

AG James sues Niagara Wheatfield Central School District for 'failing to protect students from sexual assault'

School district allegedly violated Title IX by 'ignoring student complaints of rape, sexual assault and harassment, bullying, and failed to take action against perpetrators'

Attorney general seeks oversight, monitoring & creation of new procedures for school district's handling of sexual assault

New York Attorney General Letitia James on Wednesday filed a lawsuit against the Niagara Wheatfield Central School District (NWCS) for what she called "failing to respond to incidents of sexual assault and bullying in the schools."

The legal action follows an investigation launched by the Office of the Attorney General (OAG) in 2019, which found "NWCSD deliberately ignored student complaints of rape, assault, sexual harassment, and gender-based bullying, and took no action to protect them from their assailants and harassers, leading several students to drop out of school and lose access to educational opportunities."

The lawsuit alleges NWCSD "repeatedly violated the federal Title IX of the Education Amendments of 1972 and New York state common law, requiring that schools provide adequate supervision of their students to protect them from harm."

James' lawsuit seeks oversight, monitoring, and the creation and implementation of new procedures for the school district and all of its schools to better address the handling of sexual assault.

"It is unconscionable that an institution tasked with educating and protecting its students

turned a blind eye to the abuse, harassment and bullying happening right in its school halls," James said. "The NWCSD's inaction demonstrates that it did not have adequate systems in place to protect its students – particularly young women – when they needed it most. This indifference to student suffering has caused physical, mental and emotional trauma, and jeopardized students' education. My office remains committed to standing against sexual assault of any kind, anywhere, and ensuring the safety and wellbeing of all New Yorkers. I will continue to use the law to hold the school district accountable for its negligence, and to empower survivors of sexual harassment and assault."

TG, a former Niagara Wheatfield High School student who was raped by a fellow classmate, said, "Three years ago, the Niagara Wheatfield School District failed me. Their negligence and active disregard for my wellbeing only deepened my pain and suffering. In the time since, they have repeatedly tried to intimidate and silence me. Today, with this lawsuit, I feel a glimmer of hope. It is time to ensure Niagara Wheatfield does not fail another student in the way they failed me. Thank you, Attorney General James, for taking a stand and joining me in this fight. I will not be silenced."

In an emailed response, Su-

perintendent Daniel G. Ljiljanich stated, "The Niagara Wheatfield Central School District was made aware by the media that the New York State Attorney General's office has filed a suit against the District in federal court. The District will respond to any allegations through the court proceeding and will not provide additional comment due to this pending litigation."

The OAG said, "Federal law guarantees all students the right to a public education, and it provides that they shall not be deprived of this most basic right on the basis of sex. To that end, Title IX specifically requires that schools take steps to protect students from gender-based harassment and sexual assault that create a hostile educational environment and deprive students of educational opportunities."

The OAG's investigation into NWCSD began after media reports detailed how NWCSD allegedly did nothing in response to the rape of TG by a fellow student in May 2018. The OAG said, "TG was forced to attend school with her assailant for the year following her rape. Even after the assailant pleaded guilty to third-degree rape, he was still allowed to remain in school, and was told he could attend prom and graduation. The NWCSD finally expelled him in May 2019, but only in response to the nationwide public and media attention brought by

a student walkout organized to protest the school's inaction. The school district also took no action against the students that bullied TG over her rape, but instead punished several students for participating in the walkout."

The investigation found that, on multiple occasions, NWCSD allegedly "did not protect students from harassment and bullying, affecting the overall school climate and harming students for a period of years. In the last several years, there have been more than 30 documented incidents of sex discrimination, sexual harassment, sexual assault, or gender-based bullying at NWCSD, yet NWCSD never created a single written safety plan, nor took any documented effort to keep students safe following these reports of rape, physical or sexual assault, or harassment. As a direct result of the hostile environment cultivated by NWCSD, at least two students dropped out of school."

The lawsuit, filed in the U.S. District Court for the Western District of New York, seeks injunctive relief, including oversight, monitoring, and trainings for NWCSD, and the creation of new policies and practices for the handling of sexual assault, including a written safety plan for victims of harassment and assault.

This is OAG's first lawsuit against a school district for what she called the mishandling of accusations of sexual assault. Her

office said it is the latest legal action James has taken in her continued national fight to ensure Title IX rights are not violated or infringed upon in any way. James has previously worked to protect New Yorkers from sexual harassment and sex-based discrimination at schools, in workplaces, and everywhere else.

In November 2019, she successfully led a coalition of attorneys general in the fight to support the rights of transgender students to use bathrooms in line with their identity. In June 2020, James filed a lawsuit against the U.S. Department of Education and former Education Secretary Betsy DeVos seeking to stop a Trump administration rule she said made students more vulnerable to sexual assault by hindering how schools investigate, address and remedy sexual harassment in schools, colleges and universities.

In February 2020, James sent two comment letters to the Trump administration, opposing federal proposals she said rolled back critical antidiscrimination protections – including those for survivors of sexual harassment – for patients and for students. In January 2020, James announced a settlement for 11 former employees who were sexually harassed and abused at the West Village restaurant The Spotted Pig.

LEWISTON POLICE BLOTTER

The following activity occurred Monday, June 14, to Sunday, June 20, as reported by the Lewiston Police Department. LPD reported 240 response calls during this period. For more information on arrests and other activity, visit the Lewiston Police Department's mobile app or its page on Facebook.

Monday, June 14

- **N. Hewitt/S. Hewitt drives, check welfare** – Patrol responded to a 911 call. No further information.
- **N. Fourth/Ridge streets, suspicious activity** – Officer initiated call. Patrol reported a male driving around the area in a vehicle. When asked if he was lost the male became agitated; male then found his location and was not seen after.
- **700 block of Pletcher Road, forgery** – Male caller reported an unemployment fraud. Patrol responded.
- **5300 block of Walmore Road, harassment** – Patrols responded to a complaint from a female caller.
- **5800 block of West Street, assist** – Caller reported a young woman threw fireworks into the door at

the Sanborn-Pekin Free Library and fled area. Complaint an ongoing issue. Patrol located a male and advised the party not to cause disruptions at the address again.

- **400 block of Center Street, fire** – Caller to 911 reported water entering the dining area and basement of a bar/restaurant; electrical burning noted, no smell or smoke observed. Patrol attributed the cause to heavy rain that entered the basement.
- **Locations at Center/N. Eighth streets; the 800 block of Ridge Road; and location not specified, vehicle/traffic stops** – Calls officer initiated. Violations in order of offense included: drivers on first two pullovers cited for texting; and driver cited after pulling in front of a marked patrol car entering traffic. Uniform traffic tickets issued for Lewiston Town Court.

Tuesday, June 15

- **800 block of Foxwood Drive, warrant service** – Patrols on location in response to a 911 call. No further information.
- **900 block of Oxbow Lane, assist public** – Officer initiated call

for a 1-year-old infant locked in a vehicle. Police services on scene; patrol made entry made into locked vehicle and situation handled, all OK. Patrol cleared.

- **800 block of The Circle Drive, suspicious activity** – Caller reported a vehicle and the front door a residence were both egged in the early morning hours.
- **Lower River Road/Dutton Drive, traffic complaint/investigation** – Caller to 911 reportedly upset over construction vehicles in roadway and having to drive around them. Call handled by patrol.
- **5800 block of Buffalo, assist public** – Caller to 911 reported one male juvenile struck another male juvenile in a playground. Patrols on location.
- **700 block of Fairchild Place, domestic disturbance** – Patrol responded to a 911 call. Report taken.
- **Lewiston Road/Barton Drive, vehicle/traffic stop** – Call officer initiated. One suspect in custody; Miranda warnings read. No further information.

Wednesday, June 16

- **4800 block of Saunders Settlement Road, traffic complaint/investigation** – Caller to 911 reported a black Lincoln four-door sedan all over the roadway and crossing double yellow lines. Rightful owner of vehicle warned by patrol on lane violations.
- **1400 block of Pletcher Road, vehicle fire** – Caller to 911 reported a bulldozer on fire at a nearby landfill. Patrol on location.
- **100 block of S. Water St., accident hit-run** – Caller to 911 reported a vehicle was struck in a parking lot; other vehicle left in unknown direction.
- **5800 block of Griffin Street, assist** – Caller reported a juvenile harassed a female and smashed a bottle in front of the residence. Caller requesting interview.
- **600 block of Ridge Road, vehicle/traffic stop** – Call officer initiated. Driver cited for failure to obey a traffic control device. Uniform traffic ticket issued for Town Court.

Thursday, June 17

- **900 block of Elliott Drive, fire**

– Caller to 911 reported smelling smoke and a lite flickering at a nearby residence; no one home. Patrol listed the cause to a smoldering mulch fire producing a lot of smoke. Fire responders on location.

- **2600 block of Upper Mountain Road, forgery** – Credit card opened in the complainant's name. Patrol responded.
- **4700 block of Creek Road, MVA-injuries** – Caller to 911 reported a male struck by a vehicle; subject conscious and alert, but bleeding from the head. Patrols on location.
- **900 block of Mohawk Street, accident hit-run** – Caller to 911 reported a black vehicle backed into another vehicle and fled the scene. Driver and partial vehicle license information provided. Vehicle last seen heading toward Center Street. Patrols on location.
- **S. Fourth/Center streets, traffic control** – Officer initiated call, speed trailer setup by patrol.

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