

DAVID N. KELLEY
United States Attorney for the
Southern District of New York
Attorneys for the United States
By: HEIDI A. WENDEL (HW-2854)
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2769
Fax: (212) 637-2750

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AB, an infant, by her aunt and legal guardian, CD;
EF; GH, an infant, by her father and natural
guardian IJ; KL; and CATHY CONLEY,

Plaintiffs,

- against -

RHINEBECK CENTRAL SCHOOL DISTRICT,
and THOMAS MAWHINNEY,

Defendants.

COMPLAINT IN
INTERVENTION

03 Civ. 3241 (SCR) (GAY)

-----X
UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

- against -

JURY DEMANDED

RHINEBECK CENTRAL SCHOOL DISTRICT,

Defendant.

-----X
The United States of America, Plaintiff-Intervenor, alleges for its complaint in
intervention as follows:

PRELIMINARY STATEMENT

1. The United States files this complaint in intervention to redress discrimination on the basis of sex in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88. Title IX prohibits recipients of Federal financial assistance from discriminating on the basis of sex in educational programs or activities.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1345.

3. Venue is proper pursuant to 28 U.S.C. § 1391(b) because the defendant Rhinebeck Central School District (the "District") is located within the Southern District of New York and the claims alleged in this complaint arose in this District.

PARTIES

4. Plaintiffs AB, EF, GH, and KL are current or former students of Rhinebeck High School (the "High School"). Plaintiffs AB, EF and GH are citizens of New York. Plaintiff KL was a citizen of New York at the time of the events alleged in this complaint and is currently a citizen of Florida.

5. Defendant District is organized, and exists pursuant to, the laws of the State of New York and is responsible for the administration of educational services for all students enrolled in the District, including students at the High School.

6. The District is a recipient of Federal financial assistance and therefore is subject to Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688.

PROCEDURAL BACKGROUND

7. On May 9, 2003, Plaintiffs AB, EF, GH, and KL, among others, filed a complaint in this Court against the District and Thomas Mawhinney, then the Principal of the High

School, alleging that the District and Mawhinney were in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88, as a result of sexual harassment of AB, EF, GH, and KL, among other allegations. On August 29, 2003, Plaintiffs amended their complaint to include a claim against the District under the Fourteenth Amendment to the United States Constitution.

FACTUAL BACKGROUND

8. Over the ten year period from 1993 through 2003, Mawhinney subjected Plaintiffs AB, EF, GH, and KL and many other female students at the High School to unwelcome sexual harassment that constituted discrimination on the basis of sex.

9. The sexual harassment to which Plaintiffs and many other female students at the High School were subjected was severe, pervasive and objectively offensive.

10. Mawhinney's behavior with respect to Plaintiffs AB, EF, GH, and KL and many other female students at the High School created a hostile educational environment.

11. District officials with authority to rectify the situation received actual notice of incidents in which Mawhinney sexually harassed the Plaintiffs AB, EF, GH, and KL and many other female students at the High School.

12. District officials with authority to rectify the situation had actual notice of, and were deliberately indifferent to, the sexual harassment to which Plaintiffs and many other female students at the High School were subjected.

13. The District's deliberate indifference prevented the Plaintiffs and other female students at the High School from enjoying the educational benefits and opportunities provided by the District.

CLAIM FOR RELIEF

14. The United States realleges and herein incorporates by reference the allegations set forth in paragraphs 8 through 13 above.

15. The District's deliberate indifference to known sexual harassment to which Plaintiffs AB, EF, GH, and KL and other female students at the High School were subjected violates Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88.

16. Unless enjoined by this court, the District will continue to violate Title IX.

17. The United States seeks intervention in this lawsuit in order to seek relief to ensure that the District will operate a school system that provides an educational environment that is free of sexual harassment for its students and is in compliance with federal law.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests that this Court:

a. Declare that the District has discriminated on the basis of sex by failing to address, prevent and remedy, sexual harassment, and in so doing failed to provide the benefits of its educational activities and services to Plaintiffs AB, EF, GH and KL and other female students at the High School in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88.

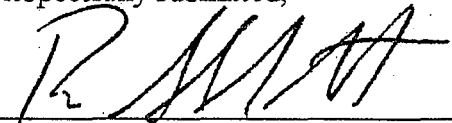
b. Permanently enjoin the District, its officers, agents, employees, successors, assigns, and all persons in active concert or participation with the District from all unlawful discrimination against school-age children on the basis of sex.

c. Order the District to develop, adopt, and timely implement a comprehensive plan that will ensure a discrimination-free educational environment for all its students.

- d. Order the District to file a report annually with the Court for three years detailing the implementation of its plan.
- e. Provide such relief as is necessary to compensate Plaintiffs AB, EF, GH and KL for the discrimination to which they were subjected.
- f. Grant such additional relief as the needs of justice may require.

Respectfully submitted,


By:



R. ALEXANDER ACOSTA
Assistant Attorney General

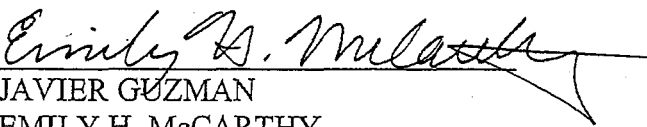
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HEIDI A. WENDEL (HW-2854)
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel. No.: (212) 637-2769

By:



JAVIER GUZMAN
EMILY H. McCARTHY
Attorneys
Educational Opportunities Section
Civil Rights Division
U.S. Department of Justice
Washington, DC 20530
Tel. No.: (202) 305-3690

CERTIFICATE OF SERVICE

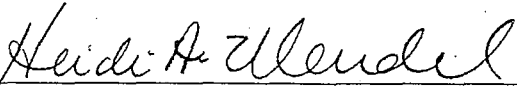
I, HEIDI A. WENDEL, Assistant United States Attorney for the Southern District of New York, hereby certify that on March 18, 2004, I caused a copy of the attached Notice of Motion and attached Complaint in Intervention to be served by regular first-class mail upon the following:

Lee F. Bantle, Esq.
Bantle & Levy LLP
Attorneys for Plaintiffs
817 Broadway
New York, New York 10003

Mark C. Rushfield, Esq.
Shaw & Perelson, LLP
Attorneys for Defendant Rhinebeck Central School District
2-4 Austin Court
Poughkeepsie, New York 12603

James R. Schultz, Esq.
Maynard, O'Connor & Smith
Attorneys for Defendant Thomas Mawhinney
80 State Street
Albany, New York 12207

Dated: New York, New York
March 18, 2004


HEIDI A. WENDEL (HW-2854)
Assistant United States Attorney