

Student sues Pennsylvania school district for sexual harassment, violation of personal privacy

*Principal tells student to ‘tolerate’ undressing with student of opposite sex,
make it as ‘natural’ as possible*

PHILADELPHIA – A high school student and his parents sued the Boyertown Area School District Tuesday for intentionally violating his right to bodily privacy after he was exposed involuntarily to an undressed student of the opposite sex while changing in his school’s locker room. Attorneys with Alliance Defending Freedom and the Independence Law Center are co-counsel in the lawsuit, filed in federal district court.

Without any notice to students or parents, the school district secretly opened its schools’ sex-specific restrooms and locker rooms to students of the opposite sex. When the student, identified in the lawsuit as “Joel Doe,” was standing in his underwear about to put on his gym clothes, he suddenly noticed that a student of the opposite sex, also in a state of undress, was in the locker room.

The male student brought a complaint to school officials, who informed him that they now allow students who identify themselves as the opposite sex to choose whichever locker room they wish to use. He asked officials to protect his privacy, but they instead told him twice that he must “tolerate” it and make changing with students of the opposite sex as “natural” as he can.

“No school should rob any student of his legally protected personal privacy,” said ILC Chief Counsel Randall Wenger. “We trust that our children won’t be forced into emotionally vulnerable situations like this when they are in the care of our schools because it’s a school’s duty to protect and respect the bodily privacy and dignity of all students. In this case, school officials are clearly ignoring that duty.”

“Our laws and customs have long recognized that we shouldn’t have to undress in front of persons of the opposite sex,” said ADF Legal Counsel Kellie Fiedorek. “But now some schools are bullying our children into giving up their rights even though, in this case, Pennsylvania law requires schools to have separate facilities on the basis of sex.”

“Respect means protecting the personal privacy of each student, not taking it away,” added ILC Senior Counsel Jeremy Samek. “It’s regrettable that a student would have to go to court to ensure that his well-established privacy rights aren’t tossed aside.”

The lawsuit, *Doe v. Boyertown Area School District*, filed in the U.S. District Court for the Eastern District of Pennsylvania, claims sexual harassment under Title IX, a federal law; violation of the fundamental right to bodily privacy under the U.S. Constitution; and violation of a state privacy law.

Independence Law Center is a Pennsylvania-based pro-bono legal organization dedicated to advancing civil rights.

Alliance Defending Freedom is an alliance-building, non-profit legal organization that advocates for the right of people to freely live out their faith.

- Pronunciation guide: Wenger (WENG’-ur), Fiedorek (Fih’-DOHR’-eck), Samek (SAM’-eck)