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5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 VANESSA BOWIE-MIDDLETON

Case No. 3:24-cv-00320-ART-CLB

9
10 Plaintiff,

AMENDED COMPLAINT
(As a Matter of Right)

11 v.

12 WASHOE COUNTY SCHOOL DISTRICT,

JURY DEMAND

13 Defendant.
14 _____/

15 **PRELIMINARY STATEMENT**

16 One hundred years ago, the Mississippi state Senate voted to evict the state’s Black residents
17 – the majority of its total population – not just out of Mississippi, but out of the country. The Senate
18 voted 25- to 9 on Feb. 20,1922, to ask the federal government to trade some of the World War I
19 debts owed by European countries to America for a piece of colonial Africa – any part would do –
20 where the government would then ship Mississippi’s Black residents, creating “a final home for the
21 American negro.”¹ Mississippi did not want to see their Black faces or hear their Black voices ever
22 again. The measure was ultimately defeated because plantation owners feared losing their cheap,
23 brutalized labor force.
24

25 This case, coming more than on hundred years later, involves a similar outrageous racist
26 idea: That a White principal at a Sparks elementary school in 2022 would order the school’s Black
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¹ See Washington Post, August 8, 2024, “*A century ago, Mississippi’s Senate voted to send all the state’s Black people to Africa.*”

1 Kitchen Manager to stop reprimanding unruly misbehaving students in the lunchroom because the
2 White teachers were “uncomfortable” hearing her Black voice—the sound of it and the tone of it.
3 The principal, Heidi Gavrilles, told the Black employee, Plaintiff Vanessa Bowie-Middleton, that
4 the White teachers were middle class White people, and such people were uncomfortable hearing
5 Black voices. Accordingly, Ms. Bowie-Middleton’s voice must be silenced, she must refrain from
6 talking to the children, lest they too – like the White teachers – be made uncomfortable hearing her
7 Black voice.
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9 JURISDICTION AND VENUE

10 1. This Court has jurisdiction of this employment discrimination disparate treatment case
11 Title VII case pursuant to 42 U.S.C. § 2000e-2(a)(1); 42 U.S.C. § 2000e-2(k)(1)(A)(i); 28 U.S.C.
12 Sections 1331, 1343, and 2201.
13

14 2. Venue is proper in the Northern District of Nevada pursuant to 28 U.S.C. Section
15 1391(b) because the unlawful acts and practices alleged herein occurred in Northern Nevada, which
16 is within this judicial district.

17 PARTIES

18 3. Plaintiff Vanessa Bowie-Middleton (“Plaintiff”) is an African American female, a
19 citizen of the United States, and a residence of Sparks, Nevada. Plaintiff is currently employed at
20 WASHOE COUNTY SCHOOL DISTRICT (“WCSD”) at Mendive Middle School.
21

22 4. Defendant is the WCSD, sued for the federal claim of disparate treatment based on
23 race.

24 5. Plaintiff filed her charge of discrimination with the Nevada Equal Rights
25 Commission, received her Right to Sue letter, and timely filed her Complaint on July 23, 2024. She
26 now amends her Complaint as a matter of right.
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1 6. Plaintiff alleges Title VII of the Civil Rights Act applies to Defendant WCSD and
2 imposes upon WCSD the general rule that no employer may discriminate against an employee by
3 altering the terms and conditions of his or her employment on the basis of race.

4 7. Plaintiff alleges that WCSD and/or its agents, employees, and servants performed,
5 participated in, aided and/or abetted in some manner the acts averred herein, which severely affected
6 Plaintiff by altering the conditions of her employment and proximately caused Plaintiff grave physical
7 and emotional harm.
8

9 **FACTUAL ALLEGATIONS**

10 **Bowie-Middleton's Background**

11 8. Plaintiff has decades of managerial experience working in the food industry as a
12 cook, baker, supermarket bakery manager, and caterer.

13 9. Plaintiff began her employment with WCSD on or about September 14, 2019 by
14 working as an on-call Trainee Nutrition Worker.
15

16 10. From approximately October 12, 2019 until September 11, 2020, Plaintiff worked as
17 a Nutrition Worker I at several schools within the WCSD system, including but not limited to:
18 Spanish Springs High School, Spanish Springs Elementary, Sky Ranch Elementary, Mendive
19 Middle School, and Desert Skies Middle School. Plaintiff worked with and was trained by several
20 Nutrition Workers and Kitchen Managers.
21

22 11. From approximately September 12, 2020 until January 18, 2021, Plaintiff worked as
23 a Nutrition Worker I at Bohach Elementary School in Reno, Nevada. Plaintiff worked at Bohach
24 under the direction of Terri Braunworth, who worked as the Bohach Elementary Kitchen Manager.
25 Ms. Braunworth is White.

26 12. Plaintiff also worked as a Nutrition Worker I at Spanish Springs High School with
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1 Ms. Braunworth. While at Spanish Springs High School, Plaintiff also worked with Marcia Iverson,
2 a Nutrition Worker I with seventeen years of experience. Ms. Iverson is White.

3 13. On or about January 2021, upon the departure of Ms. Braunworth as Bohach Kitchen
4 Manager, Plaintiff became Bohach Kitchen Manager. Plaintiff remained at Bohach until
5 approximately January 27, 2023, when she left to become a Nutrition Worker at Mendive Middle
6 School in Sparks, Nevada.

7
8 14. From approximately January 28, 2023 until the present Plaintiff has been employed
9 as a Nutrition Worker I at Mendive Middle School in Sparks, Nevada.

10 **Bowie-Middleton's Job Responsibilities**

11 15. The incident that is the subject of this lawsuit occurred when Plaintiff was employed
12 as the Kitchen Manager at Bohach Elementary School. As manager, Plaintiff was responsible for: 1)
13 inventory control; 2) ordering of food; 3) scheduling; 4) displaying, baking, and warming all pre-
14 cooked food sent to the school; 5) sanitizing the tables; 6) cleaning the kitchen, the floors, the
15 worktables, the food preparation equipment, and everything else in the kitchen to assure maximum
16 cleanliness; 7) supervising and serving three staggered lunch meals for up to and including 453
17 elementary students; 8) scanning student cards; 9) ensuring the safety of all students; 10)
18 participating when necessary in the discipline, warning, and reprimanding of all misbehaving
19 students in the cafeteria and environs; and 11) using the cafeteria public address system to make
20 announcements to students as to dismissal of lunch period, clean up, and other routine and
21 necessary daily activities to maintain order in the school cafeteria.

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23
24 16. The elementary school students at Bohach were generally good students and well
25 behaved. However, the students were crowded together, packed "like sardines" in the cafeteria for
26 their lunchtime meals. Children are children. They would sometimes yell, throw food, fight in lines,
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1 steal things, and hit one another. Sometimes they just pushed and shoved each other and made other
2 students cry. Sometimes there was bullying and fist fights.

3 17. As part of Plaintiff’s job responsibilities, Plaintiff was informed by Ms. Braunworth
4 at Bohach, and others at other schools, that correcting misbehavior was an important part of her
5 job. She was not to stand idly by when children threw food, fought, yelled, and in general behaved
6 poorly. She was absolutely not to “let it go.” If she “let it go” things could get worse. Plaintiff was
7 taught order and safety must reign in the cafeteria, and she must address unruly student behaviors as
8 they occurred. It was drilled into her by all kitchen managers and all older more experienced
9 nutrition workers, at all schools, whether as an on-call trainee, or a kitchen manager, that she must
10 not ignore misconduct—especially the fighting, which presented a serious safety and security issue.
11 Warnings were the rule, sometimes reprimands and then discipline.
12

13 18. Plaintiff was taught in her orientation and the message was often repeated that
14 WCSD policy was “See Something, Say Something.” At each and every school that she worked at it
15 was understood and accepted, that student misconduct must be addressed when it occurred. All
16 nutrition workers at all schools were instructed it was part of the job to “say something” when they
17 “saw something.” Misconduct, fighting, stealing, stealing, and throwing food were unacceptable.
18 Plaintiff was told not to ignore misconduct, but to promptly address it. If she saw any form of
19 obvious misbehavior, including students picking on one another, or bullying, as well as throwing
20 food and fighting she should immediately address it. There were a variety of ways to address
21 misconduct, from giving a warning to having them occasionally stand against a wall.
22

23 19. A search of the WCSD website mentions the policy of “See Something, Say
24 Something” 522 times. The policy is well known by all employees. Its meaning is clear.
25

26 20. Emblazoned on the back of the WCSD identification tags worn by the nutrition
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1 workers was the policy, “See Something, Say Something.”

2 21. Also, in the cafeteria were “duty teachers.” These teachers would act as monitors in
3 the cafeteria but were often not present when misconduct occurred. Plaintiff was told by Ms.
4 Braunworth, and Ms. Iverson, that if duty teachers were not present she must act to maintain safety
5 and security—and acting involved addressing the issue with the errant students before it escalated
6 and students were harmed. Ms. Braunworth warned Plaintiff that often no one was around to see the
7 misconduct and she was not to ignore it or “let it go” because it was part of the job. Ms. Braunworth
8 told Plaintiff it was very important to watch the children, make sure they followed lunchroom rules
9 and behaved.

10
11 22. Misconduct was frequent. Ms. Iverson told Plaintiff that over her 17 years as a
12 WCSD nutrition Worker she had to reprimand more and more students became more unruly over
13 the years. Ms. Iverson stressed to Plaintiff that reprimanding unruly students was necessary, part of
14 the job, and whether it occurred, once a week, every other day, or every day, it was necessary and
15 part of the job to keep order.

16
17 23. Plaintiff, as Bohach Kitchen Manager, was generally required to reprimand a student
18 at least once during each of the three lunch time shifts. The discipline metric generally used was to
19 give two warnings to a misbehaving student, then have them stand by the wall until it was time for
20 the after lunch recess break.

21
22 24. Plaintiff, during her entire employment with WCSD, was never told that she was not
23 to discipline unruly misbehaving students or that reprimanding misconduct and failure to follow the
24 rules was not a critical part of her job. Plaintiff observed all nutrition workers and all kitchen
25 managers at all schools reprimand misconduct when they saw it. She was advised by everyone she
26 worked with to do the same as order and safety were essential.

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1 25. Plaintiff loved her job, especially as a Kitchen Manager at Bohach Elementary. She
2 especially loved the children, talking to them, laughing with them, greeting them, and bantering
3 with them—all of that was great fun for her. She learned their names. They shared details of their
4 lives with her. She talked with them. They talked with her. She brought in a speaker and played
5 “Happy” songs for the children and other music they enjoyed. Every aspect of the job was
6 wonderful to Plaintiff—interesting, challenging and intriguing, including the mastering the
7 computer system. Plaintiff felt appreciated and valued. She felt secure that she was a respected
8 member of the Bohach staff, and happy to be there.
9

10 26. Plaintiff’s evaluations were outstanding. In her evaluation by supervisor Lisa
11 Atkerson on February 3, 2022, Plaintiff was deemed “Effective” or “Highly Effective” in all areas.
12 She was deemed “Highly Effective” in three areas: 1) Morale, which encompasses promoting a
13 work environment that “fosters positive morale;” 2) Attendance and Punctuality; and 3)
14 Commitment to Students, understanding her “roles and responsibilities and how they contribute to
15 student achievement.”
16

17 **The Terms and Conditions of Bowie-Middleton’s Job Were Changed**

18 27. On or about January 27 or 28th, 2022, Plaintiff was happily at her managerial
19 position at Bohach Elementary performing her normal, regular and appropriate duties when she was
20 approached by Principal Heidi Gavrilles in the kitchen. Ms. Gavrilles informed Plaintiff that some
21 of the White teachers did not want a Black woman reprimanding any students in the cafeteria.
22 Accordingly, Ms. Gavrilles was ordered Plaintiff not to discipline any misbehaving students.
23

24 28. Ms. Gavrilles explained that the “white teachers” did not like the way Plaintiff spoke
25 and/or her accent or dialect and felt a Black woman should not be giving instructions to unruly
26 cafeteria students in the future—even though Plaintiff had been doing so for the duration of her
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1 employment without problem, correction, or incident. Ms. Gavrilles was most specific, white
2 teachers were uncomfortable hearing her voice. They did not like the sound of a Black person. They
3 were not used to hearing a Black person talk and they did not like it.

4 29. In the same conversation, Principal Gavrilles told Plaintiff that she was also now
5 prohibited from using the Public Address (“P.A. system”) at Bohach. Plaintiff had been using the
6 P.A. system to dismiss the children or to provide appropriate announcements regarding clean up.
7 When Plaintiff inquired as to the reason for this, Principal Gavrilles informed her that the sound of
8 her Black voice was offensive to the White teachers, they didn’t want to hear her speak at all.

9 30. Plaintiff has a very slight accent. It is hardly discernible. Plaintiff grew up in
10 northern California, not in the deep south. Plaintiff is easily understood by anyone and has an
11 excellent command of the English language.
12

13 31. Plaintiff understood, from what Ms. Gavrilles said to her, that if she was White, she
14 could continue to discipline all misbehaving all students, but because she was Black, her job had
15 changed, the terms and conditions of her employment were now different. And the change in the
16 terms and conditions of her job were based exclusively on her race, not anything Plaintiff had said
17 or done, or any problem that she had caused.
18

19 32. Principal Gavrilles declined to provide the shocked Plaintiff with any specifics . She
20 said only that the White Teachers were uncomfortable hearing her speak—they didn’t want to hear
21 the sound, the tone, or the tenor of her voice. Ms. Gavrilles expressed no concern that this new
22 mandate, this new change in Plaintiff’s job duties, might make Plaintiff “uncomfortable.”
23

24 33. On information and belief, Principal Gavrilles does not live on the moon. It is
25 presumed that she has read and understood WCSD policies prohibiting discrimination on the basis
26 of race. Would Principal Gavrilles next refuse to hire Black teachers because White teachers did not
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1 want to work with them, or see them in the teacher’s lounge, or hear them speak at teacher
2 conferences?

3 34. Plaintiff inquired of Ms. Gavrilles which White teachers wanted her silenced. Ms.
4 Gavrilles declined to identify the White teachers.

5 35. Ms. Gavrilles, the top administrator at Bohach, endorsed, ratified, and approved the
6 express racism of the White Bohach teachers.

7 36. Plaintiff understood that her subordinate in the kitchen, Jennifer Frith, a White
8 woman, could continue to discipline unruly students because she was White while she herself,
9 superior in rank to Ms. Frith, was prohibited because she was Black.

10 37. There were no complaints about Ms. Frith’s speech because Ms. Frith is White.

11 38. This presented Plaintiff with an untenable option, that should she witness unruly
12 student behavior in the cafeteria she needed to rely on her white subordinate, Ms. Frith, to correct
13 the student’s behavior. She would be required to stand silently by, mute, as her white subordinate,
14 Ms. Frith, disciplined ta misbehaving student while she could not.

15 39. Rather than subject herself to that humiliating option of relying on a subordinate to
16 do an essential task, a job responsibility she previously held, Plaintiff withdrew and stopped
17 engaging with the students. Her moral went down. She stopped talking to the children, laughing
18 with them, correcting them, warning them, kibitzing with them in the friendly happy way she had
19 previously done.

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23 **Confirmation by Jennifer Frith**

24 40. The incident with Ms. Gavrilles was overheard by Plaintiff’s kitchen worker,
25 Jennifer Frith. On February 4, 2022, Ms. Firth wrote an email to Lisa Atkerson, Plaintiff’s
26 supervisor, describing what she had heard: “When I entered into the kitchen Thursday morning I
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1 didn't want to intrude in on the conversation so I went and sat at the desk to start the paper work for
2 the day, at that time the principle (sic) was giving Vanessa a run down on how she would like the
3 kids to be reprimanded, and that some of the white teachers didn't want a black woman to
4 reprimand their students, the conversation seemed to be coming to a close when I heard the
5 principle (sic) say a black person's tone and language is different to a white persons."

7 **Confirmation by NAACP**

8 41. On or about February 3, 2022, Plaintiff, at a loss for what to do, contacted the
9 National Association for the Advancement of Colored People ("NAACP"). Plaintiff spoke with
10 Lonnie Feemster, the current President of the Tri-State Conference for the NAACP which includes,
11 Idaho, Nevada, and Utah and the Education Chair for the Reno-Sparks NAACP.

12 42. Plaintiff explained to Mr. Feemster that she was told by Bohach Principal Gavrilles,
13 that she could not reprimand students because the White teachers objected because she was Black.
14 Plaintiff explained to Mr. Feemster that the White teachers felt a Black person should not be talking
15 to students because they "speak differently." It was further relayed that it was "not appropriate" for
16 a Black person to be speaking to students because their dialect is wrong and their tone is wrong.

17 43. Plaintiff shared with Mr. Feemster that she was shocked and humiliated upon
18 receiving this directive. She had no idea why her being Black would be justification to prohibit her
19 from disciplining misbehaving students. This had never happened before—why were White
20 teachers suddenly against her speaking? Did they think she was an animal, sub-human, someone
21 who could not speak proper English and was incapable of giving simple instructions to children?
22

23 44. Plaintiff also told Mr. Feemster that she had often used the PA system to address the
24 child. She would say things like: "It's getting too loud in here; we need to quiet it down." She
25 would also use the PA system to dismiss the children and let them know it was time to wrap up their
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1 lunchboxes, gather their trash, and be ready when the garbage came around. Yet on the same day
2 that Plaintiff was told not to reprimand the students by Principal Gavrilles, she was also told not to
3 speak on the PA system. Plaintiff told Mr. Feemster that why she inquired as to the reason, Ms.
4 Gavrilles told her it was the same reason, the White teachers did not want to hear a Black voice
5 telling children what to do.
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7 45. Plaintiff also told Mr. Feemster that the elementary school lunchroom was very loud
8 and students raised their voices to be heard above the din. They screamed and yelled at the top of
9 their lungs. It took the combined effort of teacher monitors as well as kitchen staff to keep
10 lunchroom order.

11 46. Plaintiff asked Mr. Feemster to speak to Principal Gavrilles. On February 9, 2022,
12 Mr. Feemster telephoned Ms. Gavrilles. He discussed with her what Plaintiff had relayed to him.
13 Principal Gavrilles made it very clear to him that Plaintiff understood exactly how her job had been
14 changed. Principal Gavrilles told Mr. Feemster that many of the White teachers had complained
15 about Plaintiff's tone and dialect. She referenced one teacher from Montana who express that she
16 did not like the sound of Black voices and was "uncomfortable" hearing Plaintiff talk. According to
17 what Ms. Gavrilles told Mr. Feemster, the Montana teacher particularly objected to hearing Plaintiff
18 talk because she was "not used to being around Black people."
19

20 47. Principal Gavrilles politely informed Mr. Feemster that "middle class White
21 teachers" were not used to being around Black people, they did not like hearing their voices, and
22 they did not think they had the ability or the approved dialect to give simple instructions to an
23 unruly student. She did not want Plaintiff to use the PA system for the same reason.
24

25 48. Following his conversation with Principal Gavrilles, Mr. Feemster understood that
26 Principal Gavrilles agreed with these White teachers.
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1 49. Mr. Feemster was deeply shocked at what Principal Gavrilles told him. She told him
2 that Plaintiff’s Black voice made White teachers uncomfortable and it was thus appropriate that
3 Plaintiff should be prohibited from speaking in the school environment. His thought was, “What
4 about Ms. Bowie-Middleton’s discomfort?” Was Plaintiff to be made uncomfortable to protect
5 White teachers from their own discomfort?” Mr. Feemster told Principal Gavrilles that Plaintiff is a
6 human being who is justified in feeling hurt, degraded, and discriminated against. Ms. Gavrilles
7 mentioned in response that she believed herself to be a “progressive” person and had read Nell
8 Painter.²

10 50. Following his conversation with Ms. Gavrilles, Mr. Feemster wrote a memo: “After
11 discussion over the phone with Principal Gavrilles it seems that Mrs. Middleton had related the
12 incidents and discussion correctly.” He added in his memo that Ms. Middleton was “clearly given
13 the message that middle income white teachers did not think that she had the right, ability or the
14 approved dialect to give simple instructions to an unruly student.”

16 **Effect of the Adverse Change In Job Description**

17 51. Plaintiff was shocked, devastated, and sickened by this obviously discriminatory
18 conduct. At age 60, Plaintiff had experienced racial discrimination in the past—in jobs, in stores,
19 and in some personal interactions with White people. These experiences were hurtful, upsetting, and
20 physically and emotionally exhausting.

22 52. With the prohibition on talking to students and with the immediate cease and desist
23 order regarding the PA system, Plaintiff’s old feelings of rejection based on discriminatory practices
24 came rushing back to her. The many unfair, bigoted remarks she had suffered through over the

26 ² After receiving her Ph.D., Nell Painter became a professor of history at [Princeton](#)
27 [University](#). In 1990–91 she was acting director of Princeton's Program in Afro-American Studies,
28 and in 1991 she was named the Edwards Professor of American History, specializing in African
American Literature, American History, and American Slavery From 1997 to 2000 she was director
of the Program in African-American Studies.^[5] She served as a professor at Princeton until her
retirement in 2005.

1 years were right there, smack in her face again. Plaintiff had endured all manner of indignities in the
2 past based on her race, because she needed the job and the paycheck. Plaintiff thought Bohach was
3 different. She thought working at Bohach was working in a happy place where she was respected
4 and well-liked.

5
6 53. With the comments made by Principal Gavrilles, Plaintiff became not just
7 emotionally devastated but physically sick. She was disgusted, appalled, and repulsed that that Ms.
8 Gavrilles would use her race to limit and change her job responsibilities. She was upset that White
9 teachers would complain about her to Ms. Gavrilles behind her back. She was horrorstricken that
10 race once again would rise up to torpedo her life with a racist blowtorch.

11
12 54. Plaintiff could not sleep. She was stressed. She had migraines, stomach pain,
13 constant nausea, and nightmares. She thought she had reached her limit. She wanted to die. She was
14 suicidal. Although a deeply religious woman, suicide was on her mind.

15
16 55. On or about mid-February 2022, Plaintiff had surgery for kidney stones. Research
17 has shown a strong link between stressful life events and kidney stones.

18
19 56. To further complicate Plaintiff's condition, her rheumatoid arthritis disability was
20 affected. Rheumatoid arthritis is a chronic autoimmune disease that primarily affects joints. It
21 occurs when the immune system, which normally helps protect the body from infection and disease,
22 attacks its own tissues. The disease causes pain, swelling, stiffness, and loss of function in joints. It
23 is well-known that stress can physically affect rheumatoid arthritis.

24
25 57. In the months that followed this incident, Plaintiff was hospitalized numerous times
26 for complications from her rheumatoid arthritis disability and auto immune system failures. Doctors
27 told her that severe stress can be a contributing factor to all of the physical distress she was
28 experiencing.

1 58. Plaintiff was further distressed because her young grandson was a student at Bohach,
2 one of the very few Black students. Plaintiff did not know if the “White teachers” that had
3 complained about her to Ms. Gavrilles were also teaching her grandson. She worried that if her job
4 could so easily be changed because White teachers did not want her disciplining students, perhaps
5 her grandson was a student of one of those teachers. She feared that teachers who believed that
6 Black people were inferior and not to be treated with respect, would be teaching her precious
7 grandson. She worried the racial discrimination she had experienced (and was currently
8 experiencing) would be visited upon her grandson. She fretted and agonized that perhaps her
9 grandson would not be called on in class, or would be silenced by his teachers because he was
10 Black.
11

12 59. In an undated email, Plaintiff explained the incident to her supervisor Lisa Atkerson.
13 Plaintiff stated that she viewed the discriminatory remarks of Ms. Gavrilles as highly disrespectful,
14 insensitive, and discriminatory. She wrote: “I am not an animal; I am a human being like everyone
15 else. The unprofessionalism of administrator/ principal Heidi and other teachers is and should not be
16 accepted in the workplace.
17

18 60. On or about March 8, 2022, Plaintiff received an email from WCSD representative
19 John Listinsky, asking Plaintiff what could be done to fix this problem. He asked her, “What is the
20 general atmosphere at the school since the incident. How do you feel?” Plaintiff emailed Mr.
21 Listinsky that she was “uncomfortable” as she did not know what teachers have a problem with her
22 race as a Black woman and her language? She explained how her mental “well-being” had been
23 shaken as she is “greatly concerned about how teachers and the principal are insensitive with their
24 racist comments.”
25

26 61. Mr. Listinsky responded by saying, “What can be done to fix the situation? He did
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1 not reference the critical issue that the terms and conditions of her employment had been altered,
2 that she was prohibited from disciplining students because of her Black voice.

3 62. On information and belief Mr. Listinsky knew and understood exactly how the
4 situation could be “fixed.” It could be fixed by informing Plaintiff that the prohibition on her
5 disciplining students was lifted and her job responsibilities as to safety, discipline, and addressing
6 cafeteria misconduct were returned to her and she could once again use the P.A. system as
7 appropriate and necessary—as she had done in the past. But he did not do that.

9 **Investigation**

10 63. WCS D opened an investigation. The investigation was headed by Area
11 Superintendent Jeana Curtis. Plaintiff was interviewed. Plaintiff explained how this incident
12 affected her. She explained how she suffered from “unbearable” migraines, insomnia, and felt
13 paranoid. She explained she had physical symptoms and had gone to her doctor for medication. She
14 did not know which of the White teachers had complained about her race to Ms. Gavrilles. She
15 wondered if these White teachers wanted to prohibit her from even talking to White students.

17 64. On or about April 8, 2022, Plaintiff emailed Ms. Curtis, asking if she was still
18 precluded from talking or disciplining students. Plaintiff asked: “What is it about my race that some
19 of the white teachers don’t like and will there be any future interference in the future? Is there
20 something about my race that makes my language unacceptable?” Plaintiff wanted to know what
21 she was doing wrong other than being Black. She wanted to know whether or not she would
22 continue to be prohibited from disciplining misbehaving students or would her race continue to
23 prevent her from performing one of her basic job duties.

25 65. Ms. Curtis did not respond to Plaintiff’s email of April 8.

26 66. On or about April 11, 2022, Ms. Curtis formally notified Plaintiff that her
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1 “complaint” was closed. Ms. Curtis indicated that she did not find “sufficient evidence” to
2 substantiate the allegations. Ms. Curtis did not address Plaintiff’s concerns about whether she was
3 still precluded from disciplining students or giving them warnings about student misconduct. Ms.
4 Curtis ignored that all important issue. Ms. Curtis ended her letter by telling her, “If at any time I
5 can be of further assistance, please feel free to contact me.”
6

7 67. Plaintiff had made it very clear to Ms. Curtis that she wanted to know if the directive
8 given to her by Ms. Gavrilles, was still in place. She wanted to know what about her Blackness
9 made her different. She wanted to know why all other staff could discipline misbehaving students to
10 the long standing policy of “See something, say something” but she could not.

11 68. Upon hearing that the investigation was closed, and having Ms. Curtis inform her
12 that she did not speak to any of the teachers who had complained about hearing her voice, Plaintiff
13 again emailed Ms. Curtis asking for the names of the White teachers who had complained about her
14 speaking. She was extremely concerned that one of them might be teaching her grandson. She
15 wrote: “I do not want my grandson to interact with any of these teachers with superiority and racial
16 bias. I want my grandson to be treated fairly and where he can thrive and be successful. Again, I am
17 respectfully asking for clarification. I would like to know who these teachers are. I am not sure why
18 this was not a part of your investigation but I believe that I am entitled to some reasonable
19 answers.” Plaintiff closed her email by asking again, “**Also am I prohibited from disciplining**
20 **misbehaving White children in the cafeteria.**” Ms. Curtis did not respond.
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23 69. On April 21, 2022, Ms. Curtis emailed Plaintiff to discuss having a “meeting” with
24 Ms. Gavrilles to “close out your complaint.” Plaintiff emailed back that she had emailed several
25 times with questions and have **not** received answers. Plaintiff wrote: “It is my belief that I have not
26 been treated fairly in this investigation. Why is that? I believed that you have not done a thorough
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1 and sufficient job in addressing all the issues.” Plaintiff did not receive a response from Ms. Curtis
2 to her direct and specific questions.” Of primary concern to Plaintiff was whether she was still
3 prohibited from talking to students, reprimanding unruly misconduct, and using the PA system as
4 she had always done. This would have required a simple yes or no, but Ms. Curtis refused to
5 respond.
6

7 70. Later that same day, April 21, 2022, Ms. Curtis wrote Plaintiff that she had learned
8 Plaintiff did not want to “meet” regarding the closing of her complaint. Ms. Curtis made clear
9 Plaintiff’s complaint was closed and would remain closed. Ms. Curtis again failed to address the
10 pivotal issue of whether Plaintiff would continue to be precluded from reprimanding misbehaving
11 students while all White staff would continue reprimanding misbehaving students.
12

13 71. On or about August of 2022, more than six months after the incident, out of the blue,
14 Plaintiff was contacted by WCSD employee Tiffany McMasters. Ms. McMasters informed Plaintiff
15 that she (Ms. McMasters) now had the answers to Plaintiff’s questions. She understood that of
16 primary concern to Plaintiff was whether Plaintiff’s job responsibilities would be returned to her
17 going forward. Ms. McMasters clarified for the first time since Ms. Gavrilles had issued her racist
18 proclamation, that Plaintiff would **not** be precluded or prohibited in any way from disciplining
19 misbehaving students. Plaintiff’s job responsibilities would not in the future be altered on the basis
20 of her race. It took WCSD more than six months to return Plaintiff’s job to her.
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22 72. Plaintiff is now working as a Nutrition Worker I at Mendive Middle School.

23 **CAUSE OF ACTION**

24 **Disparate Treatment Based on Race-A Violation of Title VII**

25 73. Plaintiff realleges and incorporates by reference herein the allegations above
26 contained.
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1 74. Plaintiff suffered an adverse employment action when her employer, the WCSC,
2 materially altered terms and conditions of her employment by the mandatory prohibition that she
3 refrain from disciplining any misbehaving students as she had always done—at Bohach and at every
4 other school she had worked at.

5 75. WCSD altered an essential part of Plaintiff’s job, something she did every day,
6 generally once during **each** of the three daily Bohach lunchroom shifts. Plaintiff had been trained to
7 address student lunchroom misconduct, something she had been instructed to do, something she
8 received instruction on how to do, and a necessary, vital, critical function of maintaining school
9 lunchroom order, safety and security.

10 76. WCSD’s racially motivated decision to prohibit Plaintiff from reprimanding unruly
11 students prevented her from doing her job and interfered with her ability to maintain order in the
12 lunchroom.
13

14 77. WCSD’s racially motivated decision to prohibit Plaintiff from reprimanding unruly
15 students constituted a material change in the terms and conditions of Plaintiff’s employment and
16 prevented her from performing an essential aspect of her job.
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18 78. WCSD’s racially motivated decision to prohibit Plaintiff from reprimanding unruly
19 students increased the risk of student misconduct, safety and security. If fights broke out, which
20 they frequently did, if students were pushed and shoved, if bullying occurred forcing victimized
21 children to cry, it was a problem that required immediate attention. Plaintiff was required to act and
22 by order of WCSD, Plaintiff was prevented from acting—all because of her race. Plaintiff could
23 only stand mutely by—permitting misconduct to continue. In such circumstances, Plaintiff could
24 only hope a duty teacher would magically appear or her White subordinate employee would witness
25 the conduct and take action.
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1 79. At Bohach, especially when Plaintiff was the Kitchen Manager, easily 125 to 150
2 students were in the lunchroom for each of the three lunchroom shifts. Without the ability to
3 discipline misconduct when it occurred, to warn students that their misconduct must stop, the risk to
4 student safety and security increased.

5 80. “Duty teachers” were sometimes available to assist in reprimanding students in the
6 lunchroom, and they often did a fine job. But habitually, repeatedly, and regularly, the duty teachers
7 were unavailable—not there, or not engaged, or not paying attention to student disruption. The
8 lunchroom was substantially at risk with Plaintiff muzzled and unable to quell the violence, threats,
9 and disruption that regularly occurred.

10 81. Plaintiff experienced a material and adverse change in the conditions of her
11 employment because of, on account of, and by reason of her race. That changed lasted for more
12 than six months, up to and including the time she was out of the blue informed by Ms. McMasters
13 that she henceforth would not be prohibited from disciplining unruly students and her former job
14 responsibilities would be returned to her.

15 82. The adverse action taken against Plaintiff would not have occurred but for her race.

16 83. Plaintiff was harmed physically and emotionally because of WCSD’s actions.

17 84. Plaintiff was qualified for her position as Kitchen Manager which before had always
18 included the ability to discipline misbehaving White, Black, and Hispanic students—all students.
19 Other than complaints about her race, about her ability to speak – about her “accent” or “dialect”
20 there had never been a complaint as to how Plaintiff handled her job or student misconduct.

21 85. After WCSD prohibited Plaintiff from disciplining students, White staff at Bohach
22 continued to discipline misbehaving students and Plaintiff’s White subordinate maintained the
23 ability to discipline misbehavior. The WCSD policy of “See Something, Say Something” applied to
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1 White employees but not to Black employees like Plaintiff.

2 86. As a direct and proximate result of the aforescribed unlawful conduct by
3 Defendant WCSD, Plaintiff suffered grievous the indignity of discrimination, miscellaneous costs
4 and expenses, the invasion of the right to be free from discrimination, and great humiliation which
5 is and was manifested in severe physical and emotional distress, the need for therapy, and is entitled
6 to compensatory damages according to proof.
7

8 **RELIEF REQUESTED**

9 WHEREFORE, Plaintiff prays for judgment as follows:

- 10 (a) For declaratory relief;
11 (b) For equitable relief;
12 (c) For compensatory damages in an amount to be determined at trial;
13 (d) For attorneys' fees and costs incurred herein;
14 (e) For leave to amend this complaint should the same become necessary;
15 (f) For such other and further relief as this Court may deem appropriate.
16

17 DATED: This 20th day of August, 2024

18 /s/ Terri Keyser-Cooper
19 TERRI KEYSER-COOPER
20 *Attorney for Plaintiff Vanessa Bowie-Middleton*
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