deadline and the judge denies your objection, you will not be entitled to recover any money from the settlement fund.
If You Want to Participate in the Hearing	You must state in your objection that you want the opportunity to be present and speak at the Final Approval Hearing.

PLEASE NOTE:

IF YOU DO NOT SUBMIT A CLAIM FORM OR OBJECT BY THE DEADLINE, YOU WILL WAIVE YOUR RIGHT TO COLLECT ANY MONEY FROM THE SETTLEMENT AND TO PURSUE YOUR RIGHTS TO CHALLENGE THE INMATE SEXUAL HARASSMENT.