

FILED

FEB 24 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:21-CV-49-FL

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY AS DEP CLK

DAVINA RICKETTS

Plaintiff,

v.

WAKE COUNTY PUBLIC SCHOOL SYSTEM (WCPSS), WAKE COUNTY BOARD OF EDUCATION (current Board Members: KEITH SUTTON, CHRISTINE KUSHNER, JAMES MARTIN, ROXIE CASH, MONIKA JOHNSON-HOSTLER, and LINDSAY MAHAFFEY; former Board Members: TOM BENTON, in his individual capacity; BILL FLETCHER, in his individual capacity; SUSAN EVANS, in her individual capacity; and KEVIN HILL, in his individual capacity; JAMES MERRILL, former Superintendent, in his individual capacity; CATHY MOORE, former Deputy Superintendent for School Performance and current Superintendent, in her individual capacity; MARVIN CONNELLY, former Chief of Staff, in his individual capacity; DANNY BARNES, former Area Superintendent, in his individual capacity; RODNEY TRICE, Assistant Superintendent for Equity Affairs, in his individual capacity; SCOTT LYONS, former Principal of Enloe High School and current Principal of Heritage High School, in his individual capacity; MONICA SAWYER, Asst. Principal of Enloe High School, in her individual capacity; GEORGE BARILICH, 2016 Student Council Election Advisor and current Enloe teacher, in his individual capacity; and TRUDY PRICE-O'NEIL, Editor of Enloe newspaper, in her individual capacity.

Defendants.

**AMENDED
COMPLAINT FOR DAMAGES**

and

JURY TRIAL DEMANDED

COMES NOW, Plaintiff Davina Ricketts (“Plaintiff”), pro se, files this Complaint for Damages against Defendants, showing this Honorable Court as follows:

INTRODUCTION

This is an action for Defendants’ unlawful conducts against Plaintiff: discrimination, indifference to discrimination, and cover-up of such; failure to address discrimination complaints on Plaintiff’s behalf; creation of and indifference to a hostile environment in multiple occasions against Plaintiff; and failure to protect Plaintiff against these conducts before, during, and after the Student Council elections in 2016 in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq., 34 C.F.R. Part 100 Effectuation of Title VI of the Civil Rights Act of 1964, 31 U.S.C. § 6711 Prohibited Discrimination, and 42 U.S.C. § 1983 (right to file an action for violation of Equal Protection Clause under 14th Amendment).

Plaintiff seeks to recover all permissible damages under controlling laws as a result of Defendants’ willful violations of Plaintiff’s civil rights and Defendants’ cover-up that created a hostile environment against Plaintiff, in which Plaintiff suffered from cyberbullying, on-campus harassment and threats, retaliation for reporting discrimination, unequal and unjust treatment, psychological trauma, damage to reputation, and loss of educational benefits and opportunities.

PARTIES

1.

PLAINTIFF is a former student of Wake County Public School System. The incidents of racial discrimination and harassment, unequal treatment, and hostile school environment against Plaintiff occurred in 2016 surrounding the Student Council elections, when Plaintiff was a sophomore and a minor. Plaintiff continued to suffer from retaliatory acts and the loss of educational benefits and opportunities long after the elections were over.

[2]

2.

DEFENDANT Wake County Public School System (“Defendant District”) is a Local Educational Agency in Wake County, North Carolina, serving students in K-12 grade levels. Defendant District is the largest school district in North Carolina with a student enrollment of over 160,000 in the 2019-2020 school year, and receives federal funding and assistance for its educational programs. Defendant District’s policy-making body is composed of the Superintendent’s Leadership Team (“SLT”) and its nine (9) School Board Members.

3.

DEFENDANT Wake County Board of Education (“Defendant Board”) is a School Board with nine (9) publicly elected members, who have the authority and responsibility to revise, adopt, and uphold district-wide policies that are initiated or revised by the SLT. Board members have the legal responsibilities to ensure that Defendant District’s employees comply with all School Board policies, adopted based on local, state, and federal laws or regulations, and hold employees accountable for violations of the policies.

4.

DEFENDANT James Merrill was Defendant District’s Superintendent from 2013 to 2018. As directed by Defendant Board and as Head of SLT, Merrill had the legal duty to work with Defendant District employees and SLT team members to prepare new policies, as well as revise and review existing policies for Defendant Board to review and adopt. Merrill had the legal responsibilities to 1) ensure that Defendant District’s employees comply with all School Board policies and hold employees accountable for violations of the policies, 2) provide training on policies to District employees to ensure proper compliance with the policies, including Board policies 1710 and 1720 regarding discrimination, which were adopted in compliance or accordance with Title VI of the Civil Rights Act of 1964 (“Title VI”), and 3) deal with

[3]

discrimination complaints filed with the Office for Civil Rights (“OCR”) in the Department of Education against Defendant District, including a 2016 discrimination complaint filed on behalf of Plaintiff, Plaintiff’s parents, and others.

5.

DEFENDANT Marvin Connelly was Defendant District’s Chief of Staff in 2016. Connelly was relevant to this action due to his lack of response to discrimination complaints from Plaintiff’s parents on Plaintiff’s behalf, his involvement in an “internal investigation” on Plaintiff’s case that circumvented the required investigative process in Board Policy 1720 and Title VI, and in Defendant District’s response to the same 2016 complaint filed with OCR.

6.

DEFENDANT Cathy Moore was Defendant District’s Deputy Superintendent for School Performance in 2016 until May 2018, when she was promoted as Defendant District’s current Superintendent. Moore was relevant to this action due to her involvement in the same “internal investigation” and the 2016 complaint filed with OCR.

7.

DEFENDANT Danny Barnes was Defendant District’s Central Area Superintendent in 2016. Barnes was relevant to this action due to his lack of proper response to discrimination complaints from Plaintiff’s parents on Plaintiff’s behalf and his involvement in the same “internal investigation” and the 2016 complaint filed with OCR.

8.

DEFENDANT Rodney Trice has been Defendant District’s Assistant Superintendent for Equity Affairs since 2014. Trice was relevant to this action due to his involvement in the discrimination complaint communicated to him by Plaintiff’s parent, the same “internal investigation” as the designated investigator, and the 2016 complaint filed with OCR.

[4]

9.

DEFENDANT Scott Lyons was the Principal at Defendant District's Enloe High School ("Enloe"), where the discriminatory incidents occurred against Plaintiff. In 2016, Enloe had around 2,600 enrolled students. As Principal, Lyons was legally responsible for ensuring that Enloe staff, including himself, and the students complied with all School Board policies, including policies 1710 and 1720 regarding discrimination. Lyons was at all times relevant to this action due to his lack of oversight on the Student Council elections; his improper handling of discrimination and harassment complaints from Plaintiff's parent on Plaintiff's behalf; his involvement in the same "internal investigation" and the 2016 complaint filed with OCR.

10.

DEFENDANT Monica Sawyer has been the Assistant Principal at Enloe. Sawyer was relevant to this action due to her involvement in the Student Council election incidents and her response to OCR in the same 2016 complaint filed with OCR.

11.

DEFENDANT George Barilich has been an English teacher at Enloe and was appointed as the Advisor to oversee the 2016 Student Council elections by Defendant Lyons. Barilich was at all times relevant to this action due to his involvement in the Student Council election incidents and the same 2016 complaint filed with OCR.

12.

DEFENDANT Trudy Price-O'Neil has been the Editor of Enloe's newspaper, the Eagle's Eye. As the editor, Price-O'Neil was relevant to this action due to her involvement in publishing the provocative newspaper with highly discriminatory articles and overtones, seemingly targeting African-American and Latino students at Enloe.

[5]

JURISDICTION AND VENUE

13.

This Court exercises subject matter jurisdiction pursuant to 28 U.S.C. § 1331, which grants district courts jurisdiction over civil actions taken under the Constitution and other laws.

14.

This Court also exercises subject matter jurisdiction pursuant to 28 U.S. C. § 1343, which grants the district courts jurisdiction over lawful civil actions taken by any person to a) “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 citizen or of all persons within the jurisdiction of the United States” and (b) “recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of the civil rights...”

15.

Plaintiff brings this action to redress violations of Plaintiff’s constitutional rights under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq, 34 C.F.R. Part 100, 31 U.S.C. § 6711 Prohibited Discrimination, and 42 U.S.C. § 1983 (right to an action for violations under the Equal Protection Clause of the Fourteenth Amendment), and other applicable laws.

16.

Venue is proper in this District under 28 U.S.C. §1391(b) because the incidents of racial discrimination, harassment, unequal treatment, and resulting hostile environment against Plaintiff occurred within the Eastern District of North Carolina.

17.

Defendants are subject to the jurisdiction of this Honorable Court.

[6]

EXHAUSTION OF ADMINISTRATIVE REMEDIES

18.

Plaintiff has properly exhausted all administrative remedies by and through a racial discrimination complaint filed with the OCR on behalf of Plaintiff and Plaintiff's parents. On March 12, 2020, OCR issued a letter with a statement of right to sue. Plaintiff has complied with all other conditions' precedent to the institution of this lawsuit.

APPLICABLE LAWS AND POLICIES

19.

Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq.: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

20.

Pursuant to 34 C.F.R. Part 100, Effectuation of Title VI of the Civil Rights Act of 1964, in particular, §100.3 Discrimination prohibited:

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.*

(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

[7]

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(6) (i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

21.

Pursuant to 31 U.S.C. § 6711, Prohibited Discrimination: “No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a unit of general local government because of race, color, national origin, or sex if the government receives a payment under this chapter.”

22.

Pursuant to 42 U.S.C. § 1983 (“Section 1983”) grants the right to sue: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State... subjects,

or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges... shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...”

23.

Pursuant to the 14th Amendment: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States...; nor deny to any person within its jurisdiction the equal protection of the laws.” Section 1983 grants an individual the right to sue another “person,” who deprives the individual of federally guaranteed rights, such as the Equal Protection Clause of the 14th Amendment.

24.

Claim of negligence: One must establish (1) a legal duty; (2) a breach thereof; and (3) proximate cause of the injury. *Matthieu v. Piedmont Nat. Gas Co.*, 269 N.C. 212, 217, 152 S.E.2d 336, 341 (1967). A defendant is liable for negligent infliction of emotional distress when:

“(1) the defendant negligently engaged in conduct, (2) it was reasonably foreseeable that such conduct would cause the plaintiff severe emotional distress ..., and (3) the conduct did in fact cause the plaintiff severe emotional distress.” *Ernett v. Cumberland Cty. Bd. of Educ.*, 698 F.Supp.2d 557, 560 (E.D.N.C.2010).

25.

Guideline from Office for Civil Rights, Department of Education, on how school districts should address discrimination in school. October 26, 2010, Dear Colleague Letter by Russlynn Ali, Assistant Secretary for Civil Rights:

“School districts may violate these civil rights statutes and the Department’s implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees... A school’s responsibility is to eliminate the hostile environment created by the harassment, address its effects, and take steps to ensure that harassment does not recur... By failing to acknowledge the racially hostile environment, the school failed to meet its obligation to implement a more systemic response to address the unique effect that the misconduct had on the school climate.”

[9]

WCPSS Board Policy 1710 *Prohibition Against Discrimination, Harassment, and Bullying*, **in compliance with Title VI**, was adopted in 2015 and applicable in 2016:

A. PROHIBITED BEHAVIORS

1. Discrimination

The Board prohibits all forms of unlawful discrimination. For purposes of this policy, discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, sexual orientation, pregnancy, religion, age, or disability.

2. Harassment and Bullying

The Board prohibits all forms of unlawful harassment and bullying. For purposes of this policy, harassment or bullying behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:

a) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits or by adversely altering the conditions of an employee's employment.

"Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, and visual insults such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

3. Cyber-Bullying and Cyber-Harassment

The Board prohibits cyber-bullying and cyber-harassment. Cyber-bullying and cyber-harassment are any words, actions, or conduct that meet the definitions of bullying or harassing behavior described in this policy, and are conveyed via email, text message, Internet message boards, interactions on social media, or other electronic media.

6. Retaliation

The Board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of reported violations of this policy.

B. APPLICATION OF POLICY

This policy applies to students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors, and organizations doing business with or performing services for the school system.

C. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

Employees are required to report any actual or suspected violations of this policy...

D. CONSEQUENCES

Any violation of this policy is serious and shall result in prompt and appropriate action... Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal.

The actions taken in response to harassment or bullying behavior shall be reasonably calculated to end any harassment or bullying, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include staff training, harassment and bullying prevention programs, and/or other measures deemed appropriate by the Superintendent or designee...

E. TRAINING AND PROGRAMS

The Board directs the Superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community...

WCPSS Board Policy 1720 *Discrimination, Harassment, and Bullying Complaint Process*, adopted in part in accordance with Title VI in 2015 and applicable in 2016:

B. Reporting By Employees or Other Third Parties

1. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed, or bullied in violation of policy 1710/4021/7230 or policy 1730/4022/7231 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment, or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

All members of the school community including students, parents, volunteers, and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment, or bullying.

4. Investigation of Reports

Reports of discrimination, harassment, or bullying will be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and school officials shall take such action as appropriate under the circumstances. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

D. Process for Addressing Complaints of Alleged Incidents Of Discrimination, Harassment, Or Bullying

1. Initiating the Investigation

a. Whoever receives a complaint of discrimination, harassment, or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows.

1. If the alleged perpetrator is a student, the investigator is the school principal.

2. If the alleged perpetrator is an employee other than the assistant superintendent of human resources or the Superintendent, the investigator is the assistant superintendent of human resources or designee.

c. The investigator shall explain the process of the investigation to the complainant and the alleged perpetrator.

d. Written documentation of all formal reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4021/7230.

e. Failure to report, investigate, and/or address claims of discrimination, harassment, or bullying may result in disciplinary action.

2. Conducting the Investigation

a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230 or policy 1730/4022/7231. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); (3) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, deemed likely to have relevant information. The alleged perpetrator shall be notified of the general nature of the allegations. The investigation will include a review of all evidence presented by the complainant or alleged perpetrator.

c. The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the evidence, the alleged conduct constitutes discrimination, harassment, or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age, and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

3. Notice to Complainant and Alleged Perpetrator

a. The investigator shall provide written notification to the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:

1. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment, or bullying, and prevent it from recurring;

2. as needed, reasonable steps to address the effects of the discrimination, harassment, or bullying on the complainant; and

3. as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint...

28.

The Constitution of the Student Council of William G. Enloe High School. Article II: Offices And Responsibilities, Section 3: Specific Duties of Elected Officers, Student Body Vice President of Governing Procedures:

“... to coordinate the elections of Student Body Officers, Sophomore Class Officers, Junior Class Officers, and Senior Class Officers in the Spring.”

[13]

FACTUAL BACKGROUND

29.

In March 2016, Plaintiff was discriminated against on multiple occasions when Enloe High School held Student Council preliminary elections. Plaintiff was excluded from one (1) election and at least one (1) proposed online ballot, harassed before two (2) elections, cyberbullied after one (1) election, endured a hostile environment before, during, and after the elections, and suffered from retaliation long after the elections were over.

30.

All Defendants were involved in the discriminatory acts, indifference to discrimination, the cover-up of such, negligence, or creating a hostile environment against Plaintiff, by practicing a well-established discriminatory culture in Defendant District (“District”). First, District has a long history of being discriminative against African-American students, indifferent to discrimination complaints filed on their behalf, and has created an effective system to defend and dismiss such complaints. As a result, District has developed an indifferent-to-discrimination culture or custom, whereas many District employees condoned, practiced, encouraged, ignored, and normalized discrimination. District employees were emboldened to do so, knowing that Defendant District would safely protect them with no consequences. Secondly, Defendant Board and individual Defendant Board Members knew or should have known about the discriminatory incidents committed against Plaintiff. However, by practicing District’s indifferent-to-discrimination custom, they chose not to address the incidents or make sure that District employees followed the policies regarding discrimination. Defendants Board and Board Members knew that District would safely protect them with no consequences. Third, Defendants Merrill, Connelly, Moore, Trice, and Barnes practiced in the same custom. They ignored complaints of discriminatory acts and the hostile environment against Plaintiff communicated to

[14]

them by Plaintiff's parents and third parties, obstructed a fair investigation on these complaints, or involved in the cover-up of the acts. Merrill, Connelly, Moore, Trice, and Barnes knew that Defendant District would safely protect them with no consequences. Fourth, led by Lyons, Enloe staff, including Assistant Principal Sawyer, Election Advisor Barilich, and newspaper Editor Price-O'Neil, practiced in the same indifferent-to-discrimination custom. They condoned discrimination and hostile environment at Enloe by allowing Caucasian student writers to openly use racist language in the school newspaper's articles, seemingly targeting African-American and Latino students. This is evidence of Enloe students' free-to-discriminate culture or custom. Indifferent to discrimination, Lyons, Sawyer, and Barilich saw no need to protect Plaintiff and other African-American students from discrimination in the election. Emboldened, student perpetrators believed it was acceptable to exclude Plaintiff in the mock election ballot, destroy Plaintiff's promotional materials for the election, tarnish Plaintiff's reputation, and harass Plaintiff online. Lyons ignored complaints of such or failed to conduct thorough investigations. Instead, Lyons, along with other Defendants, used false statements to create a false narrative to cover up negligence and discrimination and then directly created an even more hostile environment against Plaintiff. Enloe staff and students felt free to commit discriminatory acts against Plaintiff or be indifferent to these acts because they knew Defendant District or Lyons would safely protect them with no consequences.

Factual Details

31.

Defendant District is notorious for practicing deliberate indifference to discrimination or discrimination against African-American students. Notably, on average, about 60% of the students being suspended every year have been African-American students, while they account for less than 25% of District's student enrollment. In the 2015-16 school year, School Resource

[15]

Officers (“SROs”) – police officers serving in District’s schools – made 844 referrals with most students sent to Juvenile Court or Adult/Criminal Court. Out of the 844 students, 66% of them were African-American students.

32.

Defendant Board members also have been practicing deliberate indifference to discrimination. They ignored complaints or concerns from parents and community members on District employees’ violations of Board policies 1710 and 1720 regarding discrimination – policies adopted in compliance or accordance with Title VI. Board members do not hold employees accountable for wrongdoings and do not take training of these policies seriously.

33.

Forty-six out of the 844 SRO referrals in the 2015-16 school year were made at Enloe. Out of the 46 students, 40 were African-American and only two (2) were Caucasian, while the percentages of their student bodies were around 38% African American/Black and 29% Caucasian/White. The April 2016 edition of Enloe’s newspaper, the Eagle’s Eye, perfectly captured the volatile and hostile racial environment. Defendant Editor Price-O’Neil condoned the mostly Caucasian student writers’ articles with demeaning and racist language against mainly the African-American and Latino students and treated the contents as April-fools jokes:

- “They are illegals, low-lifes.”
- “... construction on “The Wall’ will begin.”
- “Although there is love for every student at Enloe (unless you are taking less than 5 AP classes, in which case you have 3 business days to get your stuff and get out,)” obviously targeting African-American and Latino students.
- “Celebrate White History Month” – one headline insulting February as Black History Month.
- “Enloe cockroach tells all” – another headline referring to particular Southeast Raleigh High students in a predominantly African-American community.

34.

Defendant Principal Lyons, with the supervision duty on all Enloe’s official activities,

[16]

condoned and ignored students' discriminatory acts before, during, and after the preliminary Student Council elections in 2016. Lyons participated in one of the articles in Eagle's Eye, wearing a gold chain and tattoos. It stated that he – "DaLyons" – "coped with surviving in Southeast Raleigh [a predominantly African-American neighborhood] as a White man" and that Lyons "raps" about the ill-treatment he supposedly experienced in retrospect of portraying himself as such a minority. The article was published even after Plaintiff's parent emailed Lyons numerous times complaining about the discrimination and harassment that Plaintiff was facing. In 2013, Lyons failed to protect eight (8) African-American students and practiced indifference to discrimination when he allowed police officers to arrest the students for a water-balloon prank.

35.

It was under these multiple engulfments of racial discrimination and culture that Plaintiff ran for office in the Student Council elections in 2016 within the Junior Class category, along with Plaintiff's three (3) African-American fellow students (Students X, Y, and Z). Early on, Plaintiff and female friends, Students X and Y, were targeted due to being well-known at Enloe for outspoken against racism and discrimination. Plaintiff was even recognized as "The Most Outspoken Superlative" by her classmates during Senior year.

36.

In February 2016, the Student Council preliminary election was scheduled to occur on March 4, 2016, at Enloe with one (1) ballot for each rising class: Sophomore, Junior, and Senior. Lyons appointed Defendant Barilich as the Advisor to oversee the election, while Defendant Assistant Principal Sawyer was supposed to assist Barilich on the election. However, Barilich bestowed Student Council members, especially Vice President of Governing Procedures ("VP"), an enormous control over the election. This contradicted Enloe's *Constitution of Student*

[17]

Council, which stated that a Student Council member in the VP's particular position only had the permission to "coordinate" Student Council elections, with no authority on the election matters. On March 8, 2017, one (1) year after the election incidents against Plaintiff occurred, Barilich was interviewed by the Office of Civil Rights ("OCR") in the Department of Education regarding the 2016 discrimination complaint on the election incident. Barilich informed OCR attorney K.T., "Students according to the constitution are responsible for maintaining the election, running the website, keeping track and running the election." Lyons also informed K.T., "The election process is still in the hands of the students..." This shows how Barilich and Lyons neglected the protection of African-American candidates, including Plaintiff, against discrimination by failing to oversee the election process properly.

37.

Students who were interested in running in the Student Council Election were initially required to attend Interest Meetings. An Election Packet ("Packet") with the election information, requirements, etc., was given to each student along with an application form for their parents to sign in order to declare candidacy. The Packet was previously used in the 2015 Student Council election. Barilich failed to properly change the information in the Packet to suit the 2016 election. Meanwhile, Student Council VP's name appeared six (6) times in the Packet, making the VP look like the "commander" of the election and the primary contact for candidates with any election-related issues. On the contrary, the language in the Packet made Barilich's role in the election look powerless and insignificant by instructing the candidates that they:

"must give your packet to one of the student council members who will be there [in Barilich's room] to collect the packets. You cannot simply leave your packet in the classroom, nor can you just hand it to Mr. Barilich."

38.

[18]

Plaintiff, Students X and Y submitted timely applications, and candidacy was approved. The campaign process began. On February 29, 2016, the VP emailed the 100 plus candidates a list with all candidates' names and their corresponding running offices and asked them to provide corrections, if any. Due to the Packet's unclear instruction, Plaintiff realized that Plaintiff entered candidacy in the Sophomore category instead of the Junior category. Plaintiff emailed the VP the next day and informed him of the correction.

39.

During the campaign period, Plaintiff, Students X and Y became aware of some Twitter accounts with the appearance of representing Enloe. There were posts of a proposed ballot for each class level and questions such as "Who would you vote for?" However, the posted ballot for the Junior Class, along with the endorsements, did not include Plaintiff's name or those of Students X, Y, and Z. Student X contacted the Twitter account owners and found out that the accounts belonged to some Caucasian Student Council members. Simultaneously, Plaintiff's campaign posters and promotional book-tags, along with those belonging to the other three (3) students, were ripped, defaced, and thrown in the atrium and cafeteria. Defendants Lyons, Sawyer, and Barilich were aware of the discriminatory acts against Plaintiff, but they chose to do nothing to address the situation.

40.

The original election was expected to begin at 12:01 am on March 4, 2016. The record shows, by around 6 am, six (6) hours *after* the voting was supposed to have started, the VP finally emailed all candidates and reported "technical difficulties with the voting website," and that voting was temporarily suspended. However, the records and source from the website ("VN") hosting the election confirmed that there were no technical issues within Enloe's account. In fact, there is no record of the VP ever creating any ballots on VN for the candidates

to vote on. Two (2) hours later, the record shows Barilich purchased an eBallot Single Ballot from VN. An hour after that, Barilich made a purchase for another website (“VS”) to host the election. The record shows, Barilich explained the purchases to OCR attorney K.T., “[O]ur website wasn’t paid for so we had to postpone our elections from Friday [March 4, 2016] to Monday [March 7, 2016]... Friday no one could log in because we aren’t up to date with our payment.” This shows Barilich failed his duty to make sure VN’s contract with Enloe was in good standing *before* voting began. However, contrary to his statement, VN’s 2015 invoice indicates that the one-year license was valid until March 14, 2016. Therefore, the VP or anyone with login credentials should not have experienced any “technical difficulties” to log on VN.

41.

Barilich also informed OCR attorney K.T., “The old system [VN] used to allow for separate ballots and the new version only allowed for one ballot but we use separate ballots for each level.” Again, contrary to his statement, the VN source confirmed that the one-year license would have allowed Enloe to create as many ballots as Enloe wanted – just like what Enloe did in 2015 and since 2012, when Enloe first contracted with VN. The problem of the inability to administer multiple ballots with a separate ballot for each class level was not VN, but Barilich – because he purchased the eBallot Single Ballot, which, of course, allowed the execution of only one (1) ballot. This shows Barilich was not knowledgeable about the election process.

42.

On March 6, 2016, Student Council President (“President”) informed all candidates that they could start voting at 12:01 am on March 7, 2016, after the so-called “technical issue” was resolved, and that the voting would be hosted on the new website, VS. On the same day, Plaintiff emailed the VP requesting permission for Plaintiff and Student X to change campaign speech as a result of Plaintiff and Student X “experiencing exclusion from accounts on social

[20]

media that are endorsed by Enloe Student Council members.” The VP apologized to Plaintiff “on behalf of the entirety of student council” for Plaintiff’s experience. However, the VP denied that Student Council members were involved, despite having asked “a creator to take down one account.” The VP told Plaintiff, “I can already tell from your email that you are passionate about promoting racial equality and I think that is something our current student council lacks.”

43.

At 12:01 am on March 7, 2016, Plaintiff’s supporters were ready to vote for Plaintiff. Shockingly, Plaintiff realized the names of all four (4) of the only African-American candidates on the Junior Class ballot were missing, including Plaintiff. Student X’s name was on the ballot temporarily. The reality mocked the proposed ballot posted in the Twitter posts. Plaintiff and Plaintiff’s parents were devastated and suspected discrimination.

44.

Plaintiff arrived at Enloe with Students X and Y before school started. Plaintiff told Sawyer, with Barilich nearby, that the incident “looks like discrimination.” Sawyer said Plaintiff’s name was left off because Plaintiff entered candidacy in the wrong category – Sophomore instead of Junior; therefore, Plaintiff’s name did not appear on the Junior Class ballot. Plaintiff informed Sawyer that the correction was provided to the VP one (1) week earlier. The record shows the VP made the correction, and Barilich also confirmed so with Lyons, which raised the question of why Plaintiff’s name did not appear in the Junior Class ballot if the correction was made. Sawyer and Barilich refused to talk to Students X and Y about why their names were left off the same ballot. Later that morning, collectively, an email record shows, Barilich informed the 102 election candidates that the cause of some candidates’ names being left off the ballots was due to “miscommunication between our two websites, the original that was malfunctioning...” Again, similar to the VP’s claim of “technical difficulties” on

[21]

March 4, 2016, the record and the VN source confirmed that no technical “malfunctioning” occurred on the website within Enloe’s account on March 7, 2016.

45.

On the same day – March 7, 2016, the parents of Plaintiff and Student X called Enloe to speak to Lyons, but he never returned their calls. Plaintiff’s parent, along with family members of Students X and Y, contacted Defendant Superintendent Merrill’s office, requesting a meeting while reporting the discriminatory act. Merrill’s secretary never scheduled a meeting despite stating to do so. Meanwhile, another Assistant Principal at Enloe forwarded Sawyer an email from a third-party student who reported, “The black students running for junior positions on the student council were not included in the online voting... I feel as though this is blatant discrimination...” Plaintiff’s parents also emailed Lyons and copied Defendants Merrill, Connelly, and Barnes expressing suspicions about the election incident. Lyons responded, “[T]here were 9 students left off of the ballot or on the wrong ballot,” and that Plaintiff’s name was on the wrong Sophomore Class ballot.

46.

Lyons ignored the request from Plaintiff’s parents to meet with them and other parents and not with their children to address how and why the election incident occurred. Instead, Lyons summoned the nine (9) students to his office, including Plaintiff. Lyons told them the cause of the incident was due to something wrong with the website plus some oversight. In the end, Lyons informed the students: “Other people were affected, but you are the ones whose names were left off the ballot.” This is not true because some of the nine (9) students were placed in other ballots, not left off the ballots entirely. On March 9, 2016, the District’s Director of the Communication Department informed Lyons that she had responded to the media’s inquiries about the election incident with the following: “There was a website error... 3 AA

[22]

students left off, 4 white/asian students left off...” This is not true either. One (1) hour later, the record shows Barilich gave Lyons a firmer count than he did before: “Left off completely: 3 African Americans, 2 Caucasian, 1 Hispanic, 1 Asian... In Wrong Place: 1 African American, 2 Asians.” This is not true either. One of the “Caucasians” was Jewish, while the second “Caucasian” student (American) was not one of the nine (9) students that Lyons summoned to his office, not one of the 102 candidates that Barilich emailed to on March 7, 2016, regarding website “malfunctioning,” and not one of the candidates on the list that the VP sent out on February 29, 2016, requesting the candidates’ review of their candidacy information.

47.

Defendants never informed the public of the real cause of the students’ names being left off the election ballots. The public and the Enloe community firmly believed the false narrative from District, Lyons, and Barilich, including: “website error” was the cause of the election incident, and “4 white/asian students left off” the ballots too. However, the record shows, in March 2017, Barilich informed OCR Attorney K.T. that the cause was “student error,” while Lyons told her, “I don’t know.” Furthermore, in January 2017, according to K.T.’s email to Defendant District, District initially informed K.T. that the reason for Plaintiff’s name, along with those of Students X and Y, being left off the Junior Class ballot was because they “registered to run for the election later than other students.” When K.T. asked District for evidence, District did not provide so. In February 2017, District informed OCR that the cause of the election incident was because the Student Council VP accidentally provided the uncorrected candidate list to the Student Council President, who, in turn, created the incorrect online ballots using the wrong information. The problem with this argument is, if that was the case, no American Caucasian student was left off any ballots, because the name of such student was not on the uncorrected candidate list. Therefore, the student’s name was irrelevant to the incident

[23]

altogether. Meanwhile, the names of 4 African-American students (including Plaintiff), 3 Asian students, 1 Jewish student, and 1 Hispanic student were left off or misplaced on the ballots.

48.

Also, it was unlikely that Plaintiff's name was left off the Junior Class ballot due to the transfer of uncorrected information. The record shows the Student Council VP created the original uncorrected candidate list on a Google Doc. It is almost impossible to accidentally provide someone with an older version of a Google Doc by mistake. Defendant Trice informed OCR attorney K.T. that the VP created a new Google Doc to reflect the corrections from candidates. The record shows the VP made the candidates' corrections directly on the existing Google Doc, and there is no record of a second Google Doc that he created. This proves that Plaintiff's name was intentionally left off the correct Junior Class ballot, substantiating the pre-existing Twitter account posts mocking the discrimination, which continuously occurred.

49.

The already hostile racial environment at Enloe against Plaintiff became even more hostile. On the same day of the election incident, with Barnes' support, Lyons announced that on March 24, 2016, Enloe would hold a re-election, in which all candidates must repeat their *entire* campaign process. This was against the request of Plaintiff's parents, along with the parents of Students X and Y, for Enloe to simply put the students' names back on the Junior Class ballot and have a re-vote. No candidate saw repeating a long strenuous campaign to re-qualify for the final election as fair. The requirement angered many of the 100 plus candidates. Feeding on the District's false narrative, their anger and frustration rapidly grew on top of their resentment against Plaintiff on claiming discrimination in the election incident. Plaintiff became their prime target as Plaintiff was the only one who participated in the re-election, out of the four (4) African-American students impacted in the March 7 incident. The angry candidates, along

[24]

with some of their parents, immediately started cyberbullying against Plaintiff. Many students labeled Plaintiff as one of the “angry Black girls,” made nasty racial comments against Plaintiff, and blamed Plaintiff for overreacting about the election incident. Students hurled accusations in the hallway stating, “Black kids caused a re-election!” The record shows many candidates of the March 7, 2016 election did not enter the re-election.

50.

Plaintiff participated in the re-election amid the thunderstorm of criticism, reputation damage, name-calling, threat, and harassment. The students’ anger and frustration were at a boiling point that there were two (2) separate bomb threats, with one occurring the day after Lyons’ announcement. On campus, Plaintiff’s promotional materials were again torn off the boards and walls and shredded on the ground, while Caucasian candidates’ materials remained intact. The harassment continued. Plaintiff became fearful of going to school – where Plaintiff had to endure physical threat and harassment, as well as mental humiliation and anxiety. Plaintiff lost favorable votes and reportedly did not win a seat on the Student Council. Enloe made no arrests for those who made the bomb threats, which Lyons referred to as “pranks,” while the eight (8) African-American students were arrested in 2013, under Lyons’ watch, for a water-balloon real prank.

51.

Since Lyons’ March 7, 2016 announcement of the re-election, Plaintiff’s parent emailed Lyons a few times and copied Defendants Merrill, Connelly, and Barnes, expressing her great concerns of discrimination and horrible treatment against Plaintiff and Students X, Y, and Z. Plaintiff’s parent informed the four (4) Defendants, for instance:

“These African-American students who ran as candidates are currently being blamed for the restart of the entire process, which we were informed, as parents, was already very racist, and stressful. You don’t walk down the hall

[25]

hearing it, neither does Barnes, Merrill, or Lyons. It's our children being targeted for anger over something they did not cause..."

"Have you seen what your students and some of your student's parents are commenting as a result of the incident and especially since there's a re-election?"

"The ill idea of a re-election has brought much pain for the four (4) students and their families, as stated in previous emails. You were also backed up on this ignorant idea and it was purposed so that Enloe could go back and see how to tweak the Election Packet..."

In the end, Lyons, Merrill, Connelly, and Barnes failed to address the complaints adequately, failed to make sure they were being addressed and complied with Board Policy 1720 regarding the complaint process, and failed to inform Plaintiff and Plaintiff's parents of their rights.

52.

Plaintiff, Student X, and their parents were interviewed separately by the media regarding the discriminatory election incident. Through the media, emails, and in-person public comment, Defendant Board Members were aware or notified of the incident and the racial cyberbullying against Plaintiff and Students X, Y, and Z. However, Defendant Board Members did not intervene or make sure that school officials addressed the issue adequately. On March 14, 2016, an advocate contacted Defendants Benton, Kushner, Suttons, Merrill, Trice, and Lyons and urged them to conduct a thorough investigation on the election incident and not place an unnecessary burden on the candidates in repeating the entire campaign process. No one responded to address the issues. A local civil rights leader also contacted the Defendants and urged them to take action, but the requests were also ignored. In June 2016, during a Board meeting, an advocate informed the Board of the cyberbullying against the four (4) African-American students, including Plaintiff, the hardship of the candidates repeating the campaign process, and how discrimination complaints were ignored. No one responded to address these concerns and hostile environment. For the ensuing years, Defendant District continued to deny

any wrongdoings by District employees related to Plaintiff's case and still withhold some public records related to the March 7, 2016 incidents.

53.

In November 2016, a discrimination complaint was filed with OCR on behalf of Plaintiff, Plaintiff's parents, and others.

54.

Approved by Merrill, Moore, Connelly, and Barnes, Defendant District made false or incorrect statements in the February 2017 narrative response letter sent to OCR, responding to the 2016 complaint. Barilich, Lyons, Sawyer, and Trice also made such statements in their interviews with OCR. Moreover, Defendant District withheld a copy of policies 1710 and 1720 from OCR, and even changed part of Policy 1720 to cover up violations. District also hid the Election Packet by providing OCR the new packet produced for the March 24, 2016 re-election instead. OCR used District's obsolete Policy 6414 *Harassment/Bullying*, with no provisions regarding discrimination, to judge the discrimination complaint even after being informed of Policy 1720, which Defendant District adopted in part in accordance with Title VI.

55.

In the same 2017 letter, Defendant District disclosed that Lyons and Barnes requested an "internal investigation" of the election incident from Trice in May 2016, with the approval of Connelly and Moore. These Defendants circumvented Policy 1720's required process to conduct a thorough, impartial, and prompt investigation on the incident against Plaintiff. Trice did not interview the parents -- the complainants, nor provide them the investigative report at the time.

56.

Enloe retained Barilich and the two Student Council members to run the March 24, 2016 re-election, which yielded a second discriminatory incident. An African-American female

[27]

reportedly won the Junior Class presidency per Enloe's administration. However, a few days later, the Enloe administration informed the student and her parents that an "error" occurred, and that a Caucasian female student won instead.

57.

The student's case was included and reported to OCR in the 2016 complaint alongside Plaintiff's. In the end, OCR dropped and dismissed her allegation, along with two (2) allegations related to the March 2016 election incidents without providing the reasons for denial, violating their own process specified in the *Case Processing Manual*.

CLAIMS FOR RELIEF

COUNT ONE: Racial discrimination in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq., 34 C.F.R. Part 100 Effectuation of Title VI, and 31 U.S.C. § 6711 Prohibited Discrimination

Plaintiff incorporates by reference herein all preceding Paragraphs of the Complaint.

58.

At all times relevant to this action, Defendant District, Defendant Board, individual Defendant Board Members, and District employees have a legal obligation under Title VI Civil Rights Act (1964), 42 U.S.C. § 2000D et seq., 34 C.F.R. Part 100 Effectuation of Title VI, and 31 U.S.C. § 6711 Prohibited Discrimination to address discriminatory acts and indifference to these acts, or promptly, impartially, and thoroughly investigate such acts from either students or employees in Defendant District. Title VI also has jurisdiction on student-on-student racial harassment. In *Fennell v. Marion Independent School District*, it states,

"Therefore, under Title VI, we apply the deliberate indifference standard to claims of liability arising from student-on-student harassment. A school district receiving federal funds may be liable for student-on-student harassment if (1) the harassment was 'so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to educational opportunities or benefits provided by the school' (a racially hostile environment), and the district (2) had actual knowledge, (3) had 'control over the harasser and the environment in

which the harassment occurs,’ and (4) was deliberately indifferent.”

59.

Deliberate Indifference

Defendants have practiced a long history of indifferent-to-discrimination culture or custom by condoning, tolerating, ignoring, enabling, and covering up discriminatory acts committed by the Defendant District employees and students against African-American students. When discussing the issue of indifference to discrimination and the ineffectiveness of resolution that Plaintiff and other minority students faced, some Board Members informed Plaintiff’s parent, “That’s just the culture.” The indifferent-to-discrimination custom has continued to normalize and spread discrimination in a safe haven – Defendant District, where offenders enjoy the blanket protection provided by Defendants with little or no consequences. Defendants have practiced the indifference-to-discrimination custom systemically as follows that subjected Plaintiff to vast discriminatory treatments and harm before, during, and after the March 7, 2016 Student Council election:

60.

A. Defendant District, Defendant Board, and individual Defendant Board Members

a) Defendants often ignore discrimination complaints and concerns with no response or intervention, such as what happened in Plaintiff’s case.

61.

b) Defendants often ignore the community’s concerns of discrimination. For instance, community members’ input on Board policies 1710 and 1720 regarding discrimination in their effort to secure fair treatment to students vulnerable to discrimination in District.

62.

[29]

c) Defendants often ignore reports of employees' discrimination or violations of policies 1710 and 1720 regarding discrimination, such as what happened in Plaintiff's case.

63.

d) Defendants used unjust policies to justify, legitimize, and cover up discrimination.

i) In February 2017, one (1) month after receiving OCR's notice of the 2016 discrimination complaint filed on behalf of Plaintiff and others, Defendants made significant changes in Policy 1720. These include changing a provision to make Trice's role in the "internal investigation" of the election incident look legitimate, and adding a provision that legitimizes District legal team's authority on ruling on discrimination complaints.

64.

ii) Having and practicing a "No attorneys or advocates may attend the Level 1 meeting with a principal" provision in Policy 1740 *Student and Parent Grievance Procedure* to isolate parents from advocacy assistance and limit exposure of discriminatory acts committed by students or District employees. Defendant District used this policy to retaliate against Plaintiff – by prohibiting Plaintiff's parent from having an advocate in her meeting with Enloe Principal Chavis to discuss concerns of a teacher's action over Plaintiff's sibling.

65.

e) Defendants often blocked policies, those proposed or reviewed by community members to combat discrimination in District, by putting the policies on the shelf to avoid further development.

66.

f) Defendants did not take policies 1710 and 1720 regarding discrimination or training

[30]

for them seriously. District failed to provide training for the policies to employees and students with no public records that would prove employees had received proper training for the policies between 2015 and 2018. Defendants also often ignored reports of employees' lack of training on and knowledge of these policies. In *Fennell v. Marion Independent School District*, it states, "See Connick, 131 S.Ct. at 1360 (noting that a policymaker's 'policy of inaction' upon notice of a failure to train employees constitutes deliberate indifference.)" As a result, Defendant employees and students committed discriminatory acts against Plaintiff because they did not know about these policies or that they were *required* to comply with them. However, District employees and student perpetrators knew the District would protect them with no consequences.

67.

g) Defendants often use legal effort to dismiss, defend, and cover up discriminatory acts. The District fully employed this practice on the 2016 OCR complaint filed on behalf of Plaintiff and Plaintiff's parents, and also within District when District, for instance, directed public record requests related to the March 7, 2016 election incidents to District's legal team instead of the Communication Department.

68.

h) Defendant District often obstructs the integrity of a proper investigation of discrimination complaints by refusing to accept a complainant's signed consent to an advocate's representation. Whilst, the Superintendent could freely designate any District employee for representation.

69

i) Defendant District often obstructs the integrity of a proper investigation of discrimination complaints by withholding incriminating evidence, including both public

[31]

and student records. In Plaintiff's case, Defending District withheld some public records locally and hid incriminating records from OCR after requesting permission to withhold many records that OCR previously required District to provide.

70.

j) Defendant District often obstructs the integrity of a proper investigation of discrimination complaints by providing false or incorrect information at both local and federal levels to cover up employees' discrimination violations or indifference to discrimination complaints. In Plaintiff's case, up to eight (8) Defendants provided false or incorrect information to OCR investigators/attorneys. Locally, Defendant District's Community Department provided the media, public, and Enloe a false narrative to cover up the March 7, 2016 election incident with incorrect, false, or misleading information on the cause of the election incident, the number of students being left off the ballots, and the impacted students' ethnicities. This act led to the false belief by the public, Enloe's 2,600 student body, their parents, and the staff that Plaintiff was overreacting to an unintentional website error, and that Plaintiff wrongly ruined the reputation of the District, Enloe, Lyons, etc. This, in turn, subjected Plaintiff to additional harm.

71.

B. WCPSS top school officials

a) Defendants Superintendent Merrill, Chief-of-Staff Connelly, and Area Superintendent Barnes.

i) Defendants failed to adequately address the repeated complaints or ignored such complaints from Plaintiff's parent regarding allegations of discriminatory acts in the March 2016 election incident and the racially hostile environment against Plaintiff after Lyons' announcement of a re-election. Defendants failed to

[32]

make sure that District employees followed Board policies 1710 and 1720, failed to direct Plaintiff's parents to these policies to know their rights, or failed to follow Policy 1720's provision themselves by reporting discrimination complaints to District's HR Department if the alleged perpetrator is an employee.

72.

ii) Defendants were involved in a cover-up that interfered with OCR's fair determination of the 2016 complaint filed on behalf of the Plaintiff, Plaintiff's parents, and others. Defendant District's February 2017 letter sent to OCR contains many false or incorrect statements regarding Plaintiff's case copied to Defendants. This means Defendants knowingly agreed to provide these erroneous statements to OCR – federal investigators/attorneys – in order to cover up discriminatory acts or indifference to discrimination complaints committed by themselves or other Defendants.

73.

iii) Defendants obstructed a fair investigation within District on Plaintiff's case. Defendant District's 2017 letter revealed Defendant Connelly approved Barnes' suggestion of having an "internal investigation" conducted by Trice on the March 7, 2016 election incident. Both Connelly and Barnes violated Title VI by bypassing Policy 1720 to avoid an impartial, prompt, and thorough investigation for discrimination complaints as required. Defendants also violated Policy 1720 by failing to report the complaints from Plaintiff's parent to HR, since Plaintiff's parent alleged discrimination committed by District employees besides students.

74.

b) Defendant Deputy Superintendent and current Superintendent Moore.

[33]

Moore committed the same obstruction to a fair investigation on Plaintiff's case by being one (1) of the two (2) District officials to approve Barnes' suggestion of the "internal investigation." Moore was also involved in the same cover-up as one (1) of the four (4) school officials who received a copy of Defendant District's February 2017 letter sent to OCR. This means Moore knowingly approved the false or incorrect statements made in the letter to cover up discriminatory acts against Plaintiff.

75.

c) Defendant Assistant Superintendent for Equity Affairs Trice.

i) Trice obstructed a fair investigation on Plaintiff's case by accepting Barnes' request to conduct an "internal investigation" on the March 7, 2016 election incident. This violated Policy 1720 and Title VI by bypassing an impartial, prompt, and thorough investigation as required for discrimination complaints. Trice's "investigation" was far from impartial, prompt, and thorough because, for instance, it was conducted almost three (3) months after the incident occurred without interviewing the parents – the complainants. District argued that Trice did not violate Policy 1720 because it was an "internal investigation" only for school officials, not the complainants. If this is true, ironically, it proves that no District employees have ever conducted an impartial, prompt, and thorough investigation on the multiple discrimination complaints from Plaintiff, Plaintiff's parents, and third parties related to the 2016 Student Council election incidents.

76.

ii) Trice failed to address the discrimination complaint in Plaintiff's case. For over one (1) year after the election incident occurred, Plaintiff's parent called and emailed Trice multiple times, informing him of the discriminatory election

[34]

incident and requesting answers to the incident, including his involvement in the “internal investigation.” In a phone call with Plaintiff’s parent, Trice said that he sympathized with her frustration dealing with Enloe administration’s indifference to discrimination. However, Trice disclosed to Plaintiff’s parent that he wore “two hats,” hinting that his hands were tied at times since he worked for District. After the phone call, Trice stopped responding to Plaintiff’s parent’s inquiries.

77.

iii) Trice provided false or incorrect information to OCR attorney K.T. that the Student Council VP created a new Google Doc to reflect candidates’ corrections. The record shows the VP made the corrections on the original Google Doc. There is no record of a second Google Doc that he created.

78.

C. Enloe High School Officials

a) Defendant Editor Trudy Price-O’Neil knowingly and openly permitted mostly Caucasian students to post articles in the school’s newspaper with racially hostile and demeaning language that seemingly targeting African-American and Latino students.

79.

b) Defendants Principal Lyons, Assistant Principal Sawyer, and Advisor Barilich

i) Defendant Lyons normalized discrimination. Led by example, Lyons practiced an indifferent-to-discriminate custom or norm for other Enloe staff to follow. The staff ignored, condoned, encouraged, and even participated in discriminatory acts. This school-wide indifference and approval to discrimination further developed a free-to-discriminate custom among Enloe students and emboldened them to commit discriminatory acts without any consequences. It was under this

[35]

acceptable custom that Plaintiff was subjected to discrimination at Enloe, when Plaintiff started to campaign for the 2016 Student Council election. Plaintiff was targeted because Plaintiff was outspoken against racism and discrimination.

80.

ii) Defendants knowingly ignored the online discriminatory treatment and on-campus racial harassment against Plaintiff and deliberately chose to do nothing to intervene. Defendants were required to be vigilant for discriminatory activities under the *Training and Programs* section of Policy 1710:

“... to help eliminate unlawful discrimination, harassment, and bullying... The training or programs should... (2) teach employees to identify groups that may be the target of discrimination, harassment, or bullying; and (3) train school employees to be alert to locations where such behavior may occur, including locations... on the internet.”

Perpetrators were emboldened to discriminate against Plaintiff in the free-to-discriminate custom, knowing that Defendants would protect them with no consequences.

81.

iii) Defendants failed their responsibility to have proper oversight on the Student Council election, in which Plaintiff was discriminated against. Such as, when they failed to oversee the election ballots' creation and verify their accuracy, contradicting the provision in the *Constitution of the Student Council*.

82.

iv) Defendant Lyons failed to adequately address or investigate Plaintiff's parent's numerous discrimination complaints and cyberbullying reports on Plaintiff's behalf. Lyons failed to follow Policy 1720 multiple times for weeks and left Plaintiff subjected to significant harm and harassment.

[36]

83.

v) Lyons created a false narrative about the election incident that directly contributed to creating a hostile environment against Plaintiff. Lyons erroneously told the nine (9) students in his office on March 7, 2016, that the website issue was the cause of the election incident and that they were all left off the ballots. Lyons' false narrative prompted the students to believe Plaintiff was overreacting on an "accidental" and "unintentional" mistake. With that, the students felt justified to discriminate against Plaintiff.

84.

vi) Lyons directly created a hostile environment against Plaintiff when he made the unnecessary requirement to force all candidates to repeat the entire campaign process just "to be fair," when *no* candidates believed it was fair. As a result, he subjected Plaintiff to significant mental and physical harassment. Whilst, a simple re-election could be held by re-verifying candidates' eligibility without candidates repeating the entire campaign process.

85.

vii) Lyons' dismiss of the request from Plaintiff's parents not to have the same individuals work on the March 24, 2016 re-election resulted in another "error." An African-American student won the Junior Class presidency, only to be told afterward that a Caucasian student won instead. This proves the depth of Lyons' indifference to discrimination when he refused to learn from past mistakes.

86.

d) Defendant Advisor Barilich

Barilich was negligent on at least two (2) of the three (3) 2016 preliminary

[37]

Student Council elections. This resulted in Plaintiff's name being left off the right ballot and the harmful aftermath Plaintiff had to endure. Barilich also set the early stage for District's false narrative to cover-up the cause of the election incident, when Barilich falsely told the 102 candidates that the cause was due to a website "malfunctioning." The candidates trusted his words and wrongly believed the cause was accidental, not discrimination as claimed by Plaintiff and others. Defendant District, Lyons, and the candidates then further spread the false narrative to the school community and the public to make everyone believe that Plaintiff was wrong about claiming discrimination.

87.

In April 2018, OCR attorney, D.H., provided a statement regarding the jurisdiction of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100:

"... Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color.... A District's failure to respond promptly and effectively to race-based harassment that it knew or should have known about, and that is sufficiently serious that it creates a hostile environment, is a form of discrimination prohibited by Title VI. Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the internet; physical conduct; or other conduct that may be physically threatening, harmful, or humiliating. Harassment creates a hostile environment when the conduct is sufficiently severe or pervasive as to interfere with or limit a student's ability to participate in or benefit from the District's programs, activities, or services. When such harassment is based on race, color, or national origin, it violates Title VI."

88.

Defendants' failure to thoroughly investigate and address discriminatory acts caused Plaintiff to be 1) excluded from the March 7, 2016 Student Council election and online mock ballot, 2) denied the benefit, opportunities, and enjoyment of the election and events, 3) subjected to discrimination or harassment before, during, and after the election, and 4)

[38]

subjected to multiple retaliatory treatments even after the elections were over. Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq, 34 C.F.R. Part 100, and 31 U.S.C. § 6711 Prohibited Discrimination, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

COUNT TWO: Hostile environment, harassment, and negligence in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq. and 34 C.F.R. Part 100, Effectuation of Title VI

Plaintiff incorporates by reference herein all preceding Paragraphs of the Complaint.

89.

At all times relevant to this action, Defendant District, Defendant Board, individual Defendant Board Members, and District employees have a legal obligation under Title VI Civil Rights Act (1964), 42 U.S.C. § 2000D et seq., and 34 C.F.R. Part 100 Effectuation of Title VI to thoroughly intervene discriminatory acts and address discrimination complaints to prevent a student from a hostile environment as a result of student-on-student racial harassment, employee-on-student discrimination, or negligence of employees. Defendants' failure to prevent or address such acts imposed on Plaintiff created a hostile environment against Plaintiff on multiple occasions, depriving Plaintiff of educational opportunities or benefits. In *Fennell v. Marion Independent School District*, a "hostile environment" is characterized as follows:

“[U]nder Title VI... the harassment was ‘so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to educational opportunities or benefits provided by the school’ (a racially hostile environment)...”

90.

A. Hostile Environment and Harassment

a) First hostile environment: Enloe students practiced a free-to-discriminate custom against Plaintiff in February 2016 when Plaintiff started campaigning for the Student Council election.

[39]

On campus, Plaintiff's promotional materials were torn off the wall and tossed on the ground. Online, Caucasian Student Council members created endorsements and a proposed election ballot that excluded Plaintiff. District, Lyons, Sawyer, and Barilich knew or should have known about these acts, but chose to do nothing. Their inaction affected Plaintiff's election outcome and mental wellbeing.

91.

b) Second hostile environment: When Plaintiff's name was excluded from the Junior Class ballot on March 7, 2016, Plaintiff did not receive a fair remedy. Instead, District, Lyons, and Barilich provided the public, the students, and the staff at Enloe with the false narrative to cover up the election incident. Feeding on the false narrative, people wrongly believed Plaintiff overreacted to an accidental website "error." They resented Plaintiff's claim of discrimination and thought it could damage the reputation of Enloe, Student Council, etc. Meanwhile, District, Lyons, and Barilich secured the shift of the blame and hostility to Plaintiff. Plaintiff's reputation was ruined and integrity damaged, which deprived Plaintiff of a fair re-election outcome.

92.

c) Third hostile environment: On March 7, 2016, Lyons unnecessarily ordered a re-election that required all candidates to repeat their entire campaign process. The hostile environment immediately reached a boiling point against Plaintiff because no candidate saw it as fair. To vent their anger and frustration, a number of candidates, along with some of their parents, cyberbullied Plaintiff, Students X, Y, and Z. They labeled Plaintiff as one of the "angry Black girls" and blamed Plaintiff's discrimination claim for the cause of the re-election and their hard work. Students hurled accusations in the hallway, stating, "Black kids caused a re-election!" Most of the Defendants knew about Plaintiff being cyberbullied but chose to do nothing. The hostility substantially and negatively impacted Plaintiff's election outcome, while Plaintiff also

[40]

suffered from humiliation and anxiety, which affected Plaintiff's school performance.

93.

d) Fourth hostile environment: The level of anger and frustration was so high that there were two (2) separate bomb threats. Plaintiff told OCR, "we had a bomb threat the following day of the announcement of re-election, followed by a second one after the re-election process. It became scary to attend school." Enloe became a place of threat and harm to Plaintiff instead of a place of educational benefits and opportunities. Lyons covered up the discrimination case at the cost of putting the safety of all 2,000 plus individuals in the whole school at risk.

94.

e) Fifth hostile environment: Plaintiff participated in the re-election amid the criticism, name-calling online, and reputation damages. On campus, Plaintiff's promotional materials were again torn off and shredded. Plaintiff lost favorable votes to win. The harassment was continuous.

95.

f) Sixth hostile environment: Even staff members and teachers displayed and expressed their anger and resentment towards Plaintiff for claiming the election incident as discriminatory. It became difficult for Plaintiff to function properly and optimally in school.

96.

Since Lyons' announcement of the re-election on March 7, 2016, Plaintiff's parent emailed Lyons a few times and copied Defendants Merrill, Connelly, and Barnes, expressing her concerns of discrimination against Plaintiff and the other three (3) African-American students. She chronicled the harassment and told the four (4) Defendants, such as:

"These African-American students who ran as candidates are currently being blamed for the restart of the entire process, which we were informed, as parents, was already very racist, and stressful. You don't walk down the hall hearing it, neither does Barnes, Merrill, or Lyons. It's our children being targeted for anger over something they did not cause..."

[41]

In the end, Lyons, Merrill, Connelly, and Barnes failed to address her complaints.

97.

B. Negligence.

Defendants Merrill, Connelly, Barnes, Lyons, and Barilich directly or indirectly created a hostile environment against Plaintiff through negligence:

98.

a) Intentional Infliction of Emotional Distress

When Barnes and Lyons decided to order all candidates to repeat their entire campaign process, Barnes and Lyons should have known there would be immediate and direct negative consequences, because no candidates wanted to repeat the long process of campaigning. They surely knew when Enloe received two (2) bomb threats with one shortly after Lyons' re-election announcement. Yet, they chose to do nothing to address the dire hostile environment and harassment that Plaintiff was facing, as reported to them repeatedly by Plaintiff's parent.

99.

Barnes and Lyons directly and intentionally created a hostile environment against Plaintiff. There was no need for the candidates to repeat the entire election process, especially if the election incident was due to a website malfunctioning or error, as District, Lyons, and Barilich claimed. Enloe could have simply re-verified the candidates' eligibility and re-entered any missing names of the qualified candidates to the ballots. The candidates were required to repeat the campaign process because Lyons and Barnes wanted to shift the blame from Lyons, Sawyer, and Barilich to Plaintiff and Students X, Y, and Z. In doing so, they also created additional hostility and retaliatory discrimination from different parties against Plaintiff.

100.

The re-election requirement from Lyons and Barnes also perfectly allowed District and [42]

Enloe to hide evidence of everyone's discrimination and negligence. It must be done by first getting rid of the original Election Packet – a key piece of physical evidence that showcases Barilich's neglect of the election's oversight. So much so, District withheld the Packet from OCR. Instead, it provided OCR the new and properly edited Packet used for the March 24, 2016 election – which is not relevant to the complaint on the March 7, 2016 election.

101.

b) Negligent Infliction of Emotional Distress

Defendants Merrill, Connelly, Barnes, and Lyons contributed to the hostile environment when they ignored the complaints of serious racial harassment that Plaintiff endured, thus neglecting Plaintiff's physical and mental wellbeing.

102.

Defendant Barilich contributed to the hostile environment due to his negligence in failing to oversee the Student Council elections properly. If Barilich performed the Advisor's duties as required, the discriminatory election incidents likely would not have occurred in the way they did. Barilich failed his responsibility, including:

- 1) to ensure the election process was properly described in the Election Packet;
- 2) to be vigilant in protecting candidates from discriminatory activities;
- 3) to verify the candidates' eligibility; and
- 4) to ensure the accuracy of the ballots before the voting was live.

103.

Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq, 34 C.F.R. Part 100, and 31 U.S.C. § 6711 Prohibited Discrimination, no person in the United States shall, on the ground of race, color, or national origin, be denied the benefits, opportunities, or enjoyment of any program or activity receiving Federal financial assistance, or be subjected to discrimination through hostile treatments under such program.

[43]

COUNT THREE: Retaliation in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq. and 34 C.F.R. Part 100, Effectuation of Title VI

Plaintiff incorporates by reference herein all preceding Paragraphs of the Complaint.

104.

Plaintiff and other students experienced retaliation from District employees, other candidates, and Enloe staff after publicly claimed discrimination in the election incident.

Plaintiff suffered retaliatory treatment after the incident in multiple situations and areas. A few examples are as follows:

A. Loss in educational benefits

i) Plaintiff anticipated an International Baccalaureate diploma upon graduation. Plaintiff was informed about ineligibility after submitting an essay previously reviewed, edited, and approved by Plaintiff's IB teachers/advisors prior to submission., one of them being Defendant Price-O'Neil. Plaintiff was informed the essay was one point short of receiving her IB Diploma after she undertook all coursework and passing grades of A's and B's in the weighted courses. In addition, Plaintiff was pinned in an honorary ceremony, but never given such a diploma. On two (2) separate occasions, an essay was scored to permit a point off from the requirement of the diploma. Both instances were also reportedly scored by an "unknown individual living in another country" per Enloe staff. Plaintiff's parents reached out to the International IB Ombudsman, who initially reported they would investigate the matter, but ended up ceasing all communication and referred Plaintiff to contact Enloe. Enloe never provided further reason for the outcome. The International IB Ombudsman office refused to provide the requested information. Defendant District transferred Lyons to another school within the District without resolving the matter.

[44]

105.

ii) Plaintiff experienced a sudden and drastic dropping in grades in some classes until Plaintiff's parent intervened.

106.

B. Retaliation from Enloe administration

Just days after the March 7, 2016 Student Council election incident, in which Plaintiff claimed discrimination occurred, Plaintiff's parents received a letter from the Enloe administration. The letter stated that Plaintiff would not be eligible to participate in the March 24, 2016 re-election due to Plaintiff's missing school days. Plaintiff's parents had to reclaim Plaintiff's right to participate in the re-election by reminding Enloe school officials that the missing days were excused days documented with medical notes.

107.

C. Exclusion in extracurricular activity

Plaintiff was not selected for the Varsity Cheerleading Team in Senior year despite being a member for two (2) previous years. Instead, a Junior Varsity student without such prior experience was selected.

108.

D. Damage of reputation

Before the March 2016 Student Council incidents, Plaintiff was a well-liked, popular, and respected student with good grades. After the incidents, Enloe staff and students perceived and identified Plaintiff as one of the "angry Black girls" who overreacted on a "harmless" website error and called it discrimination. Plaintiff's popularity plummeted, along with loss of friendship.

[45]

E. Widespread retaliation to Plaintiff through Plaintiff's parent, siblings, and others

Continual retaliation towards Plaintiff was experienced extensively for years after the election incidents through and by:

- a) Plaintiff's siblings, including one with multiple disabilities and a younger sibling attending Enloe.
- b) Plaintiff's parent. For instance, District and Enloe Principal Chavis prohibited Plaintiff's parent from having an advocate in her meeting with Chavis to discuss concerns of a teacher's action over Plaintiff's sibling.
- c) Plaintiff's parent was prohibited from advocating for other students effectively. Plaintiff experienced additional stress and duress.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq. and its implementing regulation at 34 C.F.R. Part 100 prohibit retaliation against any person who claims discrimination occurred, or testifies or involves in a discrimination complaint.

Damages to Plaintiff as a result of negligence, racial harassment, retaliation, and hostile environment related to the 2016 Student Council election incidents:

- a) The racially hostile environment made it impossible for Plaintiff to participate in a fair election with a fair outcome.
- b) Plaintiff was too fearful and humiliated to run another Student Council election again.
- c) It limited and prevented Plaintiff's opportunity to participate in or benefit from further school activities, such as not being selected as a Varsity Cheerleader in her senior year despite being such for two (2) previous years.

- d) Even after the elections were over, Plaintiff still carried the label of being “the angry black girl.” Plaintiff’s reputation was gravely ruined.
- e) Plaintiff became the endless target of discrimination until Plaintiff graduated and detached from the hostile environment. Imagine the whole Enloe community of around 3,000 of teachers and students, who firmly believed the false narrative that District and other Defendants painted to the outside world: these Black students overreacted, being ridiculous, and caused the suffering of re-election, or loss of opportunities for other candidates.
- f) The traumatic experience gravely affected Plaintiff’s health and wellbeing.
- g) Plaintiff’s stress was compounded by indifferent treatment from Caucasian peers and even some staff members. Plaintiff experienced sudden and drastic dropping in grades in some classes until Plaintiff’s parent intervened.

COUNT FOUR: Acts of exclusion, unequal/segregated treatment, denial of benefits and opportunities in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq., 34 C.F.R. Part 100 Effectuation of Title VI, 31 U.S.C. § 6711 ProhibiteDiscrimination, and 14th Amendment equal protection clause (actionable under 42 U.S.C. § 1983)

Plaintiff incorporates by reference herein all preceding Paragraphs of the Complaint.

112.

Violations of Equal Protection

Due to Defendants’ discrimination, indifference to discrimination, failure to address and intervene discrimination, negligence, retaliation, as well as the creation or indifferent to hostile environment against Plaintiff, Plaintiff was unlawfully subjected to exclusion and unequal/segregated/unjust treatments in event or election before, during, and after the Student Council’s March 7, 2016 election. Defendants failed to protect Plaintiff from:

- a) Psychological harm, anxiety, and mental stress stemmed from wide-spread cyberbullying and harassment on campus;

[47]

b) Unequal, segregated, and unfair treatments before, during, and after the March 7, 2016 Student Council election; and

c) Loss of benefits and enjoyment of events and elections, as well as educational benefits and opportunities as a result of such loss.

113

Defendants' actions in subjecting Plaintiff to discrimination, hostile environment, harassment, unequal treatment, and retaliation in a protected activity constitute unlawful violations of Title VI of the Civil Rights Act of 1964 42 U.S.C. § 2000D et seq., 34 C.F.R. Part 100, 31 U.S.C. § 6711 Prohibited Discrimination, and 42 U.S.C. § 1983 (right to file an action for violation of equal protection rights under 14th Amendment).

114.

As a direct and proximate result of Defendants' misconducts, Plaintiff is entitled to both equitable and monetary relief including, but not limited to compensatory damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands a TRIAL BY JURY and that the following relief be granted:

A. That Summons issue requiring Defendants to answer the Complaint within the time provided by law;

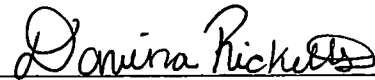
B. An injunction prohibiting Defendants, including Wake County Public School System and Wake County Board of Education, from engaging in unlawful discriminatory practices in violations of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000D et seq., 34 C.F.R. Part 100 Effectuation of Title VI, 31 U.S.C. § 6711 Prohibited Discrimination, and 42 U.S.C. § 1983 (right to file an action for violation of Equal

[48]

Protection Clause under 14th Amendment).

C. Compensatory and punitive damages in an amount to be determined by the enlightened conscience of the jury to compensate Plaintiff for the significant mental, emotional and physical distress; and losses of educational opportunities and benefits suffered as a result of Defendants' discriminatory, retaliatory, negligent, and unlawful misconduct.

Respectfully submitted on this 24th day of February, 2021.

A handwritten signature in cursive script that reads "Davina Ricketts". The signature is written in black ink and is positioned above a horizontal line.

Davina Ricketts, Pro Se
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