

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

JEREMY LOVINS,
Plaintiff,
and
UNITED STATES OF AMERICA,
Plaintiff-Intervenor
v.
PLEASANT HILL PUBLIC SCHOOL DISTRICT, R-III,
Defendant.
Case No. 99-0550-CV-W-2

COMPLAINT IN INTERVENTION

The United States of America, Plaintiff-Intervenor, alleges as follows:

1. This complaint-in-intervention is filed by the Attorney General of the United States on behalf of the United States, pursuant to the Fourteenth Amendment to the Constitution of the United States and Title IX of the Civil Rights Act of 1964, 42 U.S.C. ¶ 2000h-2; and Title IX of the Education Amendments of 1972, 20 U.S.C. ¶ 1681-88, which prohibits recipients of Federal financial assistance from discriminating on the basis of sex in education programs or activities.
2. This court has jurisdiction under 28 U.S.C. ¶ 1345 and 42 U.S.C. ¶ 2000h-2.
3. Defendant Pleasant Hill Public School District (hereinafter "PHSD" or "the District") is responsible for the administration of educational services for all students enrolled in the Pleasant Hill Public School District in Pleasant Hill, Missouri, including Pleasant Hill Middle School and Pleasant Hill High School.
4. Lovins v. Pleasant Hill Public School District and Hugh Graham, No. 99-0550-CV-W-2, was filed on June 4, 1999. The Plaintiff alleges that PHSD violated, inter alia, the Equal Protection Clause of the Fourteenth Amendment and Title IX of the Education Amendments of 1972, 20 U.S.C. ¶ 1681, by discriminating on the basis of sex. Hugh Graham was dismissed as a defendant by Order of the Court on February 11, 2000.
5. The Plaintiff is a citizen of Missouri and was a student in the Pleasant Hill School District from 1994 until his graduation in 1998. Plaintiff seeks compensatory and punitive damages as a result of the Defendant's deliberate indifference to the verbal and physical peer-on-peer sexual harassment committed by students under the defendant's direct control and disciplinary authority.
6. PHSD is organized under, and exists pursuant to, the laws of the State of Missouri and, as such, is subject to the prohibitions of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.
7. The District is a recipient of Federal financial assistance and, as such, is subject to Title IX of the Education Amendments of 1972, 20 U.S.C. ¶ 1681-1688.
8. While Jeremy Lovins was a student in the PHSD from 1994 until 1998, he was subjected to harassment constituting discrimination on the basis of sex.

9. The sexual harassment to which Jeremy was subjected was severe, pervasive, and objectively offensive.
10. The Defendant's actions and inactions in response to the harassment violate the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and Title IX of the Education Amendments of 1972.
11. Such actions and inactions include the following:
 - a. Pleasant Hill School District officials with authority to rectify the situation were given notice that Jeremy Lovins was being subjected to discrimination on the basis of sex, but failed to take immediate and appropriate corrective actions;
 - b. Officials with authority to rectify the situation had actual notice of, and were deliberately indifferent to, the discrimination on the basis of sex to which Jeremy was subjected;
 - c. The deliberate indifference of Pleasant Hill School District officials prevented Jeremy Lovins from enjoying the educational benefits and opportunities provided by the Pleasant Hill School District.
 - d. The District responded differently, on the basis of sex, to the harassment of Jeremy Lovins.
12. Unless enjoined by this court, the Defendant will continue to violate the Fourteenth Amendment and Title IX.
13. The United States seeks intervention in this lawsuit. The United States, through intervention, seeks relief to ensure that the PHSD will operate a school system that provides an educational environment that is free of sexual harassment for its students and is in compliance with federal law.
14. The Attorney General, pursuant to 42 U.S.C.  11922, has certified in the attached certification that this is a case of general public importance.

Wherefore, the United States respectfully requests that this Court:

1. Declare that the Defendants have denied the plaintiff the equal protection of the laws in violation of the Fourteenth Amendment;
2. Declare that the Defendants have discriminated on the basis of sex by failing to address, prevent, and remedy sexual harassment, and in so doing failed to provide the benefits of its educational activities and services to the plaintiff, in violation of Title IX of the Education Amendments of 1972, 20 U.S.C.  11915;
3. Permanently enjoin the Defendant, its officers, agents, employees, successors, assigns, and all persons in active concert or participation with the PHSD from all unlawful discrimination against school-age children on the basis of sex;
4. Order the Defendant to develop, adopt, and timely implement a comprehensive plan that will ensure a harassment-free educational environment for all its students;
5. Order the Defendant to file a report annually with the Court for three years detailing the implementation of its plan;
6. Provide such relief as is necessary to compensate Jeremy Lovins for the discrimination to which he was subjected;
7. Grant any additional relief as the needs of justice may require.

Respectfully Submitted,

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Updated August 6, 2015