

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

John Doe,
James Doe,
T. B., by and through his Next Friend Mother 1
U. J., by and through his Next Friend, Mother 2,
J.S., by and through his Next Friend, Mother 3.

Plaintiffs,

Hon. _____

v.

No. _____

Grand Rapids Public School District,
Teresa Weatherall Neal, Superintendent,
in her Official and Individual Capacities;
Daniel Williams Principal, of Grand
Rapids University Prep Academy, Assistant
Principal Kenyatta Hill, in their Official and
Individual Capacities; and Larry Johnson,
Assistant Superintendent, Public Safety
Director and Title IX Coordinator, and in
their Official and Individual Capacities;

Defendants.

COMPLAINT AND JURY DEMAND

This cause of action arises from Defendants' deliberately indifferent and unreasonable response to a teacher-on-student sexual assaults on and off school premises and sex-based harassment and retaliation for making complaints under Title IX. Defendants' failure to prevent, and then promptly and appropriately investigate, remedy and respond to the sexual assaults after they received notice subjected Plaintiffs to further harassment and a hostile educational environment, as well as retaliation, effectively denying them all access to educational opportunities at their school. This action alleges violations of Title IX and the denial of equal protection of the laws under the Fourteenth Amendment to the U.S. Constitution.

Plaintiffs, by and through their attorneys, EARDLEY LAW OFFICES, P.C., and hereby files the following Complaint against Defendants as captioned above.

I. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331, which gives district courts jurisdiction over all civil actions arising under the Constitution, laws, and treaties of the United States.
 2. This Court also has subject matter jurisdiction pursuant to 28 U.S.C. § 1343, which gives district courts original jurisdiction over (a) any civil action authorized by law to be brought by any person to redress the deprivation, under color of any State Law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States; and (b) any civil action to recover damages or to secure equitable relief under any Act of Congress providing for the protection of the civil rights.
 3. Plaintiffs bring this action to redress a hostile educational environment and retaliation pursuant to Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a), as more fully set forth herein.
 4. This is also an action to redress the deprivation of Plaintiffs' constitutional rights under the Fourteenth Amendment of the United States Constitution pursuant to 42 U.S.C. § 1983.
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5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), since all defendants reside or resided in this district and the events giving rise to the claims occurred in this district.

II. THE PARTIES

6. Plaintiff John Doe is a male and was a minor until he turned eighteen (18) in 2014.
7. At all material times Plaintiff John Doe was a resident of the County of Kent, State of Michigan.
8. At the time of events complained of herein, Plaintiff was a student attending a high school within the Defendant GRAND RAPIDS PUBLIC SCHOOLS DISTRICT (“the School District”) Grand Rapids University Prep Academy.
9. Plaintiff James Doe is a male and was a minor until he turned eighteen (18) in 2013.
10. At all material times Plaintiff James Doe was a resident of the County of Kent, State of Michigan.
11. At the time of events complained of herein, Plaintiff James Doe was a student attending a high school within the Defendant GRAND RAPIDS PUBLIC SCHOOLS, DISTRICT (“the School District”) Grand Rapids University Prep Academy.
12. Plaintiff T. B. is a male and was a minor at all relevant time in the Complaint.
13. At all material times Plaintiff T.B. was a student at Grand Rapids University Prep Academy in the County of Kent, State of Michigan.
14. At the time of events complained of herein, Plaintiff T.B. was a student attending a high school within the Defendant GRAND RAPIDS PUBLIC SCHOOLS

- DISTRICT (“the School District”), Grand Rapids University Prep Academy.
15. Plaintiff U. J. is a male and was a minor at all relevant time in the Complaint.
 16. At all material times Plaintiff U.J. was a resident of the County of Kent, State of Michigan.
 17. At the time of events complained of herein, Plaintiff U.J. was a student attending a high school within the Defendant GRAND RAPIDS PUBLIC SCHOOLS DISTRICT (“the School District”) Grand Rapids University Prep Academy.
 18. Plaintiff J. S., is a male and was a minor at all relevant times in the Complaint.
 19. At all material times Plaintiff J.S. was a resident of the County of Kent, State of Michigan.
 20. At the time of events complained of herein, Plaintiff J.S. was a student attending a high school within the Defendant GRAND RAPIDS PUBLIC SCHOOLS DISTRICT (“the School District”), Grand Rapids University Prep Academy.
 21. The Defendant School District is a public educational institution located in the County of Kent, City of Grand Rapids, State of Michigan.
 22. At all material times, Defendant TERESA WEATHERALL NEAL (“the Superintendent”), in her official and individual capacities, worked within the County of Kent, City of Grand Rapids, State of Michigan.
 23. During all material times, the Superintendent was an agent and/or employee of Defendant School District, acting or failing to act within the scope, course, and authority of her employment and her employer.
 24. At all material times, DANIEL WILLIAMS (“the Principal”), in his official and individual capacities, worked within the County of Kent, City of Grand Rapids, State

of Michigan.

25. During all material times, the “Principal” was an agent and/or employee of Defendant School District, acting or failing to act within the scope, course, and authority of his employment and his employer.
26. At all material times, Defendant LARRY JOHNSON, Assistant Superintendent, Public Safety Director and Title IX/Civil Rights Coordinator, (“Assistant Superintendent Johnson”) in his official and individual capacities, worked within the County of Kent, City of Grand Rapids, State of Michigan.
27. At all material times, Assistant Superintendent Johnson was an agent and/or employee of Defendant School District, acting or failing to act within the scope, course, and authority of his employment and his employer.
28. At all material times, Assistant Principal KENYATTA HILL was an agent and/or employee of Defendant School District, acting or failing to act within the scope, course, and authority of her employment and her employer.

III. APPLICABLE LAW AND POLICY

29. Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. § 1681(a), states that

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. . . .

30. Title IX is implemented through the Code of Federal Regulations. See 34 C.F.R. Part 106.
31. 34 C.F.R. § 106.8(b) provides:

. . . A recipient shall adopt and publish grievance procedures

providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part.

32. In *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1988), the United States Supreme Court recognized that a recipient of federal educational funds intentionally violates Title IX, and is subject to a private damages action, where the recipient is “deliberately indifferent” to known acts of teacher-student discrimination.
33. In *Davis v. Monroe County Board. of Education*, 526 U.S. 629 (1999), the United States Supreme Court extended the private damages action recognized in *Gebser* to cases where the harasser is a student, rather than a teacher.
34. In *Vance v Spencer County Public School District* 231 F.3d 253 (6th Cir 2000) it was held that actionable deliberate indifference could be shown by a school district responding to a sexual assault by merely investigating it, but taking no other action at all.
35. In *Davis* at 648 it was held that a school district’s response or lack of response to sexual harassment can be actionable when it is shown to be “...clearly unreasonable in the light of the known circumstances...”
36. In *Cynthia McGrath v Dominican College of Blauvelt* 672 F.Supp 2d 477, the United States District Court for the Southern District of New York held that the college’s failure to accommodate the needs of the student victim of on campus gang rape in providing her a safe, comfortable environment to attend school after the assault, was sufficient to show deliberate indifference in violation of Title IX. In this case, the college’s delegation of its duties to investigate under Title IX to the local police department were also sufficient to allege actionable deliberate indifference on the part

of the Defendants.

37. In *Murrell v Sch. Dist No. 1, Denver, Colo.*, 186 F.3d 1238, 1248-49 (10th Cir 1999) a student who suffered emotional distress due to sexual harassment which occurred at the school, to the point of becoming a danger to herself or others and was forced to leave the school due to a need to be hospitalized, sufficient evidence of deliberate indifference was alleged.
38. The Fourteenth Amendment to the United States Constitution provides in pertinent part that no State shall “deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.
39. The Grand Rapids Public School District, as of the 2012-2013 School year, had adopted what appear to be anti-harassment policies, as part of its “Uniform Discipline Code for Student Conduct,” relevant excerpts attached as **Exhibit 1**.
40. This document is issued each school year to parents and students, and its face page (title sheet) recites its commitment to compliance with various state and federal statutes, including Title IX.
41. Pages 8-9 of Exhibit 1 outline the obligation of School District employees to report suspected abuse and neglect to Children’s Protective Services (CPS) and pages 9-10 outline and define Criminal Sexual Conduct, P.A. 250, which requires expulsion from school by students who commit such acts.
42. Page 11 also includes a definition of harassment as “ *...Conduct that is sufficiently severe, persistent or pervasive, limits a student’s ability to participate in, or benefit from, an education program or activity, or the conduct creates a hostile or abusive educational environment.* ”

43. A “Sexual Harassment” policy is also outlined on page 15-16 of **Exhibit 1**. The policy lists the U.S. Department of Education’s Office of Civil Rights (OCR) factors for determination if there is a hostile environment created by *student on student* harassment and enumerates these criteria:

- Degree to which the conduct affected one (1) or more students.
- Observable impact on students
- Impact on other students
- Type, frequency and duration of the duration of the conduct.
- Identity of, and relationship between the harasser and the target.
- Number of harassers.
- Relative ages of the harassers and the target.
- Size of the school and location of the incident.
- Other factors, including non-sexual incidents.

44. And the policy says: OCR has said that a school is liable for sexual harassment when:

- A hostile environment exists.
- The school knows or should have known.
- The school fails to take immediate and appropriate action.

45. While the policy does not specifically state teacher on student harassment, it is implied on page 16, wherein the “Complaint Procedure” states that any conduct or physical contact by an employee of the District or by another student is to be immediately reported to the Principal, or to the Office of Civil Rights, ...and goes on

to say that “*All such reports shall be investigated by the District.*”

46. The same section refers to page 27 of **Exhibit 1**, noting “Also see Civil Rights Complaint Procedures.”
47. This section tells parents, students and applicants to report discrimination and harassment to the Principal, District Office of Civil Rights (OCR) and tells employees to report this to an immediate supervisor, Principal or OCR, and further states that “The District (or designees) *shall* investigate allegations of improper conduct.”
48. The policy notes that proven allegations require the District to remediate the situation, and take steps to prevent its re-occurrence, as well as to strictly forbid any retaliation for making such a complaint.
49. It goes on to say:

ADMINISTRATOR/STAFF RESPONSIBILITIES: Any administrator or staff member who observes or receives a complaint of discrimination or harassment must do the following: 1) Immediately report such activity to their immediate supervisor and the District OCR. 2) Cooperate in the investigation and enforcement of Board policy and laws as requested, and directs inquiries about the policies to Mr. Larry Johnson, Civil Rights Compliance Officer.

COMMON ALLEGATIONS, PART ONE

50. At all material times, the School District was receiving federal funding, as contemplated by Title IX, 20 U.S.C. § 1681, *et seq.*
51. The School District implemented and executed policies and customs in regard to the events that resulted in the deprivation of Plaintiff’s constitutional, statutory, and common-law rights.

52. The School District is responsible for ensuring that all its employees are properly trained and supervised to perform their jobs.
53. The School District is responsible for the acts and omissions of its employees.
54. At the time of the sexual assaults that gave rise to the events complained of herein, Plaintiffs were all minor students at Grand Rapids University Prep Academy, and were students of, or had been students of teacher Jamila Williams.
55. The Plaintiffs had all been students of Jamila Williams from approximately 6th grade forward since the inception of G.R. University Prep Academy, and had been instructed by her in math, or tutored by her in math, or she had been their personal advisory teacher.
56. Teacher Jamila Williams had also been a track coach, and had her own children in the school, and had contact with the Plaintiffs' mothers and siblings both in and outside of school for several years.
57. Teacher Jamila Williams dressed inappropriately in the workplace, wearing tight and revealing clothing, and made comments about the sexual attractiveness of young male students openly in front of many students during school.
58. Teacher Jamila Williams would "snap" her thong (underwear) at the back of her pants in the hallway, which is a teenaged "booty call" advertising her sexual prowess.
59. Teacher Jamila Williams often would lock her door, and turn off the lights in her classroom during the day, while alone with male students, something known to "Rachel" a GR University Prep office employee, and Ms. Teasley, a volunteer who worked in the school office.
60. Williams also was known to simply take certain male students off campus during the

school day, and not properly “sign out” students who were not assigned to her-nor account for their whereabouts-which was required by District policy and school policy.

61. Ms. Williams seemed to have the “ear” of Principal Daniel Williams, who, like her, was fairly young.
62. Ms. Williams was allowed to do and say things other teachers did not, and was often seen laughing, joking and socializing with Principal Williams and Assistant Principal Hill during the school day.
63. The office staff, including “Rachel” and Mrs. Teasley, reported seeing Ms. Williams on the floor with a male student, with her head in his lap, with the lights turned off during the school day.
64. They also said they saw Williams laying on top of a desk or table top in her classroom with a male student, which they thought was very strange.
65. They told some of the parents this after the allegations about Williams became public.
66. A complaint was made by a parent, to a G.R. University Prep teacher about hearing students/children discussing inappropriate text messages between Jamila Williams and several different students on Monday May 27, 2013.
67. The teacher notified Assistant Principal Kenyatta Hill of this parent’s complaint on May 27, 2013.
68. On May 27, 2013, the District and all named Defendants were on formal notice that violations of their Title IX and sexual harassment policies had been alleged, and had to be investigated.

69. Assistant Principal Hill did not notify anyone as required by the policy and the law, but waited until May 30, 2013, three days later, Thursday, and then told Larry Johnson and the head of Grand Rapids Public Schools Human Resources about the allegation.
70. No action was taken at all between May 27 and June 3 by District Officials to investigate the allegation, other than a report being made to the Grand Rapids Police Department on approximately June 1, 2013 by someone from the School District.
71. From news accounts and review of the Police Report, it appears an initial investigation by the Grand Rapids Police Department did not reveal any information corroborating the allegation, on June 1, 2013,
72. It was not until June 3, 2013 that one of the mothers of the Plaintiffs came to the school to confront Jamila Williams after hearing about the allegations from a sister of one of the Plaintiffs, and another mother did the same, that the District did anything.
73. Once these parents complained, the District did nothing more to investigate or act on its own to address the allegations, other than send out a letter to parents on June 4, 2013 and refer the students to the Grand Rapids Police Department.
74. The Grand Rapids University Prep/GRPS officials suspended Williams the next day, June 4, 2013.
75. No investigation was done by the District, nor any remedial action taken to remedy the harm done and violations of the law, nor was any accommodation or assistance made to the student victims of the abuse to enable them to remain as students at University Prep, or help them transfer to educational institutions where they would

be able to enjoy access to their public education.

76. No interviews were ever done of the student victims by any representative of the District, nor were any interviews done by the school district of the assailant/teacher involved, office staff at University Prep, or any students or witnesses, or the Principal or Assistant Principal about how the assaults occurred, when and where, nor any efforts undertaken to remedy and avoid future such violations of law.
77. No effort was made to help the student victims stay at University Prep, nor was anything done to reach out to the parents or families to assist them with the interruption in the student's access to educational opportunities due the violations of law and sexual harassment.
78. In fact, school officials took overt actions to encourage some of the student victims to leave the school, or made it impossible for them to stay.
79. The lack of any affirmative actions by any of the Defendants during the school days between May 27, 2013 and June 3, 2013 permitted Jamila Williams to engage in efforts to intimidate the Plaintiffs, continue to sexually abuse them, and try to find out who had "blown the whistle" on her actions.
80. Williams interrupted some of the Plaintiffs while in class or taking exams to find out how much information had been shared with parents or authorities while her classroom was watched for her by Assistant Principal Kenyatta Hill.

V. PLAINTIFF U. J.

81. In early 2013, Teacher Jamila Williams escalated her sexualized behavior, and began to encourage Plaintiff U.J., who had always been an excellent student, to stay late with her after school, and give him rides home.

82. She was Plaintiff U.J.'s "advisory teacher" meaning she was supposed to coordinate all his classes, keep tabs on his grades and behavior, consult with his parents and other teachers, as part of the model of the University Prep one to one time of teachers with gifted students.
83. U.J.'s mother saw the extra attention as normal, as J. Williams had tutored her son in the past, and he saw her as a mentor.
84. U.J. had always been a very good, high achieving student, who was very good at math.
85. During these after school sessions, J. Williams told him intimate personal things about her family life, and told him her live in boyfriend, father of some of her children, was physically abusive to her, and that they were no longer sexually active, and that she was unhappy.
86. She began to tell him on a daily basis how unfulfilled her sex life and home life was, and how she was afraid of her violent live in partner.
87. On one occasion, she began to rub his thigh, and kissed him as they stopped in front of his home in her car before he got out of the car, but there was no sexual intercourse.
88. Shortly after that, J. Williams picked up her 4 year old daughter from a daycare, during the drive to drop off Plaintiff U.J., and drove them to McDonald's for food.
89. While the 4 year old sat in the back seat eating and watching a movie, Williams began to kiss Plaintiff U.J., and stroke his penis, and sexually arouse him.
90. He touched her vagina and breasts, and she pulled her pants off to engage in digital penetration, and then removed his pants and performed oral sex upon him in the car.

91. She then drove them to Alexander Elementary School, Williams' child stayed in the car, and U.J. and Williams went to the spaceship tower in the play equipment.
92. Williams took Plaintiff U.J., and told him to penetrate her from behind, and got on all fours and told him to do her "doggy style."
93. Plaintiff U.J. did so, and they engaged in unprotected intercourse, front and back in the park, naked.
94. Williams then drove him to his home.
95. During a "prep hour" when teachers were given open time in their classroom to get "caught up" Williams would often invite Plaintiff U.J. to come visit her, and he was sit alone with her in her classroom.
96. The room would be kept dark and locked so that they would have privacy.
97. On more than one occasion, Williams told Plaintiff U.J. while he was reading at a desk that she wanted to feel his lips again, and then began kissing him.
98. One day, she was wearing a skirt, and took off her stockings, and he removed his sweat pants, and they moved to the floor where they had intercourse, and Williams became so loud, that Plaintiff U.J. told her to be quiet and stopped. The lights were off, and they moved away from a glass window in the door in an area where they could not be seen from the window.
99. Williams talked with Plaintiff U.J. every day, and warned him that she could get in trouble if anyone found out about their sexual relationship, and that she could "go to jail."
100. After a practice ACT test in February, Plaintiff U.J. was helping Williams put computers away.

101. She told him he was “making her wet” and went into the restroom, removed her panties, and then came into the room and twirled the underwear on her fingers, and exposed her groin area to him.
102. Williams “confided” in Plaintiff U.J. about her poor family life, and her fear of her boyfriend and urged him to fall in love with her.
103. Williams texted lewd photos of herself to U.J., and one day he texted her and told her she could come to his house because his mother was out of town.
104. Williams came to his house and undressed and got into bed with him, and they had sex, until he told to leave because he was afraid his mother would come home and find them.
105. U.J.’s grades began to suffer as his illegal and inappropriate relationship with J. Williams confused and emotionally frightened him, and he feared that if he told any adult, she (Williams) would go to jail, and her children would be left without a mother.
106. U.J. avoided friends and family, and became quiet, distant and depressed, and his mother feared something was wrong, but he refused to tell her, having been warned by Williams to keep it a secret or she would go to jail.
107. Williams asked U.J. to meet her for a three-way sexual encounter after a complaint had been made by another parent about inappropriate texts, but before any action had been taken by District officials and before she was arrested.
108. When a complaint was made known to Williams, U.J. was subjected to her demanding from him information about who “told” and what was told while her friend, Assistant Principal Hill guarded the hallway and classroom as she talked to

her victims and intimidated them.

109. No one ever interviewed U.J., or his mother, on behalf of the School District to determine what had happened, or find out what harm he had suffered.

110. In fact, U.J.'s mother attended the end of the school year parent advisor meeting with Jamila Williams, and was shocked to see how badly U.J.'s grades had dropped, and asked why he was doing so badly, and what could be done to improve his marks so close to the end of the semester.

111. U.J.'s mother asked why Williams had not brought it to her attention as she had in the past, and Williams said that he had been doing so well, that she had stopped keeping an eye on his grades.

112. U.J.'s mother asked the principal, Mr. Williams, to give U.J. some extra time to make up his lower grades, and he initially said there was nothing he could do.

113. Then Mr. Williams said he would give him an extra week to turn in late assignments. It was simply too late to bring the grades up because the problem was not missing assignments, it was poor grades on tests and other assignments.

114. U.J.'s grades had suffered due to the interference in his access to education caused by the sexual abuse and harassment, but no actions were taken by the school officials to remedy this, or assist him to complete his studies and catch up with his lack of achievement.

115. Other students stopped talking to U.J., and school officials also stopped speaking to him, and were cold to him after the allegations came to light, and U.J. became very upset as they seemed to be angry with him, and were not helping him.

116. Mr. Williams allowed U.J. to take his final exams after school was over, separately,

so he did not have to face his fellow students, after his mother pled with him to do so.

117. U.J.'s mother made numerous efforts to get the school officials to release U.J.'s final report card at the end of the school year, after the sexual abuse came to light, and was told by office staff at G.R. University Prep that since school was over, they could not release his report card to her.

118. U.J.'s mother also sought his final report card from the main campus of GRPS at Franklin, and no one ever responded or replied until hired counsel made a formal request, and this occurred after U.J. had to apply to and transfer to a different public school, not a school of choice.

119. The school did nothing to protect U.J. from harassment, a hostile educational environment, and did no internal investigation, and as such he was compelled to leave the school.

120. U.J.'s only choice of a local public school after being unable to continue at University Prep was one where there are gang riot problems, and he has now been in a completely different educational environment.

121. The District did nothing to facilitate a safe and welcoming environment for U.J. to return to the school, and in fact, made it difficult for him to move to a different school.

VII. PLAINTIFF JOHN DOE

122. Plaintiff John Doe, then a minor, had struggled with math at times, but had been a student of Ms. Williams and GR University Prep since it began.

123. He was working on a project for school, and gave his phone number to Williams to

text him on the project.

124. In January 2013, in her classroom, during school, Williams began to tell John Doe that he was cute and that she wanted to be his girlfriend.
125. Williams would rub his knee and thigh, and she would say she had a crush on him, and she would make comments every day related to her desire for him.
126. She began to text him about very personal things, and told him she really liked him, and wanted to be with him.
127. She told him she dreamed that they had sex together, and wanted to be with him sexually.
128. Plaintiff John Doe tried to tell her no, and she said she was going to come to his house sometime to be with him, (meaning sexual activity)
129. She began to show up at the McDonalds where he worked at the drive-thru, and flirted with him, and kept teasing him, saying she would some day come to his house.
130. Just before spring break from school, he finally gave in and told Williams she could come to his house, on a weekend.
131. Williams came to his home, and entered a side door, and they went to the basement.
132. His mother was upstairs asleep in her room.
133. Williams urged him to have sex with her, climbed on him, fondled his penis and took all of her clothes off.
134. She performed oral sex on him, and they then had intercourse.
135. He told her to leave because he was afraid his mother would hear them, and she left.
136. Williams continued to send sexual texts to him, and told him over and over how she

was unhappy with her live in boyfriend, and how she was afraid of him because he was abusive.

137. Williams continued to pressure John Doe for sex, and he became more and more “weirded” out by her pursuit of him, and told her he did not want her to come to his house or work.
138. She would come to the McDonald’s drive through and fondle his arm and text him naked photos of herself, and asked him to send nude photos of himself to her.
139. Williams would rub his knee in class, and tell her she missed him at night, and paid extra attention to him.
140. In February, Doe was going to take a girl his own age to a Valentine’s dance, and Williams was angry with him, and texted him about how she did not want him to go with this girl to the dance.
141. Williams then contacted his mother, and told her that Doe was failing several classes, but that she would let him ”make up” some of his missed assignments if he turned them in by Monday, which meant he would have to miss the dance.
142. Doe’s mother was very suspicious about why the teacher had called weeks after missing assignments on that specific weekend, and later learned from her son that it was retribution by the teacher for his decision to try to date the girl his own age, which was making Williams jealous.
143. After this, Doe tried to avoid Williams’ advances, but she continued to text him, and go to the McDonald’s where he worked to beg him for sex.
144. Plaintiffs’ grades plummeted and he became withdrawn and depressed, and his relationship with his mother became strained.

145. On one occasion, his mother came to the school to get a set of house keys from her son, and found him in Ms. Williams classroom getting a back rub, and the two of them were alone, and his mother told Williams it was inappropriate and to not touch him.
146. In the spring of 2013, Doe began to act out at home and at school, and, his grades worsened.
147. His grades dropped to their lowest point ever, and his mother was summoned to the school for various conferences.
148. Williams told Doe that she would “fix” his grades if he would have sex with her, and punished his refusals by interfering in his ability to get his school work done.
149. Williams would call or email Doe’s other teachers to get him out of their classes, and come to her classroom, because she wanted sex, or just to be with him, and it prevented him from getting his assignments done in his other classes, and caused him to flunk tests, quizzes and homework assignments.
150. Because of this Doe’s grades suffered across the board, Williams used his failing grades to keep him under her control for purposes of her own sexual gratification and to manipulate him, and threatened him if he did not give in to her demands.
151. At the end of the school year in June 2013, Doe was told he was unable to be promoted to the next grade at Grand Rapids University Prep due to lack of credits and failing grades.
152. Once the sexual abuse by Williams became public, and she was criminally charged, Doe’s mother and the other Plaintiffs’ hired counsel to assist them in a possible civil rights claim, which was made public.

153. Doe's mother planned to try and send him back to G.R. University Prep as the media story subsided, and went to a meeting with Principal Williams in August 2013, to discuss Doe's return to school.
154. In a meeting at the school in August 2013, attended by Doe and his mother, Principal Williams told Doe and his mother that Doe was not welcome to return to GR University Prep because of "what he had done" meaning the threat of a lawsuit, and complaint about the abuse by J. Williams.
155. When Doe's mother asked about getting assistance from Principal Williams to transfer her son to a different school of choice so he did not have to seek out some form of substandard alternative education, Principal Williams told her that it was too late to apply for a transfer, that should have been done back in February, but that, of course, was before Doe's mother knew of the sexual contact between her son and Jamila Williams, the teacher.
156. Doe and his mother had to find an "alternative" school rapidly, where Doe could complete his high school education, which was not successful.
157. Doe engaged in mental health counseling for the sexual abuse and ultimately endured great family stress and separation.
158. Doe became involved in some criminal activity, and ended up leaving home for a time, and is engaged in ongoing efforts to complete his studies and reunite with his mother.
159. No one from the school ever offered to assist Doe to return to the school, or bring his grades back up, nor interviewed him about what had occurred.
160. Principal Williams was openly hostile and angry with Doe and his mother for hiring

counsel and being publicly open about the sexual abuse by Jamila Williams at University Prep, and told them they were not welcome at the school.

VIII. PLAINTIFF J. S.

161. Plaintiff J. S. was 14 when his sexual contact with Williams began in the spring of 2013.

162. He had been a student of hers since GR University Prep began, (6th grade) and had done well in math.

163. He worked out and played sports, and was proud of his physique and posted pictures of himself on Instagram showing off his chest and arms.

164. One day Williams commented on how great his body looked on the social networking site.

165. Williams began texting him during track practice during spring break, and sending his Facebook messages, out of the blue.

166. Williams kept sending him messages about how sexy he was, and asked him to send nude photos of himself, including his penis, which he did, and she would send naked photos of her genitals, buttocks and breasts, telling him she wanted to “do it” with him.

167. He finally agreed to meet her for sex and she said she would drop her son off at the Seidman Center and then come meet him.

168. She appeared at his home that evening, as he took out the garbage, sitting in her car in the alley.

169. He got into the car, and she demanded that they have sex, which they did, oral and intercourse, and then she left.

170. On another occasion, during the school day, Williams took J.S. and another male student to their “internships” off campus.
171. After dropping off the first student, Williams began to grab J.S.’ legs and rub them, telling him how good he looked, and they drove around looking for a place to have sex.
172. She drove him to a park, and they had intercourse in her car and she then returned him to school. He did not attend his internship.
173. Williams would text J.S. for sex frequently, and made plans to engage in a “three way” with him after the inappropriate texts were made known to school officials but before her arrest, (the week of June 3) while Williams was trying to find out who the students’ parents were who had made complaints about her.
174. J.S.’s sister saw the texts and alerted her friend, the sister of James Doe, who told her mother about Williams’ inappropriate behaviors.
175. When Williams was confronted by one of the mothers, on the morning of June 3, she quickly went to classrooms where the victims were, and asked them to come out and speak to her, while Assistant Principal Hill stood by her and the students in the hallway. J.S. was taken out of his biology class by Williams, and interrogated by her as to what he had told to whom, while Kenyatta Hill stood by and listened, and kept her eye out to be sure no other students were coming down the hall.
176. The Defendants did nothing to investigate these charges, even during the early morning hours of June 3, other than Assistant Principal Hill accompanying Jamila Williams to each class to talk to the students involved to find out who had told.
177. The Defendants did not offer J.S. any counseling, or assistance with return to school.

178. The Defendants actually made it difficult for J.S. to return to the school, and difficult for him to transfer to a different school within the school district, and made clear he was unwelcome to return.

179. J.S. was forced to attend a different public school without the opportunities and resources available at Grand Rapids University Prep, and his academic performance has suffered due to the complete failure of the school to undertake its own investigation and engage in any remedy of the sexually hostile and discriminatory educational environment.

IX. PLAINTIFF T.B.

180. Plaintiff T.B. was a minor student at Grand Rapids University Prep in the spring of 2013, he turned 15 that semester.

181. Williams encouraged T.B. to flirt with her, and she would chat with him in her classroom during the school day, and they would call each other “honey,” or “my boyfriend” or “girlfriend.”

182. He had a project she was helping him with, and they began to text.

183. Williams began to make sexual overtures in her texts, and told him he was making her “wet” and she wanted to have sex with him.

184. T.B attended a basketball game where Williams’ son was playing with her family, and after the game they went to a restaurant to eat dinner.

185. Williams sat next to T.B. and she ran her hands up and down T.B.’s thigh, and then grabbed his groin area trying to rub his penis.

186. T.B. moved away and moved his legs, trying to avoid her because all of her children were sitting there at the table, in public, and he was afraid.

187. He went to her home that night to spend the night, as her son was his friend at school.
188. Williams began to send sexually charged texts to T.B, who was actually sitting with her son at the time in the basement, and she begged him to come have sex with her.
189. T.B. refused and ignored her, and then she texted him she wanted him to come upstairs and take a bath with her.
190. Williams kept asking him to come up to have sex with her, and she said she would come down during the night to get with him-but he refused.
191. Williams told T.B. that she was unhappy with her boyfriend, and that he was abusive to her, and she wanted to leave him, and that she was lonely.
192. Williams would grab T.B.'s buttocks and squeeze them as he was walking by her classroom or leaving the room at school, and this happened 5-6 times.
193. Williams frequently would offer T.B. rides to his internships or for lunch at McDonald's during the school day.
194. While they were driving, Williams would suck a pen into her mouth, or run her tongue around a pen and then slowly draw the pen across his chest and down to his penis/groin area and poke it with the pen.
195. Williams asked T.B. how big his penis was, and asked him to show her, during the car rides, but he would refuse. This occurred multiple times during the 2013 school year in the spring.
196. Once the sexual abuse became public, no one from the school ever interviewed T.B. or his mother about the events, nor did anyone from the school do anything to remedy the ill effects of the sexual abuse on T.B. and his educational achievement.
197. No effort was made to accommodate T.B. returning to the school, or to assist him in

transferring to a different school.

198. In fact, officials with GRPS made it difficult for T.B. to transfer to a private school, and to make it possible for him to play football and other sports due to the late date he transferred away from G.R. University Prep.

199. Despite repeated requests, no official with G.R. University Prep did anything to assist T.B. return to their school, or access educational opportunities, nor do anything to help him feel welcome to return.

200. T.B.'s grades dropped dramatically during the spring semester at U Prep during which time the sexual abuse by Williams occurred, and nothing was done by school officials to assist him in remediating his grades.

201. T.B. underwent mental health counseling due to acting out at school, and his school performance dropped dramatically at his new school.

X. PLAINTIFF JAMES DOE

202. Plaintiff James Doe was a minor student at Grand Rapids University Prep in the spring of 2013, and turned 18 in the fall of 2013.

203. Plaintiff James Doe had a history of mental illness and was a special education student.

204. James Doe was in Williams' math class in 2013, and heard that she had been having sex with some of the other boys at school.

205. He was shown text messages by another male student proving he was having sex with Williams, and this other student told James Doe he should flirt with her to get Williams to leave him alone as he had a girlfriend his own age.

206. Williams began to flirt with James Doe and joked in class that she was his "wife."

207. Williams pursued James Doe for a dating relationship and he said no.
208. One day as he was speaking with a group of girls his own age at school, Williams pulled him away and demand to know if he would “go out” with her.
209. James Doe told her no, he did not want to, as he was interested in some girls his own age, and other students laughed at him.
210. James Doe had trouble with math, and Williams urged his mother to let her give him special tutoring sessions after school to help his math grades.
211. When he was sitting in her classroom with her, James Doe would be subjected to Williams touching his leg, and rubbing his thigh, and drawing a circle on his pant leg, and tell him he had a ”fat leg.”
212. One day James Doe was alone in the school elevator with Williams, and she demanded he give her a kiss, he refused her, and she stopped the elevator and said she would not let him go unless he kissed her, so he did.
213. After that, Williams pursued James Doe vigorously, calling and texting him asking him to “be with” her, and he ignored her.
214. She became angry and confronted him in class and elsewhere about it, and he did the best he could to avoid her at all costs.
215. James Doe acted out in school and at home, and his grades were poor during the spring semester Jamila Williams was sexually harassing him.
216. James Doe was emotionally fragile, and the abuse made this even worse.
217. No effort was made by Defendants to reach out to James Doe or his mother when the sexual abuse became publically known to interview him about his interactions with Jamila Williams.

218. School officials did not investigate the abuse, nor did they offer to assist James Doe after the abuse was known.
219. James Doe's mother confronted Jamila Williams herself early in the morning on June 3, 2013, after she learned late on May 31 from her daughter that there was sexual contact between her son and Williams.
220. A security guard was called after James Doe's mother came to the school, and he called the mother around 1:30pm, and asked her about what the allegations against Jamila Williams involved, and he told the mother that Williams had told Ms. Hill "everything." He did not do a formal interview, nor asked her about any details of her complaint.
221. When Kenyatta Hill became aware of the incident, it appeared that the focus was on tracking down the mother, for causing a disturbance, rather than on questioning Jamila Williams.
222. During that time, Jamila Williams pulled the students out of class, while Vice Principal Kenyatta Hill watched, and she tried to find out who had told what details to anyone.
223. School officials made no contact with James Doe or his mother about the matter at all and offered no help.
224. In fact, it was not until after June 4, 2014 that James Doe's mother spoke to Principal Williams and he expressed surprise that she was the one who caused the "disturbance" because he had no idea her son was one of the victims.
225. James Doe's mother made multiple efforts to get James Doe's school records from University Prep so that her son could transfer to a new school, and school officials

refused to provide them despite multiple efforts.

226. After many tries, she ultimately did get the records, but only after James Doe's school semester had begun at the new school.

227. It was not until April of 2014 that University Prep sent his complete file to the new school.

228. In the spring of 2014, James Doe's mother tried to get University Prep officials to permit her to use space at the new University Prep building on Division, for her other child's open house, upon her graduation from University Prep.

229. It was customary for the school to allow private entities and persons to rent out space during non-school hours for events.

230. Principal Williams told James Doe's mother they could not permit her to use the school for her child's open house upon graduation because of the "pending case" involving James Doe referring to this matter.

231. James Doe's mother eventually found another location for the open house, at a different school.

XI. COMMON ALLEGATIONS-PART TWO

232. Shortly before a school trip to John Ball Park Zoo, on or about May 27, 2013, a parent contacted a teacher, who then alerted Defendant Vice-Principal Kenyatta Hill to say that several students had been getting sexually oriented texts from Teacher Jamila Williams, and was alarmed.

233. Rather than report this incident to a supervisor or OCR in compliance with the District Policy, upon information and belief, someone warned Williams of the allegations, that a parent had seen or heard about inappropriate texts.

234. On the bus ride to and from the zoo, students were all talking about the rumor that some kind of sexual texts had been found by a parent and that it involved teacher Jamila Williams.
235. There was no school on May 27, 2013 but the rumor continued that week.
236. Williams quizzed the Plaintiffs about whether any of them knew who had said something about the texts, and they denied knowing anything.
237. Even after the rumor came out, Williams was planning to engage in sex with some of the Plaintiffs, asking J.S. and U.J. to meet her for a “three way” sexual encounter the week of June 3, 2013.
238. The sister of Plaintiff J.S. told her friend, who was the sister of James Doe, that she had seen sexually inappropriate text messages from Jamila Williams to James Doe and J.S., sometime on Friday, May 31.
239. James Doe’s sister told their mother about the allegations late on May 31, 2014.
240. This mother asked her son, James Doe, the next day about it, and he said that Teacher Jamila Williams had kissed him and groped his thigh, and said sexual things to him.
241. That Monday, June 3, 2014, this mother went to the school early in the morning, and confronted Williams directly, and demanded to know what had happened, and said that she should report herself and the teacher denied any wrongdoing.
242. This mother called another mother, because her son told her that U.J. and John Doe had been having sex with Williams.
243. On June 3, 2014, a school volunteer named Mrs. Teasley called John Doe’s mother, and told her she had heard a rumor that her son, had been having sex with Williams.
244. The mother of J.S., was told by her daughter that J.S. was sexually involved with

Williams later on June 3, and that mother -of J.S. went to the “new” building on Division Avenue, where the students and faculty were to make a complaint or find Williams to confront her.

245. Williams fled the building when she saw this mother approaching.
246. The mother of J.S. then went directly to Principal Williams in his office at the new building and told him privately what she had heard from the children.
247. Principal Williams then told her that he wanted her to come with him and take the two students to the Franklin Campus to be interviewed by the Grand Rapids Police.
248. At no time did any person within the Defendant Administration call any of the parents or students to question them, or apparently, Jamila Williams, about the allegations during the last two weeks of school, May 27-June 2, a span of 7 days.
249. A generic letter was sent out on June 4 by the Superintendent to parents without giving any specifics about what had happened, but saying that the teacher in question had been suspended after the allegations seemed to “have merit.” **Exhibit 2.**
250. Williams was allowed to work all day June 3, even after she was confronted by the one mother on June 3, she went to each Plaintiff’s classrooms, pulled them out of class to talk to them in the hallways to interrogate them about who had told on her, and what had been said.
251. Her supervisor, Assistant Principal Kenyatta Hill, “covered” her classroom while she did this, and remained in the classroom or nearby Jamila Williams throughout the day even as she questioned her victims.
252. Security was called about one mother’s confrontation with Ms. Williams in the hallway, alleging the mother had caused a disturbance, but she had already left when

“security” personnel arrived from Central High where they normally patrolled.

253. On June 3, someone called the Grand Rapids Police to report sexual abuse of a minor.

254. School District officials never interviewed any of the Plaintiffs or their parents before or after the Grand Rapids Police Department began its criminal investigation.

255. Mr. Williams, Mr. Johnson, and Detective Marc Miller of the Grand Rapids Police Department told the mothers of U.J. and J.S. that their sons had given statements to the police outlining the sexual abuse by Williams, but nothing else other than to speak to the police.

256. Despite their continuing duty to investigate and address the sexual assaults, from that point forward School District officials conducted no investigation of the assaults on Plaintiffs, ever.

257. The School District’s alleged Title IX Coordinator, Larry Johnson, was told about the sexual activity of Williams with the plaintiffs, but conducted no investigation at all, saying it was simply a criminal matter and deferred to the police investigation completely.

258. For almost 7 days after the sexual texts were brought to the School’s attention, no school district investigation was done.

259. Williams asked two of the Plaintiffs to meet her for sex later that week, even after the allegations surfaced.

260. The School District officials’ decision not to investigate the sexual assault and harassment of these plaintiffs is contrary to its own stated Policies in Exhibit 1 and Title IX.

261. The School District officials, including Defendant Weatherall Neal, Defendant Daniel

Williams, Defendant Larry Johnson and Kenyatta Hill made no changes to the educational environment to prevent future problems; the officials' responsive action was limited to telling everyone it was a criminal matter, and refusing to do any internal investigation, nor interviewing parents or students about the allegations to determine how widespread the sexual abuse by Williams was, or to determine who her victims were, or how her behaviors had limited students' access to educational opportunities guaranteed under the law.

262. The School District took no remedial measures, despite having notice that one of its teachers had taken several male students off campus, in violation of its own policies, during the school day and sexually assaulted them, and had in fact, engaged in sexual activity in the classroom during the school day.

263. School District officials never investigated the allegations and never took any remedial measures to assist the student victims of abuse repair their academic losses, or address their being behind in their school work, even having failed classes due to Williams' unlawful sexual abuse and harassment of them during school, in direct violation of Title IX.

264. The defendants completely ignored their duties to comply with their statutory responsibility under Title IX to respond to these multiple sexual assaults and severe disturbance in these students' ability to receive their education unfettered by sexual abuse.

265. By and through counsel, Plaintiffs parents reminded the School District officials of their duties under Title IX to investigate, reminded officials of the mandated administrative standard of review for its investigation, and asked school officials to

inform the parents of the results of their investigation, and they were refused.

266. School officials have refused to provide any investigative findings to Plaintiffs' parents, and never notified them of any appellate or legal recourse.
267. The District failed to promptly and appropriately respond to alleged sexual harassment and assaults, resulting in at least 5 students, on the basis of sex, being excluded from participation in, being denied the benefits of, or being subjected to discrimination in any District education programs or activities in violation of the Title IX implementing regulation at 34 C.F.R. § 106.31.
268. The District failed to adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of student complaints under Title IX in violation of the Title IX implementing regulation at 34 C.F.R. § 106.8(b).
269. Plaintiffs' have all suffered personal damages, including those arising from their psychological distress, loss of standing in their community, and damage to their reputations
270. Plaintiffs suffered sex-based harassment that was severe, pervasive, and objectively offensive.
271. The sex-based harassment deprived Plaintiffs of access to the educational opportunities or benefits of the school.
272. School District officials, including Defendants Weatherall-Neal, Daniel Williams, and Johnson, and Hill had the authority and duty to take remedial action to correct the sex-based harassment and prevent its interference in the educational environment.
273. The School District and its Defendants responded with deliberate indifference to the

sex-based harassment, and then retaliation for those reporting the abuse.

274. The School District's response and its officials' conduct was such that future reasonable students and their parents in Plaintiff's circumstances would be chilled from reporting sexual harassment and assaults.

275. As a direct and proximate result of the harassing educational environment created by Defendants' deliberately indifferent response to the sexual assault and subsequent harassment, as well as violations of her Fourteenth Amendment rights, Plaintiffs have suffered and continue to suffer psychological damage, emotional distress, loss of standing in the community, and damage to their reputations, and their future relationships have been negatively affected.

276. Plaintiffs have required ongoing counseling and some medication to address their depression and anxiety caused by Defendants' conduct and the resulting harassing educational environment.

277. Plaintiffs have also been deprived of a normal childhood education due to Defendants' conduct and the resulting educational environment.

278. Plaintiffs have also been damaged by missed educational opportunities and their future earning capabilities have been damaged by Defendants' conduct and the resulting hostile educational environment.

**COUNT I VIOLATION OF TITLE IX AS TO DEFENDANT GRAND RAPIDS
PUBLIC SCHOOLS DISTRICT (20 U.S.C. § 1681, et seq.)**

279. Plaintiffs hereby incorporate paragraphs 1-278 as if restated in full herein.

280. The Defendant School District's failure to promptly and appropriately respond to the alleged sexual harassment, resulted in Plaintiffs, on the basis of s e x , being excluded from participation in, being denied the benefits of, and being subjected

to discrimination in the District's education program in violation of Title IX.

281. Defendant School District failed to take immediate, effective remedial steps to investigate and resolve the complaints of sexual harassment and instead acted with deliberate indifference toward Plaintiffs.
282. Defendant School District persisted in its actions and inaction even after it had actual knowledge of the harm suffered by Plaintiffs.
283. Defendant School District failed to undertake any internal investigation or review of Jamila Williams' sexual abuse of these students, and conducted no witness interviews of the victims, nor reported any results of any investigation done.
284. Defendant School District utterly failed to remedy any of their policies and procedures that led to the violations of Title IX and sexual harassment of these students.
285. Defendant School District, through Assistant Principal Kenyatta Hill and others, failed to take any action at all other than to defer completely to the criminal process several days after the initial reports were made by a parent.
286. Defendant's lack of response and remedy (there was none) were unreasonable in light of the existing circumstances and amounts to deliberate indifference.
287. Defendant School District engaged in a pattern and practice of behavior designed to discourage and dissuade students and parents of students who had been sexually assaulted from seeking protection and from seeking to have sexual assaults from being fully investigated.
288. This policy and/or practice constituted disparate treatment of males and had a disparate impact on male students.

289. Plaintiffs have suffered emotional distress and psychological damage, and their character and standing in the community have suffered from the harassment fostered as a direct and proximate result of Defendant School District's deliberate indifference to their rights under Title IX.

**COUNT II VIOLATION OF TITLE IX AS TO DEFENDANT GRAND RAPIDS
PUBLIC SCHOOLS DISTRICT (20 U.S.C. § 1681, et seq.)
(Retaliation by Withholding Protections Otherwise Conferred by Title IX)**

290. Paragraphs one through 289 are incorporated by reference as if stated in full herein.

291. Immediately after a parent advised the school through a teacher on May 27, 2013 administration, Assistant Principal Hill of the alleged inappropriate sexual contact by text by J. Williams, or were advised by Williams herself, the defendants did nothing substantive to investigate the matter, other than let law enforcement step in after several days passed.

292. After Plaintiffs and their parents hired counsel to assist them in a possible civil, however, the Principal and the other School District officials retaliated against Plaintiffs by declining to investigate the matter or to otherwise comply with their responsibilities as mandated by Title IX.

293. Fellow students harassed Plaintiffs for reporting the attack to the school and police.

294. Plaintiffs reported this harassment to School officials, who declined to intervene to stop it.

295. The District defendants did nothing to accommodate the student victims' needs to successfully finish their remaining school year free of harassment, nor did any investigation into the events themselves.

296. The Defendants made light of the situation's impact on the students' access to

education, and/or blamed the students for the events, and made it difficult or impossible for the students to continue at G.R. University Prep, or transfer to equally adequate educational opportunities.

297. The District undertook no investigation of its own, undertook no remedial measures to address the violations of the law and their own policies, and harmed the students thereby.

298. The District actively retaliated against the student victims by telling them they were not welcome at the school, and/or refusing to release transcripts promptly or facilitate their access to an education free of discrimination, and made no effort to repair the damaged educational records and experiences of these students.

COUNT III, 1983 VIOLATION AS TO DEFENDANTS GRAND RAPIDS PUBLIC SCHOOL DISTRICT, WEATHERALL-NEAL, WILLIAMS, JOHNSON, HILL (42 U.S.C. § 1983)

299. Paragraphs one through 298 are hereby incorporated by reference as if set forth in full herein.

300. Under the Fourteenth Amendment, Plaintiffs had the right as a public school student to personal security and bodily integrity and Equal Protection of Laws.

301. Defendants Weatherall-Neal, Williams & Johnson and Hill were all state actors acting under the color of state law.

302. Defendants each subjected Plaintiffs to violations of the right to personal security and bodily integrity and Equal Protection of Laws by: failing to investigate the allegations or stopping the behavior of the teacher assaulting them as soon as they were on notice, failing to adequately train and supervise its administrators as to their duties under Title IX to investigate and remedy the sexually discriminatory

educational environment, and manifesting deliberate indifference to the sexual assaults and harassment of Plaintiffs by their teacher and mentor, Ms. Williams and its impact on the plaintiffs' educational opportunities.

303. The School District has and/or had unconstitutional customs or policies of
- a. failing to investigate evidence of misconduct against School District students in the nature of violations of their right to personal security and bodily integrity and
 - b. failing to adequately train and supervise School District employees with regard to maintaining, preserving and protecting students from violations of their right to personal security, bodily integrity, and Equal Protection of the Laws.
304. On information and belief, the School District has followed these unconstitutional customs and policies not only with regard to Plaintiffs but also with regard to tortious misconduct committed against other School District students.
305. The School District's policies and/or practices constituted disparate treatment of males and had a disparate impact on male students.
306. Defendants are or were at the time of events complained of within, policymakers for the purpose of implementing the School District's unconstitutional policies or customs.
307. Plaintiffs have suffered emotional distress and psychological damage, and their characters and standing in the community have suffered from the harassment fostered as a direct and proximate result of Defendant School's District's deliberate indifference to their rights under the Fourteenth Amendment.

**COUNT IV *MONELL* LIABILITY FOR FAILURE TO TRAIN AND SUPERVISE AS TO
RESPONSE TO SEXUAL ASSAULTS AS TO DEFENDANT GRAND RAPIDS PUBLIC
SCHOOLS DISTRICT (42 U.S.C. § 1983)**

308. Paragraphs one through 307 are hereby incorporated by reference as if set forth in full herein.

309. Defendants were all “state actors” working for the Grand Rapids Public School District, a federally funded school system.

310. Defendants acted under “color of law” when refusing to respond to, investigate or remedy Plaintiffs’ sexual contact with Williams on and off school premises.

311. Defendants failed to preserve Plaintiffs’ constitutional right to equal protection as guaranteed by the Fourteenth Amendment.

312. Under the Equal Protection Clause of the Fourteenth Amendment, Plaintiffs had the right to equal access to an educational environment free from harassment and discrimination.

313. Defendant should have known that their response to the sexual assault allegations must comply with federal law, particularly as outlined in Title IX’s published and widely promulgated implementing regulations.

314. Defendants each violated Plaintiff’s right to equal access by:

a. Failing to take immediate and appropriate action to investigate or otherwise determine what occurred once informed of possible sexual contact and assault by a teacher;

b. Failing to take prompt and effective steps to end the sexual harassment, prevent its recurrence, and address its effects, whether or not the sexual violence is or was the subject of a criminal investigation;

c. Failing to take steps to protect the Plaintiffs as necessary, including interim steps taken prior to the final outcome of the investigation;

d. Failing to provide a grievance procedure for students to file complaints

of sexual discrimination, including complaints of sexual violence. The procedures must include an equal opportunity for both parties to present witnesses and other evidence and the same appeal rights;

e. Failing to notify parties of the outcome of the complaints or outline any remedy therefore.

315. Defendant Grand Rapids Public Schools violated Plaintiffs' Fourteenth Amendment right to equal protection by failing to properly train and supervise its employees as to these mandated investigative requirements.

316. These policies and/or practices constituted disparate treatment of males and had a disparate impact on male students.

317. Defendants' actions and lack of actions were the proximate cause of Plaintiffs' emotional distress and psychological damage, and their character and standing in the community have suffered from the harassment fostered as a result of Defendant School District's deliberate indifference to their rights to equal protection.

COUNT V: Violation of the Elliott-Larsen Civil Rights Act by Grand Rapids Public Schools; Denial of Access to Educational Opportunity on the Basis of Sex, Hostile Educational Environment, Quid Quo Pro, MCL 37.2102(1)

318. Plaintiffs incorporate all prior averments, as if fully set forth herein.

319. Plaintiffs were students in public educational facilities within the meaning of the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2102, (1) *et seq*; MSA 3.548(101), *et seq* (hereafter referred to as the "ELCRA").

320. Plaintiffs, as males, were members of a protected class, and were harassed by a teacher, Jamila Williams on the basis of their sex and gender through, *inter alia*, unwelcome and unlawful sexual advances, requests for sexual favors, verbal conduct of a sexual nature, and physical conduct of a sexual nature, as more fully set forth above, which had the purpose and/or effect of unreasonably and substantially interfering with the plaintiffs' ability to obtain their education and/or in creating an intimidating, hostile, and/or offensive educational environment.

321. Defendants had direct authority over Plaintiffs as students and, their actions and inactions as to failing to address the teacher sexual harassment and assault, affected and made the terms and conditions of their education contingent on their continuing to endure a hostile educational environment, known as *quid quo pro* harassment.

322. Defendants made future educational advancement contingent on Plaintiffs' willingness to continue on in a hostile educational environment based on sex.

323. When Plaintiffs refused, Defendants took various adverse actions against Plaintiffs.

324. Defendants forced Plaintiffs to transfer to other lesser schools, or leave the school entirely.

325. The defendants, by and through its agents, are further liable to the plaintiffs under ELCRA for:

- a) failing to adopt an adequate sexual harassment policy;
- b) failing to adequately train its employees on proper sexual harassment policies;
- c) failing to timely and adequately instruct employees and students to refrain from sexually harassing behavior;
- d) failing to timely and adequately respond to complaints of sexual harassment;
- e) failing to timely and adequately investigate the plaintiffs complaints of sexual harassment; and avoiding retaliation, and allowing the perpetrator of the harassment to engage in retaliatory harassment
- h) forcing the plaintiffs from their school and allowing the sexual harassment and lack of remedy or investigation to deny them access to educational facilities based on their sex.

326. As a direct and proximate result of the above-mentioned sexual harassment, and the defendants' failure to take the required corrective action, plaintiffs were forced to terminate their attendance at the school in violation of ELCRA.

327. As a direct and proximate result of the defendants' violations of ELCRA, the plaintiffs suffered emotional distress, mental anguish, pain and suffering, fright, humiliation, shock, fear, embarrassment, and all other non-economic damages available at law.

328. As a direct and proximate result of the defendants' violations of ELCRA, the plaintiffs suffered economic damages including and other expenses, as well as all other economic damages available at law.

329. Plaintiffs are further claiming as damages all costs and attorney fees incurred in having to investigate, pursue, litigate and prosecute this claim pursuant to ELCRA.

330. WHEREFORE the plaintiff respectfully prays for judgment against the defendant for all compensatory damages, punitive damages, exemplary damages, non-economic and economic damages available at law, any and all equitable relief allowed together with costs, interest and attorney fees incurred in having to investigate, pursue, litigate and prosecute the instant action.

WHEREFORE, Plaintiffs respectfully requests judgment in their favor and against Defendants Grand Rapids Public School District, and Defendants Weatherall-Neal, Williams, Johnson, and Hill, as follows:

A. Compensatory damages for Plaintiffs' psychological and emotional distress and damages, loss of standing in their community, damage to their reputation, and educational progress,

B. Punitive damages;

C. Injunctive relief requiring Defendant School District to take effective steps to prevent sex-based discrimination and harassment, including sexual assault, in its education programs; fully investigate conduct that may constitute sex-based harassment and /or sexual assault; appropriately respond to all conduct that may constitute sex-based harassment and /or

sexual assault; and mitigate the effects of harassment and/or assault including by eliminating any hostile environment that may arise from or contribute to it.

- D. Statutory interest;
- E. Costs; and
- F. Reasonable attorney fees.

Respectfully Submitted,

EARDLEY LAW OFFICES, P.C.

November 11, 2014

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¹ Petition for Admission was filed November 10, 2014, pursuant to Local Civil Rule 83.1(d)(e) for Ms. Allred and Mr. Goldberg to become admitted to this Honorable Court and participate as counsel in this action, application is currently pending.

JURY DEMAND

Now Come all the Plaintiffs, by and through their attorneys, Eardley Law Offices, and demand a trial by jury.

Respectfully Submitted,

EARDLEY LAW OFFICES, P.C.

November 11, 2014

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