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Family sues St. John's Northwestern Military Academy, says lax supervision led to assault

Bruce Vielmetti, Milwaukee Journal Sentinel Published 2:58 p.m. CT May 11, 2018 | Updated 3:49 p.m. CT May 11, 2018



(Photo: Scott Ash/Now News Group)

Lax supervision at a private boarding school in Delafield led to the sexual assault of a 12-year-old boy by an older cadet during a summer camp session in 2012, a federal lawsuit claims.

A Florida couple and their son contend that when he was entering seventh grade, he was victimized by a camper with a known history of behavior and discipline problems in a dormitory at St. John's Northwestern Military Academy.

The suit, filed Thursday in U.S. District Court in Milwaukee, names St. John's, its insurer, the older boy and his father as defendants. It cites claims of negligence, negligent supervision, false imprisonment, battery, intentional infliction of emotional distress, assault, fraudulent and negligent misrepresentation and violation of Title IX of the Education Amendments of 1972.

An attorney for the family said they could have sued sooner but had more time because the statute of limitations started running on the claim once the boy turned 18, which he did recently.

"It was difficult to make a decision to litigate," said Daniel Zmijewski of Kansas City. "They finally decided it wasn't something they could just sit on and ignore."

A spokeswoman for St. John's, which enrolls about 240 students in grades 7 through 12, said the school had not yet been served with the complaint and could not discuss it.

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According to the suit:

The victim's parents were assured their son would room only with a same-age camper, as the five-week Opportunities for Personal Success camp was open to boys entering the seventh through 12th grades. They say they were not informed about prior accusations against older cadets of harassing and abusing younger boys.

Just weeks before they enrolled their son, a 17-year-old was suspected of sexually assaulting a 13-year-old at St. John's but left the country before criminal charges were filed. School officials said in 2013 they were not aware of those incidents until many months later, after the younger boy had finally told his parents.

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The older student was two years behind in age peers in school and had a known history of behavior problems yet was the assigned "squad leader" on the floor where the youngest summer campers lived. He lost that rank but remained on that floor, and moved into the victim's room without notice to the younger boy's parents.

The victim reported his fear of the older boy repeatedly, but school authorities did not intervene, the suit contends. About a month into the camp, the boy snuck into a closet to call his mother on a borrowed cell phone and begged to go home. She thought it was simple homesickness and told him to stick it out.

Minutes later, the older boy threw a bottle out a window as a distraction, then locked the dorm door and sexually assaulted the younger boy, who was much smaller and could not fend off the attack. It went on several minutes until campus security entered the room for a bed check during the attack.

They moved the older boy to a room two doors down the hall and reported the assault to St. John's officials. According to the plaintiffs, the victim was left alone in his room, without medical care or counseling.

At breakfast the next morning, the other campers jeered the victim over the incident. When he returned to his room without eating, his assailant appeared and ordered him to lie to school officials about what happened.

St. John's didn't call police about the incident until about 10 a.m. the next morning, 2½ hours after notifying the victim's parents. When they arrived about 12 hours later, no senior St. John's staff greeted them and they had to search the campus alone for their son. They found him alone under a tree and quickly removed him to a nearby hotel.

The next morning, they brought the boy to Delafield police, and then they confronted St. John's administrators.

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The lawsuit says the boy has suffered "lasting psychological trauma," and that his mother still feels guilty for sending him to camp at St. John's.

In 2012, the plaintiffs lived in Nevada, and the defendant student and his father lived in Minnesota. Both families have since relocated to different parts of Florida.

The older boy was charged in the offense and adjudicated delinquent in juvenile court, Zmijewski said.

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