

PARTIES

1. Plaintiff Miranda Summar (“Summar”) is an individual who, at the time of the sexual harassment, sexual assault and gender discrimination complained of herein, was a student attending the University of Central Oklahoma. Summar is a resident of the state of New York.
2. Plaintiff Olivia Wells (“Wells”) is an individual who, at the time of the sexual harassment and gender discrimination complained of herein, was a student attending the University of Central Oklahoma. Wells is a resident of the state of Oklahoma.
3. Plaintiff Priscilla Pena (“Pena”) is an individual who, at the time of the sexual harassment and gender discrimination complained of herein, was a student attending the University of Central Oklahoma. Pena is a resident of the state of Oklahoma.
4. Plaintiff Rheanna Jackson (“Jackson”) is an individual who, at the time of the sexual harassment and gender discrimination complained of herein, was a student attending the University of Central Oklahoma. Jackson is a resident of the state of Oklahoma.
5. Plaintiff Gabrielle Glidewell (“Glidewell”) is an individual who, at the time of the sexual harassment and gender discrimination complained of herein, was a student attending the University of Central Oklahoma. Glidewell is a resident of the state of Florida.
6. Plaintiff Morgan Brown Russell (“Brown Russell”) is an individual who, at the time of the sexual harassment and gender discrimination complained of herein, was a student attending the University of Central Oklahoma. Brown Russell is a resident of the state of Oklahoma.
7. Plaintiff Emily Heugatter (“Heugatter”) is an individual who, at the time of the sexual harassment, gender discrimination and retaliation complained of herein, was a professor

employed by the University of Central Oklahoma. Heugatter is a resident of the state of Oklahoma.

8. Defendant State of Oklahoma *ex. rel.* University of Central Oklahoma (UCO) is an institution of higher education located in Oklahoma County, Oklahoma.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, which gives district courts original jurisdiction of all civil actions arising under the Constitution, laws and treaties of the United States, 42 U.S.C. § 1988.
10. Venue in this Court is proper under 28 U.S.C. § 1391 (b) because the events giving rise to this claim took place in this judicial district, and Defendant resides in this judicial district.

GENERAL ALLEGATIONS

The Legal Framework

11. At all relevant times, UCO received federal funding for its academic programs and activities and was subject to the requirements of Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681 (“Title IX”).
12. Title IX protects persons from discrimination “on the basis of sex,” which includes protection from sexual harassment and sexual harassment.
13. The Title IX Regulations provide that “[n]o recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX... or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.” 34 C.F.R. § 106.71.
14. In 2001, The Department of Education (“DOE”), published the *Revised Sexual*

Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512, Jan. 19,2001. (“2001 Guidance”).

15. The 2001 Guidance, “...focuses on a school’s fundamental compliance responsibilities. under Title IX....”
16. The 2001 Guidance notes that “due to the power a professor or teacher has over a student, sexually based conduct by that person toward a student is more likely to create a hostile environment than similar conduct by another student.”
17. The 2001 Guidance explains that “[Federal funds] recipients generally provide aid, benefits, and services to students through the responsibilities they give to employees” and is therefore responsible for an employee’s harassment or discriminatory conduct when the employee is carrying out these responsibilities. “The recipient, therefore, is also responsible for remedying any effects of the harassment on the victim, as well as for ending the harassment and preventing its recurrence. This is true whether or not the recipient has ‘notice’ of the harassment.”
18. The 2001 Guidance acknowledges that, “Schools are required by the Title IX regulations to adopt and publish grievance procedures providing for prompt and equitable resolution of sex discrimination complaints, including complaints of sexual harassment, and to disseminate a policy against sex discrimination.”
19. It goes on to state, “These procedures provide a school with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems, as required by the Title IX regulations. *By having a strong policy against sex discrimination and accessible, effective, and fairly applied grievance procedures, a school is telling its students that it does not tolerate sexual harassment and that students*

can report it without fear of adverse consequences.”

20. The 2001 Guidance recognizes that, “training for administrators, teachers, and staff and age-appropriate classroom information for students can help ensure that they understand what types of conduct can cause sexual harassment and that they know how to respond.”
21. The 2001 Guidance requires that a school’s sexual misconduct policies be widely disseminated. To that end, “Distributing the procedures to administrators, or including them in the school’s administrative policy manual may not by itself be an effective way of providing notice.”
22. In April 2011, the Department of Education, Office for Civil Rights (“OCR”) issued a Dear Colleague Letter (“DCL”) as a “significant guidance document” to “provide funding recipients with information to assist them in meeting their obligations.” The DCL provided the applicable framework for Title IX compliance through September 2017.
23. In September 2017, the Department of Education announced its intention to engage in rulemaking on the topic of Title IX, rescinded the 2011 DCL, and published a “Q&A on Campus Sexual Misconduct” to provide interim guidance for handling peer-on-peer sexual harassment and sexual violence.
24. Effective August 1, 2020, the Department of Education issued its “Final Rule.” Having previously addressed the issues only through guidance documents, the Department’s Title IX regulations now recognize that sexual harassment, including sexual assault, is unlawful sexual discrimination and have the force and effect of law.
25. The Title IX regulations set forth the requirements for a school’s response to reports of sexual harassment, including formal and informal resolution.
26. Specifically, schools must not offer or facilitate an informal resolution process to resolve

allegations that an employee sexually harassed a student:

Informal resolution. A recipient may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, *a recipient* may not require the parties to participate in an informal resolution process under this section and *may not offer an informal resolution process unless a formal complaint is filed.* However, at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, *provided that the recipient ...does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.* 34 C.F.R. 106.45(b)(9)(iii).

The Regional University System of Oklahoma (“RUSO”) Title IX Policy

27. UCO is a member of the Regional University System of Oklahoma (“RUSO”).
28. According to RUSO’s “Title IX – Sex Discrimination, Sex-Based Misconduct and Sexual Harassment Policy,” the system and its member universities “are committed to providing an educational, living and working environment that is free from discrimination based on sex for all members of its community to include students, faculty, staff, contractors, and visitors....All members of RUSO are expected to adhere to the requirements of this Policy and the standards of each member university.”
29. The “University Policy” page on UCO’s website provides a link to the RUSO policy under the heading of Discrimination and Harassment.
30. The RUSO policy purports to provide the exclusive means for addressing reports of sexual harassment or sexual misconduct: “Alleged conduct reported pursuant to this Policy, whether or not the conduct constitutes a violation of this Policy, may violate other RUSO or university policies. The member university reserves the right to take disciplinary action for conduct reported under this Policy that constitutes a violation of any other university policy. *If dismissal, suspension, or any other discipline of a faculty member or student is*

recommended as a result of a violation of this policy, the RUSO Title IX policy is the exclusive forum for such discipline and any appeals related thereto. The processes related to dismissal, suspension, or any other discipline set forth in RUSO policy Chapter 3 (Academic Affairs) and Chapter 4 (Student Affairs) and any related member university policies are superseded hereby and do not apply to faculty or students who have been found to have violated the RUSO Title IX policy and the discipline recommended as a result thereof.”

31. The RUSO policy distinguishes between reporting incidents of sexual harassment and filing a formal complaint regarding an incident of sexual harassment. According to the policy, “[r]eporting incidents of Sexual Harassment informs the member university of the incident, allowing the member university to provide Supportive Measures to the Complainant and does not necessarily result in the initiation of the grievance process (as described in Section 4.03 of this Policy). Complainants who report incidents of Sexual Harassment will be offered individualized Supportive Measures. If a Complainant wishes to initiate the grievance process, they must file a Formal Complaint.

32. The RUSO policy provides that “ Complainants may file a Formal Complaint with the Title IX Coordinator or the Deputy Title IX Coordinator. *In order for corrective or disciplinary action to be taken against a RUSO or member university employee or student, it may be necessary for a signed Formal Complaint to be filed and for the Complainant to cooperate with the member university’s investigative process.* However, a Complainant alleging sexual harassment may be offered individualized Supportive Measures. A signed Formal Complaint can be provided to the Title IX Coordinator or Deputy Title IX Coordinator by mail, email, or in person. The Formal Complaint must include the specific allegations and name of the

Respondent(s). Title IX Coordinators may proceed with Formal Complaints without a Complainant signing it.”

33. The RUSO policy provides for informal resolution: At any time after the filing of a Formal Complaint and but not less than ten (10) days prior to a live hearing, either party may request that the member university facilitate an informal resolution. Informal resolution is an available option when both parties voluntarily agree to participate and if the Title IX Coordinator agrees that informal resolution is appropriate given the nature of the allegations and the relationship of the parties.
34. The RUSO policy fails to recognize that Title IX regulations specifically prohibit informal resolution of complaints by a student against an employee.

UCO’s Equal Opportunity Statement

35. UCO approved the following Equal Opportunity Statement in 2015:

The University of Central Oklahoma (University) is committed to an inclusive educational and employment environment that provides equal opportunity and access to all qualified persons. The University will continue its policy of fair and equal employment and educational practices without discrimination or harassment because of actual or perceived race, creed, color, religion, alienage or national origin, genetic information, ancestry, citizenship status, age, disability or handicap, gender, marital status, veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by applicable federal, state, or local law. Discrimination or harassment in violation of this policy should be reported to the Affirmative Action Officer (Diane Feinberg, Assistant Vice President of Human Resources) in person at 204 Lillard Administration, or by phone at (405) 974-2658 or fax at (405) 974-3827. After office hours

or on holidays, the report may be made by contacting University Police Services at (405) 974-2345.

UCO's Sexual Relationship Policy

36. UCO addresses sexual relationships between employees and students through policy: 1.4.1

SEXUAL RELATIONSHIP POLICY: The University affirms its commitment to the fair exercise of academic and employment power and adequate protection of individuals with limited power. University employees, including administrators; faculty; coaches; extracurricular, extramural, and intramural activities supervisors; graduate assistants; and staff should demonstrate respect for students as individuals and adhere to their proper roles as academic guides, counselors, and facilitators. Employees must refrain from any exploitation of students and other employees. Such use of power to create sexual relationships will be dealt with promptly and confidentially by the university administration.

37. The Sexual Relationship Policy prohibits sexual conduct with students:

1.4.2 SEXUAL CONDUCT WITH STUDENTS PROHIBITED: No employee shall engage knowingly or attempt knowingly to engage in consensual or nonconsensual sexual conduct with any student whom the employee supervises, acts as academic advisor for, or over whom the employee has any power to determine the student's grade; honors; discipline; research opportunity; scholarship opportunity; acceptance in a graduate or other program of study; participation in arts, athletic, academic, or extracurricular competition; work-study assignment; or similar education-related matter. University employees' sexual liaisons with students in such situations exploit position, abuse power, and fundamentally harm the academic relationship. Voluntary intoxication with drugs, alcohol, or other substances shall not negate knowledge.

38. The Sexual Relationship Policy defines sexual conduct:

1.4.4 DEFINITION OF SEXUAL CONDUCT: “*Sexual conduct*” includes, but is not limited to, any act, erotic touching, romantic flirtation, conversation of a carnal nature, advance or proposition for sensual activity, erotically explicit joke, remark of a carnal nature describing a person’s body or clothing, display of an erotic object or picture, and physical contact reasonably believed to be of a sensual or flirtatious manner. “Sexual conduct” does not include reasonable use or delivery of bona fide lecture and/or instructional acts, statements, or materials.

39. The Sexual Relationship Policy provides for sanctions:

1.4.5 SANCTIONS: Sexual conduct with students or employees in violation of this policy will not be tolerated. Appropriate disciplinary action may include a range of actions up to and including dismissal and/or expulsion.

The Factual Background

40. The University of Central Oklahoma (“UCO”) is a public university with an undergraduate enrollment of approximately 14,000 students.

41. The UCO Chapter of the American Association of University Professors formed a Title IX Accountability subcommittee in response to issues and concerns raised regarding the Title IX office by UCO students, faculty, staff, and community partners.

42. In February 2021, the Title IX Accountability subcommittee penned a letter to UCO President Patti Neuhold-Ravikumar. The letter addressed several areas of concern, including the structure of the Title IX office and its relation to other university departments, the failure to clearly define the role of Title IX investigators and the absence of mechanisms for Title IX office accountability.

43. The Title IX Accountability subcommittee pointed out that the UCO Title IX had “made no effort to work with the Women’s Research Center or other entities that represent diversity on campus.” The subcommittee recommended that the Title IX office be moved from Student Conduct within the Division of Enrollment and Student Success “to one of these offices or have strong affiliations and a working relationship with equity and diversity centers on campus for the goal of authentic intersectional advocacy and support.”

44. As support for the suggested move, the Title IX Accountability subcommittee highlighted the university’s retention initiatives and offered an anecdotal example: “Indeed, one student who visited Title IX to report her sexual assault was encouraged to ‘take a semester off’ when she was concerned about her attacker on campus.”

45. The Title IX Accountability subcommittee identified specific serious concerns regarding UCO’s Title IX Coordinator’s ability to successfully support the UCO campus community. During its efforts to assist with victim’s advocacy on the UCO campus, a local community partner organization observed the following failures by the Title IX Coordinator:

- Failure to engage in trauma informed investigation techniques, instead requiring complainants to repeat their trauma over and over and sending triggering information via email,
- Failure to fully investigate complaints, instead deciding only one or two reported violations of the student code of conduct.
- Failure to ensure complainants are able to continue their education unimpeded.
- Failure to reach out to the victimized party when a mandatory reporter makes a report of a Title IX violation.
- Failure to follow through or enforce sanctions imposed.

46. The Title IX Accountability subcommittee advised the President that it was “extremely concerned” that the Title IX Coordinator did not provide faculty training and did not attempt to work with campus groups. Offers of support with advocacy and awareness from members

of the Women's Research Center and BFLTQ+ Student Center were ignored and, at times, were met with hostility by the Title IX office.

47. The Title IX Accountability subcommittee reiterated its request that the students, staff, faculty be made aware of the reporting structure of Title IX, Title IX procedures, and ways to report potential violations. In particular, the subcommittee requested "clarification about the support faculty will get in a Title IX situation and what the procedures are for when faculty are involved in Title IX cases in any capacity."
48. UCO President Patti Neuhold-Ravikumar referred the AAUP Title IX Accountability subcommittee's letter to UCO General Counsel for response. The March 18, 2021 response largely avoided the specific concerns outlined the letter and instead provided an overview of Title IX and referred the faculty members to RUSO policy.

Kato Buss and the Toxic Environment of Theatre Arts

49. Kato Buss ("Buss") is an associate professor and served as the chairperson of UCO's Department of Theatre Arts from 2017 to 2021. Buss has recently been promoted to Interim Assistant Dean of the College of Fine Arts and Design.
50. Buss received awards from UCO including the Vanderford Distinguished Teaching Award (2014), the Herbert S. Dordick Outstanding Mentor Award (2015), the UCO Excel Award (2016) and the Faculty Award for Outstanding Development, Encouragement, Pursuit and Support of Undergraduate Research, Creative, and Scholarly Activities (2018).
51. Buss teaches courses in acting, directing, theatre history, dramatic literature and coordinates a study tour program in which he takes groups of students abroad each summer.
52. Over a period of years, Buss engaged in inappropriate behaviors that were calculated to and did result in a sexually hostile environment for female students in the theatre program.

53. Buss targeted vulnerable young women, in some cases while they were still high school students. At recruiting events, he paid particular attention to girls who did not have parental support, were first generation college students or who did not have financial resources. He lavished them with praise, telling them they were smart, talented and mature. Buss lured them to UCO with promises of scholarships and acting opportunities.
54. Each year, Buss chose a select freshman or two to add to his close inner circle of favorites. The favorites were always female and his approach was always the same. The chosen student received special one-on-one time and private coaching for auditions. Buss invited his favorite young women to go on multiple out of state school events and went out of his way to secure scholarship funds to ensure they could participate.
55. The young women were thrilled to receive Buss' attention and praise. They felt valued and special. They were excited to learn from Buss and grateful for the opportunities he provided them.
56. As the young women spent more and more time with him, Buss probed them for details about their families and personal lives. He began to share details about his own. Buss mocked other students and faculty members, drawing the young women closer to him while isolating them from their peers and faculty. He discouraged the women from working with other faculty, especially Heugatter – referring to her as “nothing but a spoiled privileged bitch.” Interest and support turned to manipulation and betrayal.
57. Buss communicated with each of the young women privately via text and Snap Chat. He met with them alone in his office, always with the door closed.
58. On school sponsored trips, both out of state and out of the country, Buss drank alcohol with students, including under-age students, in his hotel room. He transported the students who

were over 21 to buy alcohol who in turn shared the alcohol with the underage students with Buss' knowledge and approval. Buss became intoxicated on multiple occasions during these student trips.

59. Chris Domanski, the then- Assistant Dean for UCO's College of Fine Arts and Design, witnessed Buss's actions on at least one of these trips and also provided alcohol to underage students.

60. Buss engaged in behavior that created a sexually charged environment. Buss flirted with the young women and made frequent sexual innuendos. He remarked about the young women's appearances, commenting on their hair, their breasts and their clothing. He touched them in ways that were offensive and made them uncomfortable, including grabbing their buttocks and embracing them with full frontal hugs. The young women were left feeling conflicted and confused. Buss had so successfully blurred the boundaries between professor and student that they could no longer trust their own instincts as to what was appropriate.

61. Plaintiffs all heard rumors from the time they became involved in the UCO theatre department that Buss was involved in a sexual relationship with an older female student. They all chose to ignore the rumors and grew more devoted to Buss.

62. However, the rumors became truth for one of the Plaintiffs. During the Fall semester of 2017, after two years of grooming, Plaintiff Summar succumbed to Buss' advances. The two began engaging in physical sexual activity in his office before and after rehearsal.

63. In December 2017, Plaintiff Brown Russell reported to UCO that Buss had grabbed/slapped her buttocks during an out-of-state trip. Brown Russell also outlined Buss' use of alcohol with students and other harassing behaviors.

64. Plaintiff Glidewell provided a statement in support of Russel's Title IX Complaint and attempted to report her own experiences with Buss' inappropriate behavior and sexual harassment.
65. UCO failed to fully investigate Brown Russell's complaint that Buss touched her inappropriately, rushing through the process and failing to interview witnesses named by Brown Russell.
66. While "hesitat[ing] to characterize Brown's report as untrue," Steve Hansen, Dean, College of Fine Arts and Design, Hansen emphasized that he found a difference between a "slap" and a "grab" and faulted Brown Russell for using both terms to describe Buss's actions. Hansen found Buss "not responsible" for violating UCO's sexual harassment policy,
67. UCO did not consider Glidewell's report as a Title IX complaint. Rather, Deputy Title IX Coordinator Adrienne Martinez referred to the incidents Glidewell reported to be "managerial concerns" more appropriately handled by Employee Relations.
68. Included in Brown Russell's Title IX Complaint was an allegation that Buss was involved in a sexual relationship with Summar. Plaintiff Jackson was identified as a witness to whom Summar had disclosed the relationship. Jackson spoke to Martinez several times -- by telephone and in person -- and provided text messages supporting the allegation.
69. UCO spoke briefly to Buss and Summar who denied that they were involved in a romantic or sexual relationship. Buss convinced Plaintiff Wells that Brown Russell's accusations were false and manipulated her into defending him. Notably, Wells informed Martinez that Buss had approached her prior to her interview and discussed with her how she should respond to the investigator's questions. Martinez seemed uninterested in Buss' attempts to interfere with the investigation.

70. In March 2018, the Title IX Coordinator advised Brown Russell and Glidewell that the following directives had been given to Buss:

1. Refrain from travel with groups that [Glidewell and Brown Russell] attends.
2. Provide a liaison for administrative needs as needed (chair permissions, etc.) for [Glidewell and Brown Russell.]
3. Maintain compliance with overnight-trip alcohol policies by utilizing the Office of Student Conduct for behavioral expectation briefing.

71. The Title IX Coordinator related that Buss was given the following “additional advice:”

1. Consider how to deliver feedback to students from third parties, where that feedback may seem sexual in nature, or relate to physical appearance.
2. Refrain from consuming alcohol with current students whenever possible.
3. Maintain annual Sexual Misconduct & Gender-Based Harassment training annually as required by all faculty/staff to be better educated on UCO Discrimination and Harassment policies.
4. Minimize, wherever possible, the perception of favoritism in the Department of Theatre Arts.
5. Minimize any remarks that may be construed as flirtatious or containing innuendo of a sexual nature.
6. Minimize physical contact with students. If you are going to hug a student, obtain permission first.

72. Glidewell and Brown Russell were strictly instructed that they could not speak to anyone about the investigation, even after it was closed

73. In late Spring 2018, Plaintiff Emily Heugatter approached Buss to tell him that she had seen students tweeting about an abuse of power and naming “the Chair.” Unaware of the complaints by Glidewell and Brown Russell, Heugatter had no idea what prompted the comments and thought he should be aware of them. Buss admitted to Heugatter that he had been involved in a Title IX investigation but told her that it about a few inappropriate jokes that students took the wrong way. Heugatter accepted his explanation. She did not discover the true nature of the allegations until two years later.

74. Buss’ behavior did not improve after the December 2017 complaints. Throughout 2018, 2019 and 2020, Buss continued to engage in sexual misconduct with Summar, continued to target

and begin grooming young women as they entered the program, continued to sexually harass and manipulate his “favorites,” and continued to become intoxicated and provide underage students with alcohol. His behavior instead escalated and he retaliated against the young women who complained.

75. While female students in the theatre department were struggling after having been dismissed and discredited, Buss was being rewarded by the university with accolades and promotions.

76. In September 2020, Plaintiff Summar filed a Title IX complaint through UCO’s website. She acknowledged that she had in fact been involved in a sexual relationship with Buss and explained that she had been manipulated to lie to protect him. She named Plaintiffs Wells, Pena and Jackson as witnesses.

77. In October 2020, Plaintiff Wells joined Summar as a co-complainant and shared her own experiences with Buss’ abusive, manipulative and sexually inappropriate behavior.

78. On October 9, 2020, Wells and Summar confided in Professor Heugatter that they had filed Title IX Complaints against Buss. Wells shared that because she was enrolled at UCO and pursuing a second bachelor’s degree in Theater Education/Communication, she was terrified of encountering Buss, who was still Chair of the department.

79. A “no contact order” was finalized on October 13, 2020 and Heugatter was named to act as a liaison between Wells and Buss. The “no contact order” provided: “All valid school-related communication must come through or include Emily Heugatter.”

80. On October 26, 2020, Erika Cerda, UCO Director of Employee Relations, contacted Wells and Summar via email. She made them aware of a “frank” meeting she had with Buss in which he took “some initial responsibility.” She explained that she would be meeting with him “at length later this week to obtain a better understanding of his perspective and recounting.”

81. In the same message, Cerda advised Wells and Summar:

We have a few things to decide at this point, chiefly whether this moves forward as an informal or formal resolution. The words are imperfect. Both methods can have the same low or high level consequences. Really, what we're talking about is the process. *Informal processes are HR processes, where we take undisputed facts and work with senior leadership to determine consequences. Nothing is less serious in this process however it can move much quicker.* The formal Title IX process for this case would include each Complaining or Responding party reviewing a document of all gathered information and testimonies with a 10-day rebuttal period. Then, I would create a credibility analysis. Finally, a decision maker would determine whether a policy violation occurred and, if so, what sanctions (consequences) would be involved.

82. On November 6, 2020, Wells and Summar were scheduled to meet separately with Cerda and Mary Deter-Billings, Manager of Employee Relations.

83. Cerda updated Wells on her conversation with Buss, acknowledging that Buss admitted most of the allegations she and Summar presented. According to Cerda, Buss admitted full responsibility for Summar's allegations and told them not to question the credibility of Well's accounts. Cerda encouraged Wells to forego the formal Title IX process and opt instead for an "informal HR process." Cerda expressed her opinion that, since there were no issues of credibility, Title IX would draw things out unnecessarily. She told Wells that "If it were my children, I'd want swift action taken."

84. Similarly, Cerda discussed with Summar the differences between the Title IX and HR processes. She mentioned that Summar's "case" did not really fall under "the umbrella" of Title IX because of the time that had passed and stressed the swiftness of the HR process. Cerda convinced Summar that the informal HR process was the better course of action, assuring her that both carried the same weight with the university and the consequences were the same.

85. On December 17, 2020, Wells and Summar received an email containing a series of confusing and contradictory statements and references to university policy. First, the letter provides that Summar's "report involves an alleged policy violation(s) from the current University of Central Oklahoma (UCO) Discrimination and Harassment Policy" and indicates that she may access a current copy of the policy at <https://www.uco.edu/offices/policy/files/equal-opportunity-statement-pdf>. The linked document is UCO's Equal Opportunity Statement set out in Paragraph 35 above. The Equal Opportunity Statement directs not to the Title IX Coordinator but to the "Affirmative Action Officer (Diane Feinberg, Assistant Vice President of Human Resources)."

86. According to the December 17, 2020 letter, Summar's allegations "are based on a report that the Respondent has participated in grooming and manipulation, resulting in a non-consensual sexual relationship as well as an environment of favoritism." The letter expressly acknowledges that the report contained allegations that **an employee** engaged in sexual misconduct directed at **a student**.

87. In direct contravention of the Title IX regulations which prohibit information resolution where the allegations are made by a student against an employee, the December 17, 2020 letter goes on to state:

Per our discussion, the University offers two forms of resolution for reports of Prohibited Conduct: (1) Informal Resolution (as described in Section I.5.3.A), which includes a variety of informal options for resolving reports, and (2) Formal Resolution, which involves an investigation and review and possible sanctions (if applicable) by the appropriate University Manager (as described in Section I.5.3.B).

88. UCO did not provide copies or links to the referenced policy sections and Plaintiffs have been unable to locate policies so numbered in any available resource.

89. The December 17, 2020 letter indicates that “Informal Resolution” was pursued and “a combination of interventions and remedies have been utilized.” The letter states that the University has implemented relative sanctions against Respondent and considers the matter resolved and closed.”
90. Cerda refused to disclose the nature of the “relative sanctions.”
91. Buss retained his job, his tenure, his academic rank and remained Chair of Department of Theatre Arts. Buss continues to teach, direct productions, and spend hours of unsupervised and unregulated time with female students.
92. Buss’ most recent production in April 2021 included a controversial scene in which two female students removed most of their clothing and repeatedly yelled self-disparaging phrases. Although Buss represented to the public that the play was directed by a former student “guest artist,” he was solely responsible for casting, blocking and directing the so called “Surrender Scene.” He frequently pulled the two women in to privately coach them and give them notes. He forced the two women to rehearse the highly emotional scene over and over, requiring them to disrobe and run around the stage shouting phrases including “My body is not my own,” “I have no control,” and “I surrender.”
93. Current and former students have expressed their concerns and frustrations with UCO’s inaction on social media, in news articles and through a petition demanding that UCO “permanently remove” Buss. As of July 31, 2021, 1,100 individuals had signed the change.org petition started by a former theatre student in May 2021. Using social media, students launched an email campaign in an effort to convince UCO administrators to take action; however, the effort was stalled when emails appeared to be blocked and began being returned as undeliverable.

Plaintiff Miranda Summar

94. Plaintiff Miranda Summar (“Summar”) met Buss for the first time in 2015 in the Fall semester of her freshman year at UCO when she decided to change her major from undecided to theatre arts.
95. Buss took an immediate interest in Summar and, as a first-generation college student, Summar welcomed his advice and assistance. Buss went out of his way to provide Summar scholarship money and offered her private coaching for auditions.
96. In the Fall of 2016, Summar’s sophomore year, Buss cast her in her first production at the university. Her role was “Sex” and her costume was lingerie. She was 19 years old.
97. Summar quickly realized she was one of Buss’ “favorites.” Buss texted her frequently, called her in for one-on-one meetings in his office and provided her with private coaching. Summar looked up to Buss and was happy to be one of the young women to whom he paid special attention.
98. In the Spring of 2017, Buss invited Summar to attend multiple out-of-state events. Alcohol was involved in all the events. Buss facilitated drinking by students – including by Summar and other underage students. Buss joined in the drinking and on one occasion walked around the hotel drunk carrying a large bottle of whiskey.
99. Buss took Summar, Olivia Wells and three other female students to a school sanctioned event that Spring in Tennessee. Buss used the trip as an excuse to drink alcohol and texted Summar and Wells late one night for snacks because he was drunk and hungry.
100. Buss drove several female students to another out-of-state festival the same semester. IT was on this trip that Buss began referring to Summar as his “baby.” He flirted with her and made remarks about her appearance, calling her “beautiful.”

101. During the Summer of 2017, Summar went on a study tour to Scotland with Buss and several other students, including Wells. Buss supplied scholarship funds to enable Summar to attend. Throughout the trip, Buss showered Summar with attention. He took Summar and Wells to a play but did not invite the other students who were on the tour. Buss texted Summar daily. He told Summar he had an estranged relationship with wife and made constant innuendos to her about his romantic and sexual feelings toward her.

102. In the Fall of 2017, Buss' pressure on Summar increased. He cast her as the lead in his production. During rehearsal, Summar went to his office before and after rehearsal for private coaching. One night, after the other cast members had left, the two engaged in sexual activity. The sexual acts, including kissing, oral sex and groping, continued in his office before and after rehearsals. Summar was 19 years old. Buss was in his late forties.

103. Summar confided in Rheanna Jackson about the romantic and sexual relationship that Buss had fostered with her. At the time, Summar believed that Buss was in love with her and she was in love with him.

104. In December 2017, a former student alerted Summar that Morgan Brown (now Brown Russell) was filing a Title IX complaint against Buss and had alleged that Summar and Buss were involved in a romantic relationship. Summar denied the relationship to the student and reported this information to Buss.

105. Summar met with Buss in his office on a Sunday afternoon prior to Buss being contacted by UCO's Title IX officer. Together they deleted text messages and other digital communication reflecting their involvement with each other.

106. After Buss received the report and learned that evidence had been provided establishing that he had been to Summar's apartment, he and Summar agreed that they would tell the Title IX investigator that he had been dropping off a book.
107. When Summar was contacted, she denied the relationship and explained the reason for Buss being at her apartment directed. She was never contacted about the report again.
108. Buss continued his relationship with Summar through the Spring of 2018. They stopped meeting in his office as frequently. Instead they met in a parking lot where she would get in his car and they would drive around. On one occasion, Buss invited Summar to his home when his wife was out of town.
109. Summar noticed that Buss was very angry with Brown Russell for filing the Title IX complaint and was hostile toward her.
110. During her first few semesters at UCO, Summar heard rumors of Buss having relationships with female students but chose not to believe them. He had convinced her that she was special and that she was the only student he had ever been involved with. Now, however, Summar began to doubt Buss' truthfulness and the genuineness of his feelings toward her. She tried to distance herself from him and eventually stopped responding to his messages unless they were school related.
111. In the Fall of 2018, Summar began to plan for graduate school auditions. Buss again increased the amount of attention he paid her. He offered private coaching and told other directors they could not cast her in their shows because he had to have her. Buss continued to contact her after her graduation in May 2019.

112. Throughout 2020, Summar struggled with the trauma of her experiences in the UCO theatre department and Buss' exploitation. Finally, she shared what had happened with Wells and other close friends. In September 2020, she filed her Title IX report.

Plaintiff Olivia Wells

113. Plaintiff Olivia Wells ("Wells") entered the UCO Department of Theatre Arts in the Fall of 2015 at age 18 after being recruited by Buss. From the beginning it was clear she was his new favorite student.

114. Wells received special privileges, including more private coaching and better opportunities that most of Buss' other students.

115. At a competition, Wells recalls Buss obsessing over her long curly hair, telling her it made her look "wild." She felt very uncomfortable but at the same time empowered by his interest.

116. Upperclassmen told Wells she was "THE freshman," and that Buss was really interested in working with her in his next production. He summoned her to his office many times to read the script for him even though the script had not been released to other students.

117. Buss demanded loyalty from his "favorites." He frequently expressed his dislike for the female theatre professor who was Well's acting teacher. If Wells spent too much time with her, Buss would become angry and punish her, giving her the silent treatment.

118. Wells travelled to Texas to observe auditions for prospective fine arts students with Buss. During the trip, Buss told her repeatedly that he planned to cast her in the lead of the next play. At dinner one evening, Buss got drunk and became very emotional about their relationship and her work at UCO.

119. During a rehearsal, Buss told Wells to kiss her scene partner. Buss did not ask either if they were comfortable with the kiss and required them to do it in front of the cast and stage management team.
120. Buss drank heavily during school trips and provided alcohol to students, including underage students. During a trip in the Spring of 2017, Buss came to most of the events intoxicated. He asked Wells to read his tarot card while extremely drunk and made inappropriate comments throughout the reading. Buss either asked Wells if he could “touch” her or “hit” her.
121. In the Fall of 2017, both Wells and Summar were called back for the role Buss had promised to Wells. Summar was offered the role. Wells was very emotional as she felt manipulated and deceived by Buss’ promises. In response, Buss cried and told her that he was sorry that she had been hurt.
122. During rehearsal, Summar came to rehearsal two hours early every day for private coaching. Buss showed her much more attention than the rest of the cast and emotionally exploited her in the rehearsal room. Before shows, Buss pulled Summar aside privately and talked to her. After the last show, he was an emotional wreck, hugging Summar and not acknowledging the rest of the cast. Wells learned later that it was during this time that the sexual relationship between Buss and Summar began.
123. Buss’ manipulation of Wells continued as he tried to defend himself when the relationship with Summar was exposed in connection with Brown Russell’s 2018 Title IX Complaint. Tipped off about the report, Buss texted Wells and asked to meet with her privately. Weeping, Buss told Wells that the allegations were untrue and that Brown Russell was trying to ruin his marriage, career and life. Buss told her that he had lost weight and was struggling with his

mental health as a result of the report. He begged her to believe him and asked her to be a “character witness” for him. At the time, Wells believed him. So blinded by her loyalty to Buss, she did not appreciate how inappropriate it was that he contacted her before she was interviewed. The Title IX Coordinator ignored Buss’ interference too.

124. Wells remained in denial about Buss’ sexual misconduct. He had successfully groomed her to serve his emotional needs by sharing information with her about his marriage and personal life. He exploited her classmates by sharing private information about them and openly mocked his colleagues to her. He pitted Wells and Summar against each other, forcing them to compete for his attention and affection.

125. Buss made Wells promises of a career and opportunities to be an actress. She ignored the discomfort she felt when he called her hot because he praised her brain and her talent too. Buss had convinced her that her success as a young actress and an academic was totally dependent on him.

126. When Summar confided in her that Buss had in fact manipulated her into a romantic and sexual relationship as Brown Russell had alleged, Wells was finally able to acknowledge the uncomfortable feelings she had denied. She realized that she had been carefully groomed, manipulated and controlled to keep Buss’ secrets.

127. Wells enrolled in UCO seeking a second undergraduate degree in the fall of 2020. She was hopeful that the complaint that she and Summar filed would finally resolve the issues and end Buss’ harassment. She was hopeful that she would no longer have to endure the hostile environment Buss created and UCO condoned. She was hopeful that things would change. Things did not change. Instead, complaints against Buss were ignored again and he was more

empowered than ever. Wells was left with no alternative but to abandon her studies at UCO and to transfer to another university for the Fall 2021 semester.

Plaintiff Priscilla Pena

128. Plaintiff Priscilla Pena (“Pena”) first met Buss in the Fall semester of 2018 when she changed her major from biology to theatre arts. She was excited about pursuing a career she was passionate about and she eagerly enrolled in Buss’ Foundation of Theatre Arts class.

129. Buss took an immediate interest in Pena. He was caring and attentive, offering the support and encouragement for a creative career that she did not find at home. He frequently pulled her into his office to speak with her individually and offered her private coaching for auditions. She began to see Dr. Buss, her professor, as Kato, her friend.

130. During her first semester in the theatre department, Pena was cast as in Plaintiff Miranda Summar’s piece for a show that Buss was supervising. More roles in Buss’ productions followed.

131. In May 2019, Buss arranged for Pena to receive a scholarship to go on a New York Study tour with him and small group of art students. During the trip, Buss got tickets for Pena and another female student to attend a show with him where alcohol was being served. Immediately upon entering the theatre, Buss offered to buy the young women drinks – despite clear admonitions that alcohol was not to be permitted on the trip at any time. Throughout the trip, Pena and the other students would find Buss at the hotel bar drinking.

132. As a result of flight cancellations, Pena found herself alone with Buss in the Chicago airport on the way back to Oklahoma. He offered to buy her lunch and since she was out of money due to the unexpected delay, she accepted. During the lunch, Buss shared details of his

personal life, including his marriage and made negative comments about his relationship with his UCO colleagues. The boundaries were blurred even greater.

133. A few months later, in July 2019, Buss again found scholarship funds that allowed Pena to travel to Scotland for another study tour to the famous Fringe Festival. Pena was assigned an extremely vulnerable part in Buss' show, which required her to burst into tears. Buss, who was also performing in the show, positioned himself next to her on the stage and exploited her vulnerability. Buss had another student zip tie Pena's hands as if they were handcuffed before she went on stage to cry. After directing her to look into his eyes after the very emotional scene, he would whisper to her on stage, "You did beautiful," and sometimes even hug her. During the trip, Buss would nudge her playfully showing physical affection and say, "love you." Pena was confused and conflicted. She wanted to believe that he was just being supportive but it felt wrong and made her uncomfortable.

134. Buss continued to suggest Pena to work on film projects and paid stage readings. He selected her and a few other students to film a movie in his home.

135. Buss texted Pena often, sometimes while she was in class just to "catch up." He reached out to her every time she was cast in any show, offering his congratulations and reminded her he was supporting her. Although Pena found Buss' frequent contact inappropriate, she was afraid to say anything for fear of upsetting or offending him.

136. In the Spring of 2020, Pena confided in Summar that she was increasingly uncomfortable and felt pressured to live up to being one of Buss' "favorites." Summar warned her to "be careful around Kato."

137. In October 2020, Pena was interviewed as a witness in connection with Summar's Title IX report. She declined a "no contact order," concerned that she would be vulnerable to retaliation if Buss found out she had provided information.

138. Pena informed another professor that she planned to skip an audition during the Fall semester because she knew Buss would be casting. Buss contacted her through text and told her that she "should really sleep on it" because he had a role in his show for her. She did not reply.

139. Pena's anxiety was heightened when she learned that despite Summar's complaint, Buss would still be employed at UCO. She has struggled to maintain her grades and has missed classes. She finds it difficult to even walk around campus knowing that he is still there. Pena joined classes via Zoom to avoid seeing him in person. During a Zoom session, Buss singled her out, looked directly and intently into the camera and told her that he "missed" her. Pena was extremely embarrassed and concerned that her classmates would believe that she was in an inappropriate relationship based on Buss' actions.

Plaintiff Rheanna Jackson

140. Plaintiff Rheanna Jackson met Buss in 2016 at a UCO "Drama Day" recruitment event when she was just 17 years old. Most students, if not all, were brought to the event by a parent. Jackson was brought by her high school drama teacher. Buss noticed.

141. Buss singled Jackson out, spending considerable time talking to her alone during this first meeting and others that followed. Buss flattered Jackson and made inappropriate comments. During a high school theater festival, Buss told Jackson that the room full of adults – mostly male college recruiters – were "all drooling over" her.

142. Buss told Jackson which colleges to meet with and which to blow off. Multiple times at the festival he got Jackson alone in a small hallway, always standing a bit too close for comfort, and made comments on how special, smart, talented, and mature she was.

143. While Jackson was still in high school, Buss invited them to see a show at UCO. Thrilled he would invite them, Jackson agreed. The two exchanged multiple emails about where to meet, and Buss bought her a ticket. Before, during, and after the show, Buss kept telling Jackson how special she was to be there with him. At one point during intermission he leaned over and said, “ I never do this with students, you are really special, I bet everyone is wondering what we are doing here together.”

144. A couple of months after Jackson started at UCO, Buss became very interested in her again. He began asking for meetings alone in his office, inviting Jackson on trips out of state, bonding with her over parent issues and abuse history. During these meetings, Buss always closed his office door. Buss asked intensely personal questions and told Jackson about his own history of abuse.

145. During the Spring of 2017, Buss began inviting Jackson on several away trips. Buss used these trips to spend time with his “favorite” students. On every trip, there was underage drinking that Buss not only knew of but encouraged. Jackson witnessed Buss have inappropriate conversations and interaction with students while he was drunk.

146. During one of the trips, Jackson noticed that Buss was paying a lot of extra attention to Summar. There were rumors Buss was dating another student at the time and that student was also on the trip. Jackson saw that student leave Buss’ room one morning at 4 a.m., after a night of drinking. Jackson knew something bad was happening but could not yet acknowledge it.

147. Buss invited Jackson on a trip to Scotland to participate in a theatre festival. He offered scholarships for going but told Jackson to “figure out the money aspect of it.” During the Scotland trip Buss began engaging in degrading and humiliating tactics in addition to isolating Jackson from Wells and Summar. Buss would go out of his way to exclude Jackson from events and conversations on this trip. Buss invited Summar and Wells to events and shows while he ignored Jackson.

148. Shortly after casting for Fall 2017 was announced, Summar confided in Jackson that she and Buss were engaging in sexual acts. Summar informed Jackson that Buss was sexually abusing her in his office. This secret began to weigh on Jackson. She struggled to reconcile her conflicting feelings about Buss.

149. On one occasion when Summar and Jackson were in Buss’ office, Buss began playing a video he had recorded of Summar for a previous show. When Jackson caught Buss making obscene gestures to Summar’s face and body, Buss just laughed. Jackson the office feeling confused and violated.

150. Jackson was hospitalized for a suicide attempt during this time. The pressure of knowing about the sexual abuse triggered an intense depressive episode.

151. Brown Russell told Jackson after rehearsal one night that Buss had assaulted her. Jackson disclosed to Brown Russell the information Summar had shared about Buss’ abuse and they decided to file a Title IX report.. Brown Russell filed a report regarding Buss’ inappropriate conduct with her and with Summar, Brown Russell identified Jackson as a witness.

152. Jackson spoke with Deputy Title IX Coordinator Adrienne Martinez several times -- both by telephone and in person. Jackson provided text messages from Summar stating that Kato was at her home and was engaging in an inappropriate relationship with her.

153. Nothing happened as a result of the report. Buss was still allowed to go on trips with students after the investigation concluded. Summar knew Jackson participated in reporting her relationship with Buss, and they grew distant. Buss cut off all contact with Jackson. He further isolated and ostracized her from the group.
154. Jackson dropped out, feeling unwelcome at UCO because of her participation in the report against Buss. However, after a few semesters off, Jackson wanted to go back to UCO in 2019. Jackson did not have the money to attend, and since Buss had completely shunned her, she assumed she would not be able to obtain any scholarship funds.
155. Although uneasy, Jackson contacted Buss to ask for his help. Buss responded that he wanted to meet in his office and talk. When the two met, Buss told Jackson he wanted to cast her in show that year and offered scholarships. Reluctant but desperate to return to school, Jackson agreed to be in Buss' show and accepted his promises of financial assistance.
156. Jackson tried to put forget about Buss' past misconduct and abuse. It seemed the university and the theatre department had, so, she thought, she should too. Buss arranged for her to attend classes and promised that she would receive credit once the scholarships came in.
157. Buss offered Jackson a large role in his show, let her pick out her own monologue, and gave her more creative control than ever before. Jackson felt special again. And after being degraded or ignored, it was a welcome change. However, this treatment would not last.
158. Jackson began to feel very uncomfortable at rehearsal and she did not want to be in a room alone with Buss anymore.
159. After the show ended, Jackson never received the scholarship money Buss promised. Jackson could not afford school, and the discomfort of knowing Buss was an abuser was just

too much. Jackson stopped going to class. Buss he never reached out to her again or offered any update on the scholarships. Jackson dropped out again after the Spring of 2019.

Plaintiff Gabrielle Glidewell

160. Plaintiff Gabrielle Glidewell (“Glidewell”) developed a rapport with Buss through the Freshman Foundations of Theatre Arts class he taught. Glidewell had just been through a troubling incident involving the sexual assault of another student for whom she served as a witness in a Title IX complaint. As a result of the incident, Glidewell quit debate and lost her source of scholarship funding. She was feeling lost and Buss stepped in.
161. Buss encouraged Glidewell to attend the 2016 summer study tour abroad and arranged for her to receive scholarships to pay for the trip. Seven students travelled to Scotland to attend and perform in an international theatre festival. Glidewell was one of two students who were transitioning from Freshman to Sophomore.
162. Glidewell was part of the ensemble of the show along with two other female students. The young women’s costumes were very revealing. Buss made comments about how Glidewell looked in her costume and would find excuses to touch her. Buss spent time with the young women in the small bathroom of the Airbnb, teaching them how to apply clown makeup.
163. During the trip, Buss frequently went out drinking with the students. He took Glidewell and one other student to a show, leaving the other students behind. He told Glidewell that she was special and promised her a role in his Fall show. He convinced Glidewell to change her major from Theatre Education to Theatre Performance. Buss was the head of Theatre Performance.
164. Glidewell started her sophomore year as a Theatre Performance major and desperately wanted to be one of Buss’ “favorite” students. It was well known that he had a group of

students that he favored who routinely go the best roles, the best scholarships and had the easiest time in his classes. He favored the female students and seemed to have a special relationship with one of the women in particular. Glidewell suspected that something was going on between Buss and the female student while they were on the study abroad trip but she assumed that was just the way theatre and college was.

165. In the Fall of 2016, after giving her the script early in a closed-door meeting, Buss cast Glidewell in his show, *Love and Information*. The *Love and Information* rehearsal and performance process was traumatizing. Buss insisted that the cast talk about their deepest insecurities and traumatic life events during rehearsals and regularly screamed at them if they failed to meet his expectations.

166. After Buss screamed at Glidewell or when he forced her into an emotional breakdown, he would rub her back, shoulders or hair, hug her and tell her she did “beautiful.”

167. Buss seemed particularly interested in the fact that Glidewell was openly bisexual and was dating another woman at the time. He paired her with the only openly gay woman and told Glidewell to “fall in love” with her scene partner. Buss ignored Glidewell’s pleas to intervene when her scene partner constantly tried to physically harm her. He paired two other female students and had them kiss in their scene. No one else in the cast knew about the kiss until the week before the show.

168. Buss encouraged Glidewell to bring her girlfriend to theatre events and seemed to want to watch them be physical with one another. Buss spent considerable time during closed-door meetings with Glidewell in his office discussing her sexuality and showed an inappropriate interest in her relationship with her girlfriend.

169. Buss communicated with Glidewell primarily through Snapchat and would regularly not respond to school related emails.
170. Glidewell began to feel like one of Buss' favorites. He asked her to do extra things for him and made her feel special. She spent her sophomore year trying to please Buss so that she could get good roles and good scholarships. Buss made it seem like he controlled all aspects of her degree and her potential career.
171. During the Spring of 2017, Buss was the faculty member in charge of Glidewell's undergraduate research, He approved her timesheets which in turn impacted her receipt of grant funds and worked on her research with her.
172. During an out of state trip in the Spring of 2017, Glidewell noticed troubling interactions between Buss and the female student she suspected was involved in a relationship with him. The female student would frequently come back to the room she shared with Glidewell drunk and upset after having been with Buss. Buss drank with and gave alcohol to the students on this trip.
173. Buss' attitude toward Glidewell became increasingly negative and hostile during the next trip. He refused to help her get the project she had completed the work for approved even though he had written and submitted proposals for other students. He did not want Glidewell's partner, Morgan Brown (now Brown Russell), to attend. Buss yelled at Glidewell for seemingly no reason. At this point, Glidewell no longer felt welcome in the theatre department.
174. When Glidewell told Buss she intended to seek a transfer to NYU for her junior and senior year, Buss became angry with her. He tried to convince her not to even try, telling her that

she was not good enough and would not make it. He refused to help with her audition tapes and actively failed to send the paperwork she needed for the transfer.

175. Glidewell did not transfer. Glidewell attempted to spend less time interacting with Buss, which made him more angry. Glidewell confided in Brown Russell that she had grown increasingly uncomfortable around Kato and Brown Russell in turn shared with her that Buss had touched her inappropriately on her buttocks. Around this time, Glidewell learned that Buss was involved in a sexual relationship with Summar. The pieces started to fit together.

176. In December 2017, Glidewell and Brown Russell filed reports with Title IX. Glidewell acted as a witness for Brown Russell and lodged a complaint about Buss' inappropriate behavior with her. (See Paragraphs 63-72 above.)

177. During a six-month internship with Disney World, Glidewell learned that Buss was found not responsible for any of the allegations she and Brown Russell had made. She was crushed. She had already experienced being black balled from the theatre department after the initial report and knew that she would not be safe at UCO.

178. To protect herself from further retaliation and harassment, Glidewell changed her major to General Studies with an emphasis in Theatre so that she could complete her degree online. Buss' actions and the university's failure to protect students left her feeling physically unsafe at UCO.

179. Glidewell reached out to faculty members at UCO to warn them about Buss, including Charleen Weidell. Glidewell told Weidell that Buss was a predator and to watch out for him because he was a danger to students. She reached out to Weidell again in May 2020 to warn her about Buss. Glidewell's warnings were and continue to be ignored.

Plaintiff Morgan Brown Russell

180. Plaintiff Morgan Brown Russell (“Brown Russell”) first met Buss when she began classes at UCO August 2014. Buss was the Head of Performance in the theatre department, so even though she was a theatre education major, Brown Russell took many of the theatre performance classes as a part of her degree. Since she also had an interest in performing, Brown Russell also auditioned for the productions for the year.

181. Her first week at UCO, Brown Russell auditioned for the productions and got a role in the play that Buss was directing. Immediately after she was cast, Buss began giving Brown Russell a lot more attention in class and asked her to come by his office just to talk. Buss told her that he likes to know the people he casts in his shows. When she went to see him, Buss directed her to close the door so that no one else could bother them and explained that he liked to keep his attention "on one person at a time.”

182. In that first meeting, Buss told Brown Russell she was the only freshman that he had cast in the show and asked her how she felt about that. Brown Russell told him that she was excited and felt honored, and that she would try to prove he made the right decision. Buss asked her about her home life and some personal questions, like whether she was in a relationship and if she was involved with anyone in the department.

183. Many more meetings with Buss would follow. Buss asked Brown Russell about her mother, who had died by suicide when she was 15. Buss asked Brown Russell about her previous relationships. They talked about music a lot. On one occasion, Brown Russell was wearing a tank top that had Jim Morrison from the Doors on it. Brown Russell noticed that Buss kept staring at her chest and shirt and after class he asked her to follow him to his office. Brown Russell complied and Buss told her about how much he liked the Lizard King (Jim Morrison's

nickname) and talked at length about how Morrison was like a Greek god in some ways and kept talking about him in a sexual context. Although the discussion made Brown Russell uncomfortable, she tried to brush it off.

184. About this same time, Buss gave Brown Russell a "feature" in one of his productions.

Buss added a scene/transition in the play where Brown Russell whipped another character while they crawled on their hands and knees without pants on. While Brown Russell was whipping this person with a whip, Buss directed her to be screaming and yelling "like it was getting me off." This scene addition came out of nowhere to me and the rest of the cast.

Although she was not comfortable doing the scene, Brown Russell did not want to be seen at a prude or disappoint Buss, so she did it. During the scene, Brown Russell noticed that Buss looked pleased, but not in as a director might be expected to be. Rather, it seemed that Buss was deriving satisfaction or gratification from it. Brown Russell began to question Buss' intentions but suppressed her concerns. He continued to give her positive feedback and attention in rehearsals and class and so she told herself she was exaggerating.

185. In February of 2015, Buss grabbed Brown Russell's buttocks in the lobby of Concho Hall on the Campus of Angelo State University while the UCO Theatre Department was there for the Kennedy Center American College Theatre Festival (KCACTF). That same night Buss, while supplying alcohol and watching underaged students drink, and drinking himself, offered for and encouraged Brown Russell to sleep in his hotel room with him.

186. Brown Russell did not know who to report this incident to besides Buss or to Chris Domanski, the then-assistant dean for UCO's College of Fine Arts and Design, who was also on that trip and who was also supplying alcohol to students. She was made to feel like

she was getting special treatment on that trip by being the only freshman, so she did not want to upset anyone or seem ungrateful.

187. Brown Russell tried to act like the incident never happened and maintain good standing in the program. However, she never really felt safe in the program again. She felt that Buss vacillated between being upset with me for not accepting his advances and continuing to pursue an inappropriate relationship with her.

188. At the beginning of the Fall 2017 semester, Brown Russell told Gabrielle Glidewell about what had happened. Glidewell shared her own odd and uncomfortable experiences she had with Buss on a trip to Scotland. Although she became more concerned about Buss, she remained hesitant to tell anyone else for fear of retaliation in the program for getting the head of department into trouble. Buss was well loved. She remained quiet and tried to distance herself.

189. Late in the Fall 2017 semester, Brown Russell learned from another student that Buss was having a sexual relationship with Summar. Brown Russell knew then that she could no longer remain silent. She told her Theatre Education Advisor Carrie Hill about the situation and asked what she should do. Hill referred her to UCO's Title IX office. Brown Russell filed a complaint, outlining her own experience when Buss touched her inappropriately and reporting Buss' sexual relationship with a student. (See Paragraphs 63-72 above).

190. The university found Buss not responsible but directed Brown Russell and Buss to avoid contact with each other. Brown was assured that as a result of her complaint Buss would not be involved in a class required of students selected to go to the Kennedy Center American College Theater Festival (KCACTF) in the Spring of 2018. Buss was in fact involved in the class and Brown Russell was forced to perform two scenes in front of him. Creating more

drama and adding to Brown Russell's anxiety, Buss waited until the morning the group was set to travel to the festival to announce he would not be going on the trip. He made the announcement in front of the entire group as they were preparing to load their luggage into the vans.

191. The university offered Brown Russell no support or guidance on how she could continue in the program without being in contact Buss. The university knew that Buss ran the program and wrote an exception allowing contact for work or school business. Because there was no way to avoid interaction with Buss, Brown Russell stopped participating in shows and in APO (the honor society for Theatre). Brown Russell was essentially also exiled from the program when Buss told others about her report against him.

192. During the two semesters in which Brown Russell attempted to distance herself from Buss and in which she filed the Title IX complaint, Brown Russell was denied scholarship money she had received the previous three semesters. After the Title IX complaint was closed with no sanction against Buss, Brown Russell received scholarship money again.

Plaintiff Emily Heugatter

193. Plaintiff Emily Heugatter is a respected UCO Professor of Theatre Arts and the faculty specialist in Shakespeare and Period Styles. Hired as a tenure-track Associate Professor of Theatre Arts in August 2014, Heugatter teaches courses in classical acting, scene study, audition techniques, career preparation, and more. She directs productions in the department at least once per year and has received multiple awards for her work both on campus and beyond.

194. Heugatter was named Head of the Performance Program in 2017. She was granted tenure by the University in 2018 and promoted to full Professor in 2019.

195. In Fall 2020, Wells and Summar filed Title IX complaints regarding Buss' longtime and continuing sexual harassment and misconduct. Heugatter refers to and incorporates paragraphs 76 - 77 above.
196. On October 9, 2020, Wells and Summar confided in Professor Heugatter that they had filed Title IX Complaints against Buss. Wells and Summar described Buss' pattern of harassing and abusive behavior and the toxic environment they and others had endured for years. Wells shared that because she was enrolled at UCO and pursuing a second bachelor's degree in Theater Education/Communication, she was terrified of encountering Buss, who was still Chair of the department.
197. Following the October 9, 2020 meeting with Wells and Summar, Heugatter immediately contacted then-Interim Dean of College of Fine Arts and Design Charleen Weidell. Weidell told Heugatter that she was unaware of the students' report. When Heugatter shared the details Wells and Summar told her, Weidell responded that the students "must be lying" and there was "no way that Kato would do this."
198. A "no contact order" was finalized on October 13, 2020 and Heugatter was named to act as a liaison between Wells and Buss. The "no contact order" provided: "All valid school-related communication must come through or include Emily Heugatter."
199. Other female students began reaching out to Heugatter. Both current and former UCO theatre students shared that they suffered similar harassment by Buss. The women described a sexually charged environment rife with inappropriate and abusive comments and conduct. Heugatter learned that Buss had for years engaged in a pattern of grooming and luring young female students into sexual relationships. Heugatter was horrified.

200. Concerned for the safety of current students and aware that the College of Fine Arts and Design and the Theatre Department would be scrutinized in the future for how it responded to Wells' and Summar's reports, Heugatter informed Weidell that Buss was holding auditions for his next production the following week. Heugatter explained her concerns and shared with Weidell that she did not think it would be prudent to allow Buss to direct or be alone with students during the investigation. Heugatter offered to use her industry connections to hire a guest director from outside the university. Although she initially responded positively, Weidell later shut down the idea when Heugatter inquired via email.

201. Instead, Weidell instructed Heugatter that she could not speak about the investigation or allegations raised in the complaints filed by Wells and Summar with anyone. Weidell told her that if she spoke to anyone, the investigation would be compromised and she would be subject to disciplinary action including possible termination.

202. As additional students continued to reach out to her for help dealing with their own experiences with Buss, Heugatter followed Weidell's instructions and gently informed the students that she would not be able to speak with them about the matter any longer.

203. On October 16, 2020, Heugatter received an urgent meeting request from Weidell. Weidell reinforced her directive to Heugatter that she was not to speak to anyone about the allegations and again threatened Heugatter's job. Reluctantly, Heugatter agreed to and did stay quiet. However, Heugatter became increasingly concerned for the students' safety and the forced silence weighed heavily on her.

204. As a result of Heugatter's knowledge of the complaint and her involvement as liaison in the no-contact order, the working relationship between Heugatter and Buss became strained.

Heugatter became so stressed that she avoided speaking with Buss and tried to limit her contact with Buss to work email and necessary faculty functions.

205. In August 2020, prior to Wells' and Summar's complaints, Heugatter met with Buss to discuss her taking on shared responsibilities of Assistant Chair in the Department of Theatre along with another male faculty member. The position, which was vacant following the death of the previous assistant chair, was to be filled at the Chair's (Buss') discretion. During a faculty meeting in February 2021, the male faculty member let it slip that Buss had named him Assistant Chair. There had been no discussion or announcement. Rather, Buss excluded Heugatter after she became involved in the October 2020 Title IX complaint and gave the position to the male faculty member.

206. On April 1, 2021, Heugatter scheduled a meeting with Weidell to get an update on the situation with Buss. Weidell informed Heugatter the investigation had been concluded and that Buss was going to remain employed by UCO. Heugatter was stunned.

207. Heugatter explained to Weidell that since she became involved in the Title IX matter in October 2020, working with Buss had become intolerable. Heugatter informed Weidell that the working environment had negatively impacted her mental and physical health.

208. Heugatter proposed a solution to Weidell. Heugatter suggested transferring her tenure line from the Theatre Arts Department to the Musical Theatre Department where she would become the acting teacher serving students in that department. Weidell requested a written proposal and led Heugatter to believe that she would discuss it UCO Provost Charlotte Simmons.

209. A week later, on April 7, 2021, Weidell scheduled a follow up meeting with Heugatter.

During the five-minute meeting, Weidell's demeanor was cold and she told Heugatter that she and the Provost were denying her request to transfer out of the department.

210. Weidell informed Heugatter that a transfer would require the following steps:

- Heugatter would have to resign from her position as a tenured, full Professor in Theatre Arts;
- The School of Music and Academic Affairs would need to approve and create a new tenure line for Musical Theatre; (Weidell assured Heugatter that in the current unstable financial climate at UCO, this would be impossible)
- A national search would be launched for that position and Heugatter could apply for it if she chose.

211. Weidell confirmed that, even if approved, the new position would be posted at an instructor or assistant professor level and should Heugatter wish to apply for it, her tenure would be revoked and restarted. Effectively, Weidell advised Heugatter that if she wanted relief from the hostile environment in the Theatre Arts Department she had to resign her tenured position, go through a hiring process and be prepared to accept a significant demotion in both title and pay.

212. On April 20, 2021, Heugatter filed a Workplace Environment Complaint. In the months since Wells and Summar informed her of their Title IX Complaint in October 2020, she had become aware that Buss had engaged in multiple incidents of sexual harassment and misconduct dating back years. In her Complaint, Heugatter asserted that although Buss had avoided her since she had been named as the liaison for Wells' no-contact order, she had become increasingly uncomfortable and concerned for the safety and well-being of the female students in the Theatre Arts Department,

213. In her Workforce Environment Complaint, Heugatter explained that she had learned of Buss' "repeated and continued patterns of grooming, inappropriate behavior, abusive

comments, and luring [UCO] students into sexual relationships” and expressed concern that there are “currently no safeguards or oversight of [Buss] being put in place for the safety of [UCO] students.” Heugatter reported that she had reached out to Dean Weidell for help on this issue three times and have received no help or support.

214. Heugatter further reported in her Workplace Environment Complaint that Weidell had explicitly told her that she could/would lose her job if she said anything about this matter to anyone. Heugatter indicated that Weidell’s threats and demand that she remain silent had put her in a position in which she could not offer any support to students who had been traumatized by Buss or who are currently being groomed by him. Heugatter was forced to choose between keeping her job to support her family and helping the students who desperately needed her.

215. In her Workforce Environment Complaint, Heugatter explained the impact that the circumstances – including Weidell’s threats and her resulting inability to speak up to help the students – was having on her mental and physical health. She included specific examples including depression, guilt and heightened anxiety. Heugatter described twice experiencing panic attacks on days she knew she would be required to be in meetings with Buss. She cited physical symptoms as well, including weight loss, daily food aversion, acid reflux disorder, and insomnia.

216. Heugatter reiterated the transfer proposal Weidell rejected and requested that Human Resources intervene. Heugatter informed Human Resources that she had scheduled a meeting with UCO Provost Charlotte Simmons to further plead her case for the transfer to Musical Theatre.

217. Heugatter met through video conference with Provost Simmons – UCO’s highest ranking academic officer -- on April 29, 2021. Weidell was also present. Simmons confirmed in the meeting that Heugatter’s transfer proposal was denied. Heugatter responded by attempting to initiate a discussion about other options that may be available to “get [her] to a safer place” and “to ensure our students are safe.” Simmons redirected the conversation, explaining that it was incumbent on Heugatter to seek faculty senate support for her proposal and cautioning her to refrain from disclosing the reasons for her desire to move out of the Theatre Arts department. They would provide no assistance, guidance, or support of the proposal and confirmed that it could take years for approval.

218. Heugatter again expressed that, aside from the transfer issue, she remained “very very ,very worried about [her] students.” She shared that she was overwhelmed with the burden of carrying the information about Buss alone for six months, prohibited from speaking with students or other faculty. She explained that the burden was enhanced by Erika Cerda’s comments to her that the best way to handle situations like this is for the “rest of the faculty to be like watchdogs.”

219. Simmons cautioned Heugatter about spreading rumors and told Heugatter that she must reminded that “everybody is innocent until proven guilty.” Simmons told her she must trust that Title IX has “done whatever they think should happen with Dr. Buss and that they have put in place whatever safeguards they believe need to happen.”

220. Heugatter emphasized that she had not spoken to anyone and agreed that rumors could be detrimental. However, Heugatter pushed back, explaining that the problem was that students had in fact been going to Title IX for years. She told Simmons and Weidell that students had been reaching out, attempting to be heard and trying to get help. However, she told them,

“every time that this comes up ...there’s nothing.” Heugatter told Simmons and Weidell that students have left the Theatre Arts department and the school because of how they were treated by Title IX and because of retaliation from the department. Heugatter explained that she believed the female students were reaching out to her because they had lost trust in the Title IX office.

221. During the meeting, Heugatter reported concerns about Buss’ most recent show, *Everybody*. The production ran April 8-10, 2021. (See Paragraphs 92). These concerns were based on information Heugatter received from a former female student who was identified as the guest director and on Heugatter’s own observations of the show.

222. First, Heugatter explained the alumni guest director had shared that she was surprised to learn that she was listed as the sole “director” of the show. The former student told Heugatter that she was an assistant director, at best, and expressed her confusion and concern that Buss was being deliberately misleading. The former student told Heugatter she was troubled that Buss had insisted on directing the “Surrender Scene” completely on his own, often requiring the female actors to work with him alone.

223. Next, Heugatter provided Simmons and Weidell some background about the play, including the “Surrender Scene.” Heugatter told them that although the play was written so that the characters can be cast with actors of any gender, Buss chose to cast this scene with two female actors. Heugatter explained that she live streamed the show on opening night. When one of the women turned to the other and said, “Take off your clothes,” Heugatter was startled and she started recording on her phone. She described the scene to Simmons and Weidell as women in underwear running around “yelling and screaming incredibly self-deprecating” phrases about their bodies and repeating phrases like “I am not in control,” and

“I surrender.” Heugatter told Simmons and Weidell: The characters did not have to be women; the actors did not have to be in their underwear; and Buss did not have to direct the scene.

224. Heugatter offered to provide the recording of the scene to Simmons and Weidell, but they declined. Simmons stated that they were in no position to judge Buss’ creative choices and so long as he was not in violation of any safeguard that the Title IX office may have put in place, there was nothing they could or would do.

225. Simmons told Heugatter that “three different Title IX investigators” had investigated complaints about Buss “three different times” but found “no evidence” of the behavior she referred to in her Workplace Environment Complaint “at all.” Simmons insisted that the “information that’s on file” did not indicate that Buss had engaged in any appropriate conduct. According to Simmons, this lack of information “on file” justified Weidell’s statement to Heugatter that she should “be careful who [she] talks about.”

226. Simmons cautioned Heugatter that if she continued to accuse Buss of things that the University had found no evidence, she would personally liable for “gossip” or “defamation of character.” Simmons told Heugatter that the accusations create a hostile work environment for Buss and opens the door to “personal litigation.”

227. Simmons further told Heugatter that the students needed to be protected “against gossip.” Simmons claimed there is “zero evidence” that Buss engaged repeated and continued patterns of grooming, inappropriate behavior, abusive comments, and luring students into sexual relationships, as Heugatter asserted in her Workplace Environment Claim. Simmons essentially admonished Heugatter for continuing to “push forward” the accusations the female students shared with her after they had been ignored by the Title IX office.

228. On May 13, 2021, two weeks after the meeting with Simmons and Weidell and two days after the Original Complaint filed in this case was reported in the news, Heugatter was contacted via email by Michael Davis. Davis identified himself as an “outside investigator” brought in by UCO for the purpose of evaluating her Workplace Environment Complaint. Although the email signature reflects the title of “Civil Rights Investigator,” Davis is an attorney listed on the Southeastern Oklahoma State University’s website as Southeastern’s Director of Compliance and Safety & Title IX Coordinator. Heugatter informed Davis that her position had been threatened multiple times in meetings with administrators and that she was “very worried” about losing her job.
229. On July 2, 2021, Heugatter learned that rumors were circulating around the university. Despite repeatedly threatening her to keep quiet, Dean Weidell, Provost Simmons and President Neuhold-Ravikumar were advancing the narrative that Heugatter fabricated the allegations against Buss in an attempt to oust Buss and step into his position. Characterizing the matter as a “he said/she said” situation, the administrators claimed that Heugatter was the “she” and that she “weaponized” the students against Buss.
230. On July 8, 2021, without warning, notice or reason, Heugatter was informed publicly during a faculty meeting that she was demoted from her program head position. Every other returning faculty member in the department received a promotion. The Department Chair, Daisy Nystul, made it clear that the decision to demote Heugatter was made with “others above her.” When Heugatter inquired, Nystul confirmed that Dean Weidell made the demotion decision. Heugatter has consistently received positive performance reviews and has successfully fulfilled the duties of the position for four years. There is simply no reason other than retaliation for her removal.

UCO College of Fine Arts and Design

Steve Hansen

231. Steve Hansen was named dean of the University of Central Oklahoma College of Fine Arts and Design (“CFAD”) in August 2017. He resigned in June 2020.

232. In his capacity as dean, Hansen supervised Buss and aware of Buss’ misconduct. In addition to conduct he observed, Hansen was made aware of complaints against Buss, the Title IX reports made by Brown Russell and Glidewell. Hansen was directly involved in the review and resolution of Brown Russell’s Title IX report in 2017-2018. (See Paragraph 66).

233. Hansen enabled and even encouraged Buss’ harassing behavior and sexual misconduct. Rather than disciplining Buss or taking any remedial measures to train or educate Buss in an effort to change his conduct, Hansen promoted and openly praised him. Despite being fully aware of complaints against Buss, including the complaints by Glidewell and Brown Russell, Hansen awarded Buss the College Faculty Award for Outstanding Development, Encouragement, Pursuit and Support of Undergraduate Research, Creative and Scholarly Activities for Spring 2018. The award was announced just a few months the complaints by Brown Russell and Glidewell were closed in March 2018.

234. Hansen had knowledge of and continued to acquiesce to Buss’ discriminatory and harassing conduct until Hansen’s resignation from UCO in June 2020.

Charleen Weidell

235. Charleen Weidell (“Weidell”) served as Assistant Dean of UCO’s College of Fine Arts and Design (“CFAD”) from 2014 to 2017. Weidell served as Associate Dean of CFAD from 2017 to 2020. Weidell was named Interim Dean of CFAD in 2020, following Defendant Hansen’s resignation. Weidell was named Dean of CFAD effective June 1, 2021.

236. Plaintiffs believe that Weidell and Buss have maintained a close personal friendship for a number of years and that Weidell was aware of Buss' misconduct and predatory behavior even before they enrolled at UCO.

237. Plaintiff Glidewell informed Weidell about Buss' misconduct in 2018 during the time Weidell was associate dean. Glidewell specifically warned Weidell that Buss was a sexual predator and that she was concerned that he was a danger to female students. Glidewell warned Weidell again about Buss in May 2020 when Weidell was named interim dean. . (Paragraph 177).

238. Despite her knowledge of Buss' misconduct and Glidewell's specific warnings, Weidell, acquiesced, and continues to acquiesce, to Buss' sexual harassment of students. Like Hansen did until his departure from UCO in 2020, Weidell continues to praise and promote Buss, essentially rewarding his misconduct.

239. In the days following the media coverage of the filing of Plaintiffs' Original Complaint on May 10, 2021 and the subsequent student outcry, Weidell posted memes to her Facebook page that seemed to target Heugatter and the student Plaintiffs.

May 15, 2021:

"Folks this is not complicated. If you harass and incite violence against your colleagues, you do not belong in Congress. Expel Marjorie Taylor Greene."

May 15, 2021: "

A lie does not become truth, wrong doesn't become right, and evil doesn't become good just because it's accepted by a majority."

Others on social media likewise interpreted Weidell's public posts to be in reference to the Buss situation. The second meme above was shared on the Theatre Arts Department online Facebook callboard by a former student. The text above the shared screenshot read:

“@Charleen Weidell has FINALLY made a public statement!! Get ready guys she sides with a predator!! Is this who you want teaching your students If you know someone going to UCO I encourage you to let them know how the school ‘protects’ its students.”

240. Weidell has retaliated and continues to retaliate against Heugatter for her efforts to help the current and former UCO students who came to her, desperate to be heard. Weidell threatened Heugatter’s job and ordered her to be silent. Weidell has accused Heugatter of lying and filing a false report. She has told faculty and administrators that Heugatter “weaponized” the female students against Buss and the University. Weidell demoted Heugatter from her Program Head position without cause.

241. Weidell has rejected and ignored and continues to reject and ignore attempts by faculty, students and former students to inform her of Buss’ harassment and misconduct. Weidell continues to attempt to silence and discredit anyone who comes forward with concerns about Buss and the Theatre Arts department.

TITLE IX

DISCRIMINATION ON THE BASIS OF SEX IN VIOLATION OF 20 U.S.C. § 1681

242. Plaintiffs incorporate all paragraphs of this Complaint as if fully set forth herein.

243. UCO’s acts and failures to act amounted to unlawful sexual harassment and discrimination on the basis of sex. The harassment and discrimination Plaintiffs suffered was sufficiently severe and pervasive to create an abusive, and sexually hostile educational environment for Plaintiffs. One or more UCO administrators or officials, with authority to take corrective action on Plaintiffs’ behalf, had actual notice of said harassment and discrimination and failed to adequately respond, in violation of their own policies. Those failures amounted to deliberate indifference toward the unlawful sexual conduct and retaliatory conduct that had

occurred, was occurring, or was likely to occur. As a result, Plaintiffs were made vulnerable and subject to continuing harassment and loss of educational opportunities.

244. Defendant maintained a policy of indifference to sexual misconduct, including sexual harassment, on campus.

- Defendant intentionally discouraged students from pursuing “formal” complaints under Title IX, actively diverting them to an “informal HR process.”
- Defendant knowingly and deliberately failed to comply with Title IX and its implementing regulations with regard to informal resolution of complaints against employees.
- Defendant maintained multiple conflicting and confusing policies regarding sexual harassment and sexual misconduct by employees.
- Defendant deliberately mislead students as to their rights under Title IX.
- Defendant failed to enforce its policies, creating an environment in which sexual misconduct was tacitly approved.

245. Defendant’s policy of indifference created a heightened risk of sexual harassment on campus that was known and/or obvious to Defendant. Employee sexual misconduct was ignored and employees were empowered and emboldened to operate with impunity without fear of consequence. The heightened risk created by UCO’s actions and inactions was realized when Plaintiffs suffered sexual harassment and sexual abuse perpetrated by a UCO employee.

246. UCO failed to enact and/or disseminate and/or implement proper or adequate procedures to discover, prohibit or remedy the kind of gender-based discrimination that Plaintiffs suffered. This failure included, without limitation, non-existent or inadequate customs, policies or procedures for the recognition, reporting, investigation and correction of unlawful gender-based discrimination. Those failures amounted to deliberate indifference toward the unlawful sexual conduct and retaliatory conduct that had occurred, was occurring, or was likely to occur. As a result, Plaintiffs were made vulnerable and subject to continuing

harassment and loss of educational opportunities.

247. Defendant knowingly and deliberately concealed the breadth of the problem of sexual misconduct on its campus, including within the theatre arts department. Prior to the assaults and harassment suffered by Plaintiffs, UCO had actual knowledge that sexual misconduct, sexual harassment and gender discrimination was widespread on its campus, including in the theatre arts department.

248. Defendant failed to train its employees with respect to detecting, preventing and responding to sexual misconduct. Defendant failed to train its students with respect to identifying sexual misconduct, preventing its occurrence and reporting its occurrence.

249. As a result UCO's discrimination and deliberate indifference, Plaintiffs have suffered loss of educational opportunities and/or benefits.

250. Plaintiffs have suffered and continue to suffer emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, loss of enjoyment of life, and have incurred and/or will incur expenses for medical and psychological treatment, therapy and counseling.

251. Plaintiffs have incurred, and will continue to incur, attorney's fees and costs of litigation.

TITLE IX

RETALIATION IN VIOLATION OF 34 C.F.R. § 106.71

252. Plaintiff Heugatter incorporates all paragraphs of this Complaint as if fully set forth herein.

253. Plaintiff Heugatter exercised her rights and is engaged in protected activity under Title IX:

- Heugatter participated in the investigation of Well's complaint and was named as the liaison in the no-contact order issued by the UCO Title IX office.
- Heugatter assisted female students who had been ignored by the Title IX office and administrators.

- Heugatter reported her own concerns about Buss' treatment of women in the theatre production of *Everybody*.
- Heugatter reported that Weidell had threatened her job and directed her to remain silent about Buss' sexual harassment and misconduct.

254. Plaintiff Heugatter suffered adverse actions, including the following:

- CFAD Dean Weidell threatened Heugatter's job and directed her to remain silent about Buss' sexual harassment and misconduct.
- Provost and Vice President for Academic Affairs Simmons supported Weidell's actions and similarly attempted to intimidate Heugatter into silence.
- Weidell and Simmons refused to consider Heugatter's reasonable proposal for a transfer and instead informed her that her only option to escape the hostile environment was to resign her tenured position.
- UCO administrators including the President, Provost and Dean falsely told faculty campus-wide that Heugatter made up the allegations against Buss and that she "weaponized" students against him in an effort to oust him.
- CFAD Dean Weidell told the Daisy Nystul , Chair of the Theatre Arts department , that Heugatter had masterminded the complaints against Buss.
- Heugatter was blamed for the students' lawsuit and faculty were told to stay away from her as she was a source of trouble.
- Heugatter was demoted from her position as Head of Performance.

255. But for Heugatter's protected activity, she would not have suffered these adverse actions.

256. As a result of UCO's retaliation, Heugatter has suffered and/or will suffer loss of employment opportunities and/or benefits.

257. Heugatter has suffered and continue to suffer emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, has incurred and/or will incur expenses for medical and psychological treatment, therapy and counseling.

258. Plaintiff has incurred, and will continue to incur, attorney's fees and costs of litigation.

RELIEF REQUESTED

WHEREFORE, Plaintiffs pray for damages; costs; interest; statutory/civil penalties according to law; attorneys' fees and costs of litigation, pursuant to 42 U.S.C. §1988 or other applicable law; and such other relief as the court deems appropriate and just.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL CLAIMS

Dated: August 3, 2021

Respectfully submitted,

/s/ Sheila P. Haddock

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