

1 JEAN-PAUL JASSY, Cal. Bar No. 205513
KEVIN L. VICK, Cal. Bar No. 220738
2 JEFFREY A. PAYNE, Cal. Bar No. 279034
JORDYN OSTROFF, Cal. Bar No. 313652
3 **JASSY VICK CAROLAN LLP**
355 South Grand Avenue, Suite 2450
4 Los Angeles, California 90071
Telephone: 310-870-7048
5 Facsimile: 310-870-7010

6 Attorneys for Plaintiffs
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SANTA CLARA**
11

12 SARA KOPIT-OLSON, an individual, on behalf
of her child, HANNA OLSON, a minor; HAYES
13 DUENOW, an individual; CARLA GOMEZ, an
individual,

14 Plaintiffs,
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16 v.

17 MOUNTAIN VIEW LOS ALTOS HIGH
SCHOOL DISTRICT, an entity; KIP GLAZER,
Principal of Mountain View High School, in her
18 individual and official capacities; and DOES 1
through 25, inclusive,

19 Defendants.
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CASE NO.:

COMPLAINT FOR:

- (1) **VIOLATION OF EDUCATION
CODE § 48907;**
- (2) **VIOLATION OF EDUCATION
CODE § 48907(g); AND**
- (3) **VIOLATION OF LABOR CODE
§ 1102.5**

REQUEST FOR JURY TRIAL

1 Plaintiffs allege as follows:

2 **INTRODUCTION**

3 1. This lawsuit is about an overbearing high school principal, Kip Glazer, and her
4 desire to avoid embarrassment rather than to respect and uphold the constitutional and statutory
5 rights of her students and faculty. This complaint seeks to hold Principal Glazer responsible for
6 her bullying, threatening and coercion of student journalists who investigated and sought to
7 publish an important article in the school newspaper concerning a disturbing pattern of student-on-
8 student sexual harassment at Mountain View High School. Those student journalists—like all
9 student journalists in California—have robust speech and press rights. Yet Principal Glazer
10 repeatedly and improperly pressured and intimidated the students to significantly water down their
11 in-depth investigative piece so that Glazer could save face. What’s more, Principal Glazer
12 unlawfully retaliated against Carla Gomez, a well-respected and tenured teacher, by removing
13 Gomez from her post as the school’s journalism adviser because Gomez had the courage to stand
14 up for her students and oppose Glazer’s campaign of censorship. To add insult to injury, Principal
15 Glazer oversaw the elimination of the school’s introduction to journalism class in retaliation for
16 the student newspaper’s challenge to Glazer’s authority. In her effort to protect her own
17 reputation and shield the school’s harassers, who were identified pseudonymously in the students’
18 article anyway, Principal Glazer did what she could to silence the student journalists, and,
19 effectively, to silence the victims of sexual harassment at Mountain View High School. This
20 lawsuit calls the District and Principal Glazer to account for those actions.

21
22 **THE PARTIES**

23 2. Plaintiff Hanna Olson (“Olson”) resides in Santa Clara County, California.
24 Olson is currently in the 12th grade at Mountain View High School (“MVHS”). During the
25 current academic year, 2023–2024, Olson is one of three co-editors-in-chief of MVHS’s school
26 newspaper, *The Oracle*. During the last academic year, 2022–2023, Olson was an editor of *The*
27 *Oracle*, responsible in part for editing in-depth, investigative articles. Olson’s mother, Sara Kopit-
28

1 Olson, resides in Santa Clara County, and brings this Complaint on behalf of Olson, who is a
2 minor.

3 3. Plaintiff Hayes Duenow (“Duenow”) is currently a freshman at the University of
4 California, Riverside, but, during the 2022–2023 school year, Duenow was in the 12th grade at
5 MVHS, resided in Santa Clara County, and was a student member of *The Oracle* staff, responsible
6 in part for researching and writing in-depth, investigative articles.

7 4. Plaintiff Carla Gomez (“Gomez”) resides in Santa Clara County, California.
8 Gomez is a teacher with tenure at MVHS. Gomez has been a valuable educator in the Mountain
9 View Los Altos High School District since 2003. Although Gomez’s primary position has been as
10 an English teacher, from 2021 to 2022 she was co-adviser of *The Oracle*, and from 2022 to the
11 Spring of 2023 she was the sole faculty adviser to *The Oracle*. Gomez performed her functions as
12 a journalism adviser excellently.

13 5. Defendant Mountain View Los Altos High School District (the “District” or
14 “MVLA”) is a school district established by the State of California and funded by the State and by
15 Santa Clara County. The District operates secondary public schools in Santa Clara County,
16 including MVHS.

17 6. Defendant Kip Glazer, Ed.D. (“Glazer”) is the Principal of MVHS. The last
18 academic year, 2022–2023, was Glazer’s first year as Principal of MVHS. Plaintiffs sue Glazer in
19 both her individual and official capacities. As Principal of MVHS, Glazer is and was at all
20 relevant times acting under color of state law and within the course and scope of her employment
21 by the District. As Principal of MVHS, she is and was at all relevant times authorized to speak
22 and act for and on behalf of the District.

23 7. The true names or capacities, whether individual, corporate, or otherwise, of the
24 defendants named herein as DOES 1 through 25, inclusive, are unknown to the Plaintiffs, who
25 therefore sue said defendants by such fictitious names. Plaintiffs reserve the right to ask leave of
26 court to amend this complaint and insert the true names and capacities of those defendants when
27 they have been ascertained.

8. Plaintiffs are informed and believe, and on that basis allege, that each of the defendants designated herein as a “DOE” is legally responsible in some manner for the events herein alleged, and that Plaintiffs’ harm and damages as alleged herein were proximately caused by such defendants.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to Code of Civil Procedure sections 410.10, 410.50, 526, and 1060.

10. Venue is proper in this Court pursuant to Code of Civil Procedure sections 393(b) and 395.

GENERAL ALLEGATIONS

The Article

11. *The Oracle* is a student-run newspaper at MVHS. Students choose, investigate, write, edit and publish the stories for the newspaper; get outside experts for commentary; and elect their own leadership. As the sole faculty adviser during the last academic year, i.e., the 2022–2023 school year, Gomez would advise the students on journalistic standards and techniques, and review articles prepared by the students. Being the adviser to *The Oracle* requires a considerable amount of work, and, for her extra duty, Gomez received extra pay.

12. For the fifth issue of the last school year's edition of *The Oracle*, the students chose to write, edit and publish an in-depth article about a culture of sexual harassment at MVHS (the "Article"). The purpose of the Article was to educate and inform the MVHS, District and greater communities in Santa Clara County about incidents and patterns of sexual harassment, the harms caused by such behavior, and what can be done to address such concerns. *The Oracle's* in-depth pieces, like the Article, are longform articles on issues of societal concern, typically featuring quotes from interviews and experts. Here, MVHS administrators were alerted to the planned Article when student writers started asking for interviews from MVHS administrators, including Principal Glazer. Other individuals, including those to be named in the Article, were contacted per

1 proper newsgathering practices. The student reporters did their jobs carefully and well. Olson
2 was an editor of the Article, and Duenow was one of the reporters on the Article.

3 13. On Friday, March 24, 2023, Gomez received a call from MVHS Assistant Principal
4 John Robell, who expressed concern over a student who might be named in the Article as a serial
5 sexual harasser of other students. Robell explained that Principal Glazer “would not let” the
6 Article be published with the student’s name because the student in question was in a fragile
7 mental state. Robell told Gomez not to share the student’s mental state with the journalism
8 students, and she did not. But Gomez responded that she would not direct her journalism students
9 to omit the student’s name from the Article.

10 14. Obviously aware of the content of the planned Article, on the morning of Monday,
11 March 27, 2023, Glazer took the unprecedented step of addressing the journalism class during
12 second period while class was in session. In an unlawful effort to intimidate and censor, Principal
13 Glazer took the position that the students should write about MVHS in a “positive light” and that
14 *The Oracle* should be “uplifting” for MVHS.

15 15. Later that same day, at 1:18 p.m. on March 27, 2023, one of the student reporters
16 on the in-depth team responsible for writing the Article emailed to Principal Glazer, per Glazer’s
17 request, what the student labeled a “final draft” of the Article for Glazer’s review. This was the
18 first time Principal Glazer had asked to review a draft article for *The Oracle*. The student who
19 emailed Principal Glazer the draft Article asked for a prompt response to allow *The Oracle*
20 students sufficient time to fulfill their publication deadline.¹ The draft article sent to Principal
21 Glazer on March 27, 2023 (the “March 27 Draft”) used pseudonyms to describe several students,
22 including one MVHS male student in particular (pseudonymously called “Tyler”) who had been
23 sexually harassing fellow MVHS students.² A true and correct copy of the March 27 Draft, with

24 _____
25 ¹ Counsel for Plaintiffs had previously erroneously understood that the first time Glazer saw a
26 draft of the Article was on March 28, 2023, but later confirmed that Glazer was, in fact, first
27 delivered a draft on March 27, 2023.

28 ² On information and belief, “Tyler” was never identified by name in any draft of the Article, and
Tyler is now an adult over the age of 18 years. Although the published iteration of the Article
never used Tyler’s real name, it did use a quote from Tyler that Tyler expressly authorized that
could be understood to identify him.

1 redactions for the name of a female student whose name was ultimately pseudonymized in the
2 published Article, is attached as **Exhibit 1**.

3 **The Censorship**

4 16. That same evening—i.e., in the evening of March 27, 2023—Principal Glazer
5 visited the journalism production, which is a period after school during which members of *The*
6 *Oracle* staff work on publishing the upcoming print issue of the newspaper (the students and
7 Gomez often had to work into evenings just before an edition of *The Oracle* was set to be
8 published). At Principal Glazer’s request, Glazer, Gomez, and three in-depth student journalists,
9 including Duenow, who had worked on the sexual harassment Article met in a separate room,
10 where Glazer again bullied and intimidated the student journalists, with their adviser present, to
11 censor the Article. Glazer also met with the writers in the evening of March 28, 2023. Over the
12 course of those meetings, Principal Glazer used her authority and position to exert enormous and
13 unlawful pressure on the student journalists to censor the Article.

14 17. That same evening, in a separate one-on-one conversation, Principal Glazer
15 unlawfully emphasized to Duenow that the Article must be censored. Principal Glazer’s pressure
16 campaign seriously concerned and confused Duenow because Duenow felt that she and her
17 colleagues had gone to great lengths to thoughtfully treat the victims and the alleged harassers in
18 the Article. Duenow had the impression that Principal Glazer’s comments also put extraordinary
19 pressure on her fellow students as well.

20 18. In response, the students made a few changes to the Article for journalistic reasons,
21 such as reordering paragraphs and grammatical modifications. However, the students also made
22 many additional and substantive changes to the Article because of Principal Glazer’s censorship
23 campaign, which would have had a significant impact on a person of ordinary firmness. The
24 students, who are more likely than adults to be chilled by the pressure, power and authority of
25 their Principal, relented to the pressure Principal Glazer exerted on them and implemented
26 extensive changes to the content and context of the Article, including but not limited to the
27 following:

- Removing the description of a disturbing incident involving a female student at MVHS who feared that Tyler had arranged a rendezvous in order to rape her;
- Removing the identification of an extracurricular program (the choir program) involving the pseudonymously named Tyler that was integral to the context and understanding of the Article;
 - Removing all identification from the Article that Tyler was in the choir program stripped critical detail and context from the Article that explained one female student’s fear of being on overnight choir trips with Tyler as well as her concern for other female students such that the following quote from the concerned female student was removed from the Article: “It wasn’t just me, and there was no need for it to be more than one or two [cases]”
 - Removing a female student’s observation that, “Not everyone in the choir program was aware of [Tyler’s] actions, and some people involved still remained uninformed at the time” further exposed students to risk from Tyler as well as the fear of isolation if they were already victims of Tyler and did not know that others were as well;
 - Removing identification from the Article that it was the choir program also diminished a portion of the Article that described a Google form created by MVHS students to anonymously express their concerns about incidents involving Tyler;
- Removing the opinion of a female student who had been victimized by Tyler that the school was not holding Tyler “accountable for his actions” and the student’s view that “[t]here has to be some punishment for someone that [harasses], even if [there were only] one or two or three victims”;
- Removing reference to the fact that Tyler was in the leadership of a club and was asked by the advisers of the club to leave;

- Removing the description of an incident where a MVHS student pseudonymously named “Jack” had sent an extremely explicit and misogynistic song that Jack had written to a female MVHS student;
- Removing the text of a graphic and sexually explicit message sent by Jack to a female student at another local high school, and replacing it with a vague description of the incident;
- Removing reference to messages from Jack to female MVHS students falsely claiming that Jack’s alleged ex-girlfriend, a student at another local high school, was committing acts of self-harm;
- Removing references to Jack spreading rumors about his sexual encounters with a female student at another local high school, including that Jack “lost his virginity to [her] and got [her] pregnant,” and that “they planned on getting married at 18”;
- Removing references to Jack spreading rumors that he had an album full of pictures of a female student;
- Removing the reasons *why* a female student found emails from Jack “unsettling,” and instead just noting vaguely that the female student found the emails “unsettling”;
- Removing an expert opinion that ““When harassers are not held accountable, it sends the worst possible message””;
- Removing reference to the harm harassers can cause including a concern that victims can suffer a drop in grades, an inability to focus, and the inability to “get the support they need from the school.”

19. After making these changes to the Article in an effort to appease Principal Glazer’s censorship efforts, one of the student reporters sent another draft of the Article to Glazer at 8:44 p.m. on March 28, 2023 (the “March 28 Draft”). Within one hour, Principal Glazer responded by email to purportedly correct one of her quotes, which was implemented by the students into the Article. Principal Glazer also reiterated that the Article should be censored even further.

The Retaliation

20. On March 28, 2023—i.e., at the same time all of the above was happening and a day *after* Principal Glazer received the March 27 Draft—the MVHS English Department Coordinator Esther Wu held a meeting that included Gomez, MVHS Assistant Principal Heather Morelli, and other MVHS faculty to discuss, among other topics, the journalism program for the then-following, 2023-2024, school year. There was some discussion about the number of students enrolled for introduction to journalism the following year. It is important to note, however, that there was no discussion at the March 28, 2023, meeting about requiring a Career & Technical Education (“CTE”) certification to advise the journalism program, changing advisers to the journalism program, or cutting the program entirely. Principal Glazer received a summary email of this meeting from Wu that same day, on March 28.

21. On or about March 31, 2023, a censored version of the Article, which was very similar to the March 28 Draft, was published in the print and online versions of *The Oracle*. A true and correct copy of the published Article is attached as **Exhibit 2**. Soon after the edition of *The Oracle* at issue was published with a censored version of the Article, things changed. Principal Glazer announced her decision that the introduction to journalism program would be cut regardless of whether the number of enrollees was sufficient to maintain the class. There still was no mention of a CTE requirement to advise journalism students or changing advisers for the journalism program. However, on April 24, 2023, about a month after the Article was published, Principal Glazer announced her decision to remove Gomez as the journalism adviser and give the position to someone with a CTE credential. Principal Glazer gave the journalism adviser position to Zachary Pancho Morris, the MVHS drama teacher. Gomez asked Principal Glazer to reconsider her decision, but Glazer refused. Gomez was upset and sad at the devastating news. On or about April 28, 2023, Principal Glazer came into the journalism class and announced to the students her decision to remove Gomez as the journalism adviser in favor of a CTE teacher, and told the students that Gomez did not want to pursue CTE certification. It was inappropriate enough for Principal Glazer to discuss personnel matters with a classroom full of Gomez’s students, but even worse, Principal Glazer’s statement was false, and Glazer knew it was false because Gomez had

1 previously made clear to Glazer and other administrators that Gomez *did* intend to pursue CTEs,
2 including for Arts, Media and Entertainment (AME)/Multimedia Communications. Gomez is in
3 the process of getting that CTE certification now.

4 22. It turned out, however, that Principal Glazer’s purported rationale for removing
5 Gomez as the journalism adviser was also pretextual and false. Amber Woodward, the District’s
6 CTE Program Specialist confirmed in writing to Gomez that *The Oracle* “is not CTE” this (2023–
7 2024) school year. Moreover, Gomez’s replacement as journalism adviser, the drama teacher
8 Pancho Morris, did not have a CTE at the time Principal Glazer fired Gomez as the journalism
9 adviser. Also, importantly, there is no requirement in the State of California that a high school
10 journalism adviser have a CTE. Thus, there was no legitimate reason for Glazer to fire Gomez as
11 the journalism adviser. Principal Glazer retaliated against Gomez, removing her as the journalism
12 adviser because she supported the student journalists in their efforts to publish an uncensored
13 version of the Article, and refused to participate in Glazer’s unlawful campaign to censor the
14 Article.

15 23. On September 27, 2023, counsel for Plaintiffs sent a letter to Defendants that
16 included details of the unlawful censorial pressure imposed by Glazer, the unlawful retaliatory
17 termination of Gomez, and other unlawful and improper actions, and asked for basic remedies. A
18 true and correct copy of the September 27, 2023 letter is attached as **Exhibit 3**.³ On October 11,
19 2023, counsel for Defendants told counsel for Plaintiffs in a telephone call that there were no
20 substantive changes to the Article following Glazer’s review, which is simply untrue, and also
21 insisted that the introduction to journalism class was cut “simply” due to a lack of enrollment,
22 even though Plaintiffs later confirmed that the enrollment numbers in the introduction to
23 journalism class were the same as they had been the prior two years.

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25
26 ³ Plaintiffs’ counsel’s September 27, 2023 letter also included a request for documents pursuant to
27 the California Public Records Act. The District’s response to that request was woefully
28 inadequate, but that issue is still pending, and will, if necessary, be the subject of separate
litigation.

1 24. Gomez has submitted a notice of claim to the District pursuant to Government
2 Code §§ 900, *et seq.* That claim is pending. Gomez also submitted a workplace complaint to the
3 District. The District initiated a workplace investigation, and hired Chelsea Tibbs, Esq. as the
4 District’s appointed investigator. Tibbs interviewed Gomez, and, on information and belief,
5 interviewed others as part of her investigation. Tibbs confirmed to counsel for Gomez that, at
6 some point prior to January 10, 2024, Tibbs completed the report from her investigation and
7 submitted it to the District. Counsel for Gomez asked counsel for the District for a copy of
8 Tibbs’s report twice, once on January 17, 2024 and again on January 22, 2024. On January 25,
9 2024, Gomez asked Layla Benson, the District’s Associate Superintendent for Personnel, for a
10 copy of Tibbs’s report. On January 26, 2024, Benson told Gomez the following in an email: “The
11 investigating attorney has completed her report and now the attorney advising Personnel is
12 analyzing the findings. The attorney will provide us with a summary of findings which will be
13 shared with you. I will let you know as soon as we are ready to provide that to you.” As of the
14 filing of this Complaint, neither Gomez nor her counsel has received a copy of Tibbs’s report (or
15 any purported summary of the report or its findings) regarding Tibbs’s investigation of Gomez’s
16 complaint against the District.

17
18 **FIRST CAUSE OF ACTION**

19 **(Violation of Education Code § 48907)**

20 **(Olson and Duenow Against All Defendants)**

21 25. Plaintiffs Olson and Duenow reallege and incorporate by reference each and every
22 allegation in Paragraphs 1-19.

23 26. Defendants, acting under color of state law, unlawfully censored and/or coerced
24 censorship of the Article based on its content and/or viewpoint. The uncensored draft(s) of the
25 Article were not obscene, libelous, or slanderous; nor did they incite students so as to create a
26 clear and present danger of the commission of unlawful acts on school premises or the violation of
27 lawful school regulations, or the substantial disruption of the orderly operation of the school. The
28 uncensored draft(s) of the Article were within professional standards of English and journalism.

1 27. Defendants' censorship of the Article constituted unlawful prior restraints of
2 expression in violation of Education Code § 48907. In committing the acts herein alleged,
3 Principal Glazer acted for and on behalf of the District. These violations of Olson's and
4 Duenow's rights are the result of decisions by school personnel, including Glazer, which the
5 District has refused to reverse or correct, and thereby endorses and ratifies, and thus constitute
6 official policy of the District. The District is also vicariously liable for the acts of Glazer, who is
7 the District's agent, officer, and/or employee.

8 28. Plaintiffs Olson and Duenow have no adequate remedy at law to redress the wrongs
9 herein alleged. Unless enjoined by this Court, Defendants will continue to refuse to permit
10 publication of the uncensored Article, which will continue to cause irreparable harm. Plaintiffs
11 Olson's and Duenow's action against Defendants is brought solely in the public interest or on
12 behalf of the general public to inform, educate and contribute to the marketplace of ideas, all of
13 which are significant public benefits. With this cause of action, Plaintiffs Olson and Duenow only
14 seek an injunction preventing future censorship by Defendants of the Article, and permitting the
15 current or future student editorial staff of *The Oracle* to decide whether to publish an uncensored
16 version of the Article for the benefit of the MVHS, District and greater communities in Santa
17 Clara County. This private enforcement is necessary and places a disproportionate burden on
18 Olson and Duenow in relation to their stake in the matter.

19
20 **SECOND CAUSE OF ACTION**

21 **(Violation of Education Code § 48907(g))**

22 **(Gomez Against All Defendants)**

23 29. Plaintiff Gomez realleges and incorporates by reference each and every allegation
24 in the Paragraphs 1-15 and 20-24.

25 30. Defendants, acting under color of state law, unlawfully dismissed, reassigned,
26 transferred, and otherwise retaliated against Gomez solely for acting to protect her journalism
27 students for their conduct authorized under Education Code § 48907(g).

1 31. In committing the acts herein alleged, Glazer acted for and on behalf of the District.
2 These violations of Gomez's rights are the result of decisions by school personnel, including
3 Glazer, which the District has refused to reverse or correct, and thereby endorses and ratifies, and
4 thus constitute official policy of the District. The District is also vicariously liable for the acts of
5 Glazer, who is the District's agent, officer, and/or employee.

6 32. Gomez has no adequate remedy at law to redress all the wrongs herein alleged.
7 Unless enjoined by this Court, Defendants will continue to violate Gomez's legal rights, which
8 will continue to cause her irreparable harm.

9 33. If Gomez's notice of claim submitted pursuant to Government Code §§ 900, *et seq.*
10 is denied, then Gomez reserves the right to seek leave of court to amend this Complaint to pray for
11 damages for violation of Education Code § 48907(g).

12
13 **THIRD CAUSE OF ACTION**

14 **(Violation of Labor Code § 1102.5)**

15 **(Gomez Against All Defendants)**

16 34. Plaintiff Gomez realleges and incorporates by reference each and every allegation
17 in Paragraphs 1-15 and 20-24.

18 35. Gomez had reasonable cause to believe that Defendants were violating and/or had
19 violated state law, federal law, rules and/or regulations, including without limitation Education
20 Code section 48907, by censoring and/or coercing censorship of the Article. Gomez refused to
21 participate in the decisions to censor or coerce censorship of the Article. In the same time frame
22 that Gomez refused to participate in Defendants' unlawful conduct, Defendants subjected Gomez
23 to adverse employment action and retaliated against Gomez by, including but not necessarily
24 limited to, the decisions, taken with oppression, fraud or malice, to: cancel the introduction to
25 journalism class at MVHS; remove Gomez as adviser to the journalism program at MVHS; and
26 thereby deny Gomez the compensation and opportunity she had previously received as adviser to
27 the journalism classes and program at MVHS. Each of these decisions constitutes actionable
28 retaliation and was reasonably likely to, and did, adversely and materially affect Gomez's job

1 performance and her opportunity for advancement in her career. There was a causal link between
2 the adverse actions against Gomez and Gomez's refusal to participate in the censorship of, or
3 coercion to censor, the Article, and Gomez's resistance to Defendants' violation of law was at
4 least one—if not the *sole*—contributing factor in the adverse employment actions against Gomez.

5 36. In committing the acts herein alleged, Glazer and Does 1-25 acted for and on behalf
6 of the District. The District is responsible for the actions of Glazer and Does 1-25 under Labor
7 Code § 1104. These violations were the result of decisions by school personnel, including Glazer,
8 which the District has refused to reverse and thereby endorses and ratifies, and thus constitute
9 official policy of the District. The District is also vicariously liable for the acts of Glazer, who is
10 the District's agent, officer, and/or employee.

11 37. Gomez is not required to exhaust her administrative remedies before bringing this
12 claim to this Court, but, in an abundance of caution, Gomez has filed or will shortly file a claim
13 with the Labor Commissioner, alleging violations of her rights under Labor Code § 1102.5. If
14 necessary, Gomez reserves the right to seek leave to amend this Complaint to plead exhaustion of
15 administrative remedies under Labor Code § 98.7.

16 38. Gomez has no adequate remedy at law to redress all the wrongs herein alleged.
17 Unless enjoined by this Court, Defendants will continue to violate Gomez's legal rights, which
18 will continue to cause her irreparable harm.

19 39. If Gomez's notice of claim submitted pursuant to Government Code §§ 900, *et seq.*
20 is denied, Gomez reserves the right to seek leave of court to amend this Complaint to pray for
21 damages for violations of Labor Code § 1102.5.

22
23 **PRAYER**

24 WHEREFORE, Plaintiffs pray for judgment against Defendants, as follows:

25 1. Plaintiff Gomez prays for an injunction ordering Defendants to reinstate the
26 introduction to journalism class at MVHS by the next academic year;
27
28

1 2. Plaintiff Gomez prays for an injunction ordering Defendants to reinstate Gomez as
2 the adviser to the journalism classes and journalism program at MVHS by the next academic year
3 with the appropriate compensation in addition to Gomez's current teaching salary;

4 3. Plaintiffs Olson and Duenow pray for an injunction preventing future censorship by
5 Defendants of the Article, and permitting the current or future student editorial staff of *The Oracle*
6 to decide whether to publish an uncensored version of the Article;

7 4. Plaintiff Gomez prays for general, special, compensatory, actual and punitive
8 damages and back pay and benefits and penalties according to law and proof;

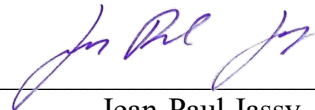
9 5. All Plaintiffs pray for attorneys' fees as authorized under Code of Civil Procedure §
10 1021.5, Labor Code § 1102.5(j), and/or any other applicable law;

11 6. All Plaintiffs pray for costs of suit; and

12 7. Other and further relief as the Court may deem proper.

13 Dated: February 22, 2024

JASSY VICK CAROLAN LLP

15 

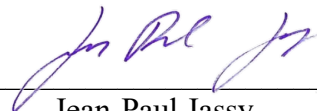
16 _____
17 Jean-Paul Jassy
18 Counsel for Plaintiffs
19

20 **REQUEST FOR JURY TRIAL**

21 Plaintiffs request a trial by jury for all claims, causes of action and issues so triable.
22

23 Dated: February 22, 2024

JASSY VICK CAROLAN LLP

24 

25 _____
26 Jean-Paul Jassy
27 Counsel for Plaintiffs
28

EXHIBIT 1

Student Experiences:

Junior Perry Mirashiefi said that a male student in her choir class, Tyler*, who was 17 at the time, would allegedly text her every night making sexual comments about her, and asking her to have sex with him.

“My friend told me he’d been doing that to many other girls, and I just started crying,” Mirashiefi said.

It was after that moment that Mirashiefi realized that it was time to break her silence and report those acts of harassment to her choir teacher, Jill Denny, who reported these allegations to the administration.

Sexual harassment, defined as any unwelcome conduct of a sexual nature, has been increasingly pervasive in society. The #MeToo movement, a movement against sexual harassment and assault, which was launched in 2006, has become more popular after victims have come forward with their stories.

Tyler also allegedly harassed other students, ranging from physical sexual harassment to sending unsolicited, explicit messages. The alleged harassment not only occurred over social media platforms such as Instagram, but also in daily classes, and on choir tours.

Junior [REDACTED] said that Tyler allegedly asked her through text message if she had masturbated before, and talked about his own experiences using pictures of other girls without her consent.

“He would be decently agitated if I wasn’t responding,” [REDACTED] said. “It kind of made me feel guilty. [He] was using the power dynamic.”

[REDACTED] said that Tyler also allegedly convinced her to play soccer with him and one of his friends. As they were conversing, she said Tyler allegedly asked her to go to his car with him multiple times. At the time, [REDACTED] was a freshman, and both Tyler and his friend were juniors.

“He’s like ‘Oh, you should come back to my car, I have more gear in there,’” [REDACTED] said. “And his friend was like ‘No, no, she’s gotta stay right here.’”

[REDACTED] said she didn’t know what was going on at the time, and she only later realized what Tyler’s alleged intentions had been.

“I learned that the initial plan was for the two of them to use numbers against me to rape me,” [REDACTED] said.

Junior Aidan Evans said a boy he was in a “situationship” — a romantic or sexual relationship that is not considered to be formal or established — with last year, Simon*, a current junior, sexually harassed him on multiple occasions.

On one such occasion, Evans and his friend Noelle*, a junior, were on facetime with Simon. Evans said Simon screen shared a fully nude video of him masturbating.

Evans said when he jokingly agreed, he thought it would simply be a shirtless picture and was surprised to see a video containing audio as well.

“Especially if you say that you’re comfortable with something at one point,” Evans said, “they don’t realize it’s not necessarily okay at any time.”

Noelle said she did not consent to seeing the video or hearing the audio.

“It was just a little off putting,” Noelle said. “After it played, the rest of the phone call was really uncomfortable.”

According to Evans, the two did not report the incident to administration out of concern about outing — disclosing an LGBTQ+ person’s sexuality or gender against their wishes — Simon to his parents.

“[Simon] would talk about how their parents would kick them out if they found out they were gay,” Evans said. “That makes it extra scary because you don’t want to hurt that person.”

In hindsight, Evans said Simon’s claims were likely a “manipulation tactic.”

Evans said he feels there is often a lack of consent prior to sexual advances among gay men.

“People perceive it to be mostly straight men but there’s this not really known, kind of weird culture of gay guys where as long as the other guy’s gay then it means [harassment’s] okay,” Evans said.

Evans said on another occasion, he and Noelle were hanging out in a hot tub when a boy sent an unsolicited nude.

“We were laughing and sending funny stuff and then that happened,” Evans said. “He had no shame.”

Noelle said that in another case, multiple allegations of sexual harassment were made against junior Jack*, with some victims being in the same club as him.

She said she was one of the first people that Jack took an interest in, and the two “conversed” for a while, however, said Jack never explicitly harassed her.

According to screenshots shared by [REDACTED], Jack also sent a text to two male members of the same club, as well as [REDACTED], which contained a link to a Google document with song lyrics. The song, titled “Crash,” was allegedly written by Jack. The link wasn’t sent directly to Noelle, however, the song was shared with her by [REDACTED].

“We opened the [document] and it’s a song and it’s just extremely explicit and misogynistic,” Noelle said. “Like fetishizing women, saying horrifying things, self-harm, and abuse, all in the lyrics, which makes it even more disturbing.”

Ten hours prior, Noelle received a text message from Jack asking if he could “crash at her house.”

“Later, [Noelle] mentioned how she got the message, and [I] was like ‘hold on, this correlates with the song,’” [REDACTED] said. The two compared information to corroborate each other’s stories.

On another occasion, Jack sent sexually explicit messages to Sylvia Kutach, a sophomore at Monta Vista High School, through Snapchat, where most of their conversations took place.

According to screenshots obtained by the *Oracle*, Jack saved Kutach’s picture in the chat and said “Also nice snap but there’s a problem, that should be my hand, not yours,” referring to Kutach placing a hand over her chest. He allegedly also sent other explicit messages through the same platform.

“I was like ‘What’s up?’ and he’s like ‘Me inside your p---- [referring to female genitalia],” Kutach said.

After Jack continued to send unsolicited sexually explicit messages, Kutach blocked him on Snapchat. However, Jack later reached out to her through Instagram DM and allegedly further continued to send sexually explicit messages without consent from Kutach.

“I kind of felt empty,” Kutach said. “Like something [was] pulling me in my stomach.”

Stalking — a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear — can take forms of repeated, unwanted communication through text or call, laying in wait in places such as a home, and spreading rumors about someone on the Internet or through word of mouth, according to Yale University’s Sexual Harassment and Assault Response & Education Program.

According to screenshots, Jack sent both Noelle and [REDACTED] messages saying that his alleged ex-girlfriend, Lucy Komo, a junior at Saint Francis High School, was committing acts of self-harm, and he needed their advice.

“I was just sitting there like, ‘First of all, there’s so many things wrong with what you [Jack] just said,’” Noelle said.

According to screenshots of text messages shared by [REDACTED], Jack said “I just felt helpless, like I couldn’t help my best friend,” in reference to Komo allegedly self-harming.

[REDACTED] said she found out that Komo never had a relationship with Jack after trying to get her help for the alleged self-harm that Jack had reported.

“I was reaching out and trying to [connect] her with mental health professionals, and get people to her when someone told me to stop and that it wasn’t real,” [REDACTED] said, referring to Komo’s alleged self-harm.

Komo said she denies ever being in a relationship with Jack, self-harming, or needing further mental health support. The two knew each other from middle school, but Komo said she hasn’t seen him since.

“He DM’ed me in September with a pickup line, and I turned him down,” Komo said. “And he was repeatedly DM’ing me and snapping me, but I was just being polite [by responding].”

According to screenshots obtained by the *Oracle*, Jack replied to one of Komo’s Instagram stories, a picture of herself, saying “I don’t think this is what they meant by holy light, but this is better.”

Komo said she blocked Jack on Snapchat, but he allegedly continued to message her on Instagram asking her if she wanted to “hang out.”

“He told me back in the fall, before I blocked him, that I needed mental help,” Komo said. “He called me about 30 times in the span of two days.”

Komo said she did not answer any of Jack’s alleged calls. She said that Lilly*, one of her friends from middle school told her that Jack allegedly started spreading rumors about her.

“[Lilly] was telling me that he started telling people he lost his virginity to me and got me pregnant,” Komo said. She said she found that “ridiculously disrespectful.”

Komo also said that she heard from one of Jack’s “ex-friends” that he allegedly had an album full of pictures of her on his desktop computer.

“I realized that he’s actually kind of crazy and this is a little weird,” Komo said.

When Komo heard from Lilly that Jack had shown up at her old house — constituting stalking — which she had moved out of a year ago, she said she realized the situation had become a larger problem.

“I realized that he’s actually trying to find me,” Komo said. “So then it became a bigger issue of not so much rumors, but ‘Could he technically be harmful?’”

She said that this was when she told her parents about the incident, and they became “concerned for her safety around town,” according to a timeline written this year by Komo, meant for Principal Dr. Kip Glazer.

Komo said that in January of this year, Jack had somehow found her school email address, and emailed her an apology.

According to screenshots of the email, Jack called her a “blessing in disguise” and apologized for the fact that he had “bought into [the rumors]” and “threw fuel upon the fire.”

“There were never rumors, he started stuff, so I don’t know what he was talking about there,” Komo said. “I found it a little weird that he went as far as to try and find my school email and email me.”

According to the timeline, the same month, Jack's friend told Komo through text message that Jack was allegedly telling others that he cared for Komo more than his parents and that they were planning on getting married at 18.

"The constant harassment towards me has not only been scary, but exhausting," Komo wrote in the timeline. "I hope that he can seek the help he needs for his own benefit, but also for me to be able to live carefree and not have to deal with constant rumors and fears that he will show up at my house."

The Aftermath of Experiencing Sexual Harassment:

Experiencing sexual harassment can have many impacts on victims, ranging from psychological effects to effects on academics.

"Victims can be impacted in a multitude of ways, depending on the nature and the extent of the harassment," said therapist, speaker, and entrepreneur Cecilia Ahrens. She said that previous traumas or experiences can also exacerbate the impacts of harassment.

According to the American Association of University Women, "sexual harassment and violence in schools create hostile environments and can negatively impact students' learning, mental health, and wellbeing."

Grace Catan, the creator of the *Tell Someone Project*, said that every individual can have different triggers or different situations that bring up these feelings.

"They are there, and that's huge," Catan said. "It's a huge toll that it takes on a person, and it's really taxing to have that looming over you."

Mirashiefi said that she felt "so scared" when Tyler was allowed to go on one of the choir tours that took place during the school year.

"I was worried that he was going to be there," Mirashiefi said. "But my question is, why would they even bring him over there to see if anything would happen?"

According to the Rape, Abuse, and Incest National Network, the effects of sexual harassment can include but are not limited to depression, post-traumatic stress disorder, suicidal ideation, powerlessness, and fear.

"I just felt like nobody cared," Mirashiefi said. "It wasn't just me, and there was no need for it to be more than one or two [cases]."

Shiwali Patel, Director of Justice for Student Survivors and Senior Counsel at the National Women's Law Center, said that on top of emotional effects, experiencing sexual harassment can also result in detriment to academic performance.

"There's harm to academics or students who have dropped out of school because their schools haven't responded and supported them in the aftermath of experiencing the assault," Patel said.

The desire to avoid one's harasser can also include a drop in grades for the same reasons of not being able to focus, or get the support they need from the school, Patel said.

"That feeling of hostility or discomfort is not something we can take lightly or something that we can teach victims not to feel because that's not the solution," Catan said.

Patel said that Title IX requires schools to take steps to respond to sexual harassment and protect their students.

"We've heard over and over again that [students] haven't felt safe in the aftermath of experiencing harassment," Patel said. "They're going to have to face their harassers in school, in the hallways, and in the classrooms on campus."

For Evans, talking about his experiences with harassment was difficult in a number of ways, resulting in him not reporting these incidents to the administration.

“That can be really re-traumatizing,” Evans said. “Having to talk about it over and over again, and [the administration] usually have to report it.”

Evans said his experience did have long-lasting effects on him for a time.

“It impacted the way I went about romantic encounters,” he said. “It made me very wary, I had to proceed with caution.”

Catan said that the first person she confided in didn’t believe her about her experience. In fact, she confided in five people before someone told her they believed her and didn’t question her story.

“It made it a lot harder to talk about because every time somebody questions you, you can also question yourself,” Catan said. “The second thing is not knowing whether anyone would believe me, ‘If my best friend didn’t even believe me, why would anyone else?’ was the question that came up for me again and again.”

Holding Individuals Accountable:

Holding perpetrators accountable and ensuring that they receive appropriate consequences can be essential to victims going through the healing process, Patel said. When these individuals do not face repercussions, the effects can be detrimental to both victims and others surrounding them.

“When harassers are not held accountable, it sends the worst possible message,” said Susan Antilla, an investigative journalist who specializes in race and gender discrimination.

In order to ensure that the harasser is held accountable, there must be clear procedures, Ahrens said.

“It must start with education and implementing a zero tolerance policy for any type or form of inappropriate behaviors,” Ahrens said. “School officials must also investigate and act accordingly by reporting the incident to law enforcement and/or child protective services as appropriate.”

Title IX is a federal civil law in the United States that prohibits sex-based discrimination in any school or education program funded by the federal government. According to the United States Department of Education, sexual harassment and violence such as rape, sexual assault, sexual battery, and sexual coercion are prohibited under Title IX.

“Title IX requires schools to take action because it’s about protecting students’ ability to access the benefits and opportunities of an education,” Patel said. “If you don’t feel safe and welcome in school, then you’re not going to be able to fully participate in and access all the things that school has to provide for you as a student.”

Rather than filing an actual report, Evans said he feels the “social repercussions” can be more impactful and effective, for example, “cutting off” the alleged harasser.

“That’s actually a repercussion,” Evans said. “Because their friends are like ‘I don’t want to be around you, you made someone that I care about uncomfortable.’ Then [the harasser] is going to realize ‘Oh f---, I did something.’”

However, Mirashieffi, Evans, and others agree that harassers need to be held accountable in some way, shape, or form. When the choir took tours, the alleged perpetrator was one of the students who attended the trip. Some students, like Mirashieffi, felt as if he should not have been allowed on this trip and that he was not properly held accountable for his actions.

“There has to be a punishment for someone that [harasses], even if [there were only] one or two or three victims,” Mirashieffi said.

After they felt that the administration did not take appropriate action, Madrigals Ira Yamini Deshmukh and Leilani Wen, both current seniors, created an anonymous Google form in support of Mirashieffi and other victims. The form was shared through social media for victims to share their experiences with Tyler. It received over 15 responses, detailing many explicit messages, verbal and physical harassment, and other experiences of sexual harassment.

“Not everyone in the choir program was aware of [Tyler’s] actions, and some people involved still remained uninformed at the time,” Wen said in a follow-up interview over Instagram DM. “I understand it is not so simple, as certain legalities caused the roadblock in finalizing these allegations.”

To the extent of *Oracle’s* knowledge, both Denny and the administration followed all legally required Title IX procedures relating to the situation involving Tyler.

Tyler also held a leadership position in a club at the school and was asked to leave the program in light of the alleged sexual harassment allegations toward him, said Noelle.

“[Tyler] was in [the club] and got kicked out,” Noelle said. She said that ultimately, it was the advisors of the program who asked Tyler to leave.

Assistant Principal Heather Morelli said that there is a program that the school follows in certain situations called Ripple Effect.

“Students get some education about whatever the infraction was - inappropriate touching, inappropriate language, inappropriate posts on social media,” Morelli said. “They get some education about it and then they have to do a reflection on it and share it with the adults they work with, so they can demonstrate they have a better understanding of what they did.”

According to Instagram DM screenshots of a conversation between Mirashieffi and Tyler, he apologized for his previous actions, stating “I’ve been working really closely with the school counseling system on realizing my mistakes and taking it as an opportunity to grow and become better.”

School and District Policies:

There are several policies that teachers and administrators must follow when alleged sexual harassment is reported. To report an incident, students can talk to a trusted adult within the school, such as a teacher.

Health teacher Tami Kittle said all staff at the school are mandated reporters, meaning they are required by law to report any alleged harassment to the administration.

“In a typical fashion, a student can go to the counselor, the teacher, the administrator, a cafeteria worker and say, ‘I’m being harassed,’” Glazer said.

She said the Child Welfare Services (CWS) Report must be filed, and staff are trained to report to administration.

Glazer said there are numerous steps the administration must take when alleged sexual harassment is reported. The criteria by which an incident can be considered harassment include the incident being persistent, pervasive, and impacting a student’s academic performance.

“The administration then needs to investigate and interview all parties [involved], and if necessary, charges will be pressed legally,” Kittle said. “Or it could be handled at the school level only, like suspension ... but if it is a law that’s been broken, the legal authority should be brought in place.”

After an investigation, Glazer said if incidents of sexual harassment have been proven, the administration must report the incident to the district office and Title IX Coordinator Designee Teri Faught. Faught then either guides the administration on the next steps to take or takes over the investigation herself.

“If the allegation is severe enough, many districts, including ours, will hire outside investigators to thoroughly investigate every aspect of such an allegation,” Glazer said.

Glazer said when an alleged harassment case is reported to the administration, they must follow the California Department of Education Code as well as Federal Guideline Title IX.

“The Title IX investigation can last a pretty long time. I've seen it go on for three to six months before,” Glazer said.

Glazer said students and parents can sometimes feel impatient considering the lengthy process.

“What gets to be very challenging for us is when we're dealing with minor students,” Glazer said. “There are limitations as to what type of information that we can share because of the privacy concern for the students.”

She said that students and staff should acknowledge that things may be happening, even if they are not explicitly notified.

“I try to build that sort of communication in other ways. That's actually the most challenging part about my job. I really want to tell you,” Glazer said. “If there is a student who's being hurt and I did something about the person who's doing something to [them], I want to be like, ‘I took care of that [person].’”

Glazer said the school strives for clear communication between students and administrators, as well as having a deliberate and timely response to investigations.

“We need to have a unified support system where every single adult on this campus is on the same exact page of how we uphold our students' sexual rights,” Kittle said.

EXHIBIT 2

in-depth |

“I just felt like nobody cared”: Students open up

Renuka Mungee, Myesha Phukan, Siona Mohan, Hayes Duenow

renukam@mvhsoracle.com and myeshaph@mvhsoracle.com

Content Warning: This article contains graphic descriptions of sexual harassment and other topics, which may be triggering to some readers. Please read at your discretion.

**Indicates that the student's name has been changed to maintain their anonymity due to the sensitive nature of the subject.*

STUDENT EXPERIENCES

Every night, a male student in junior Perry Mirshafiei's elective class would allegedly text her, making sexual comments about her and asking her to have sex with him.

“My friend told me he'd been doing that to many other girls, and I just started crying,” Mirshafiei said.

I just felt like nobody cared

It was after that moment that Mirshafiei realized that it was time to break her silence against Tyler* who was 17 at the time.

She reported her harassment to her teacher, who reported these allegations to the administration.

Sexual harassment, defined as any unwelcome conduct of a sexual nature, has become an increasingly recognized issue.

According to the American Association of University Women, 58% of seventh to 12th grade students experience sexual harassment, and according to the Journal of Adolescent Health, only 50% of high school victims report their cases.

The #MeToo movement, a movement against sexual harassment and assault, became more known to the public eye in 2017, after news reports of sexual abuse by Harvey Weinstein, an American film producer.

Principal Dr. Kip Glazer said that during this school year, MVHS administration received two harassment complaints that were thoroughly investigated, neither of which met the threshold to be considered a

Title IX case, she said.

Title IX is a federal civil law in the United States that prohibits sex-based discrimination in any school or education program funded by the federal government.

According to the United States Department of Education, sexual harassment and violence such as rape, sexual assault, sexual battery, and sexual coercion are prohibited under Title IX.

Tyler also allegedly harassed other students, ranging from physical sexual harassment to sending unsolicited, explicit messages.

The alleged harassment not only occurred over social media platforms such as Instagram, but also in daily classes, and on school field trips.

Junior Caroline* said that, Tyler asked her if she had masturbated before and talked about his own experiences with using pictures of other girls to masturbate. These conversations allegedly occurred over text message.

It impacted the way I went about romantic encounters

At this time, Caroline was a freshman; Tyler was a junior who held a leadership position in the club that they were both in.

“He would be decently agitated if I wasn't responding,” Caroline said. “It kind of made me feel guilty. [He] was using the power dynamic.”

Sending explicit photos, messages, and videos via Instagram and Snapchat, a form of harassment that has arisen with the prevalence of social media.

Junior Aidan Evans said

he was in a “situationship” with Mason*, a current junior, in which he was sexually harassed on multiple occasions.

A “situationship” is defined as a romantic relationship that is undefined, according to NBC News.

I just started crying

On one such occasion, Evans and his friend Noelle*, also a junior, were on Facetime with Mason, when Evans said Mason screen shared a fully nude video of him masturbating.

According to Evans, the two did not report the incident to administration out of concern about outing — disclosing an LGBTQ+ person's sexuality or gender against their wishes — the student to his parents.

“[The student] would talk about how their parents would kick them out if they found out they were gay,” Evans said. “That makes it extra scary because you don't want to hurt that person.”

In hindsight, Evans said Mason's claims were likely a “manipulation tactic.”

“People perceive it to be mostly straight men but there's this not really known, kind of weird culture of gay guys where as long as the other guy's gay then it means [harassment's] okay,” Evans said.

He said on another occasion, he and Noelle were hanging out in a hot tub when a different male sent an unsolicited nude photo.

“We were laughing and sending funny stuff and then that happened,” Evans said.

Noelle said that in another case, multiple alleged victims came forward with their stories of sexual harassment by junior Jack*, a student in their shared extracurricular club.

Jack allegedly also sent sexually explicit Snapchat messages to Sylvia Kutach,

a sophomore at Monta Vista High School.

According to screenshots obtained by the Oracle, Jack saved Kutach's picture in the chat and said “Also nice snap but there's a problem, that should be my hand, not yours,” referring to Kutach placing a hand over her chest.

He allegedly sent other explicit messages through the same platform.

Kutach said that on one occasion, she sent Jack a message saying “What's up?” to which he responded with an unsolicited, sexually explicit response, referring to female genitalia.

After Jack allegedly continued to send unsolicited sexually explicit messages, Kutach blocked him on Snapchat.

I realized that he's actually trying to find me

However, Jack later reached out to her through Instagram direct messages, where he allegedly continued to send more explicit messages.

“I kind of felt empty,” Kutach said. “Like something [was] pulling at me in my stomach.”

Jack also claimed that Lucy Komo, a junior at Saint Francis, was his girlfriend.

Komo denied ever having been in a relationship with Jack. The two knew each other from middle school, but Komo said she hasn't seen him since.

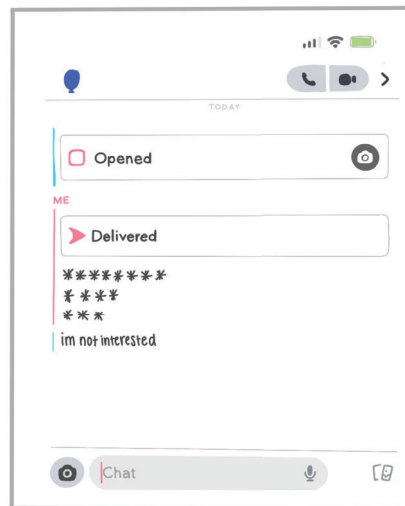
“He DM'd me in September with a pickup line, and I turned him down,” Komo said. “And he was repeatedly DMing me and snapping me, but I was just being polite [by responding].”

Komo said she blocked Jack on Snapchat after receiving a “sexual picture,” but that he allegedly continued to message her on Instagram, asking if she wanted to “hang out.”

She said that Jack called her about 30 times in the span of two days. She said she found out from her friend Lilly* that he had spread sexually explicit rumors about her.

Stalking — a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear — can take the form of repeated, unwanted communication through text or call, laying in wait in places such as a home, and spreading rumors about someone on the Internet or through word of mouth, according to Yale University's Sexual Harassment and Assault Response & Education Program.

Komo said she heard



KAITLYN KNOPF

from Lilly that Jack had shown up at her old house, which she had only moved out of a year ago.

“I realized that he's actually trying to find me,” Komo said. “So then it became a bigger issue of not so much rumors, but ‘Could he technically be harmful?’”

In order to document her experiences with Jack, Komo wrote a timeline of events. When she told her parents about the incident, they became concerned for her safety around town, according to the timeline. Komo said that in January, Jack had somehow found her school email address, and emailed her an apology, which she found unsettling.

“The constant harassment towards me has not only been scary but exhausting,” Komo said in the timeline. “I hope that he can seek the help he needs for his own benefit, but also for me to be able to live carefree and not have to deal with constant rumors and fears that he will show up at my house.”

THE AFTERMATH OF EXPERIENCING SEXUAL HARASSMENT

Experiencing sexual harassment can have detrimental impacts on victims, including psychological, social, and academic consequences.

“Victims can be impacted in a multitude of ways, depending on the nature and the extent of the harassment,” said therapist, speaker, and entrepreneur Cecilia Ahrens.

Ahrens said that previous traumas or experiences can also exacerbate the impacts of harassment.

According to the AAUW, “sexual harassment and violence in schools create hostile environments and can negatively impact students' learning, mental health, and wellbeing.”

Grace Catan is the creator of the Tell Someone Project, a conversation packet that guides discussions about reporting sexual harassment. She said that every individual can have different triggers or situations that bring up these feelings.

“They are there, and that's huge,” Catan said. “It's a huge toll that it takes on a person, and it's really taxing to have that looming over you.”

It's a huge toll that it takes on a person

Mirshafiei said she felt “so scared” when Tyler was allowed to go on one of the overnight field trips that took place during the school year.

“I was worried that he was going to be there,” Mirshafiei said. “But my question is, why would they even bring him over there to see if anything would happen?”

School administrators must consider both parties involved in situations involving alleged sexual harassment, said William Blair, MVLA District wellness coordinator.

“There are laws on both sides, and administration has the obligation to protect the rights of the accused and the accusers,” Blair said.



ELLA PERSKY

RESOURCES

- 1-800-656-HOPE
- rainn.org
- tellsomeoneproject.org
- metoomvmt.org

in-depth

about their experiences with sexual harassment

According to the Rape, Abuse, and Incest National Network, the effects of sexual harassment include but are not limited to depression, stress disorder, suicidal ideation, powerlessness, and fear.

"I just felt like nobody cared," Mirshafiei said.

Shiwali Patel, Director of Justice for Student Survivors and Senior Counsel at the National Women's Law Center, said that on top of emotional effects, experiencing sexual harassment can also result in a decrease in academic performance.

Title IX requires schools to take action

"There's harm to academics or students who have dropped out of school because their schools haven't responded and supported them in the aftermath of experiencing the assault," Patel said.

Catan said that seeing harassers can bring up many negative feelings for victims.

"That feeling of hostility or discomfort is not something we can take lightly or something that we can teach victims not to feel because that's not the solution," Catan said.

Patel said that Title IX requires schools to take steps to respond to sexual harassment and protect their students.

"We've heard over and over again that [students] haven't felt safe in the aftermath of experiencing harassment," Patel said. "They're going to have to face their harassers in school, in the hallways, and in the classrooms on campus."

Rather than filing an actual report, Evans said he feels that "social repercussions," like "cutting off" the alleged harasser, can be effective.

"That's actually a repercussion," Evans said. "Because their friends are like 'I don't want to be around you, you made someone that I care about uncomfortable.' Then [the harasser] is going to realize 'Oh f---, I did something.'"

Evans said talking about his

experiences with harassment was difficult in a number of ways. Ultimately, he did not report these incidents to the administration.

"That can be really re-traumatizing, having to talk about it over and over again," Evans said.

Evans said his experience with sexual harassment had long-lasting effects on him.

"It impacted the way I went about romantic encounters," he said. "It made me very wary. I had to proceed with caution."

Catan said that the first person she confided in didn't believe her about her experience. In fact, she confided in five people before someone told her they believed her and didn't question her story, she said.

"It made it a lot harder to talk about because every time somebody questions you, you can also question yourself," Catan said. "The second thing is not knowing whether anyone would believe me. 'If my best friend didn't even believe me, why would anyone else?' was the question that came up for me again and again."

HOLDING INDIVIDUALS ACCOUNTABLE

Holding perpetrators accountable and ensuring that they receive appropriate consequences can be essential to victims going through the healing process, Patel said. When these individuals do not face repercussions, the effects can be detrimental to both victims and others surrounding them.

In order to ensure that the harasser is held accountable, there must be clear procedures, Ahrens said.

"It must start with education and implementing a zero tolerance policy for any type or form of inappropriate behaviors," Ahrens said. "School officials must also investigate and act accordingly by reporting the incident to law enforcement and/or child protective services as appropriate."

According to MVLA District policies, a student must submit a written complaint. Within ten business days, the district is required to start an

investigation — including an opportunity for the complainant to provide evidence.

"Title IX requires schools to take action because it's about protecting students' ability to access the benefits and opportunities of an education," Patel said. "If you don't feel safe and welcome in school, then you're not going to be able to fully participate in and access all the things that school has to provide for you as a student."

Seniors Ira Yamini Deshmukh and Leilani Wen felt that the administration did not take appropriate action because Tyler was allowed to go on field trips.

"Not everyone in the [program] was aware of [Tyler's] actions, and some people involved still remained uninformed at the time," Wen said in a follow-up. "I understand it is not so simple, as certain legalities caused the roadblock in finalizing these allegations."

They created an anonymous Google form in support of Mirshafiei and other victims of Tyler, which was shared through social media so that more victims could come forward.

I was worried that he was going to be there

The form received over 15 responses, detailing explicit messages, verbal and physical harassment, and other experiences of sexual harassment.

To the extent of the Oracle's knowledge, the administration followed all legally required Title IX procedures relating to the situation involving Tyler, and he was asked to leave the extracurricular club.

In a statement over DMs, Tyler said that false allegations were made against him because of his differing political views.

Referencing an article published by the Oracle in 2020, Tyler said, "A few students discovered this article, and decided to make overblown and straight up false statements about my

behavior."

According to Instagram DM screenshots of a conversation between Mirshafiei and Tyler, Tyler apologized for his previous actions, stating "I've been working really closely with the school counseling system on realizing my mistakes and taking it as an opportunity to grow and become better."

Assistant Principal Heather Morelli said that there is a program that the school follows in certain situations called Ripple Effect.

"Students get some education about whatever the infraction was — inappropriate touching, inappropriate language, inappropriate posts on social media," Morelli said. "They get some education about it and then they have to do a reflection on it and share it with the adults they work with, so they can demonstrate they have a better understanding of what they did."

SCHOOL AND DISTRICT POLICIES

There are several policies that teachers and administrators must follow when alleged sexual harassment is reported. To report an incident, students can talk to a trusted adult within the school, such as a teacher, Glazer said.

Health teacher Tami Kittle said all staff at the school are mandated reporters, meaning they are required by law to report any alleged harassment to the administration.

"In a typical fashion, a student can go to the counselor, the teacher, the

TITLE IX TIMELINE



administrator, a cafeteria worker and say, 'I'm being harassed,'" Glazer said.

Administration must file a Child Welfare Services Report, Glazer said. She said staff are also trained to report to administration.

Glazer said there are numerous steps the administration must take when sexual harassment is reported. For an incident to be considered sexual harassment, it must be persistent, pervasive, and impacting a student's academic performance, Glazer said.

"The administration then needs to investigate and interview all parties [involved], and if necessary, charges will be pressed legally," Kittle said. "Or it could be handled at the school level only, like suspension ... but if it is a law that's been broken, the legal authority should be brought in place."

It made me very wary

Glazer said if incidents of sexual harassment have been proven after an investigation, the administration must report the incident to the Title IX Coordinator Designee Teri Faught. Faught then either guides the administration on the next steps or takes over the investigation herself.

"If the allegation is severe enough, many districts, including ours, will hire outside investigators to thoroughly investigate every aspect of such an allegation,"

Glazer said.

Glazer said when an alleged harassment case is reported to the administration, it must follow the California Department of Education Code as well as Federal Guideline Title IX.

"The Title IX investigation can last a pretty long time. I've seen it go on for three to six months before," Glazer said.

Glazer said students and parents can sometimes feel impatient because of the lengthy process.

"What gets to be very challenging for us is when we're dealing with minor students," Glazer said. "There are limitations as to what type of information that we can share because of the privacy concern for the students."

She said that students and staff should acknowledge that administrators may be taking action behind the scenes, even if others are not explicitly notified.

"I try to build that sort of communication in other ways. That's actually the most challenging part about my job," Glazer said. She said that if there is a student who is being hurt, she wants to tell them she's taking care of the individual "doing something" to them.

Glazer said the school strives for clear communication between students and administrators, as well as having a deliberate and timely response to investigations.

"We need to have a unified support system where every single adult on this campus is on the same exact page of how we uphold our students' sexual rights," Kittle said.

* All statistics are from the Rape, Abuse & Incest National Network



EXHIBIT 3

JASSY | VICK | CAROLAN

LOS ANGELES | SAN FRANCISCO

355 South Grand Avenue, Suite 2450 | Los Angeles, CA 90071 | T 310.870.7048 | F 310.870.7010 | JASSYVICK.COM

Jean-Paul Jassy
jpjassy@jassyvick.com

September 27, 2023

VIA FEDERAL EXPRESS

Dr. Nellie Meyer
Superintendent
Mountain View Los Altos High School
District
1299 Bryant Avenue
Mountain View, CA 94040

Dr. Kip Glazer
Principal
Mountain View High School
3535 Truman Avenue
Mountain View, CA 94040

Dr. Phil Faillace, President
Sanjay Dave, Vice President
Esmerelda Ortiz, Clerk
Thida Cornes, Trustee
Catherine Vonnegut, Trustee
Board of Trustees
Mountain View Los Altos High School
District
1299 Bryant Avenue
Mountain View, CA 94040

Re: Censorship of *The Oracle* and Cancellation of Journalism Class at
Mountain View High School

Dear Drs. Meyer, Glazer, Faillace and Members of the Board of Trustees:

My law firm represents Mountain View High School (“MVHS”) teacher Carla Gomez and MVHS student Hanna Olson through her parent, Sara Kopit-Olson. We are also considering representing additional MVHS students.

I write to describe serious violations of the rights of Ms. Gomez, Ms. Olson and other MVHS students, and to demand remedies for the violations of those rights. The demands are listed at the conclusion of this letter. If the demands are not met promptly, we will prepare next steps for legal action.

Summary of background facts

Ms. Gomez has been a valuable educator in the Mountain View Los Altos High School District (“MVLA”) since 2003. Although Ms. Gomez’s primary position has been as an English teacher, from 2021 to 2022 she was co-adviser of the MVHS newspaper *The Oracle*, and from 2022 to the Spring of 2023 she was the sole faculty adviser to the *The Oracle*. Ms. Olson is a senior at MVHS and one of three co-editor-in-chiefs of *The Oracle*. *The Oracle* is a student-run newspaper. Students choose, write and edit the stories for the newspaper, get outside experts for

commentary and elect their own leadership. As the sole faculty adviser, Ms. Gomez would advise the students on journalistic standards and techniques, and review articles prepared by the students. Being the adviser requires a considerable amount of work; for her extra duty, Ms. Gomez received extra pay of approximately \$7,000 per year.

In the fifth issue of the last school year's edition of *The Oracle*, the students chose to write an article about incidents of sexual harassment at MVHS (the "Article"). The Article was meant to be a longform, in-depth piece. MVHS administrators were alerted to the planned Article when student writers started asking for interviews. Other individuals, including those to be named in the Article, were contacted per proper newsgathering practices. The student reporters did their jobs carefully and well.

On Friday, March 24, 2023, Ms. Gomez received a call from MVHS Assistant Principal John Robell who expressed concern over a student who might be named in the Article as a serial sexual harasser of other students. Mr. Robell explained that Dr. Glazer would not let the Article be published with the student's name because the student in question was in a fragile mental state. Mr. Robell told Ms. Gomez not to share the student's mental state with the journalism students, which Ms. Gomez did not do. Ms. Gomez responded that she would not tell the journalism students to omit the student's name from the Article because that was not part of her role as adviser.

On Monday, March 27, 2023, Dr. Glazer came into the journalism classroom during second period while class was in session. Dr. Glazer spoke to the class, and asserted (incorrectly) that she could censor an article, but that she did not want to. Dr. Glazer said words to the effect that students should write about MVHS in a "positive light" and that *The Oracle* should be uplifting for MVHS. That same evening, Dr. Glazer visited the journalism production, which is a period after school during which members of *The Oracle* staff work on publishing the upcoming print issue of the newspaper (the students and Ms. Gomez often had to work into evenings just before an edition of *The Oracle* was set to be published). Dr. Glazer, Ms. Gomez and three in-depth student reporters who had worked on the sexual harassment Article met in a separate room to hear Dr. Glazer's concerns about the forthcoming Article. Dr. Glazer reiterated that the Article would portray the school badly, and that there could be "catastrophic consequences" from its publication.

On Tuesday, March 28, 2023, one of the journalism student reporters sent Dr. Glazer a draft of the Article. This was the first time Dr. Glazer had seen a draft copy of the Article. Dr. Glazer again came to the after-school production session for the newspaper. Dr. Glazer told the student journalists that the Article was too long, and that any specific descriptions of sexual harassment should be removed. During the meeting with the students on March 28, Dr. Glazer also read aloud a parent's letter to some of the students about a *prior* edition of the newspaper complaining about a *separate* article. Dr. Glazer read portions of this letter even though the parent who wrote that letter explicitly asked that it not be shared with the student editors. The implication the students drew was that *The Oracle* should avoid upsetting people. Also on March 28, Dr. Glazer wrote an email with the following: "... I still struggle to understand how adding all these details of each incident meet what you explicitly stated to be the goal of the

article, which was to elevate the voice of the victim. As I state during our meeting, I am extremely concerned about the potential negative impact of this article on our school community.” The students listened respectfully to Dr. Glazer. They made a few changes to the article for journalistic reasons, but, what is much more troubling is that the students made many more changes to the Article because they were afraid of upsetting their Principal, Dr. Glazer.

On March 28, 2023—*i.e.*, at the same time all of the above was happening—the MVHS English Department Coordinator Esther Wu held a meeting that included Ms. Gomez, MVHS Assistant Principal Heather Morelli and other MVHS faculty to discuss the journalism program for the then following, 2023-2024, school year. There was some discussion about the number of students enrolled for introduction to journalism the following year, but it is important to note that there was no discussion at the March 28 meeting about requiring a Career & Technical Education (“CTE”) certification to advise the journalism program, changing advisers or cutting the program entirely. Dr. Glazer received a summary email of this meeting from Ms. Wu on March 28.

Soon after the edition of *The Oracle* at issue was published with a censored version of the Article, things changed. Dr. Glazer announced that the introduction to journalism program would be cut regardless of whether the number of enrollees was sufficient to maintain the class. Still, there was no mention of a CTE requirement to advise journalism students or changing advisers. However, on April 24, 2023, Dr. Glazer announced that she was going to take the journalism adviser position away from Ms. Gomez and give it to someone with a CTE credential. Dr. Glazer gave the journalism adviser position to Pancho Morris, the MVHS drama teacher. Ms. Gomez asked Dr. Glazer to reconsider, but Dr. Glazer refused. On or about April 28, 2023, Dr. Glazer came into the journalism class and announced to the students her decision to remove Ms. Gomez in favor of a CTE teacher, and told the students that Ms. Gomez did not want to pursue CTE certification. This is false, and Dr. Glazer knew it was false because Ms. Gomez had previously made clear to Dr. Glazer and other administrators that she did intend to pursue CTEs, including for AME/Multimedia Communications. Ms. Gomez is in the process of getting that CTE certification now.

It turned out, however, that Dr. Glazer’s purported rationale for removing Ms. Gomez as the journalism adviser was also entirely pretextual and false. Amber Woodward, the District’s CTE Program Specialist confirmed in writing to Ms. Gomez that *The Oracle* “is not CTE” this (2023-2024) school year. Thus, there was no legitimate reason for Dr. Glazer to fire Ms. Gomez as the journalism adviser. We are also informed that Dr. Glazer forbids sales of *The Oracle* on campus, undercutting a source of income for the newspaper.

The foregoing has affected Ms. Olson in additional ways. Last year, Ms. Olson spoke out against changes to the journalism program at two MVLA board meetings, and witnessed a wave of support from journalism advisers, parents, students, and MVHS alumni, who could all recognize how the changes made by the MVHS administration could be detrimental to the stability of *The Oracle*. To see her school’s administration and Superintendent disregard these deep concerns, over how the future of student journalism at MVHS was in danger, was deeply discouraging for Ms. Olson and her classmates. As an editor in chief, Ms. Olson’s job has been

made significantly more challenging as a result of the lack of Introduction to Journalism class, since new students joining *The Oracle* have been deprived of an important curriculum regarding the ethics, technical aspects, and purpose of journalism. Beyond losing out on valuable education, students in Ms. Olson's class have expressed their distrust in the administration's regard for the voices of their students. The actions of Dr. Glazer and the administration have created a deep fracture in the security of MVHS's journalism program, leaving Ms. Olson (and her co-editors-in-chief) to pick up the pieces in order to make the best of a difficult situation. Ms. Olson also believes that it is shameful to push Ms. Gomez, a knowledgeable and valued teacher, out of the MVHS journalism program.

Concurrently with this letter, we are submitting a notice of claim on behalf of Ms. Gomez pursuant to Government Code §§ 900, *et seq.*

Violations of law

Dr. Glazer's actions constitute impermissible *de facto* censorship of *The Oracle* in violation of the First Amendment to the United States Constitution and/or Article I, Section 2 of the California Constitution and/or California Education Code § 48907.

The cancellation of the introduction to journalism class and the removal of Ms. Gomez as journalism adviser violated Ms. Gomez's and students' rights under various statutory and constitutional provisions, including but not necessarily limited to the First Amendment to the United States Constitution and/or Article I, section 2 of the California Constitution and/or California Labor Code § 1102.5; *See DiBona v. Matthews*, 220 Cal. App. 3d 1329 (1990).

The foregoing is not a complete recitation of the facts or law in this matter. All claims, rights and remedies are fully and expressly reserved.

Demands for a prompt resolution

In order to resolve this matter promptly and without resorting to costly and time-consuming litigation, Ms. Gomez and Ms. Olson demand the following:

1. A written statement on MVLA letterhead, signed by Drs. Meyer, Glazer and Faillace, acknowledging that Dr. Glazer's actions amounted to the censorship of the Article in violation of the constitutional and statutory rights of the students, including Ms. Olson, and apologizing for the violations of their constitutional and statutory rights;
2. A written commitment that the introduction to journalism class will be reinstated at MVHS within the current academic year, with Ms. Gomez as the sole adviser to the journalism class and *The Oracle* receiving compensation for her role as adviser at a rate no less than that in the prior academic year;
3. A written commitment that no MVHS or MVLA official will attempt to censor a future printing of the Article in *The Oracle*;

4. A written agreement tolling the time to bring an action for reinstatement of the introduction to journalism class at MVHS until such time as the class is actually reinstated and operational, without interruption, for at least one full academic year; and
5. Pursuant to the California Public Records Act, all communications and other documents, in any and all formats (whether electronic or hard copy), between, among, from, or to MVHS and MVLA staff, faculty and/or administrators, including without limitation Drs. Meyer, Glazer and/or Faillace, and/or MVHS Assistant Principals, and/or MVLA Trustees, from March 1, 2023 to the present concerning or discussing: the Article; Ms. Gomez; *The Oracle*; and/or the journalism program, journalism classes and/or journalism students at MVHS.

If these demands are met in full within ten (10) calendar days of the date at the top of this letter, then my clients will refrain from commencing legal action. If all of the demands are not met by that time, my clients and potentially other MVHS students and their parents will very likely sue.

In an effort to facilitate a speedy resolution of this dispute, please note that the demands above do not include a request for the payment of damages. My clients reserve the right to seek all available damages if litigation commences, including punitive damages. Moreover, my clients reserve the right to seek a recovery of attorney's fees and costs if litigation commences.

Please ensure that you and all other agents and employees of MVHS and MVLA retain all documents and records pertinent to this dispute, whether kept in hard copy or electronic form, including without limitation all copies of the Article and all correspondence between, amongst, from or to anyone at MVHS and MVLA pertaining to the issues or events mentioned in this letter.

Very truly yours,



Jean-Paul Jassy

JASSY VICK CAROLAN LLP

cc: Chelsea Tibbs, Esq. (via email only)
Alex Ellenberger, Esq. (via email only)