

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CARMEN JEAN-BAPTISTE,  
Plaintiff,

v.

DISTRICT OF COLUMBIA,  
Defendant.

Civil Action No. 11-1587 (RCL)

**FILED**

AUG 10 2012

Clerk, U.S. District and  
Bankruptcy Courts

VERDICT FORM

**A. TITLE VII and DC HUMAN RIGHTS ACT SEXUAL HARASSMENT CLAIM  
AGAINST DISTRICT OF COLUMBIA**

A1. Do you find it more likely than not that Rodney Weaver Subjected the plaintiff to  
unwelcome verbal or physical conduct?

X  
YES

        
NO

If you answered NO, then your verdict must be in favor of the defendant. If you  
answered YES, then:

A2. Do you find the conduct was sufficiently severe or pervasive such that it created a  
hostile work environment by changing the terms and conditions of plaintiff's  
employment?

X  
YES

        
NO

If you answered NO, then your verdict must be in favor of the defendant. If you  
answered YES, then:

A3. Do you find that the defendant exercised reasonable care to prevent and correct  
promptly any sexually harassing behavior in the workplace and that the plaintiff  
unreasonably failed to take advantage of the preventive or corrective opportunities  
provided by the defendant to avoid or correct the harm, or otherwise failed to exercise  
reasonable care to avoid harm?

        
YES

X  
NO

If you answered YES to Question A3, then your verdict on this claim must be in favor of the defendant.

**B. TITLE VII AND DC HUMAN RIGHTS ACT RETALIATION CLAIM AGAINST DISTRICT OF COLUMBIA**

B1. Has plaintiff proven by a preponderance of the evidence that plaintiff's complaint(s) was/were a substantial or motivating factor in the District of Columbia deciding not to offer plaintiff permanent employment or deciding to terminate her?

  X    
YES

\_\_\_\_\_  
NO

If you answered NO to Question B1, then your verdict on this claim must be in favor of the defendant.

**C. DC WHISTLEBLOWER'S PROTECTION ACT CLAIM AGAINST DISTRICT OF COLUMBIA**

C1. Do you find it more likely than not that the plaintiff engaged in a protected activity?

  X    
YES

\_\_\_\_\_  
NO

If you answered NO, then your verdict must be in favor of the defendant. If you answered YES, then:

C2. Do you find that the defendant took a prohibited personnel action against the plaintiff?

  X    
YES

\_\_\_\_\_  
NO

If you answered NO, then your verdict must be in favor of the defendant. If you answered YES, then:

C3. Do you find that the plaintiff's protected activity was a substantial or motivating factor that prompted the District of Columbia to decide not to offer plaintiff permanent employment or deciding to terminate her?

  X    
YES

\_\_\_\_\_  
NO

If you answered NO to Question C3, then your verdict on this claim must be in favor of the defendant.

## D. DAMAGES

If your answer to Question A3 is NO, or if your answer to Question B1 is YES, or if your answer to Question C3 is YES, what amount of damages do you award plaintiff?

\$ 3.5 million

Aug. 10, 2012  
Date

~~Jury Foreperson~~

FILED

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We, the jury in Carmen Jean-Baptiste,  
plaintiff, v. District of Columbia,  
defendant, respectfully recommends  
the following be included as part  
of damages awarded in this case:

- The defendant District of Columbia  
must begin an EEO training program  
for all <sup>DPR</sup> managers and make this training  
available to all new managers, including  
temporary or summer managers;

- The defendant must rewrite DPR  
personnel policies to remove ambiguities  
about the EEO complaint and investigation  
processes and clarify what steps must  
be taken in an investigation of an  
EEO complaint.

- The defendant must initiate a review  
of the actions, or lack of action, taken  
by ~~all~~ all DPR employees and managers  
at the Takoma Pool and Aquatic Program  
from May 2006 through January 2007. The  
review should be conducted by a person or  
persons with the power to issue a report  
to the Mayor of the District of Columbia  
with recommendations for appropriate action, up  
to and including dismissal of any <sup>currently</sup> employee  
who is found to have violated DPR policies.