

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK**

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DANIELLE KAMINSKY,
MICHAEL BEAUDRY,

Plaintiffs,

-against-

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

ORIGINS HIGH SCHOOL,
CITY OF NEW YORK,
NEW YORK CITY DEPARTMENT OF
EDUCATION,
DAVID C. BANKS,
MICHAEL PRAYOR,
JOHN BANKS, and
DARA KAMMERMAN,

Defendants.

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Plaintiffs Danielle Kaminsky and Michael Beaudry, by their attorneys, **Walden Macht & Haran LLP** and the **Louis D. Brandeis Center for Human Rights Under Law**, allege as follows against Origins High School, the City of New York, the New York City Department of Education (“NYC DOE” or “DOE”), David C. Banks, Michael Prayor, John Banks, and Dara Kammerman (collectively, “Defendants”).

PRELIMINARY STATEMENT

1. This case seeks redress against the Defendants for failing to protect public school teachers and students from vile and aggressive antisemitism. It seeks to restrain Defendants’ bizarre and ongoing efforts to retaliate against teachers and administrators for reporting antisemitic attacks through normal disciplinary channels. **And it stands for an important principle: as the Supreme Court has recognized, Jews are entitled to protections under a number of civil**

rights statutes, including statutes that protect individuals on the basis of race.¹ Speech that is intended to harass and intimidate Jews, or that targets Jews, is antisemitism, period. This is true even when—or perhaps especially when—Israel is in the midst of fighting a defensive war with its very survival at stake, which has sadly served as both a pretext and a catalyst for the explosion of antisemitism in New York City. Here, the Defendants’ actions effectively promoted and encouraged antisemitism.

2. In the period between October 8, 2023 and the present, a cabal of students at Origins High School (the “Students”) engaged in a broad campaign of hate speech while on school premises. The hate speech was unabashedly antisemitic. It included calls of violence against Jewish people, the destruction of Israel, and the repeated aggrandizement of Adolf Hitler. It included drawing swastikas. It included calling the terrorists responsible for one of the worst terrorist attacks in history—the October 7, 2023 terrorist attack by the Hamas terrorist organization on Israeli civilians and nationals of 25 other countries, including the United States—“martyrs.” The very terrorists who murdered more than 1,000 Israelis, mostly unarmed civilians and others rushing to their defense; used rape as a weapon of war; sadistically tortured and tormented innocent families; caused thousands of horrific casualties; mutilated and burned people (some of whom were still alive); and abducted approximately 250 hostages, including children and an infant, many of whom Hamas continues to hold in captivity today.

3. And this “speech” was not uttered in some distant public square. The Students conducted their campaign of hate within a New York City public school, emblazoned it in graffiti

¹ Jewish identity is multifaceted, including aspects of race, religion, national origin, ethnicity, and culture, and Jews receive protection from discrimination under a number of civil rights acts, including Section 1981. *See, e.g., Shaare Tefila Congregation v. Cobb*, 481 U.S. 615, 617-18 (1987) (“Jews and Arabs were among the peoples then considered [when these civil rights statutes were passed] to be distinct races and hence within the protection of the [civil rights] statute[s].”).

on its furniture, scribbled it on blackboards, circulated it in emails and text messages, and repeated it on papers and notes foisted on, and taunts directed at, Jewish teachers and students.

4. The worst of these was an email, which teachers received only after Defendants failed to punish the Students or meaningfully address the escalation of antisemitic attacks at Origins, and which read as follows:

“All Jews need to be exterminated. Their doors kicked in in the middle of the night. A bullet put in each of their heads. Through all history, the kikes are purveyors of mass death and suffering. They will never stop until they are stopped. Kaminsky the foul whiny Jew has no place in America let alone a school system. Here’s hoping the Muslim students put an end to her, and that it’s both terrifying and very painful. Jews deserve no sympathy. They are the enemy of all mankind and there is no reconciling that.”

5. As explained below, Defendants were well aware of this campaign of hate.

6. Defendants knew the identities of many of the Students. Instead of punishing those students, the Defendants sought to protect and empower them.²

7. For example, days after the October 7 attacks, students were marching through the Origins hallways loudly and persistently chanting *“Death to Israel”* and *“Fuck the Jews.”* Defendants did not address the hate speech. Instead, they convened a support group for protestors, where an administrator promoted antisemitic beliefs. These actions had the effect of “putting a target” on Plaintiff Kaminsky for reporting antisemitism to the Origins administration.

² The Students’ acts are described in detail below. Because of their ages, we have referred to them as Student A, Student B, etc. But their identities are known by the victims of their abuses and by several witnesses who observed their repugnant campaign.

8. And report she did. As explained below, Kaminsky reported many antisemitic offenses to Origins and New York City Department of Education (“DOE”) officials, including former Principal John Banks, who was promoted to DOE’s Deputy Superintendent for Brooklyn South, and Interim Acting Principal Dara Kammerman.³ A clear pattern emerged: they belittled the victims, retaliated against them, made excuses for the perpetrators, refused to punish them, and failed to issue a broad warning to the Origins community that antisemitic words and conduct—like all other forms of vile hate speech—were intolerable and would be subject to punishment.

9. And when the Students realized there would be no consequences to their hate speech, they leaned into their other latent prejudices by spewing hateful and derogatory taunts at other underrepresented groups, especially those identifying as LGBTQ+.

10. When Kaminsky sought the Defendants’ help because she became one of the targets of the Students, Defendants at first ignored her, then disparaged her, and then retaliated against her. This, despite students having called her a “dirty Jew,” posting notes of hate on her desk, and greeting her with the Nazi salute.

11. And when the Campus Manager, Plaintiff Michael Beaudry (a former New York Police Department (“NYPD”) officer) sought to aid Kaminsky, Defendants retaliated against him as well, including by initiating a series of meritless and pretextual disciplinary infractions against him (the first ever of his 15-plus year career at DOE).

12. Accordingly, Plaintiffs bring this suit and seek the relief described below.⁴ Plaintiffs have also recently filed a complaint with the Equal Employment Opportunity Commission (“EEOC”) for violations of Title VII of the Civil Rights Act of 1964 (“Title VII”) (42

³ J. Banks is not related to the DOE Chancellor David C. Banks.

⁴ As noted throughout, dates are approximate, and quoted language is in sum and substance.

U.S.C. § 2000e et seq.), and will amend this Complaint to add Title VII claims once they receive the “right to sue” letter from the EEOC. Plaintiffs are also simultaneously filing a Notice of Claim complaining of violations of the New York State Human Rights Law and the New York City Human Rights Law, and will amend this Complaint to include claims under those laws once the statutory waiting period has expired.

JURISDICTION AND VENUE

13. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 over claims arising under 42 U.S.C. §§ 1981 and 1983.

14. This Court has personal jurisdiction over Origins and NYC’s DOE because it is based and operates in Brooklyn, New York.

15. Venue is proper under 28 U.S.C. § 1391 because it is the judicial district in which a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred, and where Origins is based.

THE PARTIES

16. **Plaintiff DANIELLE KAMINSKY** is a married, 33-year-old public school teacher.

- a. She graduated from State University of New York in Spring 2012 with a Bachelor of Arts degree in Adolescent Education.
- b. In Spring 2013, Kaminsky graduated from NYU’s Steinhardt School of Education with a master’s degree in Literacy Education.
- c. Kaminsky’s first teaching role was at the Fusion Academy, a private school, located in Nassau County, New York.
- d. Kaminsky taught at Fusion Academy for three years.

- e. She began her DOE teaching career in September 2017 at Origins in Sheepshead Bay, Brooklyn, as a social studies teacher.
 - f. Kaminsky was involved in all aspects of educational activities at Origins, including as the Peer Mediation Club advisor, the Global Regents Prep teacher, and the Homework Help club liaison.
 - g. Kaminsky was a regular fixture in support of Origins students, including by attending sporting and community events during her time off.
 - h. Her students thrived and earned the highest regents grades in the school.
 - i. Kaminsky is an American Jew. She is not unique in feeling a deep sense of pride and bond to the country of Israel. Indeed, a connection to the land of Israel is a core tenet of her Jewish faith, and it is also a core component of her non-faith-based identity as a Jew.
17. **Plaintiff MICHAEL BEAUDRY** is a 48-year-old, married, father of three young children.
- a. Prior to becoming an educator, Beaudry served as a member of the NYPD in Bushwick, Brooklyn, from 2002 to 2005, whereafter he became an Instructor in the NYPD Police Academy.
 - b. At the Police Academy, Beaudry taught incoming recruits Police Science, Law, and Behavioral Science, while also serving as a mentor to other incoming recruits.
 - c. Beaudry specialized in crisis de-escalation, conflict resolution, communication in times of disagreement, and techniques in gaining verbal compliance.
 - d. In 2007, Beaudry earned a master's degree in Secondary Education from Hofstra University and transitioned to the classroom as a social studies teacher.

- e. As a result of his students' successes, Beaudry was awarded the Nobel Teacher of Distinction Award in November 2013.
- f. In June 2014, he was accepted into the DOE's prestigious Leaders in Education Apprenticeship Program, where he earned a license as an Administrator from Baruch College.
- g. After completing the program, Beaudry was hired in July 2015 as the Campus Manager for the Frank Macchiarola Education Complex ("FMC Complex"), which houses Origins, two other high schools, and one elementary school.
- h. Beaudry has made Origins safer. Initially, the entire FMC Complex (including Origins) had been labeled as an "Impact School" because of its rampant problems.⁵ After Beaudry's work and innovations, the campus became safer and was downgraded and then removed from the "Impact" list.
- i. In 2017, Beaudry also became the campus's Athletic Director, which included leading, equipping, and managing 21 sports teams at FMC. Since his arrival, the Athletic Program has had tremendous success. The Athletic Programs at FMC are now known as structured, winning, and academically strong programs that assist students in finding success in and out of the classroom, and provide them with college opportunities, such as scholarships they may not have had prior to joining the program. One student-athlete at the FMC Complex was drafted into the National Football League in 2023.

⁵ Schools targeted for inclusion in the "Impact Schools initiative" were selected by the NYPD and DOE for the higher number of criminal incidents, transfers of students due to safety violations, and what the DOE terms "early warning problems", such as low school attendance and disorderly behavior.

18. **Defendant ORIGINS HIGH SCHOOL**, is, and, at all times mentioned in this complaint, was a public high school located in Brooklyn. It is one of four schools situated within the FMC campus on Avenue X in Sheepshead Bay.

19. **Defendant CITY OF NEW YORK** is, and, at all times mentioned in this complaint, was a municipal corporation under the laws of the State of New York.

20. **Defendant NEW YORK CITY DEPARTMENT OF EDUCATION** is, and, at all times mentioned in this complaint, was a department within Defendant CITY OF NEW YORK under the laws of the State of New York.

21. **Defendant DAVID C. BANKS** is Chancellor of New York City Public Schools, the largest school system in the nation. Chancellor Banks was appointed Chancellor by Mayor Eric Adams on January 1, 2022.

22. **Defendant MICHAEL PRAYOR** is the Superintendent of Brooklyn South. Prayor was appointed Superintendent in 2014.

23. **Defendant JOHN BANKS** is the current Deputy Superintendent of Brooklyn South High Schools, and was the Origins Principal from July 2013 to December 2019, and from November 2020 to December 2022.

24. **Defendant DARA KAMMERMAN** is the current Acting Interim Principal at Origins. Prior to ascending to the Acting Interim Principal role, Kammerman was the Assistant Principal from December 2022 to present.

FACTUAL ALLEGATIONS

A. Antisemitism Explodes at Origins after October 7, 2023

25. As noted in Section E below, Origins has long suffered from pervasive antisemitism directed toward teachers and students. On information and belief, at least three Jewish students

requested safety transfers, and one Jewish faculty member left, to escape from the toxic, antisemitic rhetoric. Everything got worse in October 2023.⁶

26. On October 7, 2023, Hamas invaded Israel and engaged in the most unimaginable acts of barbarism, including torture, torment, rape, mutilation, burning alive, murder, and kidnapping. Hamas wantonly hunted unarmed civilians, chasing them down and killing many in cold blood.

27. Shockingly, numerous Origins students enthusiastically supported Hamas's October 7 terror campaign. Indeed, in the immediate aftermath of the atrocity, on October 11, 2023, the Students marched through several areas of the Origins campus waving Palestinian flags while chanting antisemitic statements such as "*Death to Israel,*" and "*Fuck the Jews.*" On information and belief, members of the group of Students were among the chanting students, including Students A through O.

28. Defendants did nothing to punish the use of such hate speech.

29. Emboldened by the Defendants' refusal to act, the Students started directing antisemitism at Jewish teachers and students.

30. On October 12, 2023, one of the Students drew **swastikas** on Kaminsky's blackboard during a class. When asked why he was drawing a swastika, Student O provided a non-responsive answer with words to the effect of: "I see this everywhere."

⁶ Paragraphs 30 through 51 below include a description of some, but not all, of the acts of antisemitism. In each instance, Kammerman was notified of the act. In each incident, she did not meaningfully punish the students (unless otherwise indicated). However, these antisemitic acts were offensive to many including other students, some whom brought these activities to the attention of teachers and administrators.

31. That same day, some of the Students began putting post-it notes on Kaminsky's classroom door and bulletin board, as well as on other places throughout the school, and in other shared spaces on the FMC campus, saying "**death to Israel**" and "**supporting Israel = supporting genocide.**" The Students responsible included Student A, Student D, Student E, Student F, and Student G.

32. Rather than act to punish and deter similar conduct, Kammerman fueled the anti-Jewish and anti-Israel advocacy by hosting a "Teach In and Restorative Circle," which students referred to as a "Pro-Palestinian Circle." Kammerman invited members of the group of Students to the event.

- a. Kammerman did this despite the fact that Beaudry told her, specifically, that (a) the Chancellor's Regulations did not permit her to engage with students in political speech, and (b) officially hosting such an event would alienate part of the Origins community. Kammerman said words to the effect, "I'm doing it." And she reassigned Beaudry to another area of the building, so he could not be available to witness it.
- b. During the "Circle," Kammerman showed the students two short videos on the history of the Israeli-Palestinian conflict that were woefully incomplete, and which made moral equivalencies between attacks against Israel and Israel's acts in self-defense. After the videos, Kammerman engaged in a dialogue with the Students, which reinforced the same moral equivalencies.
- c. One female student later approached Beaudry, saying she was "disgusted" by Kammerman's actions at the "Circle" and had, in sum and substance, "lost all respect" for Kammerman. That student does not identify as Jewish.

33. Not surprisingly, on October 25, 2023, a Jewish student sent a letter to Kammerman stating that he felt threatened and requested that he be transferred to another school.

34. In November 2023, the antisemitic conduct escalated. One of the Students, Student K, took his message directly to Kaminsky posting “**fuck u**” and “**ima bomb this school**” on an electronic platform used for schoolwork, which was visible to everyone in Kaminsky’s class. A screenshot of this posting exists.

- a. After Beaudry learned of the posting, he informed Kammerman. Kammerman responded, with words to the effect of, “I’ll take care of it.” Beaudry did not believe her.
- b. Accordingly, Beaudry reported the incident to the Borough Safety Director and NYPD.
- c. Beaudry alerted Kammerman to the report, and Kammerman was extremely displeased. She said words to the effect of, “this isn’t a bomb threat.” Kammerman, in sum and substance, accused Beaudry of “exaggerating” the situation and stated that, in sum and substance, it should not have been reported to the Borough Safety Director and NYPD as it was not a “viable threat.” Kammerman told Beaudry that he should have no role in responding to any further acts of antisemitism directed at Kaminsky.

35. When the Students learned that Kaminsky was reporting their acts of antisemitism to the Origins administration, they became more threatening toward her.

36. For example, in December 2023, five of the Students—Student B, Student C, Student J, Student N, and Student O—cursed Kaminsky, calling her a “**bitch**” and telling her in Arabic “**fuck yourself.**” When Beaudry investigated to determine whether Kaminsky was in

danger, each student admitted what they said, adding that Kaminsky was “**a piece of shit**” and that she “**ratted on us.**”

37. In December 2023, two members of the group of Students, Student B and Student C, circulated a petition to other students to elicit disparaging or insulting information about Kaminsky, again in retaliation for her reporting their acts of antisemitism. These events were reported separately to Beaudry. At least three students advised Beaudry, in sum and substance, that the perpetrators were “**trying to get [Kaminsky] fired for ratting them out.**”

38. On January 9, 2024, a member of the group of Students, Student D, was caught attempting to bring explosives⁷ onto the Origins campus. When Beaudry confronted the student about the incident, the student responded that she “forgot” the devices were in her jacket pocket. Video surveillance tapes reveal that Student D was wearing the same jacket on prior days, when the security alarm did not detect the presence of the explosives, making her explanation highly suspect. On information and belief, Kammerman intervened on Student D’s behalf to forestall her arrest, as NYPD was eventually alerted to the incident.

39. As noted earlier, when the Students’ behavior went unpunished, their biases against other groups exploded during this same period. For example:

- a. A Jewish teacher, who also identifies as gay, announced the creation of a “safe space” for gay students. This announcement was at an assembly. A group of students at the assembly, including several of the students referenced herein, specifically Student I, Student L, and Student R, became extremely loud and hostile, making derogatory remarks about gay people. They left the assembly, started causing physical damage in the hallway, and hit another teacher, who was

⁷ The devices were M-5000 firecrackers, which are classified as explosive devices.

wearing a gay pride symbol, with an object. Student P was among the group of attackers.

- b. At another point, Student P told that same victim, words to the effect of, **“I know where you live, I’m gonna follow you home, and I’m gonna pull you into the back of a van and rape you because you are gay.”**
- c. Only after this event was Student P arrested. Eventually, Student P returned to the school, where he walked the hallways with a Hitler-style moustache drawn under his nose and, when he found an occupied classroom, stepped to the doorway and performed the Nazi salute. These events were captured by video surveillance.
- d. As another example of LGBTQ+ bigotry, on or about January 10, 2024, three members of the group of Students—including Student H and Student L—confronted another student for “being gay.” One of the Students body-slammed the victim.
- e. When confronted by Beaudry, Student H said words to the effect of, **“in my religion, that’s what happens to faggots.”** Student H is over six feet tall, and the victim is much smaller.

40. All the while, antisemitism against Kaminsky continued. On January 22, 2024, just after Kaminsky left her classroom, another of the Students, Student Q, snuck up to Kaminsky’s classroom and posted a Palestinian flag on her classroom door, which was intended as either a threat or a biased taunt. Video evidence exists.

41. That same day, two Students, Student R and Student S, ran abruptly into Kaminsky’s classroom, where she was alone, and aggressively asked her: “**How do you feel about Hitler?**”

- a. Kaminsky believed it was a threat and that the students might assault her.
- b. She left the classroom and turned right down the hallway to leave the building.
- c. Student R and Student S followed her and beckoned at least five other students, who were waiting for them in the hall to join them in whatever plan they had in store for Kaminsky.
- d. The group started walking quickly toward Kaminsky.
- e. Kaminsky saw them, pivoted, and found another teacher’s classroom, where she entered to seek protection.
- f. These events are captured on videotape.
- g. In response to this incident, Kammerman conducted her own investigation, having banned Beaudry from doing so. She dismissed the incident, incredibly claiming the students were only trying to have a “history-related conversation” with Kaminsky.

42. On February 28, 2024, Kammerman allowed four of the Students—specifically Students A, E, F and G—to address a full school assembly and promote a protest happening at a nearby college. Shockingly, the protest called for people to “*Honor the Martyrs*,” referring to the Hamas terrorists who brutally raped, murdered, and incinerated Jewish people on October 7, 2023.

- a. Later that afternoon, Student A, who is not assigned to any of Kaminsky’s classes, taunted Kaminsky by giving her the flyer from the assembly.

- b. At the end the day, an unknown student placed a flyer from the same event on a desk in Kaminsky's classroom captioned with a handwritten note: "***fuck Israel [N-word].***"

43. On March 5, 2024, Kaminsky and another Jewish teacher received a death threat email entitled "**filthy Jew Kaminsky.**" The email reads, "**All Jews need to be exterminated. Their doors kicked in in the middle of the night. A bullet put in each of their heads. Through all history, the kikes are purveyors of mass death and suffering. They will never stop until they are stopped. Kaminsky the foul whiny Jew has no place in America let alone a school system. Here's hoping the Muslim students put an end to her, and that it's both terrifying and very painful. Jews deserve no sympathy. They are the enemy of all mankind and there is no reconciling that.**"

- a. The threatening email was also copied to Kammerman, other DOE officials, and forwarded to Beaudry.
- b. Beaudry immediately notified the Borough Safety Director of the e-mail and expressed his concerns and frustrations with the lack of support, response, accountability, and action taken by the Defendants.
- c. Beaudry was removed from his position at the end of the day.

44. On March 3, 2024, the New York Post ran a story about antisemitism plaguing Origins and threatening students and teachers. Even this visibility brought no relief.

45. On March 11, 2024, Student T said to Kaminsky, "***I guess Hitler is really dead then--you are still here.***" Kaminsky understood this bizarre comment to be a threat.

46. Also on March 11, 2024, an unknown student snuck into Kaminsky classroom and carved the words "**Free Palestine**" into her chalkboard, in an act to intimidate and harass her.

47. On March 12, 2024, an unknown student wrote the word “*Die*” on a laptop Kaminsky used to teach her class.

48. These antisemitic acts and statements – whether by the Students or by Kammerman, and condoned by DOE officials – were acts of antisemitic harassment and threats against a teacher who was widely known throughout the school to be Jewish.

49. Without any offerings or support, or even acknowledgement from Defendants, Kaminsky was forced to hire 24-hour private security and take leave from Origins. At no point did any administrators, employees from the Chancellor’s office, or other officials from the Defendants contact Kaminsky to offer their support, express outrage, or check on her well-being whatsoever.

50. On March 15, 2024, Kaminsky was informed that she would be transferred to Richmond Hill High School in Queens, New York.

51. During the entire period from October 11 (see paragraph 27 above concerning the chanting of “death to Israel” and “fuck the Jews”) and Kaminsky’s forced departure, Defendants issued not a single communication to the Origins community denouncing the ongoing antisemitic campaign in the school. This is no surprise, since Kammerman was actively supporting the Students.

B. Defendants Retaliate Against Plaintiffs⁸

a. Danielle Kaminsky

52. As noted throughout this Complaint, Kaminsky reported rampant, physically threatening, severe antisemitism at Origins High School to Defendants on numerous occasions

⁸ For the limited purposes of this Complaint, only retaliatory actions taken by Defendants from October 8, 2023 to present are set forth.

between 2022 through the present, which amounted to harassment and a hostile workplace. The conduct Kaminsky experienced was so repugnant that she tried to transfer a number of times. In retaliation for Kaminsky's reporting of the conduct, and as further explained below, Defendants took adverse action and retaliated against her.

53. On numerous occasions, Kammerman dragged Kaminsky into her office for unfounded "disciplinary conferences," after which Kammerman threatened letters of reprimand to Kaminsky's personnel file and lowered her performance ratings.

54. In one of these disciplinary allegations that occurred in February 2024, Defendants accused Kaminsky of asking two girls to attack a number of Muslim students. This was a lie and was pretextual. But the allegation remains pending.

55. In addition, Kammerman herself ridiculed Kaminsky for being "too sensitive" to the use of antisemitic language or "exaggerating" it. Kammerman uttered these criticisms in front of a number of other DOE employees and has repeated it even when Kaminsky was not present. In this way, Kammerman sought to damage Kaminsky's reputation and turn her colleagues against her.

56. In March 2024, Kaminsky requested a transfer for her safety. Kaminsky was transferred to a public school in Queens, understanding that she was being given a position for "hardship" and "safety" for two years. Once Kaminsky arrived at the new school, she was advised that she was allowed to stay only for three months and would need to find another school. Based on the unusual timing, the conflicting information, and on information and belief, this was another act of retaliation. Kaminsky also is unable to access most digital systems and processes ordinarily given to teachers.

b. Michael Beaudry

57. As noted throughout this Complaint, Beaudry reported rampant antisemitism at Origins High School to Defendants on numerous occasions, including during the period between October 11, 2023 and March 2024. In addition, Beaudry reported Kammerman to the Special Commissioner for Investigation for a variety of infractions, including failing to report acts of antisemitism to the appropriate online system.

58. In retaliation, and as further explained below, Defendants took adverse action against him starting in December 2023.

59. Specifically, Beaudry received three notices for “disciplinary conferences,” all scheduled for January 2024.

- a. In each instance, Beaudry was accused of NOT having reported student incidents that he had, in fact, reported.
- b. These notices served as a warning, putting Beaudry on notice that, if he did not “toe the line,” the conferences would result in professional consequences.
- c. All three of these complaints remain pending.

60. These notices did not have the intended effect, as Beaudry continued to report incidents of antisemitism, as outlined above.

61. In addition, on March 5, 2024, Defendants forced Beaudry out of the FMC campus without notice, directing him to work from home until his “investigations” were resolved. Beaudry cannot perform most of his duties from home.

62. On that same date, John Banks informed Beaudry that he was the subject of a new (*i.e.*, a fourth) disciplinary complaint, which he declined to describe.

63. Then, on March 22, 2024, Defendants removed Beaudry as the Athletic Director of FMC, which also had the effect of reducing his compensation.

C. **The Scourge of Antisemitism**

64. Defendants were on notice of the dramatic increase of antisemitic violence. While this plague has been reported in many media outlets, the Anti-Defamation League (“ADL”) has also published incontrovertible data on the subject.

65. In 2023, ADL tabulated 8,873 antisemitic incidents across the United States. This represents a 140% increase from the 3,698 incidents recorded in 2022, and is the highest number on record since ADL began tracking antisemitic incidents in 1979. In fact, ADL tracked more incidents in 2023 than in the previous three years combined.⁹ Assault incidents increased by 45% to 161 incidents, vandalism increased 69% to 2,177 incidents, and harassment increased 184% to 6,535 incidents.¹⁰

66. The dramatic increase in incidents took place primarily in the period following the October 7 terrorist attack in Israel. Between October 7 and the end of 2023, ADL tabulated 5,204 incidents -- more than the incident total for the whole of 2022, with 52% of the incidents after October 7 (2,718) including references to Israel, Zionism, or Palestine.¹¹

67. However, even prior to October 7, there were monthly increases in February (402), March (471), April (432), May (437), and September (513). Each of these months broke the prior record for most incidents recorded in a single month, set in November 2022 (394).

⁹Anti-Defamation League, *Audit of Antisemitic Incidents 2023*, accessible at <https://www.adl.org/resources/report/audit-antisemitic-incidents-2023>.

¹⁰ *Id.*

¹¹ *Id.*

68. After October 7, the ADL observed explicitly antisemitic and anti-Zionist rhetoric at 1,352 anti-Israel rallies across the United States. Leaving out all Israel-related incidents, antisemitic incidents still rose by 65% to 5,711 over the 3,457 non-Israel-related incidents recorded in 2022.¹²

69. Antisemitic incidents also increased year-over-year in all major location categories. Notably, incidents at K-12 schools increased by **135% to 1,162 incidents**.¹³

D. NYC DOE's Apathy Towards Antisemitism

70. Defendant DOE's "Citywide Behavioral Expectations to Support Student Learning Grades 6-12," *i.e.*, DOE's Disciplinary Guide, does not reference antisemitism specifically; rather, complaints of this nature are broadly construed as forms of "bullying."¹⁴

71. Appearing to recognize the serious risk posed by bullying (including acts of antisemitism) DOE admits "[t]hese behaviors pose a serious threat to all students, ***and it is a school's responsibility to eliminate the hostile environment created by such harassment***, address its effects, and take steps to ensure that harassment does not recur." (emphasis added).¹⁵

72. Defendant DOE further states, "[a]ll reports of harassment, intimidation, discrimination, and/or bullying behavior will be investigated, and appropriate follow-up action will be taken."¹⁶

¹² *Id.*

¹³ *Id.*

¹⁴ "Bullying and harassment can take many forms and includes behavior that targets students because of their actual or perceived race, color, national origin, ethnicity, citizenship/immigration status, religion, creed, disability, sexual orientation, gender, gender identity, gender expression, or weight." Chancellor's Regulation Pg. 20.

¹⁵ New York Department of Education, Citywide Behavioral Expectations to Support Student Learning Grades 6–12, Supports and Interventions.

¹⁶ *Id.*

73. In response to the drastic rise in antisemitism in 2023, Defendant DOE issued guidance stating, “[t]he recent anti-Semitic events in New York City reflect behaviors that have no place in our schools. As educators, *part of our responsibility requires leading thoughtful conversations with students and staff about how to promote respect and address related negative behaviors. Although these conversations can be difficult, it is imperative to talk about prejudice....*” (emphasis added).¹⁷

74. Yet despite the rhetoric, Defendants have completely failed to make any meaningful attempt to stamp out *antisemitism* at Origins, including by punishing antisemitic acts and hate speech or better educating students about the difference between taking political positions, on the one hand, and targeting Jewish people, on the other. This is in contrast to how Defendants address hate speech against other groups. Upon information and belief, when the Defendants receive reports of harassment, intimidation, and discrimination against victims who belong to other racial ethnic and national origin minorities, Defendants are far more likely to appropriately investigate the reports, remediate the conduct, and discipline the perpetrators—but not when the victims are Jews and when the biased conduct is antisemitism. For example, when an anti-Black racial slur was used at another DOE high school, the school reacted strongly, including by issuing policies requiring (a) students to be suspended for use of a biased slur against another student, and (b) students who use a biased slur to be required to attend training, be asked to share what they learned, and promise to change their ways.¹⁸

¹⁷ New York Department of Education, Promoting Respect and Addressing Hate Crimes, at 1.

¹⁸ Selim Algar, *Racial slur at top NYC high school spurs ‘equity pledge’ signature drive*, The New York Post, March 12, 2021, available at <https://nypost.com/2021/03/12/racial-slur-at-top-nyc-high-school-spurs-equity-pledge-signature-drive/>.

75. At no point during the drastic rise in antisemitic and other hate related incidents at Origins during the fall of 2023 did Defendants make any statements or communications to the Origins community, specifically that the behavior will not be tolerated.

E. **Origins Had Been a Hub of Antisemitism Prior to the Hamas Terrorist Attack**

76. Antisemitism at Origins is not a new phenomenon.

77. For years, Kaminsky asked the Origins administration to intervene and remedy the hostile antisemitic environment that pervades the school.

78. By February 2022, Kaminsky approached Beaudry to express her frustration with the inaction of the Origins administration. She rightfully feared for her own safety as incidents of antisemitism became more widespread, more pervasive, and more pointed. Beaudry agreed to investigate the allegations.

79. The antisemitic environment further deteriorated throughout the 2022-2023 academic year. John Banks was promoted to Deputy Superintendent of the Brooklyn South School District, and Kammerman was elevated to Interim Acting Principal. Despite the change in leadership, Kaminsky and other Jewish faculty, staff, and students continually faced unaddressed antisemitic hate.

80. For instance:

- a. In April 2022, a student wrote “Hitler is the G.O.A.T” (“greatest of all time”) on a piece of paper in Kaminsky’s class while the class was discussing the Holocaust.
- b. In April 2022, three swastikas were drawn on a Jewish student’s AirPods case while he was in the bathroom. The student stated, in sum and substance, that students do not respect his religion and that students make insensitive comments towards his religion.

- c. In May 2022, a student in Kaminsky's class drew swastikas on other desks with markers.
- d. In January 2023, two students told Kaminsky that they "want to kill all Jews." When Kaminsky confronted the students about their comment, one student stated, words to the effect of, "Kaminsky should be killed as well." Both students then reiterated that "[i]f you were in my country, we would kill you."
- e. In January 2023, a student stated in front of the entire class, "Israelis deserve to die because they kill Muslims."¹⁹

81. Despite reporting these severe and pervasive antisemitic actions that were directed at Kaminsky, Defendants did nothing to stem it, and, as it became clear that Kammerman would do nothing to address the antisemitic behavior permeating the school, Kaminsky was forced to directly contact the Superintendent of Brooklyn South High Schools, Prayor, pleading for help.

82. On January 24, 2023, Kaminsky emailed Prayor and requested that he directly intervene at Origins specifically due to Kammerman's failure to properly address antisemitism. Kaminsky informed Prayor that since Kammerman became Interim Acting Principal, she had to "endure workplace conditions that no one should have to experience." Kaminsky further informed Prayor that she had informed Kammerman of "several incidents of Hate Speech...incidents of Hate directed towards [Kaminsky], slurs, and...an incident of sexual harassment." Notably, she also told Prayor that although the details of each incident differ, the common thread was that she was left "re-victimized" each time she spoke with Kammerman, and that Kammerman inferred to Kaminsky that it was, in fact, her fault that these incidents were occurring. Prayor responded to Kaminsky that he would "immediately begin to investigate."

¹⁹ This list of instances of antisemitism that Kaminsky experienced is non-exhaustive.

83. On January 27, 2023, Kaminsky was summoned to Kammerman’s office to discuss the “antisemitism incidents in [the] school community and the recent incidents directed towards [Kaminsky].” During that meeting, Kammerman informed Kaminsky that if such cases of antisemitism continued that she would have “Peer Mediators” *i.e.*, Origins *students*, hold discussions with the perpetrators to discuss their conduct, effectively washing her hands of any responsibility.

84. In early February 2023, Prayor arrived at Origins to discuss the antisemitic issues permeating the school. Kaminsky felt hopeful when Prayor left that the Origins administration would take meaningful steps forward to stamp out antisemitism. Kaminsky’s hope was short lived.

85. Instead, Origins attempted to address the antisemitic behavior from “two-sides” and informed Kaminsky that a school wide initiative, “Respect for All Week,” would be held at the school.

86. Desperate, Kaminsky again emailed Prayor on February 13, 2023. She informed Prayor that participating in a “Respect for All Week,” would solve nothing. Unsurprisingly, Kaminsky was correct.

87. Origins’ disastrous and distasteful attempt to address “two-sides” of the students’ conduct inevitably resolved nothing. Indeed, moments after Origins held a “Respect for All” assembly, a student drew a swastika on another student’s arm. Kaminsky further informed Prayor that within the three-day period following his visit to Origins three fights occurred in her classroom, a student wearing a hijab was called a “terrorist,” that she had personally been persistently verbally abused during her lessons, and several items of classroom property had been stolen. Kaminsky’s email concluded: “It is abundantly clear that students can say and do whatever

they want without any consequences, and this is a very dangerous trend that must be addressed in a timely manner... *I do not feel safe in my school community.*”

88. In a perfunctory attempt of support, administrators from Origins orchestrated a trip for Origins students to the Museum of Jewish Heritage to “learn” about the Holocaust. Kaminsky and Beaudry opposed the trip knowing that students would not appreciate the museum’s solemnity and importance to the Jewish population without meaningful education and context.

89. Accordingly, two interns from the Museum of Jewish Heritage held a presentation at Origins on March 1, 2023, to educate Origins students prior to the trip.

90. Disgustingly, yet unsurprisingly, students attending the presentation made vile antisemitic comments about the Holocaust and the Museum employees personally. For example, one student exclaimed that he would “*take money out of dead Jewish people’s corpses.*” Another student questioned, “*Why would anyone want to help the Jewish people?*”

91. Kaminsky was forced to interrupt the museum employees numerous times throughout their lesson to address the students’ abhorrent behavior, and removed at least ten students from her class for their behavior during the presentation. Other students who remained in the classroom exclaimed that they would refuse to attend the “Jewish” field trip.

92. As a direct result of the students’ antisemitic and appalling behavior throughout the presentation, the Vice President for Education at the Museum of Jewish Heritage, Elizabeth Edelstein, *rescinded Origins’ invitation to the museum.*

93. Disgusted and fearful of the increased hostility that she was facing in her classroom, Kaminsky *again* emailed Prayor seeking help. Relaying the conduct that she experienced during the Museum of Jewish Heritage’s presentation, she concluded: “It has become clear to me and many others that Principal Kammerman does not possess [the] capacity or knowledge to resolve

this ever-growing antisemitism sentiment in our school community. As a result, *this is creating an atmosphere among many of us that these behaviors, comments, gestures are acceptable due to a complete lack of accountability measures.*”

94. In sum, both antisemitism and the *acceptance* of antisemitism at Origins (and an antisemitic hostile work environment) was so persistent and widespread that it constituted a custom and practice of the Defendants:

- a. Antisemitism was pervasive under, and was reported to, two different school principals and the Superintendent of Brooklyn South High Schools, who all either ignored it or condoned it, and acquiesced to it;
- b. It occurred for a period of *years* and was never remediated, despite DOE officials being on notice during that entire time;
- c. It was enforced and reinforced by acts of retaliation against those who reported it.

F. To Mask the Problem, Defendants Under Report Incidents of Antisemitism at Origins to DOE

95. As described above, severe and pervasive antisemitism and hostility persists and permeates Origins.

96. Rather than acknowledge it and stomp it out, both DOE and Kammerman have instead put forth numerous statements denying that such conduct occurs and placed the blame at the feet of Plaintiffs and those brave enough to call it out.

97. For example, on March 5, 2024, First Deputy Schools Chancellor Dan Weisberg denied the allegations at Origins stating “[t]he cause of combating antisemitism is not served by people *exaggerating* or putting out *false claims*... There were incidents at this school where

students said inappropriate things to teachers. The principal reacted decisively. Students were disciplined.”²⁰

98. On information and belief, between March 12, 2022, and March 12, 2024 (two academic school years), there have been at least 45 incidents of antisemitism at Origins.

99. On information and belief, only 15, or 33%, were recorded properly as per the DOE Chancellor’s Regulations. Seventeen of the 45 incidents were “Under-Reported,” which is approximately 38%. Of these seventeen “Under-Reported” incidents, nine involved the drawing or display of Swastikas (53%). Thirteen of the 45 incidents were not reported at all, which is approximately 29%. Thus, in total, 30 of the 45 (67%) incidents were either “Under-Reported” based on the facts and circumstances when applied to DOE regulations, or not reported at all.

100. Both the failure to report and under-reporting is happening when Defendants know full well that other DOE schools are infected by antisemitism. Among other incidents, a Queens teacher locked herself in an office when radicalized students learned she had attended a pro-Israel rally. Just as at Origins, Chancellor Banks and others defended the students even though Mayor Adams called the episode a “vile show of antisemitism.”²¹ Similar incidents have occurred elsewhere, even leading parents and teachers to demand action.²² But action is sorely lacking,

²⁰ Lisa Rozner, *NYPD investigating after threatening email sent to Jewish educators at Brooklyn high school*, March 5, 2024, accessible at <https://www.cbsnews.com/newyork/news/nypd-investigating-after-threatening-email-sent-to-jewish-educators-at-brooklyn-high-school/>.

²¹ Susan Edelman and Georgia Worrell, *Pro-Israel teacher hides in Queens high school as ‘radicalized’ students riot: ‘They want her fired’*, November 25, 2023, accessible at <https://nypost.com/2023/11/25/metro/jewish-teacher-hides-in-queens-high-school-as-students-riot/>.

²² Katie Corrado, *Students, parents claim NYC schools failing to tackle antisemitism*, January 31, 2024, accessible at <https://pix11.com/news/local-news/students-parents-claim-nyc-schools-failing-to-tackle-antisemitism/>.

which is a byproduct of DOE's publicly stated view on the events at Origins between October 8, 2023 and the present: that it is being "blown completely out of proportion."²³ Plaintiffs disagree.

FIRST CAUSE OF ACTION

Violation of Civil Rights – Antisemitic Harassment and Hostile Work Environment
42 U.S.C. § 1981

101. Plaintiffs repeat and re-allege each and every allegation set forth in the paragraphs above.

102. By reason of the foregoing, Defendants unlawfully discriminated against Kaminsky in the enjoyment of all benefits, privileges, terms, and conditions of her contractual employment in violation of 42 U.S.C. § 1981, including by creating, and then failing to take any effective action to remedy, the harassment and hostile work environment at Origins, despite being placed on notice concerning this conduct.

103. Defendants' conduct was persistent and widespread, reflecting a policy, custom or practice, as evidenced by the fact that it has lasted for years and was perpetrated or condoned by, at least, two different principals at Origins, the DOE Superintendent of Brooklyn South High Schools, and DOE Chancellor Banks, despite them being placed on notice concerning this conduct, and enforced by acts of retaliation against the Plaintiffs.

104. As a direct and proximate result of these actions, Kaminsky suffered and continues to suffer actual damages, including monetary damages, damages to her reputation and career, physical and emotional pain, mental anguish, and humiliation, and other special damages, in an amount to be determined at trial.

²³ Troy Closson, *2 School Districts to Testify as Congress Expands Antisemitism Inquiry*, April 12, 2024, accessible at <https://www.nytimes.com/2024/04/12/nyregion/nyc-schools-chancellor-antisemitism-congress-hearing.html>.

SECOND CAUSE OF ACTION

Violation of Civil Rights – Antisemitic Harassment and Hostile Work Environment
42 U.S.C. § 1983

105. Plaintiffs repeat and re-allege each and every allegation set forth in the paragraphs above.

106. By reason of the foregoing, Defendants unlawfully deprived Kaminsky of rights, privileges, and immunities secured by the Constitution of the United States or other laws, including equal protection of laws, and provisions that protect against antisemitic hostile work environments and discrimination in employment, by, in part, unlawfully creating, and then permitting, antisemitic harassment, and hostile and threatening antisemitic conduct in the workplace against Kaminsky, in violation of 42 U.S.C. § 1983.

107. Defendants' conduct was persistent and widespread, reflecting a policy, custom or practice, as evidenced by the fact that it has lasted for years and was perpetrated or condoned by, at least, two different principals at Origins, the DOE Superintendent of Brooklyn South High Schools, and DOE Chancellor Banks, despite them being placed on notice concerning this conduct, and enforced by acts of retaliation against Plaintiffs.

108. As a direct and proximate result of these actions, Kaminsky suffered and continues to suffer actual damages, including monetary damages, damages to her reputation and career, physical and emotional pain, mental anguish, and humiliation, and other special damages, in an amount to be determined at trial.

THIRD CAUSE OF ACTION

Violation of Civil Rights – Retaliation
42 U.S.C. § 1981

109. Plaintiffs repeat and re-allege each and every allegation set forth in the paragraphs above.

110. By reason of the foregoing, Defendants unlawfully retaliated against Plaintiffs for having exercised their right to oppose and seek redress for unlawful workplace discrimination as protected by 42 U.S.C. § 1981.

111. Defendants' conduct was persistent and widespread, reflecting a policy, custom or practice, as noted above.

112. As a direct and proximate result of these actions, Plaintiffs suffered and continue to suffer actual damages, including monetary damages, damages to their reputation and career, physical and emotional pain, mental anguish, and humiliation, and other special damages, in an amount to be determined at trial.

FOURTH CAUSE OF ACTION

Violation of Civil Rights – Retaliation **42 U.S.C. § 1983**

113. Plaintiffs repeat and re-allege each and every allegation set forth in the paragraphs above.

114. By reason of the foregoing, Defendants unlawfully retaliated against Plaintiffs for having exercised their right to oppose and seek redress for unlawful workplace discrimination as protected by 42 U.S.C. § 1983.

115. Defendants' conduct was persistent and widespread, reflecting a policy, custom or practice, as noted above.

116. As a direct and proximate result of these actions, Plaintiffs suffered and continue to suffer actual damages, including monetary damages, damages to their reputation and career, physical and emotional pain, mental anguish, and humiliation, and other special damages, in an amount to be determined at trial.

FIFTH CAUSE OF ACTION

Equal Protection Clause of the United States Constitution
Violation of 42 U.S.C. § 1983

117. Plaintiffs repeat and re-allege each and every allegation set forth in the paragraphs above.

118. By reason of the foregoing, Defendants unlawfully deprived Plaintiffs of rights, privileges, and immunities secured by the Constitution of the United States or other laws, including equal protection of laws, by, in part, permitting acts of bias and antisemitism against Jews, despite existing laws and regulations prohibiting such conduct and requiring the Defendants to investigate and remediate such conduct; and by retaliating against Plaintiffs for reporting and seeking to remediate such acts of bias and antisemitism.

119. Defendants selectively did not enforce these laws and regulations when the harassment, discrimination, and hate speech at issue was antisemitic and threatening towards Jews at Origins.

120. Defendants' conduct was persistent and widespread, reflecting a policy, custom or practice, as noted above.

121. As a direct and proximate result of these actions, Plaintiffs suffered and continue to suffer actual damages, including monetary damages, damages to their reputation and career, physical and emotional pain, mental anguish, and humiliation, and other special damages, in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request a judgement against Defendants:

1. Declaring that Defendants' acts complained of herein violated Plaintiff's rights under 42 U.S.C. § 1981 and 42 U.S.C. § 1983;

2. Awarding Plaintiffs compensatory damages for mental, emotional and physical injury, distress, pain and suffering and injury to reputation;
3. Awarding Plaintiffs punitive damages in an amount to be determined at trial;
4. Awarding Plaintiffs attorney's fees, costs, and expenses incurred in the prosecution of this action;
5. Enjoining Defendants from persisting in disciplinary proceedings against either Plaintiff;
6. Awarding Plaintiffs such other and further relief as the Court may deem equitable, just, and proper to remedy the Defendants' actions.

JURY DEMAND

Plaintiffs demand a trial by jury as to all issues triable by a jury.

Dated: New York, New York

Walden Macht & Haran LLP

May 3, 2024



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