

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

IN THE ST. JOSEPH CIRCUIT/SUPERIOR COURT

CAUSE NO. 71 cd-1510-CT-000390

JOHN DOE,)
)
) Plaintiff,)
)
) v.)
)
UNIVERSITY OF NOTRE DAME DU LAC)
and JANE ROE,)
)
) Defendants.)

- FILED -
OCT 30 2015
St. Joseph Circuit Court Clerk

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

The plaintiff, John Doe, by counsel, for his action against the defendants, the University of Notre Dame du Lac and Jane Roe, state as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, John Doe, is a student at the University of Notre Dame du Lac.
2. Defendant University of Notre Dame du Lac is an academic institution located in St. Joseph County, Indiana.
3. Defendant Jane Roe is a resident of St. Joseph County, Indiana, and at all times relevant to the events giving rise to this action was an administrator employed by the University of Notre Dame du Lac in an academic support role for the benefit of students at the University.
4. The events complained of herein occurred in St. Joseph County, Indiana.
5. Jurisdiction and venue are proper in St. Joseph County, Indiana, as the events giving rise to this cause of action chiefly occurred therein.

6. The plaintiff's complaint has been fashioned to utilize two anonyms, and the plaintiff requests that the Court utilize its discretion to permit this action to proceed in such a manner in accordance with the guidelines established under *Doe v. Town of Plainfield*, 860 N.E.2d 1204 (Ind. App. 2007).

FACTUAL ALLEGATIONS

7. Plaintiff incorporates by reference and realleges paragraphs 1 through 6 of this Complaint as if fully restated herein.

8. Plaintiff John Doe is an African-American student who enrolled in the University of Notre Dame du Lac in the Fall of 2014 on academic scholarship.

9. At that time, Defendant Jane Roe was an administrator and academic coach employed by the University of Notre Dame du Lac in a role designed to provide academic support and counseling to students and student-athletes at the University.

10. In the spring of 2015, Defendant Jane Roe began providing academic support and guidance to Plaintiff John Doe.

11. Immediately, Defendant Jane Roe orchestrated initiated, directed, and coordinated a sexually and racially motivated inappropriate and demeaning relationship with Plaintiff John Doe.

12. This relationship included, but is not limited to, the following behaviors: commanding, directing, encouraging, and convincing Plaintiff John Doe to engage in sexual relations with Defendant Jane Roe's own daughter; arranging for sexual liaisons for Plaintiff John Doe; interrogating Plaintiff John Doe about the nature, frequency, and quality of the sexual activities he had with Defendant Jane Roe's daughter; harassing and demeaning Plaintiff John

Doe with racially-charged comments about his sexual prowess and genitalia; pressuring Plaintiff John Doe to remain in the sexual relationship against his will; providing lodging, transportation, hotel rooms, and condoms for sexual excursions across state lines; and engaging in threatening behavior towards Plaintiff John Doe as he attempted to end the sexual relationship with her daughter.

13. Said conduct created a sexually and racially hostile educational environment at the University of Notre Dame du Lac.

14. Defendant Jane Roe targeted Plaintiff John Doe for this treatment based upon his status as a young, African-American, male student at the University of Notre Dame du Lac.

15. Defendant Jane Roe has used her position and employment at the University of Notre Dame du Lac to engage in routine and targeted sexual activities against other similarly situated young, African-American, male students, including several academically coached members of the University's football and basketball teams.

16. University administrators and staff knew or should have known of Defendant Jane Roe and her daughter's inappropriate and demeaning relationships with young, male, African-American students, and failed to take appropriate action to remedy the racially and sexually hostile environment that was created at the University of Notre Dame du Lac.

17. That the stress and pressure created by this inappropriate relationship caused Plaintiff John Doe to suffer academically and emotionally from the demeaning, degrading, and hostile nature of this educational environment in a manner that threatens and has diminished his personal and academic growth.

18. Defendant Jane Roe utilized her position at the University to convince the Plaintiff John Doe of his need for mental counseling, arranging for Plaintiff John Doe to be seen by psychiatric support employed by the University of Notre Dame du Lac. There, Plaintiff John Doe was counseled by another employee of the University who was a friend and confidant of Defendant Jane Roe, where University personnel sought to medicate Plaintiff John Doe to keep him passive, cooperative, and under control to forestall any exposure of this exploitative and perverse conduct and hostile environment.

19. As the Plaintiff John Doe struggled with the cumulative stress of this hostile sexual environment and degradation, Defendant Jane Roe further exacerbated Plaintiff John Doe's stress by pressuring him to convert to Catholicism against his will.

20. The University of Notre Dame du Lac had a responsibility to protect Plaintiff John Doe from the hostile and sexually predatory behavior of its employee, Defendant Jane Roe. The University of Notre Dame du Lac also had a responsibility to provide Plaintiff John Doe with the same racially and sexually safe educational environment that it provides to similarly situated non-African-American male students.

21. The University of Notre Dame du Lac has failed Plaintiff John Doe, by failing to meet the responsibilities that it owed to Plaintiff John Doe and other male African-American students and athletes.

22. The University of Notre Dame du Lac was provided with information, data, and an opportunity to fully respond to this situation, and has failed to act to remedy the situation as a result of either its adoption or ratification of such conduct, or through a lack of courage on the

part of the University of Notre Dame du Lac to properly respond to this situation with the same honesty and integrity that it demands from its students.

COUNT I: Title VI Racial Discrimination

23. The plaintiff, John Doe, incorporates by reference and realleges paragraphs 1 through 22 of this Complaint as if fully restated herein.

24. Title VI prohibits educational institutions that receive Federal funds from discriminating based upon race or color. 42 U.S.C. § 2000d.

25. That the University of Notre Dame du Lac is a private educational institution that has and continues to receive funds from the Federal government in the form of student loans supplied for the benefit of its students which are received by the University.

26. That Title VI bars the University of Notre Dame du Lac from excluding participation in, or otherwise denying benefits to an individual based on race or color.

27. That at all times relevant to this pleading, Defendant Jane Roe was acting in the course and scope of her employment at the University of Notre Dame du Lac.

28. That the University of Notre Dame du Lac knew or should have known of the racially discriminatory and hostile education environment that was fostered at the University due to Defendant Jane Roe's conduct.

29. That multiple employees and administrators of the University of Notre Dame du Lac knew or should have known of the racially discriminatory and hostile education environment that was fostered at the University due to Defendant Jane Doe's conduct.

30. That employees and administrators of the University of Notre Dame du Lac that had authority to address the racial discrimination and to institute corrective measures had actual

knowledge of the racial discrimination, and failed to act with deliberate indifference to the situation.

31. That as a result, a racially abusive educational environment was fostered at the University of Notre Dame du Lac.

32. Plaintiff John Doe has suffered damages as a result of this intentional and directed discriminatory behavior, including but not limited to the adverse effects to his academic and educational development, emotional stress that has impacted his life from the harassment, and the harms that may result upon and impact his future.

33. Pursuant to Title VI, Plaintiff John Doe is entitled to damages and injunctive relief as may be necessary to compensate him and provide proper relief to alleviate the environment that exists at the University.

COUNT II: Title IX Sexual Harassment and Discrimination

34. The plaintiff, John Doe, incorporates by reference and realleges paragraphs 1 through 33 of this Complaint as if fully restated herein.

35. Title IX prohibits educational institutions that receive Federal funds from discriminating based upon sex. 20 U.S.C. § 1681(a).

36. That the University of Notre Dame du Lac is a private educational institution that has and continues to receive funds from the Federal government in the form of student loans supplied for the benefit of its students which are received by the University.

37. That Title IX bars the University of Notre Dame du Lac from excluding participation in, or otherwise denying benefits to an individual based on sex.

38. That at all times relevant to this pleading, Defendant Jane Roe was acting in the course and scope of her employment at the University of Notre Dame du Lac.

39. That the University of Notre Dame du Lac knew or should have known of the sexually discriminatory and hostile education environment that was fostered at the University due to Defendant Jane Roe's conduct.

40. That multiple employees and administrators of the University of Notre Dame du Lac knew or should have known of the sexually discriminatory and hostile education environment that was fostered at the University due to Defendant Jane Roe's conduct.

41. That employees and administrators of the University of Notre Dame du Lac that had authority to address the sexual discrimination and to institute corrective measures had actual knowledge of the sexual discrimination, and failed to act, with deliberate indifference, to the situation.

42. That as a result, a sexually abusive and hostile educational environment was fostered at the University of Notre Dame du Lac.

43. Plaintiff John Doe has suffered damages as a result of this intentional and directed discriminatory behavior, including but not limited to the adverse effects to his academic and educational development, emotional stress that has impacted his life from the harassment, and the harms that may result upon and impact his future.

44. Pursuant to Title IX, Plaintiff John Doe is entitled to damages and injunctive relief as may be necessary to compensate him and provide proper relief to alleviate the environment that exists at the University.

COUNT III: Tort of Outrage

45. The plaintiff, John Doe, incorporates by reference and realleges paragraphs 1 through 44 of this Complaint as if fully restated herein.

46. That the conduct of Defendant Jane Roe constitutes extreme and outrageous conduct that intentionally or recklessly has caused Plaintiff John Doe to suffer severe emotional distress.

47. That the conduct of Defendant Jane Roe constitutes actions which exceed all bounds tolerated by a decent society.

48. That as a result of said conduct, Plaintiff John Doe has suffered severe emotional distress, stress, and embarrassment due to the degrading and demeaning method in which he was treated, his future earning capacity has been diminished due to his academics being negatively affected and, thus, employment prospects hindered.

49. That the University of Notre Dame du Lac is vicariously liable for the conduct of its employee for engaging in the pattern of discriminatory and harassing conduct towards Plaintiff John Doe.

50. Accordingly, Plaintiff John Doe is entitled to compensatory damages against the University of Notre Dame du Lac and the Defendant Jane Roe.

COUNT IV: Negligence

51. The plaintiff, John Doe, incorporates by reference and realleges paragraphs 1 through 50 of this Complaint as if fully restated herein.

52. That the University of Notre Dame du Lac had a duty to provide Plaintiff John Doe and the University's students with competent professionals and staff that can maximize the educational opportunities it provides to so many students, and assumes a duty to its students to

provide them with the same opportunities and educational environment that is made available to any other student. The University undertakes and assumes this duty by accepting students into the University.

53. That the University of Notre Dame du Lac breached that duty by failing to properly monitor staff, failing to perform proper background checks on staff, and failing to properly provide Plaintiff John Doe with the same treatment and educational opportunities as other similar situated students.

54. As a direct result of this failure, Plaintiff John Doe has suffered damages in an amount as yet unknown, and will continue to suffer damages based upon the University's failure to remedy the breach of its duty.

55. The University of Notre Dame du Lac is directly responsible for allowing this harm to befall Plaintiff John Doe.

56. The University is additionally liable for the acts of its employees and staff, including Defendant Jane Roe, for any negligent infliction of emotional distress or harm which has befallen Plaintiff John Doe.

COUNT V: Breach of Contract

57. The plaintiff, John Doe, incorporates by reference and realleges paragraphs 1 through 56 of this Complaint as if fully restated herein.

58. The broad educational support and academic opportunities that the University of Notre Dame du Lac offers to its students constitutes a valid contractual offer to provide those educational and academic opportunities to prospective students.

59. Plaintiff John Doe validly accepted that offer by choosing to enroll and attend at the University of Notre Dame du Lac.

60. That the University of Notre Dame du Lac breached its contractual obligations owed to the Plaintiff John Doe by failing to provide him with the same educational and academic opportunities and support that were offered and provided to other students.

61. This failure has caused harm and damages to Plaintiff John Doe, his academic and educational career, and potential prospects in the future.

62. Accordingly, the University of Notre Dame du Lac has breached its contractual duties owed to the Plaintiff John Doe, and is responsible for any and all consequential damages resulting from this breach.

Prayer for Relief

Plaintiff, John Doe, requests judgment against the University of Notre Dame du Lac and Defendant Jane Roe in an amount that will fairly compensate him for any and all damages he has suffered, or will continue to suffer in the future, as well as remedy the environment at the University of Notre Dame du Lac, in the following fashion:

A) For any and all compensatory damages pursuant to Title VI and Title IX for the intentional and directed discrimination displayed by the Defendants;

B) For any and all compensatory damages allowed by the tort common laws of the State of Indiana to the extent that those laws may differ from Federal statutes;

C) For any and all compensatory damages or consequential damages stemming from the University of Notre Dame's breach of its contractual duties owed to Plaintiff John Doe;

D) For an award of attorney's fees and witness fees as may be appropriate and allowed pursuant to the claims raised under Title VI and Title IX;

E) For an award of all costs associated with this action;

F) For a grant of injunctive relief sufficient to protect the Plaintiff's current academic environment, preserve any scholarship or financial aid available to the Plaintiff, and to order the University of Notre Dame du Lac to turn over all materials related to any investigation related to this matter, or requested by the Plaintiff from the University, to be turned over to an independent body for investigation and review as to the University's compliance with the requirements of Title VI and Title IX.

JURY DEMAND

With regard to the allegations of this Complaint, the plaintiff, John Doe, requests a trial by jury.

Respectfully Submitted,

By: 

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