

Judge allows school sex assault suit to go forward

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By [Jonathan Phelps](#)

HOPKINTON — A Superior Court judge denied the town's request to dismiss parts of a lawsuit alleging a former science teacher repeatedly sexually assaulted an 11-year-old girl, meaning the case could head to trial.

The lawsuit filed in Middlesex Superior Court in August 2012 accuses top administrators, including the superintendent, of [knowing that sixth-grade science teacher William Howard made female students anxious and taking no action](#). Howard resigned after an investigation, according to court documents. The lawsuit claims the abuse occurred between Sept. 1, 2009 and April 2010.

The decision by Judge Helene Kazanjian came on March 7 as part of a memorandum on a motion for summary judgment filed by the town.

Howard repeatedly sexually assaulted the student in various locations in the middle school, including in his classroom, in a storage room nearby, in the hallway and during after-school activities, according to the suit. Those assaults, the suit alleges, occurred weekly and sometimes several times a day. In court papers, the girl is identified by the pseudonym Mary Doe.

“The allegations are that Howard touched Mary’s hips, back, shoulders, buttock, bra strap, breasts and between her legs, and that he put his pelvis near her face while she was sitting at her desk,” a court document from March 7 reads. “It also alleged Howard reached down into Mary’s shirt and lifted up a necklace that was hanging between her breasts.”

Named as defendants in the suit are Howard, his wife, Patricia Slentz-Howard, the town, Hopkinton Public Schools, former middle school Principal William Lynch, former Superintendent John Phelan, guidance counselor William Meehan and former **Assistant Principal Jason Webster**.

The suit alleges there was a history of reports by multiple students to school officials about Howard’s behavior going back to at least 2005, according to the documents. Students generally referred to Howard as “creepy,” a “perv” and/or someone “who hit on girls.”

“Howard was also observed taking photographs of female students in places that were deemed inappropriate, such as a cabin on a field trip where girls were in various stages of undress and backstage during school plays,” the document reads. “It is also alleged that Howard had students change into bathing suits in his storage area in back of his classroom for a water displacement ‘density’ experiment.”

Attorney Stephen Roach, representing the Doe family, said the school repeatedly ignored complaints by both students and parents. The town denies those claims.

The district didn't have proper policies in place for sexual harassment of students, Roach said.

"The school only had a policy relating to employee-on-employee sexual harassment," according to the documents.

"The school just turned the other way because he was a good teacher," Roach said. "Nothing was done until four or five years later."

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He said several claims were thrown out by Kazanjian as part of the summary judgment, but the main claims remain.

"I think we will prove our case," Roach said. "We have witnesses seeing him touch her inappropriately."

All defendants except the Howards are represented by Leonard Kesten, an attorney at the firm Brody, Hardoon, Perkins & Kesten, LLP. On Tuesday, Kesten said the claims are untrue.

He said school district officials did a comprehensive investigation in the spring of 2010 and Mary Doe denied anything happened.

"His clients story about what happened changed four times over the past few years and has not been corroborated by any other witnesses," Kesten said.

Roach disagrees. The alleged abuse first came to light in 2011 when the girl told her therapist and then her parents, the suit says. She became depressed, questioned her sexuality, had nightmares and began cutting herself, the complaint says.

Kazanjian threw out claims of negligence, negligent hiring, supervision, training and retention and negligent infliction of emotional distress against the town. "The town cannot be held liable for failing to prevent Howard's alleged sexual misconduct by better supervision or training," Kazanjian wrote.

The case is headed for mediation, Keston said.

“We are going to try to resolve the case before going to trial,” Roach said, noting the family is seeking damages and instructive relief to have the school district better train its staff.

Another case against Howard and the school district filed in U.S. District Court by another family is still pending, Keston said.

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