

**VERMONT HUMAN RIGHTS COMMISSION**  
Complaint of Public Accommodations Discrimination  
VHRC Case No: \_\_\_\_\_

**COMPLAINANT:** Jessica (Jaya) Holliman o/b/o [REDACTED]

**RESPONDENTS:** Woodstock Union High School & Middle School

100 Amsden Way  
Woodstock, VT 05091

**Windsor Central Supervisory Union**

70 Amsden Way  
Woodstock, VT 05091

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I charge Woodstock Union High School & Middle School and Windsor Central Supervisory Union with unlawful discriminatory acts in a place of public accommodation because of:

Race  Color  Religion  National Origin  Marital Status  Sex  Sexual Orientation  Disability  Gender Identity  Retaliation

The following sets forth the reasons I believe that my child, [REDACTED], has been discriminated against:

1. [REDACTED] is African American and has brown skin. He is originally from Rwanda.
2. During the 2021-2022 school year, [REDACTED] attended 7th grade at Woodstock Union High School & Middle School (WUHSMS), which is part of Windsor Central Supervisory Union.
3. Respondents are places of public accommodation.
4. Upon information and belief, Respondents were aware that [REDACTED] is African American, has brown skin and is from Rwanda.
5. Throughout the academic year as a student at WUHSMS, [REDACTED] was subjected to multiple instances of harassment and bullying on the basis of his race, skin color, and national origin.
6. Upon information and belief, Respondents have policies and procedures for preventing, investigating, and responding to bullying, harassment, and hazing.

7. On or around September 3, 2021, Principal Smail contacted Complainant to let her know that he had received a report that a student at WUHSMS had used the N-word in relation to [REDACTED]. Principal Smail conducted a Hazing, Harassment, and Bullying (HHB) investigation of this N-word usage. The results of the investigation were dated September 14, 2021, and were shared with [REDACTED] family and the Superintendent.
8. In his investigation, Principal Smail found that “student use of harassing language may have occurred” and expressed his concerns that “a hostile, intimidating, or offensive environment may at times be present at Woodstock Union High School and Middle School.” Principal Smail reported that the school administration had communicated to the student using the word that it was inappropriate and that the administration reviewed the Prevention of Hazing, Harassment and Bullying Policy with teachers and reminded them of their duty to report and maintain confidentiality.
9. Upon information and belief the N-word incident investigation was not conducted as per procedure. Relatedly, teachers and school counselors impermissibly communicated with [REDACTED] about the other student’s use of the N-word, which caused him harm. Superintendent Sousa acknowledged that there were missteps in this process and response.
10. Complainant asked Principal Smail that if he meets with [REDACTED] about harassing behaviors he had been subjected to, that a Family Educational Rights and Privacy Act (FERPA) witness be present with [REDACTED].
11. On or around December 6, 2021, Principal Smail attempted to meet with [REDACTED], without the requested FERPA witness present with [REDACTED].
12. On or around December 9, 2021, Respondents concluded an HHB investigation of harassment based on race, skin color, or national origin perpetrated against [REDACTED] by [REDACTED].

another student. Specifically, the student marked [REDACTED] with a dark color marker and commented on the lack of visibility of the mark, while also making a gun gesture towards [REDACTED]. The investigation substantiated the harassment.

13. Respondents indicated that the student engaging the harassment might be subject to discipline. No details were provided to Complainant about any other remedial or preventative actions Respondents would take, if any.

14. Between December 2021 and March 2022, [REDACTED] was subjected to harassment based on his race, skin color, or national origin by multiple other students, including the same student who drew on [REDACTED] with a dark marker as described above, on a nearly daily basis.

15. Upon information and belief, staff and faculty at WUHSMS observed at least some of the harassment taking place between December 2021 and March 2022.

16. On or around March 15, 2022, a student made a statement to [REDACTED] about his ancestors picking cotton.

17. Upon information and belief, Principal Smail was informed of this incident. Regarding this incident, Principal Smail wrote to Complainant: "I do not plan to investigate this incident further as the fact pattern is consistent, and further information is not required to determine what happened. My staff has taken action to prevent this situation from happening again. I would like to hear what further steps you feel are necessary to support your son." No additional details were provided to Complainant about what actions were taken to prevent this kind of harassment.

18. Complainant contacted Principal Smail on March 17, 2022, asking to meet regarding the harassment of [REDACTED]

19. On or around March 21<sup>st</sup>, not having received a response to her March 17<sup>th</sup> correspondence with Principal Smail, Complainant again emailed Principal Smail.
20. On March 22<sup>nd</sup>, still not having received a reply from Principal Smail, Complainant sent emails to Principal Smail and this time also included Superintendent Sousa informing them that [REDACTED] was experiencing nearly daily harassment and requesting an HHB investigation as required by law and requesting the development of a safety plan for [REDACTED]
21. Later in the day on March 22, 2022, Principal Smail replied to Complainant acknowledging the allegations of nearly daily harassment of [REDACTED] but did not provide any next steps, did not respond to the request to initiate an HHB investigation, and did not respond to the request for a safety plan.
22. Superintendent Sousa responded to the emails of March 22<sup>nd</sup>, thanking Complainant for contacting them.
23. About a week later, Complaint again requested HHB investigations and the development of a safety plan for [REDACTED]
24. On or around March 28<sup>th</sup>, Principal Smail responded to Complainant stating that he would re-open an HHB investigation and that he was open to creating a safety plan.
25. At school on March 28, 2022, a student waived a banana at [REDACTED] and made a comment about his looking like he needed it based on his race, skin color, or national origin. The student making this comment about the banana was the same student who drew on [REDACTED] with a marker and commented on the visibility of the marker.
26. On March 29, 2022, Complainant emailed Principal Smail informing him of the March 28<sup>th</sup> banana incident. In response, Principal Smail stated that Respondent would “take action to insure a safe lunch environment for [REDACTED]”

27. Around the same time, Principal Smail asked to interview [REDACTED]. In response to that request, Complainant asked which incident the interview would pertain to. Principal Smail replied stating “[t]his relates to general comments and images/memes sent to [REDACTED].” He further added that he was aware that [REDACTED] had been sent images of cotton fields and fried chicken and related images by other students.
28. On March 29, 2022, the same student who made the comment about the banana followed [REDACTED] from the lunchroom to [REDACTED].’s next class insisting to [REDACTED] that he was not being racist and repeatedly requesting [REDACTED] to state the same.
29. On March 30, 2022, Complainant wrote to Principal Smail and Superintendent Sousa about the previous day’s events of a student following [REDACTED]. She further informed the school that [REDACTED] was not going to school until a safety plan was in place and requested that schoolwork be sent home for him in the meantime. She further requested a meeting on April 1<sup>st</sup> and stated that [REDACTED] could come in for an interview.
30. Principal Smail responded inviting Complainant and [REDACTED] to come in for an interview on March 31<sup>st</sup>, to which Complainant agreed. At the interview, [REDACTED] answered questions about the harassment he was experiencing, he also explained to Principal Smail what he wanted in order to feel safe at school. Complainant also requested that Principal Smail provide them with all HHB investigation documentation.
31. A safety plan was not immediately put in place and [REDACTED] remained out of school from March 30<sup>th</sup> to around April 5<sup>th</sup>.
32. During [REDACTED].’s absence from school, no schoolwork was sent home for him. Respondents also contacted Complainant about [REDACTED] having unexcused absences.

33. On or around April 2, 2022, Laurie Smith, a teacher at WUHSMS, worked with [REDACTED]'s family in drafting a safety plan for [REDACTED]. Upon information and belief, Laurie Smith helped create this safety plan without direction from Respondent's administration.
34. Upon information and belief, Laurie Smith, Principal Smail, and others, met to discuss the draft safety plan on or around April 4<sup>th</sup>.
35. Laurie Smith followed up on April 8<sup>th</sup> with Complainant regarding the draft safety plan. As of that date, Respondent still had not communicated to Complainant about implementing a safety plan.
36. Also on April 8, 2022, Complainant, still not having received HHB investigation documentation, approached Principal Smail and asked for documentation pertaining to all HHB investigations and conclusion letters regarding P.H. Later that day, Complainant was provided with documentation only regarding one incident and not all investigations as Complainant had requested.
37. Around mid-April 2022, Respondents implemented a safety plan for [REDACTED].
38. On or around May 3, 2022, Principal Smail contacted Complainant letting her know that Respondent would finally support [REDACTED] in receiving mental health services in response to the harassment he was experiencing. He also let her know that earlier that day there was an incident in [REDACTED]'s science class where another student equated a chimpanzee skull to [REDACTED]'s.
39. The same student who made the comments about the skull had been featured in a video that he circulated to other students, including [REDACTED], where he used the N-word. Upon information and belief, Principal Smail was aware of this video prior to the May 3<sup>rd</sup> incident with the skull.

40. Upon information and belief, no HHB investigation was opened for this skull comment incident.
41. On May 10, 2022, Principal Smail emailed Complainant (Superintendent Sousa was copied) acknowledging that the May 3<sup>rd</sup> skull comment was “ignorant and offensive.” He further stated his belief that while he “addressed” the comments with that student, he believed that students would make more ignorant and offensive comments based on race. He stated that his plan was to meet with a consultant, Dr. Luvelle Brown. Nothing was communicated about actions steps to protect and support ■■■. There was no mention of a new safety plan for ■■■. nor an HHB investigation.
42. As a result of the ignorant and offensive racist comments, ■■■ expressed feeling unsafe and uncomfortable in his classes. Starting around May 10, 2022, ■■■. no longer participated in his social studies and science classes and instead sat alone in the library. The safety plan for ■■■. was not updated or a new one created despite requests to do so.
43. Missing classes and sitting alone in the library instead of being in his classes denied him access to an appropriate education and caused stress and trauma. Upon information and belief, Respondents knew or should have known, that this situation was harmful to ■■■
44. Not having heard anything further from Respondents about any HHB investigations or any safety plan for ■■■., Complainant sent an email to Principal Smail and Superintendent Sousa on May 17<sup>th</sup> asking whether an HHB investigation would be conducted regarding the May 3<sup>rd</sup> incident, asking when ■■■ can safely return to his classroom and stating that the current situation was harmful to him, and again asking for implementation of a new safety plan.

45. On May 19, 2022, Principal Smail responded to Complainant. He acknowledged that [REDACTED]. missing classes was not good. He also characterized the previous statements about chimpanzee skulls and use of the N-word as “microaggressions” and that Complainant and [REDACTED]. needed to just be “prepared for” for more of the same. It was his belief that those statements did not create an unsafe learning environment. He also stated that he would take a “restorative approach” but did not elaborate on what specifically that meant nor was anything further communication regarding preventative action steps. Nothing was stated about any HHB investigations or the request for a safety plan.
46. On or around June 1, 2022, Complainant contacted Laurie Smith letting her know that the student who made the banana statement and then followed [REDACTED]. insisting that he is not racist, had been communicating with [REDACTED]., which was a violation of the April safety plan and caused harm to [REDACTED]
47. No additional safety plan was created even though Complainant requested an updated safety plan and [REDACTED]. continued to be harassed by other students until the end of the academic year.
48. Despite evidence that [REDACTED] experienced harassing comments or actions on the basis of his race, skin color, or national origin on at least six different occasions, Respondents only conducted HHB investigations into three instances, each time finding the violation of harassment substantiated.
49. Throughout [REDACTED].’s enrollment at WUHSMS, Respondents failed to adequately prevent, investigate, and respond to instances of harassment and bullying perpetrated against P.H.
50. Upon information and belief Woodstock Union High School & Middle School and Windsor Central Supervisory Union discriminated against my child on the basis of race,



skin color, and national origin in violation of Vermont's Fair Housing and Public Accommodations Act.

Complainant agrees to fully cooperate with the investigation of these allegations that will be conducted by the Vermont Human Rights Commission, and to make herself and her child available upon reasonable request to be interviewed by Commission staff in connection with this Complaint.

Complainant authorizes Woodstock Union High School & Middle School and Windsor Central Supervisory Union to release any and all information they hold pertaining to her and her child, [REDACTED] to the Vermont Human Rights Commission for its investigation of this Complaint of Discrimination.

By:                     /s/ Zachary Hozid                      
Zachary Hozid, Esq.  
COSTELLO, VALENTE & GENTRY, P.C.  
Attorneys for Complainant  
51 Putney Rd., P.O. Box 483  
Brattleboro, VT 05302  
802-257-5533  
[hozid@cvglawoffice.com](mailto:hozid@cvglawoffice.com)