

**COMMONWEALTH OF MASSACHUSETTS**

**PLYMOUTH, ss.**

**SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO.:**

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**DALE and JENNIFER HARRIS, as Parents  
and next friend of their minor son, RALPH NICKOLAUS  
HARRIS,  
Plaintiffs,**

**v.**

**MARGARET ADAMS, KATHRYN ROBERTS,  
RICHARD SWANSON, NICOLE NOSEK, SUSAN PETRIE,  
ANDREW HOEY, KAREN SHAW, JOHN BUCKEY, and TOWN OF  
HINGHAM SCHOOL COMMITTEE  
Defendants.**

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**VERIFIED COMPLAINT**

The Plaintiffs, Dale and Jennifer Harris, on behalf of their minor son, Ralph Nickolaus Harris (“Nicky” or “Student”), hereinafter the “Plaintiffs,” bring this action against the Defendants, Margaret Adams, Kathryn Roberts, Richard Swanson, Nicole Nosek, Susan Petrie, Andrew Hoey, Karen Shaw, John Buckey and the Town Of Hingham School Committee (collectively the “Defendants”).

**NATURE OF THE CASE**

Artificial Intelligence is here to stay. Upon information and belief, this is a case of first impression in the Commonwealth. As is alleged more fully below, the Plaintiffs claim, *inter alia*, the Defendants violated their minor son’s civil rights, right to equal educational opportunity by denying him procedural and substantive due process resulting in the imposition of pervasive, continuing and severe academic consequences arising from his use of artificial intelligence on a class research project.

During the 2023-2024 school year, the Hingham High School Student Handbook (the “Handbook”), was completely devoid of any policies or procedures regarding the use of artificial intelligence. At the time, the Handbook did not consider artificial intelligence or inform the administration, faculty or students of the circumstances in which it may be permissibly used or whether its use was a sanctionable academic integrity infraction. In the case here, the classroom teacher assigned a team project known as “National History Day.” There were no instructions advising that students were barred from using artificial intelligence.

Student is now a senior at Hingham High School. At all times, Student excelled academically, athletically and is well known for his commitment to community and character; so much so that he is in the process of applying early action or early decision to elite colleges and universities commensurate with his academic record. The institutions of higher learning do not consider applicants with records of academic or disciplinary infractions. Similarly, the schools do not consider or spend any time reviewing those transcripts and records that provide inaccurate, false or misleading information that is not commensurate with the records of the pool of high performing applicants. The process is extremely competitive and such “blemishes” are disqualifying to applicants like the Student in this case.

The Defendants, lead by the classroom teacher, took action resulting in severe academic and disciplinary sanctions that are reflected in Student’s academic record, grades, grade point average, class rank and transcript. In addition to these sanctions, several of the Defendants barred Student from induction into the National Honor Society where he otherwise would have been inducted but for the conduct of the Defendants. On Thursday, September 5, 2024, the District issued its “Bullying Investigation” notes and findings relative to the Plaintiff’s complaints of bullying and harassment by District personnel predicated on Student’s use of artificial intelligence.

In its findings, the District admitted that the investigator, then the Assistant Superintendent examined two years of data. Members of the Class of 2024 who were under consideration the previous spring of 2023, “six students were noted...to have used an on-line answer key to complete a homework assignment.” “One student from the Class of 2024 was deferred and was noted to have an academic integrity infraction involving the use of AI on an English paper. The student was subsequently accepted in Fall of 2023.” This historical data shows administrators in the District had actual knowledge of other students admitted to National Honor Society with academic infractions on their records, however the Defendants caused the Plaintiff Student to be designated as “non-select.”

While artificial intelligence is a new technology and it is still emerging, it is widely accepted. Business, other industries, academia and even the legal profession are still grappling with how to address its use. Plaintiff Parents repeatedly and continuously plead with teachers, administrators and staff at Hingham High School and met with the Assistant Superintendent. This effort culminated in a demand letter to the District dated May 22, 2024. To date, The District has not responded to the Plaintiff’s request for information set forth in the demand letter. It was not until September 5, 2024, that the District advised Plaintiff Parents of its finding that no bullying by the Defendants occurred and that it would uphold the decision to impose discipline regarding the alleged academic integrity infraction despite no policies or procedures set forth in the Student Handbook. The District however reversed the decision regarding Student’s NHS non-selection and disclosed that there were at least seven other students who were previously inducted into NHS who had academic integrity infractions of cheating on their record, and one of those inducted previously used AI on a paper.

Since the District's receipt of the demand letter, the Superintendent at the time, Margaret Adams, and principal at the time, Richard Swanson, both resigned. This resulted in an extreme delay, managerial and administrative chaos, uncertainty and no recourse for Student but to file suit.

The Plaintiffs' causes of action include seeking a declaration of their rights pursuant to G.L. c. 231A §, alleged violations of the Massachusetts Declaration of Rights and the Massachusetts Civil Rights Act ("MCRA"), G.L. c. 12 §11I, alleged violations of 42 USC §1983 due to the conduct being conducted through a pervasive, sustained and continued pattern of threats, intimidation and coercion under color of state law and associated injunctive relief seeking to enjoin, impel, command and order the Defendants to take immediate action to correct, repair and restore the damage done to the academic record and reputation of the Student at issue.

### **PARTIES**

1. The Plaintiffs, Dale and Jennifer Harris are individuals with a residential address of 27 Park View Drive, Hingham, Massachusetts. They bring this case individually and as parents and next friend of their minor son, Ralph Nickolaus Harris ("Nicky"), who is a rising senior at Hingham High School.
2. The Defendant, Margaret Adams, is an individual with an unknown residential address.
3. The Defendant, Kathryn Roberts, is an individual with a residential address of 13 Bulow Rd., Hingham, MA 02043.
4. The Defendant, Richard Swanson, is an individual with a residential address of 24 Merrymount Rd., Hingham, MA 02043.
5. The Defendant, Nicole Nosek, is an individual with a residential address of 7 Great Acres Dr. Hanover, MA 02333.

6. The Defendant, Susan Petrie, is an individual with a residential address of 60 Riverside Circle, Marshfield, MA 02050.
7. The Defendant, Andrew Hoey, is an individual with a residential address of 39 Pages Lane Marshfield, MA 02050.
8. The Defendant, Karen Shaw, is an individual with an unknown residential address.
9. The Defendant, John Buckey, is an individual with a residential address of 165 Humphrey Street, Marblehead, MA 09145. Mr. Buckey is the newly appointed Hingham High School Principal and is named because he is an indispensable party.
10. The Defendant, Hingham School Committee is a public body with an address of 220 Central Street, Hingham, MA 02043.

#### **JURISDICTION AND VENUE**

11. Subject matter jurisdiction is proper in the Superior Court, Plymouth County by virtue of G.L. c. 212 §§3 and 3A, G.L. 231A §1 and by virtue of G.L. c. 249 §4.
12. Personal jurisdiction is proper whereas the Defendants have offices, conduct business and the conduct complained of occurred within Plymouth County.
13. Venue is proper whereas the Plaintiffs and the Defendants are located in Plymouth County and the acts complained of occurred in Plymouth County.

#### **FACTS COMMON TO ALL COUNTS**

14. Nicky Harris is a rising senior at Hingham High School.
15. Nicky is a three-sport varsity student-athlete with a high grade point average and is in the top of his class by virtue of his hard work and resulting academic achievement.
16. Nicky should be receiving a National Merit Scholarship Corporation Letter of Commendation and scored 1520 on his SAT.

17. On September 4, 2024, Nicky received notice that he received a perfect score on the ACT. The letter Nicky received with his perfect score puts him in the top ¼ of 1% of students taking the test.

18. Nicky has a high level of academic, athletic and community achievement, including substantial community service hours including working with cognitively impaired children playing soccer with the Special Needs Athletic Partnership known as “SNAP.”

**USE OF ARTIFICIAL INTELLIGENCE NOT PROHIBITED**

19. Late Fall, Nicky and another classmate, teamed up for a Social Studies project for the long-running historical contest known colloquially as “National History Day.”

20. When the project was assigned, Nicky’s teacher, Defendant, Susan Petrie, did not prohibit the use of artificial intelligence (“AI”) during the preparation and/or research portion of the project.

21. Nicky and his classmate used AI to prepare the initial outline and research for their project on Lew Alcindor, better known as Kareem Abdul-Jabbar and his pioneering role as a civil rights activist.

22. Prior to that time, on August 23, 2023, Defendant, the Hingham School Committee ratified, accepted and/or adopted the Student Handbook (the “Handbook”) for the 2023-2024 school year.

23. The Handbook ratified, accepted and/or adopted on August 23, 2023 was in effect at the time of the incidents alleged in this Verified Complaint.

24. At no time did any of the Defendants notify the Plaintiffs of any revision to the Handbook to include any reference to “artificial intelligence” at any point during the 2023-2024 school year.

25. At the time of the alleged “academic infractions,” the use of AI was not defined as cheating, and not in violation of the “Academic Integrity: Cheating and Plagiarism Policy” set forth in the 2023-2024 Handbook at page 23.
26. Defendant Petrie did not issue a grading rubric or written instructions for the assignment that specifically prohibited the use of artificial intelligence.
27. Nicky received the written materials and deadlines for the project which are attached hereto collectively as Exhibit 1.
28. None of the written materials for the assignment say or mention anything about AI or that the use of AI was prohibited.
29. In addition to the Student Handbook, the contest rulebook for the National History Day Contest referenced in the written materials is silent on the use of AI, nor does the rulebook specifically prohibit the use of AI.
30. The use of AI was permissible during this segment of the project as it was not prohibited.
31. The work in question was “work in progress.” Defendant Petrie labeled the phases of the project as “NHD Rough Draft,” “NHD Notes” and “NHD Final Project.”
32. After the initial segment, Nicky’s ability to work with a partner as part of the assignment was abruptly terminated, without just cause, by Defendant Petrie.
33. On or about December 20, 2023, Defendant Petrie conducted “spot checks” of Nicky’s work in progress on a commonly used platform known as “Google Classroom.”
34. Nicky and his classmate did not get beyond the initial segment of the project because Defendant Petrie accused Nicky and his classmate of using AI, thus cheating on the assignment.

35. Shortly thereafter, Defendant Petrie confronted Nicky and his classmate with very serious allegations of cheating due to the use of AI.
36. Defendant Petrie accused Nicky and his classmate of “cheating” and that they would be held accountable.
37. Nicky and his classmate included citations and works cited in their written work. A true and accurate copy of the Student’s work at issue is attached hereto as Exhibit 2.
38. Contrary to the Defendant’s perception, the written materials included cited and credited reference materials.
39. AI is used in academic writing and the proper citation in works cited is covered by the “Modern Language Association” or “MLA.” <https://style.mla.org/citing-generative-ai/> (Last visited 5/22/24).
40. Guidance on how to cite the academic use of AI tools is changing rapidly.
41. At no time during the roll out of the assignment did Ms. Petrie instruct or advise on the use of AI or its proper citation.
42. Defendant Petrie and History Department Head, Defendant, Andrew Hoey, advised Nicky and his classmate that they would now be required to do a new project separately (vs. the partner work allowed for the rest of the class), not use any of their previous work, not use AI at all, and required them to now submit handwritten note cards.
43. This treatment was a substantial deviation from other students and required Plaintiff Student to re-do the entire project alone and likely prevented Plaintiff Student from participating in the contest.



44. Despite being forced to start over on an entirely new project and being forced to complete it on an individual basis, Nicky received a 0/20 on the Notes portion of the project and a 0/30 on the Rough Draft portion.
45. Nicky received a 65/100 on the final paper or the equivalent of a D letter grade despite the fact he was forced to restart the project from scratch and never having received a grade this low on a final written project.
46. Nicky's enrollment in Advanced Placement US History brings with it a weighted grade that is calculated into his GPA.
47. The project was assigned in the second quarter.
48. In all other quarters, Nicky received a weighted grade of 84 in a college-level, advanced placement course.
49. In the second quarter, the impact of the academic sanction was severe and Nicky received a 63 - a twenty-point drop in grade due to the conduct and treatment by the Defendants.
50. This resulted in a cumulative average for the year of 78.75, but Defendant Petrie reported a 78 on Nicky's report card and a C letter grade.
51. Two grades of zero alone were exclusionary for Nicky and have had a serious and deleterious impact on his record and transcript.
52. Grades of Care exclusionary for Nicky who is competing with the highest level of applicants to admissions to elite colleges and universities, including, Stanford University, on an early action or early decision basis when he otherwise had and maintained an exemplary grade point exceeding 4.0.

53. Dale and Jennifer Harris spoke and met with the principal, Defendant, Richard Swanson and the Department Head, Defendant Hoey. They were assured this matter would remain a private matter, that it had been addressed and handled appropriately and that the matter was concluded.
54. Defendant Hoey was oblivious and/or not forthcoming about the lasting and profound impact these actions were to have on Nicky and his classmate, including their future exclusion from National Honor Society to come later and the irreparable damage the conduct of these arbitrary and capricious acts would have on Nicky's prospects for the ultra-competitive admissions process to come.
55. Time and time again, Defendant Hoey stated, "This is not meant to be punitive" and "it's a teachable moment."
56. The actions undertaken by the Defendants were anything but a teachable moment.
57. The actions were punitive in nature, highly damaging, continuous and not reviewable.
58. By derailing and jeopardizing Nicky's opportunities to compete in the admissions process, these arbitrary and capricious actions have a significant, severe and continuing impact on Nicky's future earning capacity, earning potential and acceptance into an elite college or university course of study given his exemplary academic achievements.
59. Nicky, his classmate, and their parents were advised by Defendants Swanson, Nosek, and Hoey that the National History Day incident would be private and that the information regarding the issue would not be disseminated or disclosed.
60. This was patently false.
61. Since that time, the Defendants have acted inconsistent with this promise and continue to act inconsistent with this notion.

62. The Students' records at issue are protected from disclosure by the Family Educational Rights and Privacy Act, known as "FERPA" and are subject to dissemination under very limited circumstances.
63. At various points throughout this ordeal, the Defendants violated the Student's civil rights by disclosing aspects of their protected student record.
64. After this meeting, those involved in the meeting leaked and disseminated the substance and nature of the allegations that the Plaintiffs were assured would remain private.
65. The dissemination of this information included private student information of a confidential nature protected by FERPA.
66. In breach of promises and assurances made to Mr. and Mrs. Harris, the Defendants caused the "private" subject matter to become public and common knowledge, used by others, to impose an arbitrary and capricious series of disciplinary actions that were a gross abuse of their discretion and authority.
67. For example, Defendants Swanson, Nosek, Hoey, Petrie and Shaw participated in a pervasive pattern of threats, intimidation and coercion.
68. The conduct of these Defendants was so severe, pervasive and egregious that it prompted the Plaintiff Parents to request and receive a "Safety Plan" for their son, which in essence bars, precludes and prevents Defendants Swanson, Nosek, Hoey, Petrie and Shaw from having contact with their son without another approved adult present.
69. Hingham's mere issuance of a Safety Plan is an admission that the Defendants participated in a pattern and scheme of threats, intimidation and coercion.

70. For example, in one incident, Defendant Petrie tracked Nicky and his classmate outside of her classroom. Ms. Petrie went out of her way to report Nicky and his classmate to another one of their teachers, Mr. Forrester, and accused them of doing work for her class in his class.
71. Upon information and belief, Defendant Petrie emailed Mr. Forrester to “warn” him of this “behavior.”
72. When confronted by another teacher, Mr. Porter, he told Defendant Petrie that this was not a problem and a non-issue.
73. Defendant Petrie had no business engaging with other teachers or continuing, without basis, to accuse Nicky and his classmate of continued improper behavior or conduct
74. On May 22, 2024, by and through their counsel, Parents sent a demand letter to Margaret Adams, then the Superintendent of the Hingham Public Schools.
75. In that letter, Parent’s counsel requested “that Hingham provide me with copies of all rubrics, directions, materials, communications or other instructions or directives regarding the use of AI during any portion of this assignment so we can understand what exactly was permissible and what was not. From the materials I reviewed, there is no distinction or even a mention of the permissible or impermissible use of AI. If it is unclear to me, the clarity of instruction to these students is very clearly at issue.”
76. To date, the District failed to respond to this request for information.
77. Upon information and belief, this information does not exist.
78. In addition to receiving a zero, both students received a “Saturday detention.”
79. A regular detention is where “A teacher or administrator may require a student to remain after school, with the goal of reflecting on inappropriate behavior, repairing harm, restoring relationships, and deterring future infractions. Detention may be served from 7:20

to 7:50 a.m. or 2:40 to 3:30 p.m.”

80. Unlike a “regular” detention, “Saturday School,” is for multiple hours and is defined in the Handbook as:

Saturday School is one of the disciplinary measures used for students found in violation of school rules. It is part of a system of progressive discipline and will be assigned when appropriate as determined by the school administration. All students assigned to Saturday School should enter the building through the cafeteria doors. They should report to Room 173 by 8:00 a.m. sharp. Tardy students will not be admitted. Attendees are expected to

- Arrive by 8:00 a.m. sharp with sufficient materials for the session
- Read or study for the entire time
- Remain silent and avoid any form of disruption
- Follow all instructions from the supervisor

81. At the time Nicky received a sanction of “Saturday School,” he had not violated any written rule, policy or procedure that was set forth in the Student Handbook because the Student Handbook was silent on the use of artificial intelligence and there were no policies, procedures, training or professional development on the use of AI that were available for administrators, faculty or students.

82. Adding insult to injury, the Defendants implemented the Saturday detention during the three-day Martin Luther King holiday weekend.

83. The Saturday detention was arbitrary, capricious and another exercise of over-the-top exercises of conduct that was marked by threats, intimidation or coercion.

84. As Nicky had already been punished, the incident and aftermath should have concluded.

85. Instead, the Defendants continued on a pervasive, destructive and merciless path of threats, intimidation and coercion to impact and derail Nicky’s future and his exemplary record.

86. Nicky and his classmate were barred from selection for National Honor Society (“NHS.”)

87. But for the incident alleged in this Verified Complaint, Nicky would have been inducted into the National Honor Society.
88. According to its website, “Unveiled over a century ago, the National Honor Society enshrines four pillars at its heart: Scholarship, Service, Leadership, and Character. More than mere badges of honor for NHS members, these principles are transformative keys that unlock potential, enhancing every student’s educational journey, and ultimately empowering them to make profound, enduring contributions to our world.”
89. Contrary to statements attributable to Hingham in its Student Handbook, NHS is a school sponsored and school sanctioned activity.
90. The bullying investigation report states: “On January 30th, 2024, during the bimonthly department director meeting, Principal Swanson asked for volunteers to serve on the NHS Faculty Council, which per the NHS bylaws consists of five faculty members. Mr. Swanson explained that due to protracted contract negotiations and subsequent quote, “work to rule action” that precluded members of the Hingham Education Association from volunteering for the NHS Faculty Council, HHS sought participation of department directors. It is noted that, per the national and HHS bylaws, principles/assistant principals may not serve on the Faculty Council, however, department directors, as members of the faculty, are eligible to serve on the NHS Council and have served on past councils.”
91. NHS provides enhanced educational opportunities for its members and selection is made by and upon the recommendation, advice, consent or support of the Defendants.
92. Members of NHS are recognized as leaders in the community, in character and in the classroom.

93. As a member of NHS, members are recruited, sought after and considered for coveted seats in elite colleges and universities based on their high achievement as leaders, in the community, in character and in the classroom.
94. NHS is a school-based and school -sponsored activity.
95. NHS takes place on school grounds. It has a faculty advisor who is a District employee. It utilizes school resources and is staffed by paid employees on the public school payroll, uses public facilities, public email and other methods of communication sanctioned and controlled by the District.
96. At all times relevant, the Defendants involved with providing information on NHS selection or the selection process itself were state actors acting under color of state law.
97. Moreover, the NHS website has resources available for “Schools” to create and run successful local chapters: “Creating opportunities for your students and investing in their leadership development requires commitment, time, and resources, but you aren’t alone. NASSP has a suite of tools, supports, and resources for advisers and schools to successfully run an NHS chapter from start to finish...”
98. On or about March 27, 2024, the advisor for NHS, Defendant, Karen Shaw said, “this is the most egregious case of academic dishonesty we have seen in sixteen years” and other statements exacerbating and contributing to the ongoing pattern of threats, intimidation and coercion.
99. At the time Defendant Shaw, the NHS advisor made this statement, she knew or should have known that NHS inducted at least seven other students with academic integrity infractions on their record.

100. Defendant Shaw was intimately involved in the information gathering process regarding the Plaintiff and in that role had access to the same or similar information regarding the other NHS members with academic integrity infractions on their record.
101. Defendant Shaw's statement took place three months later as the matter took place in December.
102. At the time Defendant Shaw made this statement, the Student Handbook, in particular the Academic Integrity: Cheating and Plagiarism provisions, were silent on any policy, procedure, expectation, conduct, discipline, sanction or consequence for the use of AI.
103. At the time, administrators, faculty and students alike had no road map or written set of rules or expectations that clearly and unequivocally established the parameters of how anyone should use AI or what to do if its use was encountered, where as here, during the educational process.
104. At the time, the use of AI was not a violation of the existing "Academic Integrity: Cheating and Plagiarism" provisions of the 2023-2024 Handbook.
105. As such, accusations of cheating, plagiarism and academic misconduct or dishonesty constituted statements of threats, intimidation and coercion because such arbitrary and capricious sentiment was not based on any policies, procedures or writing in effect prior to the incident alleged herein.
106. There is much dispute as to whether the use of generative AI constitutes plagiarism.
107. Plagiarism is defined as the practice of taking someone else's work or ideas and passing them off as one's own.
108. During the project, Nicky and his classmate did not take someone else's work or ideas and pass them off as their own.



109. Nicky and his classmate used AI, which generates and synthesizes new information and is not passing off another's work as their own.

110. Despite having this information, the Defendants exceeded their authority granted to them and abused their authority, discretion and participated in an arbitrary and capricious series of actions and unfettered state action that were threats, intimidation and coercion because they unfairly and unjustly acted as investigator, judge, jury and executioner in determining the extreme, outrageous and conscience-shocking sanctions imposed upon Nicky and his classmate.

111. After being unfairly and unjustly accused of cheating, plagiarism and academic dishonesty, Nicky and his classmate conducted their own research into the use of AI.

112. Each explained to Defendant Shaw and other Defendants how use of AI is not considered to be plagiarism, there is substantial debate on this topic, and the decision to impose the sanctions received were unwarranted, unjustified and detrimental to their otherwise unblemished academic records.

113. Defendant Shaw and other Defendants doubled down repeatedly and reiterated their threats, intimidation and coercion when they were dismissive and failed to address the information brought to them by the Students regarding AI and its use.

#### **HISTORIC USE OF ARTIFICIAL INTELLIGENCE AND LACK OF REGULATION**

114. AI is a prevalent and hot button topic in the world in which we live, including its emerging use in the legal profession.

115. As recently as July 29, 2024, the American Bar Association ("ABA") issued "Formal Opinion 512" that addressed the issue of generative artificial intelligence or "GAI."

116. The publicly available Formal Opinion 512 states, “This opinion identifies some ethical issues involving the use of GAI tools and offers general guidance for lawyers attempting to navigate this emerging landscape,” the formal opinion said. It added that the ABA committee and state and local bar association ethics committees will likely continue to “offer updated guidance on professional conduct issues relevant to specific GAI tools as they develop.”
117. Generative AI is an emerging landscape and its use is here to stay. Used properly and under proper rules, guidelines, policy standards and rubrics it is far from sinister or nefarious in nature.
118. In January 2023, Massachusetts Senator Barry Finegold, used ChatGPT to write legislation that he then refined and filed to legislate the use of the program.<sup>1</sup>
119. Upon information and belief, currently, there are no federal or state regulations governing the use of AI in schools and in particular, in the classroom for use by students.
120. Upon information and belief, the Massachusetts Department of Elementary and Secondary Education (“DESE”) has not issued publicly available guidance, regulations, or directives over the use of AI in the classroom by teachers, by students or elsewhere.
121. The Hingham High School Student Handbook (the “Handbook”) governs expectations of those students enrolled Hingham High School.
122. The Handbook includes provision such as: “Mission,” “Code of Discipline,” “Discipline Procedures,” “Due Process,” “Technology Acceptable Use,” “National Honor Society,” and “Academic Integrity: Cheating and Plagiarism.”

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<sup>1</sup> <https://www.masslive.com/politics/2023/01/mass-lawmaker-uses-chatgpt-to-help-write-legislation-limiting-the-program.html> (last visited 5/21/24)

123. The permissible use of AI cannot, by definition, trigger any applicable policy regarding academic dishonesty or plagiarism because each requires an intent to deceive.
124. Upon information and belief, Hingham revised the Handbook and included “Artificial Intelligence” in the “Academic Integrity” section of the Handbook.
125. This provision was not amended, adopted, approved and/or ratified until on or about August 15, 2024 after the School Committee voted on the revisions.
126. On September 4, 2024, at first day of school convocation, Hingham High School administrators addressed, for the first time, the blanket prohibition on the use of artificial intelligence and the potential for exclusion from National Honor Society for academic infractions.
127. Upon information and belief, these changes and directives were the direct result of the Plaintiff’s claims in this case set forth in their demand letter dated May 22, 2024.

**ACKNOWLEDGEMENT OF THE IMPORTANCE OF  
ARTIFICIAL INTELLIGENCE EDUCATION**

128. Upon information and belief, the District has very little professional development, formal education, curriculum and programming regarding the use and treatment of artificial intelligence by administrators, faculty and students.
129. Previously, the District utilized a PowerPoint slide deck that discussed AI with students during their sophomore year English class.
130. It is unknown as to whether all students received this information and if so, at what point said information was received and whether the information was disseminated more than once or on an annual basis.
131. The educational material was provided in a different class setting and in a different school year.

132. Upon information and belief, this is the only moment in time where the high school addressed and discussed the use of AI with students prior to the incident alleged in this Verified Complaint.

133. During the relevant time period, Defendant Swanson was the principal of Hingham High School.

134. During the relevant time period, Defendant Swanson sent an email or e-newsletter to the high school community. In his “upcoming events” section of the email, Defendant Swanson noted a summer course on the use of AI that was being taught for students in grades 8-12 at Newton North High School.

135. The inclusion of this information and course description is an admission, acknowledgement and appreciation for how critical AI education is for students.

#### **HOSTILITY AND LACK OF COLLABORATION**

136. Central to the educational mission is not only the relationship between teacher and student, but the relationship between teacher and parent.

137. At all times relevant, the Defendants acted arbitrarily and capriciously regarding the use of AI because at the time, there existed no official policy of the Hingham Public Schools on its use.

138. At all times relevant, the faculty and staff at Hingham High School were practicing an arbitrary and capricious approach to the use of AI in the classroom, with schoolwork and with students.

**EXCLUSION FROM NATIONAL HONOR SOCIETY AND PRIOR HISTORY OF  
INDUCTION OF STUDENTS WITH ACADEMIC INFRACTIONS**

139. The fallout from this incident culminated in the denial of Nicky and his classmate's NHS induction, an honor they both earned given their high level of academic achievement, commitment to community and their character.
140. When Plaintiff Parents attempted to attend a meeting with Defendant Shaw on this issue, she abjectly refused and barred Parents from attending a meeting with their son that had very serious academic and future consequences.
141. Defendant Shaw's arbitrary and capricious actions and threatening, intimidating and coercive demeanor towards the Plaintiffs does not align with the District's core values of collaboration with students and their families.
142. Collaboration by teachers with students and families is a core value set forth in the Student Handbook.
143. When Nicky and his classmate told Defendant Shaw, the NHS advisor, of their intention to appeal to the principal, she laughed at them and said, "why would you want to do that? What are you going to do, stop cheating?"
144. As an educator, Defendant Shaw sought to dissuade Nicky and his classmate from exercising their due process rights under the governance of the national organization of NHS.
145. The Defendants engaged in a pattern of threats, intimidation and coercion marked by a complete lack of transparency and flow of information requested by the Plaintiffs regarding the NHS selection process and what Defendant Swanson relied upon in affirming the decision through an appeal to exclude Nicky and his classmate from the NHS.

146. At that time, Defendant Swanson and other Defendants knew or should have known that the District inducted at least seven students into NHS, who had academic infractions on their record, one of which was because of the prior use of AI.
147. The “committee” that adjudicated selection for NHS this year did not include teachers who know and are familiar with Nicky and his classmate.
148. This is due to the then escalating contract conflict with the Hingham Educators Association (“HEA”) where HEA engaged in an illegal strike by instituting “work to rule.”
149. This illegal strike resulted in District teachers abject refusal to write college recommendation letters for rising seniors who would be apply to top tier universities and colleges on an early decision or early action basis.
150. This action lead to substantial and significant delay to Nicky receiving recommendation letters that were required to submit college applications.
151. On May 22 2024, the Plaintiffs requested the District to provide the names of the people who were on the selection committee, all information and documentation compiled and used to make decisions about nomination and selection of students and the templates for recommended nomination and selection of students from the national organization handbook if such templates were used.
152. This is not private information.
153. In their demand letter, Parents also advised, “To the extent any identifying information is on the requested documents, you may redact it and produce it” and “As you know, as a public school, all communications by and between the District employees, especially those regarding my clients, are subject to public records law and are subject to disclosure upon request.”

154. During the relevant time period, Defendant Swanson withheld the requested materials from the Plaintiffs.

155. There is no rational basis as to why Defendant Swanson would withhold these materials or tell the Plaintiffs they were not entitled to them provided that student identifying information was redacted.

156. This conduct was arbitrary, capricious and not in accordance with any written policy or procedures. By failing and refusing to produce the requested information, Defendant Swanson aided and abetted the Defendant's ongoing pattern of threats, intimidation and coercion.

157. Now that the District has issued its factual findings as of September 5, 2024, the "faculty council" was not its usual composition due to the actions undertaken by the Hingham Educators Association that were detrimental to students.

158. The District's September 5, 2024 findings also reveal that Defendant Swanson and other Defendants knew or should have known that if challenged, they would be forced to admit that other students with academic infractions were inducted into NHS.

159. This information and knowledge provided the Defendants with motive and opportunity to suppress the production of the requested information.

160. This information and knowledge provided the Defendants with motive and opportunity to manipulate the process for NHS selection.

161. Defendants Swanson, Nosek, Hoey, Petrie and Shaw had no intention of imposing progressive discipline but rather implemented carried out an arbitrary and capricious plan to implement their threats, intimidation and coercion by executing a severe, punitive, and subjective agenda not based on any policy adopted by the District regarding a student's use of

AI, whether such use was sanctionable or the nature, scope and magnitude of punishment consequence was appropriate.

162. At all times relevant, Defendants Swanson, Nosek, Hoey, Petrie and Shaw exhibited hostility and implemented an express or implied agenda that continues to cause significant harm to Nicky and his classmate's prospects of being admitted to an elite college or university given their record of substantial achievement.

163. Their conduct caused Nicky to suffer damages by the imposition of arbitrary and capricious discipline and by the inclusion of false, deceptive and inaccurate entries and information on Nicky's record and transcript.

164. This conduct caused Nicky to suffer damages due to the direct and immediate impact it had and continues to have on Nicky's ability to compete with other similarly situated applicants in the early action/early decision process who have the same or similar background of high academic performance, achievement and character. his college applications, his admission on an early action or early decision basis and impacting future educational opportunity, earning capacity and income potential.

165. At all times relevant, there was no reasonable likelihood that any "appeal" of the decision to deny Nicky and his classmate induction into the NHS would be successful, as stated by Ms. Shaw "I don't know why you'd appeal, he'll always side with us".

166. This statement was a deliberate, knowing and willful attempt to manipulate the process and to have these Students back off their position and is yet another obvious example of the ongoing pattern of threats, intimidation and coercion.



167. Upon information and belief, the Defendants have not confronted a challenge to the decision to deny entry to the NHS before and that the District is at a loss as to how best to address it.
168. The continued threats, intimidation, coercion, exclusion, belittling and vitriol directed towards Plaintiff Student and their families is unlawful and a deprivation of their civil rights.
169. At all times relevant, Defendant Swanson advised Nicky and his classmate that they would be afforded a “fair hearing.”
170. No fair hearing occurred.
171. On April 23, 2024, Defendant Swanson issued his decision and said, “...I know the outcome will be disappointing to you, but as I stated in the letter, I hope Nicky will come to regard this episode as a temporary setback that does not diminish his many other accomplishments.”
172. This decision was yet another doubling down by Defendants Swanson and constituted another episode of threats, intimidation and coercion.
173. Defendants Swanson did exactly what Defendant Shaw said he would do – he sided with the other Defendants resulting in Nicky never having a chance.
174. At the time Defendant Swanson issued this “decision,” Defendant Swanson and the other Defendants possessed information within their care, custody and control that seven other students, including one who had used AI, were inducted into NHS.
175. This is another separate and distinct episode of threats, intimidation and coercion.
176. Had this information been known and made available earlier, it would have resulted in Nicky’s admission to NHS.

177. Had this information been known and produced as requested in the demand letter, the Plaintiffs would have been in a far better position to take immediate action to address this information had the Defendants not suppressed it.
178. The decision to exclude Nicky and his classmate from NHS was based on information shared and disseminated by Defendant Nosek (a non-voting member's) subjective, false, inaccurate, and incomplete assessment of their character and conveyed by expressions of hearsay, hunch, guess work and innuendo. Nosek's opinion was based upon threats, intimidation and coercion that resulted in damages arising out of a violation of Nicky's civil rights/.
179. Nicky has a long history of documented successes and exemplary behavior which meet the criteria for NHS nomination and selection.
180. Defendant Nosek far exceeded the authority granted to her by virtue of the Handbook and abused her discretion, especially as a non-voting member by sharing inaccurate and incomplete information about Nicky and his classmate. These actions were based upon threats, intimidation and coercion that resulted in damages arising out of a violation of Nicky's civil rights.
181. As an administrator, Defendant Nosek had the information regarding the seven NHS members who had been inducted notwithstanding the academic integrity violations on their record. Whether constructive actual knowledge, Nosek and the Defendants elected to ignore this information, look the other way or both. Either way, this behavior constitutes threats, intimidation and coercion that resulted in damages arising out of a violation of Nicky's civil rights..

182. Upon information and belief, Defendant Nosek told other students, “they don't need to bother to apply next year,” implying that she has both the power and authority to torpedo Nicky’s application for NHS. This too was a statement that was a threat, intimidation or coercion resulting in damages arising out of an express violation of Nicky’s civil rights.
183. Defendant Nosek’s actions exceeded her authority and is a gross abuse of the wide discretion typically conferred under the circumstances.
184. Defendant Nosek’s actions exceeded her authority and is a gross abuse of the wide discretion typically conferred under the circumstances, especially when Defendant Nosek knew or should have known that the NHS chapter had inducted students who were previously sanctioned for academic integrity infractions, including one instance of using AI.
185. Upon information and belief, other students who are presently members of the Hingham High School Chapter of the National Honor Society have violated the code of conduct or other requirements to maintain membership short of expulsion or removal.
186. Upon information and belief, at least one other incident involved another student and the consumption of alcohol as a minor that resulted in school discipline.
187. Upon information and belief, the student that was the subject of that incident remains a member of NHS.
188. The procedures in place are inadequate to address any dispute of this nature relating to membership, exclusion, expulsion or removal from membership of the NHS.
189. The procedures in place are inadequate to address any dispute of this nature relating to membership, exclusion, expulsion or removal from membership of the NHS and manipulation of the application, acceptance and membership process by those in charge of said process.

190. By excluding Nicky and his classmate from consideration for NHS, the acts of the Defendants exceeded the authority granted to them and are an abuse of discretion in violation of the Plaintiff's civil rights, including but not limited to their rights to equal educational opportunity.
191. The acts of the Defendants and the underlying decision to influence an arbitrary and capricious selection committee lacking a knowledgeable history of its nominees or a documented, fair, and consistent process that can be shared with those who are unfairly and inequitably denied membership is a denial of procedural and substantive due process.
192. The discipline imposed lead to the student's exclusion unfairly prejudiced the process and created a selection process that was arbitrary and capricious, unselective by nature, and without accountability.
193. The Defendants' actions were an abuse of discretion, arbitrary, capricious, and not in compliance with any provision of the Handbook that proscribe or prohibited the subject conduct.
194. The record of these incidents, coupled with a lack of procedural safeguard and transparency have made it abundantly clear that Nicky and his classmate's punishments were pre-determined and pre-judged.
195. The Defendants violated the civil rights of the Plaintiffs by depriving the Plaintiff Students equal educational opportunity in comparison to other students and by not allowing the Plaintiffs a meaningful opportunity to challenge the imposition of arbitrary and capricious discipline that exceeded the authority, discretion and policy of the Hingham Public Schools as promulgated by the Hingham School Committee.

196. The continued and pervasive acts and conduct of the Defendants are arbitrary, capricious and not in accordance with any established school district policy and as such constitute actionable threats, intimidation or coercion in violation of Nicky's civil rights that resulted in damages.

**SUBSEQUENT INCONSISTENT ACCOLADES AND TREATMENT**

197. On May 17, 2024, Defendant, and then Principal Swanson sent the following letter to Nicky and his classmate's parents:

Hingham High School will hold its annual Junior Awards Ceremony to honor the academic achievements of the Class of 2025 on Tuesday, June 4, 2024, at 7:00 p.m. in the HHS auditorium.

I am happy to inform you that your child will be receiving an award. Please share this great news and inform your child that we look forward to seeing them at the event on June 4th.

198. This letter was sent after the Plaintiffs engaged counsel in this matter.

199. This is further record evidence of the District's arbitrary and capricious discipline, including the summary denial of selection for National Honor Society without a reasonable and non-conclusory basis in denial of Nicky and his classmate's civil rights to equal educational opportunity.

200. The denial of equal educational opportunity was pervasive and sustained through a lack of procedural safeguards to protect against the Defendants exceeding the authority granted to them and abusing their discretion in light of the totality of the circumstances.

201. These acts and conduct violate the Plaintiff's rights to procedural and substantive due process.

202. The imposition of discipline and impact on the transcripts and academic records of the Plaintiff Students are a denial of procedural and substantive due process by state action under color of state law.

203. By their actions and conduct, the Defendants participated in a pattern and scheme marked by threats, intimidation and coercion as state actors acting under color of state law. Accordingly, and by these unlawful acts and conduct, the Defendants are directly responsible for violating the Plaintiff's rights and causing damages as follows:

- A) Violations of the Plaintiff's civil rights; those rights afforded under the Constitution of the United States as guaranteed by the 14th Amendment, including the rights to due process and equal protection under the law; violation of federal statutes; violation of state civil rights by threats, intimidation and coercion by virtue of the Massachusetts Declaration of Rights, the Massachusetts Civil Rights Act, G.L. c. 12 §11I and state law;
- B) Acts of arbitrary and capricious nature marked by a gross abuse of discretion in excess of authority granted by any policies or procedures adopted, published or made known that proscribed or prohibited the student's use of artificial intelligence giving rise to the discipline imposed in this matter;
- C) The entry of inaccurate, false and misleading information and entries in the student record and transcript and the dissemination of said record and transcript when the Defendants knew or should have known the information was inaccurate, incorrect, false and intentionally misleading; and
- D) Those caused by the direct, proximate and significant delay on the student's ability to compete with other similarly situated high achieving applicants in the early decision or

early action admissions process by taking immediate action upon receipt of the demand letter dated May 22, 2024.

204. Applications to certain of the select colleges and universities to which Nicky is applying are currently due and accepting applications.
205. By their actions and conduct, the Defendants put Nicky at an overwhelming disadvantage when compared to other applicants who are able to submit transcripts that are correct, accurate and timely.
206. Certain institutions, such as Stanford University to which Nicky is applying require applications to be submitted in early October 2024. Others are to be submitted on a rolling basis, which opened in August 2024.
207. Rolling admissions consider applicants in the order in which the applications are received and complete. This is why it is of paramount importance and urgency for the Defendants to have acted to correct what they knew or should have known was arbitrary and capricious discipline.
208. These actions and conduct also caused Nicky damage by impacting his potential future earnings, earning capacity, income and career potential.
209. By their actions and conduct, the Defendants, exceeded their authority and abused their discretion under color of state law by depriving the Plaintiffs of their civil federal rights to a public education and equal educational opportunity as guaranteed by federal statute, the Fourteenth Amendment of the United States Constitution and the Massachusetts Declaration of Rights by leaving Plaintiff Students with no recourse thus depriving said Plaintiffs of federally protected personal and property rights to a public education and equal educational opportunity.

210. By their actions and conduct, the Defendants exceeded their authority and abused their discretion under color of state law by depriving the Plaintiffs of their civil rights by imposing discipline for using artificial intelligence, which was inappropriately, unfairly and unjustly classified as cheating, plagiarism, academic dishonesty or lacking academic integrity.

**DEMAND LETTER AND NO RESPONSE FROM HINGHAM PUBLIC SCHOOLS**

211. On May 22, 2024, the Plaintiffs sent a demand letter to Margaret Adams, Superintendent of Schools. A true and accurate copy of said demand letter is attached hereto as Exhibit 3.<sup>2</sup>

212. On June 12, 2024, Plaintiffs met with Defendant, Assistant Superintendent Kathryn Roberts. Nicky attended the meeting with his parents and counsel as did counsel for Hingham Public Schools.

213. Counsel for the Plaintiffs followed up by email with counsel for Hingham on July 3, 8, 9, 11 and August 20, 2024. True and accurate copies of these emails are attached hereto as Exhibits 4-8.<sup>3</sup>

214. On July 8, 2024, Plaintiff's counsel wrote to counsel for the District and advised: "AP scores came out today. Not surprisingly and true to form, Nicky got a 5/5 on his AP exam for US History (Ms. Petrie's class). In fact, he got 5s on all the AP exams he took. Including last year, Nicky is 4/4 with 5s on his AP courses. He obviously learned the material as was required to the level of earning college credit(s)."

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<sup>2</sup> The exhibits to the Verified Complaint have been filed under seal and are subject to the Plaintiff's Motion to Impound and Seal filed simultaneously with the Verified Complaint.

<sup>3</sup> See Note 2, supra.



215. The email also advised that Nicky will take 5 AP classes next year during his senior year and if all goes according to plan, he will graduate Hingham High School with 10 college classes/credits.

216. These three things combined continue to have a rippling effect on Nicky's transcript and GPA which will in turn have a lasting effect on his college applications.

217. At a minimum, Nicky will be hard pressed to explain why he received a C+ for the year in a class where he got a "5" on the corresponding AP exam and his record is devoid of any letter grade of C.

218. In the email dated July 11, 2024, Plaintiff's counsel stated: "Any unbiased investigator who examined Ms. Petrie's grade book for ten minutes would find this deeply troubling and subjective to these two particular students. The fact Hingham has no AI policy coupled with the grades on the AP exams only underscore this."

219. The District did not provide any substantive response regarding the status of its investigation, where it was in the course of its investigation or when its investigation would be completed.

220. As time went on, Nicky was in the process of preparing applications to apply early decision to several elite colleges and universities.

221. It was not until September 5, 2024 that the District issued its findings of its "Bullying Investigation" and "Bullying Investigation Notes" regarding its investigation into the Defendants. A true and accurate copy of said findings and notes are attached hereto as Exhibit 9.<sup>4</sup>

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<sup>4</sup> See Note 2, supra.

222. The District denied the claims of bullying and harassment by certain of the Defendants who were subject of the Safety Plan.
223. The District reversed the decision of “non-selection” or exclusion from NHS and found that Nicky could re-apply in Fall 2024.
224. The District’s decision to reverse the decision of “non-selection” or exclusion from NHS was based on the fact that at least seven students were previously admitted to NHS who had academic integrity infractions on their record, one of whom had used artificial intelligence, yet that student was inducted anyway.
225. The decision and finding that Nicky can re-apply in Fall 2024 is not a timely remedy for Nicky as early decision and early action applications will already have been submitted.
226. As such, Nicky will not derive the full and meaningful benefit of induction in NHS when he should have been inducted last year with other candidates.
227. In addition to the foregoing, the District elected to uphold the exclusion of Nicky’s classmate from NHS despite the same facts being known with respect to the other seven students who had academic integrity infractions on their records, one of whom had previously used AI.
228. The decision to uphold the exclusion of Nicky’s classmate from NHS despite the exclusion being based upon the same facts is another example of the Defendant’s arbitrary and capricious decision making that was an abuse of discretion and made in excess of their authority.
229. The District’s decision to exclude Nicky’s classmate from NHS despite the exclusion being based upon the same facts is another example of the Defendant’s threats, intimidation and coercion because the Defendants barred the other student on the basis of what the Defendant’s belief was the student not being forthcoming.

230. This is an arbitrary, capricious and subjective determination that has no basis in the Student Handbook which is also silent on any policies, procedures for the use of or even dealing with AI in the school for administrators, faculty and students.

**INTERNAL CONTRACT STRIFE, WORK TO RULE, RESIGNATION OF  
SUPERINTENDENT AND HINGHAM HIGH SCHOOL PRINCIPAL**

231. At all times relevant, Margaret Adams was the Superintendent of the Hingham Public Schools.

232. On December 11, 2023, the Hingham Educators Association (“HEA”) voted no confidence in Dr. Adams.

233. In the period ensuing thereafter, HEA instituted a “work to rule” strategy that resulted in substantial conflict with the Administration and the residents of Hingham that was detrimental to the students of the District.

234. The dispute was highly politicized, personal and public.

235. Included in this internal strife was the fact that members of HEA refused to write college recommendation letters for students who needed those letters to accompany their college applications.

236. This unlawful strike deprived the Plaintiff Students from receiving timely letters of recommendation to prepare their college applications, which were being submitted on an early action and early decision basis.

237. On June 11, 2024, the District and HEA settled the contract negotiations.

238. On August 12, 2024, Dr. Adams notified the Hingham School Committee that she would resign her position as Superintendent effective August 23, 2024.

239. On August 14, 2024, the Hingham School Committee met and appointed the Assistant Superintendent, Kathryn Roberts, to the position of Acting Superintendent.

240. Prior to that time, on or about May 17, 2024, Defendant, Richard Swanson, announced that he would resign his position as principal and not be returning to Hingham High School for the 2024-2025 school year.
241. As a result of these resignations, the District experienced a substantial and detrimental change in leadership, administration and management. This has resulted in a tumultuous transition and no plan to address the Plaintiff's complaints.
242. At the time of the demand letter, Dr. Adams was the Superintendent of Schools.
243. Dr. Adams designated Ms. Roberts to investigate the claims set forth in the May 22, 2024 demand letter.
244. Ms. Roberts met with Plaintiffs on June 12, 2024.
245. Prior to that time, on May 28, 2024, Ms. Roberts met with the parents of Nicky's classmate.
246. Despite multiple attempts and follow ups, in writing with counsel for the District, inquiring about the status of the District's "investigation," no substantive response was forthcoming.
247. The District and/or its counsel did not issue a substantive response to Parents inquiries regarding the status, when the investigation may be concluded, and when they could expect the results of said investigation.
248. Plaintiff Parents repeatedly expressed the urgency with which this matter must be addressed given their children are applying early decision or early action to elite universities and colleges given their academic achievements and class rank.
249. As of the filing of this Verified Complaint, the District has not responded to the Plaintiff's request for information set forth in the Plaintiff's demand letter.
250. The District issued findings of the "bullying investigation," where it needed to investigate its own educators for bullying their own students.

251. The District did not issue those findings until September 5, 2024.

252. The District's lack of responsiveness, no sense of urgency and continued and sustained defiance are violative of the Plaintiff's civil rights in addition to those rights guaranteed by the Constitution of the United States by virtue of the due process and equal protection of the 14<sup>th</sup> Amendment, the Massachusetts Declaration of Rights, the Massachusetts Civil Rights Act and both state and federal law by infringing the Plaintiff Student's right to equal educational opportunity and those personal and property rights guaranteed to him.

**COUNT I – DECLARATORY RELIEF**

253. The Plaintiffs re-plead, re-aver, and re-allege those facts set forth in those paragraphs above as if fully stated herein.

254. The Plaintiffs bring this count pursuant to G.L. c. 231A §1 seeking a declaration as to their rights.

255. In accordance with G.L. c. 231A §1, the Court may make binding declarations of right, duty, status and other legal relations either before or after a breach or violation thereof has occurred.

256. An actual case or controversy exists because the Defendants failed and refused to reverse a series of arbitrary and capricious decisions, including the imposition of discipline, which exceeded their authority and was an abuse of discretion.

257. These arbitrary and capricious acts were punctuated by acts of threats, intimidation and coercion that denied and infringed upon Plaintiff Student's civil rights and other rights afforded to him under state and federal law.

WHEREFORE, the Plaintiffs demand judgment as to Count I of the Verified Complaint and pray that the Court enter an order pursuant to G.L. c. 231A declaring the following:

- A) At the time of the incidents alleged in the Verified Complaint, the 2023-2024 Hingham High School Student Handbook (the “Handbook”) governed expectations with respect to the Code of Conduct and Academic Integrity.
- B) The Defendants and the Plaintiff Student were bound to follow the Handbook and the policies and procedures set forth therein.
- C) The Handbook includes provision such as: “Mission,” “Code of Discipline,” “Discipline Procedures,” “Due Process,” “Technology Acceptable Use,” “National Honor Society,” and “Academic Integrity: Cheating and Plagiarism.”
- D) The 2023-2024 Handbook contains no language or provisions regarding the acceptable use of artificial intelligence in any aspect, whether such use be by administrators, faculty or students.
- E) The Handbook is devoid of any policies and procedures relative to AI’s permissible use, impermissible use, sanctionable conduct, discipline and potential consequences.
- F) The 2023-2024 Handbook provisions regarding “Academic Integrity: Cheating and Plagiarism” do not expressly state that the use of artificial intelligence is a violation of the Academic Integrity provisions of the Handbook.
- G) With respect to the assignment giving rise to this action, there is no dispute that use of artificial intelligence was not expressly prohibited.
- H) With respect to the assignment giving rise to this action, there were no written instructions that expressly prohibited the use of artificial intelligence.
- I) The work completed by Plaintiff Student included works cited to which Plaintiff Student credited the information gathered.

- J) There were no clear policies, procedures and expectations regarding the use of artificial intelligence on the project giving rise to this action, including that the use of artificial intelligence would have a deleterious effect on Plaintiff Student's academic record, grading, transcript, exclusion from NHS.
- K) There were no procedural safeguards for Plaintiff Student to avail himself under the circumstances where he was disciplined for using artificial intelligence on the assignment in question.
- L) As there were no clear policies, procedures and expectations in the classroom, no procedural safeguards and no applicable provision of the Handbook, the Defendants acted arbitrarily and capriciously, exceeded their authority and abused their discretion by disciplining Plaintiff Student by imposing severe and long lasting academic sanctions including arbitrary and capricious grading and exclusion from National Honor Society.
- M) The lack of adequate safeguards included the Plaintiff Student's inability to receive a fair and unbiased hearing to review the acts complained of which were tantamount to receiving no review at all, a bona fide appeal or due process.
- N) The Defendants exceeded their authority and abused their discretion by failing to reconsider that their discipline of Plaintiff Student because their actions were not in accordance with any policy or procedure set forth in the Student Handbook that was approved, adopted or ratified by the Hingham School Committee.
- O) At the time the Defendants took action that resulted in the exclusion of the Plaintiff Student from NHS, they knew or should have known that there were seven other students inducted into NHS despite academic integrity infractions being on their academic record, and one of those students had previously used artificial intelligence.

- P) The Defendants acted arbitrarily and capriciously and abused their discretion by treating the Plaintiff Student differently than other students who were inducted into NHS with the same or similar academic integrity infractions on their record.

**COUNT II – VIOLATION OF THE MASSACHUSETTS DECLARATION OF RIGHTS**

258. The Plaintiffs re-plead, re-aver, and re-allege those facts set forth in those paragraphs above as if fully stated herein.
259. The Defendants violated the Plaintiff Student's personal and property rights and liberty to acquire, possess, maintain and protect his rights to equal educational opportunity in this Commonwealth, his ability to seek and obtain safety and happiness and his fundamental right to privacy and to be left alone.
260. The Massachusetts Public Education Law, Ch. 766 M.G.L. c. 71B, §§ 1 - 16 guarantees a "free and appropriate public education in the least restrictive environment" to all school-aged children (ages 3 to 21) regardless of disability.
261. 603 CMR 26.00 is promulgated to insure that the public schools of the Commonwealth do not discriminate against students on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation, and that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools.
262. By violating these basic tenets of the Plaintiff's civil rights, the Defendants violated the Plaintiffs rights afforded to them by and through the Massachusetts Declaration of Rights, Part I - Articles CVI. VII, X, XI and XXIV.
263. The Defendants denied the Plaintiff Student the right to a free and appropriate public education in the least restrictive environment regardless of any disability as the acts



complained of denied the Plaintiff Student equal educational opportunity by and through the lack of adequate safeguards to seek an actual and unbiased review or to appeal the imposition of discipline that was arbitrary and capricious in nature, scope and consequence.

264. Such a denial is also a denial of procedural and substantive due process effecting the deprivation of personal liberty or property in violation of the Massachusetts Declaration of Rights, Part I - Articles CVI. VII, X, XI and XXIV.

265. In breach and violation of these regulations and statutes set forth in this Count, the Defendants, under color of state law, took part in inherently impermissible conduct that was marked, punctuated and exacerbated by documented episodes of threats, intimidation or coercion.

266. In breach and violation of the Plaintiff Student's rights, the Defendants acted unfairly, capriciously, abused their discretion and exceeded their authority by not acting and behaving in accordance with any established policy or procedure of the District in violation of the Massachusetts Declaration of Rights as set forth above.

267. In breach and violation of these regulations and statutes set forth in this Count, the Defendants, under color of state law, manipulated, suppressed and ignored the fact that other students with a record including academic integrity infractions were admitted to NHS and therefore took part in inherently impermissible conduct by excluding the Plaintiff Student from induction into NHS.

268. The continuing, ongoing and pervasive acts of the Defendants over an extended period as set forth in the allegations of the Verified Complaint constitute threats, intimidation and coercion resulting in a substantial and material breach of the Plaintiff Student's civil rights and which resulted in damages.

WHEREFORE, the Plaintiffs demand judgment as to Count II of the Verified Complaint and pray that the Court enter an order restraining and enjoining the Defendants from any further, continuous or ongoing acts that violate the Plaintiff's civil rights together with damages to be determined at trial, costs and reasonable attorney's fees.

**COUNT III – VIOLATIONS OF THE MASSACHUSETTS CIVIL RIGHTS ACT,  
G.L. c. 12 §§11H and I**

269. The Plaintiffs re-plead, re-aver, and re-allege those facts set forth in those paragraphs above as if fully stated herein.
270. At all times relevant, the Defendants interfered by threats, intimidation or coercion, or attempted to interfere by threats, intimidation or coercion, with the exercise or enjoyment by the Plaintiffs of rights secured by the constitution or laws of the United States, or of rights secured by the constitution or laws of the Commonwealth.
271. The Plaintiffs are entitled to protection of the peaceable exercise or enjoyment of the right or rights so secured.
272. The Defendants violated the Plaintiff Student's personal and property rights and liberty to acquire, possess, maintain and protect his rights to equal educational opportunity in this Commonwealth, his ability to seek and obtain safety and happiness and his fundamental right to privacy and to be left alone.
273. Additionally, through a pervasive pattern of documented threats, intimidation and coercion, the Defendants violated the Plaintiff Student's civil rights by implementing an arbitrary, capricious and ad hoc approach to discipline that was not sanctioned or proscribed by any policy or procedure set forth in the Student Handbook regarding the use of emerging technology that was not expressly prohibited.
274. By labeling and marking the Plaintiff Student as a cheater, holding him out as a cheater

and denying him equal educational opportunity on the basis of those self-serving and conclusory allegations, the Defendants violated the Plaintiff Student's civil rights and other rights afforded to him under both state and federal law by, among other things, a consistent pattern of threats, intimidation and coercion as set forth in the allegations of this Verified Complaint.

WHEREFORE, the Plaintiffs demand judgment as to Count III and pray that the Court enter an order restraining and enjoining the Defendants from any further, continuous or ongoing acts that violate the Plaintiff's civil rights together with damages to be determined at trial, costs and reasonable attorney's fees.

**COUNT IV– VIOLATIONS OF 42 U.S.C. §1983**

275. The Plaintiffs re-plead, re-aver, and re-allege those facts set forth in those paragraphs above as if fully stated herein.
276. At all times relevant, the individual defendants acted under color of state law.
277. At all times relevant, the conduct of the Defendants violated the Plaintiff Student's personal and property rights and civil rights guaranteed to him by Constitution of the United States and further codified in federal statutory law.
278. The Every Student Succeeds Act ("ESSA") of 2015, 20 U.S.C. §6301 reauthorized the 50-year-old Elementary and Secondary Education Act ("ESEA"), the nation's national education law and longstanding commitment to equal opportunity for all students.
279. The Plaintiff Student is the intended beneficiaries of this and other federal legislation, including FERPA.
280. The conduct of the Defendants deprived the Plaintiff Student of liberty to acquire, possess, maintain and protect his personal dignity in addition to his personal and property rights to

equal educational opportunity, right to privacy, equal protection, due process and the right to be left alone.

281. The Defendants conduct exceeded and abused their authority and discretion by acting outside the parameters of any established procedures, policies and protocols justifying their actions that violated the Plaintiff Student's civil rights.
282. The Defendants conduct exceeded and abused their authority and discretion by manipulating, suppressing, ignoring information and data regarding the same or similar conduct by NHS members that were inducted despite having academic integrity infractions on their academic record.
283. Inherent in the right to a public education is the right to equal educational opportunity, both of which are guaranteed to the states by virtue of the 14<sup>th</sup> amendment of the Constitution of the United States
284. The 14<sup>th</sup> amendment also guarantees that such rights shall not be taken away without due process of law and that all people shall be guaranteed equal protection of the law.
285. In violation of these rights, Defendants' actions and conduct were arbitrary and capricious, an abuse of discretion and in excess of their authority and deprived the Plaintiff student of procedural and substantive due process by not having adequate safeguards to provide the Plaintiff Student an opportunity to be heard, to seek a meaningful appeal or bona fide, unbiased review or to redress his grievances.
286. Federal law also preserves, in violate, the right of the Plaintiff Students to receive a free and appropriate public education.
287. In breach of that right, the Defendants denied the Plaintiff Students the right to a free and appropriate public education by denying equal educational opportunity to realize the

benefits of his academic achievement, record, grade point average, accomplishment and commitment to community and character.

288. By their conduct, the Defendants caused the Plaintiffs to suffer damages due to the deprivation of these rights and by impacting the Plaintiff Student's future earning potential, earning capacity and career prospects.

WHEREFORE, the Plaintiffs demand judgment as to Count III pursuant to 42 U.S.C. §1983 in an amount of damages to be determined at trial, together with costs and reasonable attorney's fees.

#### **COUNT IV – INJUNCTIVE RELIEF**

289. The Plaintiffs re-plead, re-aver, and re-allege those facts set forth in those paragraphs above as if fully stated herein.

290. There is no adequate remedy at law available to the Plaintiff Student that would immediately restore and preserve the integrity of his grade, grade point average, transcript, record of discipline or to immediately realize the benefit of membership in National Honor Society, that the Plaintiff Student would have realized but for the action of the Defendants.

291. The Plaintiffs are likely to succeed on the merits because the Defendants acted arbitrarily and capriciously, exceeding their authority in an abuse of discretion implementing discipline and academic sanctions against the Plaintiff where the Student Handbook has no policies or procedures relative to the use of artificial intelligence and directing administrators, faculty or students.

292. The Plaintiff Student will suffer irreparable harm if the Defendants are not enjoined in their conduct because his applications for early action and early decision admission to the elite colleges and universities to which he is applying are due starting October 1, 2024.

293. The imminency of the irreparable harm to the Plaintiff Student is an immediate threat that cannot be undone if the injunction is not granted forthwith and without delay.
294. The balancing of the harm favors the Plaintiff Student over the Defendants as the Plaintiff Student's academic and disciplinary permanent record is affected by the conduct sought to be enjoined. In contrast, the Defendants would not suffer any harm if the injunction were granted.

WHEREFORE, the Plaintiffs demand judgment as to Count IV and pray that the Court enter a permanent injunction granting the following relief:

- A) To enter an immediate order enjoining and ordering the Defendants to immediately repair, restore and rectify Plaintiff Student's letter grade in Social Studies to a grade of "B" and that the Court order the expungement of any grade, report, transcript entry or record of discipline imposing any kind of academic sanction as set forth in the Verified Complaint.
- B) To enter an immediate order enjoining and ordering the Defendants to cease and desist from characterizing the use of artificial intelligence by the Plaintiff Student as "cheating" or classifying such use as an "academic integrity infraction" or "academic dishonesty" as the Student Handbook in effect at the time did not include any prohibition of the use of AI for anyone nor did the Student Handbook put the Plaintiff Student on notice of any expectations regarding the use of AI or consequences of discipline under the Code of Conduct that was silent on the use of artificial intelligence.
- C) To enter an order enjoining and ordering the Defendants to exclude any zero grade from grade calculations for the subject assignment and to amend and change any student records detrimental to the Plaintiff Student arising from this incident including but not limited to

grade books, on-line grading programs such as Aspen or other like programs, transcripts, permanent school records and the like.

- D) To enter an order enjoining an ordering the Defendants to cease and desist from continuing to bar the Plaintiff Student from being inducted into the National Honor Society and that he be retroactively appointed and inducted immediately and without further delay.
- E) To enter an order enjoining and ordering the Defendants from continuing to withhold the information requested by the Plaintiffs in the demand letter dated May 22, 2024; and
- F) To enjoin and order the Defendants to undergo training in the use and implementation of artificial intelligence in the classroom, schools and educational environment by a duly qualified third party not employed by the District; and
- G) To enter an order that provides other equitable and injunctive relief that is just and proper.

**JURY DEMAND**

The Plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,

DALE and JENNIFER HARRIS, as Parents  
And Next Friend of Their Minor Son,  
RALPH NICKOLAUS HARRIS,

By their attorneys,

FARRELL LAVIN, PLLC

*Peter S. Farrell*

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Date: September 16, 2024

**VERIFICATION**

I, Dale Harris, upon oath and personal knowledge hereby certify and verify that I have read and reviewed the allegations set forth in the above Verified Complaint and I verify that those allegations set forth herein are true and correct, and those allegations made upon information and belief are so stated, as are those allegations that are based upon information that is public knowledge.

Signed under the pains and penalties of perjury this 16<sup>th</sup> day of September, 2024.

  
Dale Harris