



SCENARIOS

Scenario One

In December, GF, a 13-year-old boy, attempted to touch LS's breasts and genital area and made vulgar statements such as "I want to get in bed with you" and "I want to feel your boobs." LS told Teacher and her mother. Similar conduct occurred on or about January 4 and January 20. LS again told her mother and her classroom teacher that GF was "being gross." In January, LS's parents in turn, also contacted Teacher, who assured parents that the school principal, had been informed of the incidents. In early February, GF placed a door stop in his pants and proceeded to act in a sexually suggestive manner toward LS during physical education class. LS reported GF's behavior to her physical education teacher. Approximately one week later, GF again engaged in harassing behavior, this time while under the supervision of the computer lab librarian. LS reported the incident to the computer librarian, and again LS's parents contacted Teacher to follow up. In early March, GF once more directed sexually harassing conduct toward LS in physical education class. LS reported the incident to both the PE teacher and the Principal, saying "GF is bothering me again." In mid-April, GF rubbed his body against LS in the school cafeteria in what LS considered a sexually suggestive manner, and LS complained to the lunchroom cashier. During the December to May timeframe, LS's grades dropped from A average to D average.

Scenario two

SH is a kindergarten student at Elementary School of School District. SH rode the public-school bus to and from school. From September to February, an older student on the bus, coerced her into lifting her dress, pulling down her underwear, and spreading her legs. This occurred every time SH wore a dress, which was approximately two to three times per week. There are no allegations that the incidents involved any touching. On February 14, SH told Mom and Dad what was happening on the bus. Mom promptly called Principal. SH does not know the name of the older student, but the bus only carries students from grades K-3. As of February 14, SH has not ridden the bus, but her parents have driven her to school.



Scenario three

When ASG was an eighth-grade student at a middle school in the School District, she joined a high school book discussion group led by FW, a teacher at District high school. During the book discussion sessions, FW often made sexually suggestive comments to the students. ASG entered high school that next fall and was assigned to classes taught by FW in both semesters. FW continued to make inappropriate remarks to the students, and he began to direct more of his suggestive comments toward ASG, including during the substantial amount of time that the two were alone in his classroom. He initiated sexual contact with ASG in the spring, when, while visiting her home ostensibly to give her a book, he kissed and fondled her. The two had sexual intercourse on a number of occasions during the remainder of the school year. Their relationship continued through the summer and into the following school year, and they often had intercourse during class time, although never on school property.

In October of the second year, the parents of two other students complained to the high school principal about FW's comments in class. The principal arranged a meeting, at which, according to the principal, FW indicated that he did not believe he had made offensive remarks but apologized to the parents and said it would not happen again. The principal also advised FW to be careful about his classroom comments and told the school guidance counselor about the meeting, but he did not report the parents' complaint to the District's superintendent, who was the district's Title IX coordinator. A couple of months later, in January, a police officer discovered FW and ASG engaging in sexual intercourse and arrested FW. During this time, the district had not promulgated or distributed an official grievance procedure for lodging sexual harassment complaints; nor had it issued a formal anti-harassment policy. ASG did not report the relationship to school officials, testifying that while she realized FW's conduct was improper, she was uncertain how to react and she wanted to continue having him as a teacher.



Scenario Four

During the 2016-2017 school year, W.J.L. suffered “intense, persistent, and malicious bullying” from fellow students. The bullying involved “unwanted and unwarranted physical contact,” “persistent and pervasive ridicule,” “threats of violence,” and statements that W.J.L. was “better off dead” and should commit suicide. Much of the bullying that W.J.L. suffered involved his “not being perceived to be masculine enough relative to his peers and not having the ideal appearance for a male in his age group.” W.J.L. was effeminate, acted like a girl, and was rejected by both the boys, for not being macho, and by the girls for being weird.

Students bullied W.J.L. “on school property during educational hours.” W.J.L. also experienced bullying off of school grounds, such as while walking back to his house or online through social media. W.J.L. also experienced bullying in the presence of the Junior High staff. In fact, “[i]t was well known throughout the school that W.J.L. was persistently picked on by his peers.” Furthermore, it was known that many of the students who bullied W.J.L. were members of the school’s sports teams, baseball players, wrestlers, basketball players. W.J.L. had often complained to the guidance counselor, to the vice-principal, and to various teachers.

On one occasion, W.J.L. was being bullied in a male teacher's classroom and asked to leave the classroom and go to the guidance counselor's office. Rather than allow W.J.L. to see the guidance counselor, the male teacher told W.J.L. that he “needed to stop being a baby.” Despite the fact that students and school personnel knew about the severe and persistent bullying that W.J.L. suffered, Junior High staff and faculty failed to take any action to address the problem. Further, in violation of District policy, school officials never notified W.J.L.'s parents about the persistent bullying their son experienced.

W.J.L. killed himself on May 18, 2017. W.J.L. took his life after a “particularly brutal day of bullying” at school.



Scenario Five

A 12 years employee, a custodian at District's High School contends that she was subjected to sexual harassment from April 2018 to March 2020 by Custodial Supervisor JG and another custodian, CBB. Custodian states she complained to the principal and a vice principal who told her she worked for the District custodial staff and not for the school, so they could not help her. Custodian also complained to members of the District custodial management team, including WE, and KM, but nothing was done to stop or deter the conduct. Her complaints were made at different times between May 2018 and January 2020.

In February 2020, Custodian complained about the ongoing sexual harassment to the District's Director of Equal Opportunity and Affirmative Action. This is an additional duty assigned to the junior Assistant Superintendent for the District. Custodian alleges her supervisors failed to properly investigate the complaints. The District's Director of EOAA refused to interview witnesses, telling Custodian that investigating her complaint would start a "firestorm" in the community. After all, "we live in a very conservative, highly religious community." Custodian alleges that she did not receive sexual harassment training until after the alleged harassment took place. Custodian claims she suffered emotional distress damages as a result of the sexual harassment she endured.





Questions?