

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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J.L., a minor child, by his father and  
natural guardian, ROBERT SULLIVAN,

09 Civ. \_\_\_\_\_ ( ) (ECF CASE)

*Plaintiff,*

**AFFIDAVIT OF  
ROBERT SULLIVAN**

- against -

MOHAWK CENTRAL SCHOOL DISTRICT;  
JOYCE CAPUTO, Superintendent of Mohawk Central  
School District; EDWARD RINALDO,  
Principal of Gregory B. Jarvis Junior/Senior High  
School; CYNTHIA STOCKER, Equal Opportunity  
Compliance Officer,

*Defendants.*

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**AFFIDAVIT OF ROBERT SULLIVAN**

I, Robert Sullivan, in accordance with the provisions of 28 U.S.C. § 1746, declare as follows:

1. I am the father of J.L., the plaintiff in the above-referenced case, pending in the Federal District Court for the Northern District of New York.
2. My son, J.L., attends Gregory B. Jarvis Junior/Senior High School ("Jarvis High") where he will be in the ninth grade beginning on Sept. 8, 2009.
3. Ever since J.L. started at Jarvis High two years ago he has been bullied, harassed, and threatened by his classmates and some teachers for being more feminine than other boys, and because he is gay. This harassment got much worse over the course of eighth grade.
4. It has gotten so bad that I don't believe he will be safe at school. Because students are always waiting outside to try to beat him up after class, I have to drive the three blocks from our house to the school to pick him up every day, just to make sure he is safe.
5. Since J.L. started telling me about the harassment I have consistently reported it to Principal Rinaldo as it occurs. Because we live so close to the school, I often walk over there as soon as J.L. tells me about an incident and try to catch Principal Rinaldo in the office or in the hall to talk to him about it. Usually when I tell Principal Rinaldo about an incident he says he will look into it, but when I call him back to follow up he either just says he has talked to the students involved and it will not happen again, or he says he talked to the students involved and they denied harassing J.L. so he does not believe the

harassment occurred. Principal Rinaldo acts as though he doesn't believe my son or thinks I am overreacting. Either way, he never really returns my calls or lets me know what comes of his "looking into" a matter. In any case, nothing ever seems to change or get better for J.L.

6. For example, in April or May of 2008, during J.L.'s seventh grade year, J.L. told me that while he was changing in a stall in the locker room, a group of boys started telling the rest of the class that he was masturbating to gay porn. I told Principal Rinaldo what happened, and he said he would talk to the students involved. When I later followed up to ask whether there had been an investigation and what the outcome was, Principal Rinaldo just said that he had talked to the boys.
7. At the end of seventh grade I talked to Principal Rinaldo to discuss how he was going to handle the harassment against J.L., which I had reported to him on three to four occasions, in the upcoming year. He told me "boys will be boys" and that the problems would blow over.
8. On the first day of eighth grade J.L. told me that a boy pushed him into the lockers at the school. I told Principal Rinaldo about this, who said he would take care of it. I never heard from Principal Rinaldo again about this incident.
9. Early in the eighth grade year, when it was clear that the harassment had not "blown over" as Principal Rinaldo had thought, I asked Principal Rinaldo if he could switch J.L.'s class schedule so that he would not be in class with one of the students who repeatedly targets him. Principal Rinaldo told me that because they had many classes together, it would be too difficult to change J.L.'s schedule and he would not do it.
10. In October 2008 I reported to Principal Rinaldo that J.L.'s clothes were taken from his gym locker and someone wrote "faggot" and "I hope you die" on his shoes. His clothes and shoes were thrown in the trash. His response to me was that he could not "babysit" every student in the school. Principal Rinaldo said he would get J.L. a new lock for his gym locker but never did. I never heard anything else from Principal Rinaldo about an investigation into this incident or any disciplinary actions taken against the students who did this.
11. In October or November 2008 I told Principal Rinaldo that someone in the cafeteria threw cream cheese at J.L.'s back and it got all over his jacket. As always, he said he would take care of it, but I never heard anything from it.
12. In November 2008 J.L. told me that a student said to him: "I'm glad your dad has cancer, I hope he dies soon, he's probably a faggot too so why don't you go suck him off." I am, in fact, battling lymphoma, so it is obvious that this incredibly vulgar and insensitive comment would really upset my son. J.L. and this student got into a shoving match and J.L. ended up hitting the other student. When I heard about the incident I went to talk to Principal Rinaldo and told him what the student had said to J.L. I never heard anything from Principal Rinaldo about any investigation into this incident of harassment. As part of his punishment J.L. was forced to eat lunch alone in a room with this repeat harasser for two weeks. It felt like the school was punishing J.L. for being a victim of harassment

by forcing him to endure daily harassment from someone that I had repeatedly told the School was one of my son's attackers.

13. That same month J.L. sprained his ankle which required him to be on crutches for a few weeks. A few months after the fact J.L. told me that he got injured when a student pushed him down a flight of stairs at the school.
14. Also that month I reported to Principal Rinaldo that a student that I had repeatedly told Principal Rinaldo was a problem tried to trip J.L. while he was on crutches. Principal Rinaldo's only response was that he would let J.L. use the elevator while he was on the crutches. When I talked to him later to follow up he said the other student denied trying to trip J.L., and apparently that was enough for him. That was the last I heard from Principal Rinaldo about this incident.
15. In mid-November 2008, J.L. told me that a student pushed his books out of his hands and kicked him in the shins. I told Principal Rinaldo about this incident and he said he would look into it. I never heard anything back from him about this, but J.L. tells me the student continued to harass him after that day.
16. That month J.L.'s mother, stepmother, and I met with Principal Rinaldo because we were afraid for J.L.'s safety at the school. We asked him to allow J.L. to leave class if he felt unsafe, and to carry his cell phone so that he could call me if he was threatened. Principal Rinaldo agreed to let J.L. do these things. Despite this, J.L. told me that he got his phone taken away from him when he tried to use it, and he got punished by a teacher when he tried to go to the safe room. I talked to Principal Rinaldo to ask him why the teachers weren't informed of the plan we had made for J.L. Principal Rinaldo said he would look into it. Even after I brought this to his attention J.L. told me he was still getting punished for trying to use his phone to call me.
17. Around December 2008, J.L. told me that his science teacher, Mr. Hartmann, pulled him aside and told him he should be ashamed of himself for being gay and told him he should hate himself every day unless he changed. When I heard this I was furious, and immediately went to talk to Principal Rinaldo about this. Without even doing any investigation, Principal Rinaldo told me that Mr. Hartmann was a long-time teacher at the school and that he would never say such a thing. Principal Rinaldo never informed me if he did any investigation into this incident.
18. In December 2008, J.L. reported to me that some students tried to push him over the railing of a staircase at school. J.L.'s mother, his sister, and I went to the school and met with Mr. Rinaldo about this. He promised to look into it and get back to us. J.L.'s mother told me she called his office repeatedly looking for updates but never heard back from him.
19. Even after I reported the cream cheese incident to Principal Rinaldo, J.L. told me that students continued to throw food at him in the cafeteria. At some point in the winter last year I went to talk to Principal Rinaldo about this problem. In the meeting Principal Rinaldo expressed disbelief that this was happening, but I told him that there were other students who had witnessed this bullying. Principal Rinaldo said to me, "those are his

gay friends so of course they will defend him.” Principal Rinaldo never told me whether he had looked into this issue, but students continued to throw food at J.L. all year.

20. In March 2009 J.L. told me that a student who regularly harasses J.L. approached him in the lunch room, threw a banana at him and said “here, now you don’t need a boyfriend, suck on that.” When J.L. told me about this I called Principal Rinaldo that afternoon and told him what had happened. Principal Rinaldo laughed at me on the phone. Then I went to the school to talk to Principal Rinaldo about the situation. Principal Rinaldo said to me: “My job is not to cater to homosexuals.” I gave Principal Rinaldo a list of the students who had been with the perpetrator when he harassed J.L. that day. Principal Rinaldo never told me whether he had done any investigation or punished the perpetrator for this.
21. At some point in the spring of 2009 I went to the school to talk to Principal Rinaldo about a variety of incidents of students harassing and threatening J.L., and the fact that students waited for him outside each afternoon to beat him up after school. Principal Rinaldo said he would look into the incident, but suggested that I just call the police instead of coming to him, as if it’s not his responsibility. I always thought it was school principals’ job to make sure the students in their school were safe and not constantly in fear of being beaten.
22. In April 2009 J.L. told me that a student who frequently harasses him came up to him in the cafeteria and said “if you don’t die I’ll make the world’s dream possible,” which J.L. understood to mean the boy would kill him. The student also said “it’s Adam and Eve, not Adam and Steve.” I reported this to Principal Rinaldo but never heard back from him about it.
23. In May 2009 J.L. said a student told him to “lose the makeup, lift weights, lose the faggot voice and start liking girls, then maybe we’ll be friends with you.” During the same class period the student also apparently said “you’re a disgrace to the human race. Do the world a big favor and die because no one would miss you.” When I told Principal Rinaldo about this he said he would look into it, but he never told me of any investigation or steps taken to address this harassment. J.L. tells me whenever this student sees him he still harasses J.L.
24. In June 2009 a student harassed and threatened J.L. while he was outside a school-sponsored concert with his mother and sister. Although J.L.’s mother had a meeting with Principal Rinaldo to discuss this, I also mentioned the incident to him the next time I saw him at the school. Principal Rinaldo said that he couldn’t do anything with regard to disciplining the student or protecting J.L. from him because the incident did not occur on school property. He also said he could not keep on eye on J.L. all day just to make sure he was safe. Principal Rinaldo never told me of any investigation or disciplinary action taken to address this student’s threats against J.L.
25. On June 5, 2009 I received a call from Cynthia Stocker, who is the director of student services for the school district. She told me that J.L. had left school without permission. When J.L. got home a few minutes later he told me that a student had showed him a knife and threatened to kill him with it. I immediately went to the school to find Principal

Rinaldo, but he had left to go on a field trip with some students. I spoke with Ms. Stocker and asked what the school was going to do about a student menacingly showing a knife and threatening to kill J.L. Ms. Stocker said she was aware of the threat against J.L. but the school would not take any action in response to the threat because J.L. hadn't actually been physically assaulted. I don't understand how it is okay for a school to say they won't do anything about threats until after my son is physically harmed.

26. Ms. Stocker apparently is the harassment officer for the schools, but no one ever told me about her or that I could register complaints with her. Until that phone call I had never heard of Ms. Stocker and I had never been told that the school had an administrator whose job it was to take complaints of harassment, even though I had been complaining about harassment of my son for over a year.
27. On June 9, 2009 I went to the school to talk to Principal Rinaldo about the June 5 incident with the knife and how the school could guarantee J.L.'s safety going forward. J.L., my wife, and Ms. Hoffman, another school staff member, were all there. Principal Rinaldo said that he could not guarantee J.L.'s safety at his school, and that the harassment and threats would probably continue into the next school year. I said that if the school wouldn't protect him it seemed the only safe thing was to home school him, and Principal Rinaldo agreed that this seemed like the safest plan. He agreed to allow me to keep J.L. home for the last two weeks of school, and only bring him to the school to take his final examinations. I was upset that J.L. had to miss school, and was basically being punished for being the victim of threats and violence instead of the perpetrators, but since the school said they couldn't keep him safe I didn't see any alternative.
28. At some point during the last two weeks of school J.L. and I went to meet with Principal Rinaldo and we gave him a packet of notes J.L. had written about the abuse. These notes contained specific instances that I had already reported to Principal Rinaldo as well as a list of names of the most frequent harassers, which I had also previously given to Principal Rinaldo.
29. On the last day of school I let J.L. go to school so he could see his friends and not miss out on the fun of the last day. I spent the first hour and a half of the school day sitting in my car in a parking lot across from the school so that I could be nearby if anything happened to J.L. At the end of the day I went back to pick him up so that he would not get attacked leaving the school or walking home.
30. In addition to being in frequent contact with Principal Rinaldo, I have also tried to call Superintendent Joyce Caputo about the harassment and Principal Rinaldo's lack of response to my reports. I have personally called her office at least five or six times over the course of the last year. I have been in the room when my wife has called at least three times, and when my ex-wife, J.L.'s mother, has called two or three times. Every time we call we leave a message either on her voicemail or with her secretary. Ms. Caputo has never responded to these messages.
31. This harassment has deeply affected J.L. and our entire family. J.L. started the year doing well in school and by the end of the year he was missing so much class and having

- such a hard time concentrating that he had to attend summer school to pass the eighth grade.
32. J.L. has also been emotionally impacted by the harassment and threats. He's terrified of going to school. He is sad a lot of the time and on occasion has made comments like "maybe it would just be better for everyone if I weren't here." I'm extremely worried about the emotional toll this constant abuse is having on J.L.
  33. J.L. was looking forward to getting his first summer job this summer, but instead had to go to summer school to make up for the education he lost when he couldn't attend school because of the harassment. My wife has also had to change her work schedule around and work nights to help me drive him to and from the summer school, which is in another town.
  34. I am extremely worried about what will happen when J.L. goes back to the school in the fall. When he is at school I spend all day afraid that I will get a phone call telling me he has been seriously injured by one of the bullies who is constantly after him. I feel that despite my best efforts no one at the school is doing anything to respond to this harassment or protect J.L. I would like to know that when he goes back in the fall the school will respond appropriately if he or I tell them about harassment. I would like to be informed of what steps they're taking to investigate his complaints, and what actions they take to address the harassment. I have done everything I can as a father to protect him, but I feel helpless that I have to send him to school every day where he is afraid that he will be attacked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 17<sup>th</sup> day of August, 2009.

**AMI T. SANGHVI**  
Notary Public, State of New York  
No. 02SA6147026  
Qualified in New York County  
Commission Expires May 30, 2010

  
Robert Sullivan