

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

LASHON JONES,	)	C/A #: 2:19-cv- <u>122-DCN-BM</u>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	COMPLAINT
Charleston County School District;	)	
Robert Burch, in his individual capacity;	)	
and Charity Summers, in her individual	)	
capacity,	)	
	)	
Defendants.	)	
_____	)	
	)	

**COMPLAINT**  
**(Jury Trial Demanded)**

The Plaintiff, Lashon Jones, complaining of the above-named Defendants, would respectfully show unto this Honorable Court, the following:

**I.PARTIES, JURISDICTION, AND VENUE**

1. The Plaintiff is a citizen and resident of the city of North Charleston, County of Charleston, State of South Carolina.
2. The Defendant, Charleston County School District (hereinafter referred to as “District”), is a subdivision of the State of South Carolina, located in Charleston County, South Carolina.
3. Upon information and belief, the Defendant, Robert Burch (hereinafter referred to as “Burch”) is a citizen and resident of Charleston County, South Carolina

4. Upon information, and belief, the Defendant, Charity Summers (hereinafter referred to as “Summers”) is a citizen and resident of Charleston County, South Carolina.
5. That this Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and 1343 because this action is based on 42 U.S.C. §1983, 2000(d) et seq., and 2000(e) et seq.
6. Venue is proper in this Court pursuant to 28 U.S.C. §1391, because the Defendants are situated in, or reside in, the Charleston judicial division, and the alleged unlawful, harmful acts giving rise to Plaintiff’s claims were committed within the geographic area of the Charleston Judicial Division of the United States District Court

### **I. FACTS**

1. Plaintiff, who is a 50 year old African American female was employed by the Defendant District at all times relevant hereto as a paraprofessional at the Garrett Academy of Technology located at 2731 Gordon Street, the city of North Charleston, County of Charleston, from May 2, 2014 through May 16, 2014.
2. Garrett Academy of Technology is a high school operated by the Defendant District at all times relevant hereto in Charleston County, State of South Carolina.
3. That at all times relevant to this Complaint, the Defendant Burch was the Assistant Principal at Garrett Academy of Technology.
4. That at all times relevant to this Complaint, the Defendant Summers was the Principal of Garrett Academy of Technology.
5. That at all times relevant hereto, the Defendants Burch and Summers were together the final decision makers at the Garrett Academy of Technology with regard to the punishment and monitoring of students who violated the Student Code of Conduct in regard to any student who sexually harasses any school employee.

6. That at all times relevant hereto, the Student code of Conduct 2013-2014 as written and to be applied in the District during May of 2014 specifically defined “Sexual Harassment” as including “any unwelcome sexual advance, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature that creates an intimidating, hostile or offensive environment”.
7. That the Student Code of Conduct at 2013-2014 that was in effect by the Defendant District in May of 2014 specifically cited as “Examples of activities which could constitute sexual harassment to include unwelcome propositions, graphic comments about an individual’s body”.
8. That it was the policy in effect in the Defendant District at all times relevant hereto, and during the month of May, 2014 for an employee of the District who believed that she was subject to sexual harassment by a student to report such behavior and notify the school Principal or Assistant Principal.
9. That on May 2, 2014, the Plaintiff while employed as a paraprofessional of the Defendant District on the premises of the Defendant District, during school hours, was approached by a white male student, who was physically larger than the Plaintiff, and in a threatening and aggressive manner, loudly and directly asked the Plaintiff if she remembered saying to him that “I suck dick and don’t choke, but swallow”.
10. That the male student who approached the Plaintiff in a threatening and aggressive manner on May 2, 2014 as stated above and who asked the Plaintiff if she remembered saying to him that “I suck dick and don’t choke, but swallow” had a long history of Student Code of Conduct violations, including at least 15 Discipline Referrals and

multiple referrals for Disrespect offenses when he approached the Plaintiff on May 2, 2014 as above stated.

11. That the male student who approached the Plaintiff on May 2, 2014 as stated in paragraphs 15 and 16 above, was not adequately monitored or adequately punished and just two weeks later, again on May 16, 2016 approached the Plaintiff, during the Defendant District school hours on the premises of the Garrett Academy of Technology, and obscenely and threateningly began to hump with his genitals the table that the Plaintiff was sitting at and loudly and threateningly shouted to the Plaintiff while looking directly at the Plaintiff, “that’s how he was going to fuck that thang” and told the Plaintiff that she “had a big ass and he wasn’t gonna stop talking to her until he got some”.
12. That for a male student to tell a female employee of the Defendant District that she “sucks dick and don’t choke, but swallows”, would reasonably be considered by a female employee to be physically threateningly and humiliating, and severe and as interfering with one’s ability to perform her job.
13. That the Plaintiff on May 2, 2014 immediately after being sexually harassed by the student as above stated in paragraphs 15, 16, wrote a “Discipline Referral” pursuant to Defendant District Policy.
14. That at all times relevant hereto, during the entire month of May of 2014, the Defendants Burch and Summers were the final decision makers as to discipline of students at Garrett Academy of Technology and together were final decision makers as to the punishment and monitoring of students who sexually harass employees at Garrett Academy of Technology.

15. That the Defendants Burch and Summers failed to adequately punish and monitor the student for the abusive and sexually offensive behavior of May 2, 2014 of the Plaintiff, and the same student, at the same location on the premises of Garrett Academy of Technology on May 16, 2014 thereby had the opportunity to sexually harass the Plaintiff again in the same manner, but this time on May 16, 2014 in a more aggressive and threatening manner.
16. That as a result of the sexually harassing behavior of the student as above stated on May 2, 2014 and again on May 16, 2014, the Plaintiff suffered severe mental distress, Depression and emotional anguish, requiring medical care and expenses, sleep disorder, and change in personality, time missed from work, for which the Plaintiff had to take prescription medication which the Plaintiff continues to have to take.
17. That for a male student to verbally tell an employee of the Defendant District that she “sucks dick and don’t choke but swallows” is unwelcome and offensive behavior toward a female employee in the Defendant District according to the policies and customs in the Defendant District during the entire month of May 9, 2014.
18. That the male student to hump the table where the female employee is sitting and tell that female employee “that’s how he was going to fuck that thang” while looking directly at the Plaintiff is unwelcome and offensive towards the female employee in the Defendant District according to the policies and customs in the Defendant District during the entire month of May of 2014.
19. That the Defendant’s Burch and Summers together retained substantial control over the discipline and monitoring of the students subject to discipline, and failed to adequately punish and monitor the student who sexually abused and harassed the Plaintiff as above

stated on May 2, 2014 and allowed by their actions and or inaction, in the course of their employment with the Defendant District, for that same student to approach and have access to the Plaintiff at the same location on May 16, 2014 to sexually harass and abuse the Plaintiff again.

20. That as a direct result of the sexual harassment of the Plaintiff by the same student on May 16, 2014, the Plaintiff suffered Depression, Anxiety, Insomnia and a change in personality, requiring medical care and expenses.
21. That while acting under the color of state law, all the Defendants, and each of them, discriminated against the Plaintiff on the basis of her gender, in violation of her right to equal protection of the law and provided for in the 14<sup>th</sup> Amendment to the United States Constitution by subjecting the Plaintiff to a sexually hostile work environment.
22. That while acting under the color of state law as agents of the Defendant District, the Defendant Burch and Summers failed to adequately protect the Plaintiff from the student who sexually harassed the Plaintiff on May 2, 2014 on the grounds of the Garrett Academy of Technology during school hours, when the Defendants Burch and Summers, knew or should have known that the student in question, with a known history of at least fifteen (15) discipline referrals, including three for disrespect, would do the same thing if he had physical access to the Plaintiff again as the student did just two weeks later on May 16, 2014 and tell the Plaintiff “that’s how he was going to fuck that thing” while humping the table where the Plaintiff was sitting and telling the Plaintiff “he was not gonna stop until he got some”.

**FOR A FIRST CAUSE OF ACTION  
VIOLATION OF CIVIL RIGHTS – 42U.S.C.§1981**

23. That the Plaintiff reports and re-alleges that preceding paragraphs as if restated verbatim hereto.
24. That the Defendant Burch and Summers discriminated against the Plaintiff and interfered with her right to contract for employment, in violation of 42U.S.C.§1981, on the basis of the Plaintiff's gender, by subjecting the Plaintiff to a sexually hostile work environment that could have been avoided if the Plaintiffs Burch and Summers had adequately taken steps to punish and monitor the student who sexually harassed the Plaintiff on May 2, 2014.
25. That the actions and omissions of the Defendants and each were willful and reckless and were done with reckless indifference to the Plaintiff federally protected rights to work environment free of sexual hostility and the Plaintiff is entitled to actual, consequently and compensatory damages, as well as reasonable attorney fees and costs under 42U.S.C.§1981 against all of the Defendants, and each of them and punitive damages against the Defendants Burch and Summers.

**FOR A SECOND CAUSE OF ACTION  
VIOLATION OF CIVIL RIGHTS – 42U.S.C.§1983**

26. Plaintiff repeats and re-alleges all of the preceding paragraphs as if restated verbatim hereto.
27. That the actions of the Defendant Burch and Summers were as final decision makers who had substantial control over the discipline and monitoring of the students at Garrett Academy of Technology at all times relevant hereto, and substantial control over the condition of the Plaintiff's employment with the Defendant District at all times relevant

hereto so that the actions and omissions of the Defendants Burch and Summers are those of the Defendant District for purposes of District Liability under 42U.S.C.§1983.

28. As a direct and proximate result of the Defendant's acts and omissions as above stated the Plaintiff has been damaged in that she suffered Depression and Anxiety requiring medical care and expenses and time missed from work as a direct result of the sexually harassment she suffered in her employment with the Defendant District.
29. That the Plaintiff is entitled to actual, consequential and compensatory damages as well as reasonable attorney fees and costs under 42U.S.C.§1983, against all Defendants, and punitive damages against Defendants Burch and Summers.

WHEREFORE, having fully set forth her allegations against Defendants, and each of them, the Plaintiff respectfully requests the following relief:

1. Compensatory and actual damages; for emotional distress, mental anguish, Depression and Anxiety, and time missed from work and medical expenses against all Defendants, and each of them, in an amount deemed fair and just by a Jury.
2. Punitive damages against the Defendants Burch and Summers
3. Attorney's fees, costs; and
4. Such further relief as the Court deems just and appropriate.

PLAINTIFF HEREBY DEMANDS A JURY TRIAL.

Respectfully submitted by:

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January 14, 2019

Charleston, South Carolina