NORTH CAROLINA INDUSTRIAL COMMISSION
I.C. File No.

MARY SLOAN GILLIAM
Plaintiff

v.

UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS (*FKA* North Carolina School of the Arts) and THE UNIVERSITY OF NORTH CAROLINA
Defendants

COMPLAINT

NOW COMES the Plaintiff, complaining of Defendants and alleges and says as follows:

INTRODUCTION

1. This case arises from the sexual abuse and exploitation that Plaintiff Mary Sloan Gilliam suffered as a minor while a student entrusted to the purported oversight, care and supervision of the faculty, staff and administration at the University of North Carolina School of the Arts. For many, many years, the administrators at the University of North Carolina School of the Arts knew or should have known of the dangerous culture permitting and condoning the sexual abuse and exploitation of students attending the school. Despite this knowledge, the administrators at the University of North Carolina School of the Arts turned a willful blind eye to the egregious conduct suffered by so many of the school's students, specifically including the Plaintiff. Despite their clear knowledge of this horrific abuse and exploitation of minor students, the Defendants failed to take any reasonable steps to protect Plaintiff and other students similarly situated from the danger of being sexually abused and exploited by members of the faculty, staff and/or administration at the school.

PARTIES AND JURISDICTION

2. Plaintiff Mary Sloan Gilliam (hereinafter "Mary" and/or "Plaintiff") is a citizen and resident of Charleston County, South Carolina. Her mailing address is in care of Lisa Lanier, Lanier Law Group, 6518 Airport Center Drive, Greensboro, NC 27409.

3. At all times relevant to the sexual abuse and exploitation alleged herein, Plaintiff was a minor student at the University of North Carolina School of the Arts and relied upon and was dependent upon the faculty, staff and administrators of the school to provide for her care, safety and supervision. The negligent conduct alleged herein occurred at or near the campus of the University of North Carolina School of the Arts located at 1533 South Main Street, Winston-Salem, North Carolina 27127 and occurred during the years 1983 – 1988.

4. Defendant University of North Carolina School of the Arts (formerly known as the North Carolina School of the Arts) (hereinafter referred to as "UNCSA" and/or "the school" or collectively with Defendant University of North Carolina as "Defendants") is a state institution and/or agency and is a constituent institution of the University of North Carolina system, with its principal place of business located in Winston-Salem, Forsyth County, North Carolina.

5. The North Carolina Industrial Commission (NCIC) has personal jurisdiction over Defendant UNCSA in that at all times relevant hereto Defendant UNCSA conducted its business and activities in the state of North Carolina as an agency of the state.

6. The NCIC has subject matter jurisdiction over Plaintiff's claims in that the claims arose under the substantive law of North Carolina.

7. Defendant University of North Carolina (hereinafter "UNC" and/or collectively with Defendant UNCSA as "Defendants") is a state institution and/or agency with its principal

place of business in Chapel Hill, Orange County, North Carolina. The UNC System is comprised of seventeen (17) institutions located throughout the state of North Carolina. The UNC System mission statement provides: The University of North Carolina is a public, multi-campus university dedicated to the service of North Carolina and its people. It encompasses the 17 diverse constituent institutions and other educational, research, and public service organizations. Each shares in the overall mission of the University. That mission is to discover, create, transmit, and apply knowledge to address the needs of individuals and society. This mission is accomplished through instruction, which communicates the knowledge and values and imparts the skills necessary for individuals to lead responsible, productive, and personally satisfying lives; through research, scholarship, and creative activities, which advance knowledge and enhance the educational process; and through public service, which contributes to the solution of societal problems and enriches the quality of life in the State. In the fulfillment of this mission, the University shall seek an efficient use of available resources to ensure the highest quality in its service to the citizens of the State.

8. The NCIC has personal jurisdiction over Defendant UNC in that at all times relevant hereto Defendant UNC conducted its business and activities in the state of North Carolina as an agency of the state.

9. The NCIC has subject matter jurisdiction over Plaintiff's claims in that the Defendants are state agencies and/or institutions and the claims arose under the substantive law of North Carolina.

10. The employees and/or agents of Defendant UNCSA who were negligent in their actions and/or failures to act to protect the minor students entrusted to their protection and care as alleged herein, said negligence being a proximate cause of the Plaintiff's injuries as alleged

herein, include but are not limited to: Robert C. Suderburg (deceased), Lawrence Hart (deceased), Jane Elizabeth Milley, Philip Nelson (deceased), Robert Lindgren (deceased), Larry Alan Smith, William Tribby, Peggy Dodson, Susan McCullough, Diane Markham, William Pruitt (deceased), Alan Rust, Robert Hickok (deceased), Duncan Noble (deceased), Richard Kuch (deceased), Richard Gain and other administrators including Vice Chancellors, Associate Vice Chancellors, Deans and Associate Deans to be determined through discovery in this matter.

FACTUAL BACKGROUND

11. Defendant UNCSA was founded in 1963 and opened its doors to students in 1965 as the nation's first public arts conservatory.

12. From its inception, Defendant UNCSA offered middle school, high school and college age students specialized training in the performing and visual arts. When it first began operating, Defendant UNCSA's middle and high school was the country's only state-supported boarding school for the arts.

13. From its beginning, Defendant UNCSA actively recruited boys and girls as young as 12 years old to come live at Defendant UNCSA to study ballet, modern dance and other disciplines.

14. In addition to its duty and obligation to provide its young students with education and training in their chosen artistic disciplines, Defendant UNCSA had a duty and obligation to provide these young boys and girls with a safe and secure environment in which they could learn and grow.

15. Despite the clear obligation to the boys and girls who chose to attend the school, some faculty, staff and the administrators of Defendant UNCSA instead allowed there to develop a culture of sexual abuse and exploitation of the young students in its care. Upon information

and belief, this dangerous culture of accepted sexual abuse and exploitation continued for two decades or more and negatively impacted potentially hundreds of students, including Plaintiff.

16. As one prominent former UNCSA student has been quoted as saying: the school was "a cesspool of sexual abuse that took place behind walls and closed doors, with little chance of help for young people as there was nowhere to go for help . . . it was like shooting fish in a barrel for predators."

17. Throughout the 1970s and 1980s (and likely beyond), some faculty and the administrators at Defendant UNCSA -- despite their clear knowledge and understanding of the sexual exploitation and abuse of minor students that was occurring -- unconscionably allowed this egregious and outrageous conduct to continue without taking any steps to intervene. Examples of the sexual exploitation and abuse that the school's administrators condoned, and on some occasions participated in, are both troubling and horrifying.

18. In the 1970s and 1980s, the dance department at Defendant UNCSA was home of two of the most openly notorious faculty members – Richard Kuch (deceased) and Richard Gain.

19. Kuch and Gain made no secret of their efforts to groom boys as young as 12 and 13 years old with the full and open intent of engaging in sexual activity with these adolescent students.

20. Kuch and Gain, under the guise of dance instruction, constantly and repeatedly groped, fondled or otherwise touched in a sexual manner many of the students in their care. Further, they constantly subjected these young students to grossly inappropriate sexual comments, often telling the middle school age boys and girls that they would never fully develop as artists until they started having sex.

21. Kuch and Gain's exploitation of minor students was so widely known that among UNCSA students, faculty and administrators they were called "Crotch" and "Groin."

22. Kuch and Gain lived together on a rural property in the community of East Bend, outside of Winston-Salem. Kuch and Gain would refer to their property as "The Farm," but among UNCSA students, some faculty and administrators, the Kuch and Gain property was known to be the location where Kuch and Gain would lure minor students for sexual exploitation. As such, UNCSA students, some faculty and administrators referred to the Kuch and Gain property as "The Fuck Farm."

23. The sexual abuse and exploitation inflicted upon minor students at the school by Kuch and Gain was not only known by students, faculty, staff and administrators at the school, but sadly was known among many of the members of the dance community nationwide.

24. One former faculty member went to then-Vice Chancellor Bill Pruitt and told Pruitt that UNCSA was having trouble recruiting young male dancers to their program because of the reputations and conduct of modern dance instructors Richard Kuch and Richard Gain. Vice Chancellor Pruitt was specifically told that dance instructors around the country, in an attempt to protect their young students, refused to recommend UNCSA to their gifted young male dancers because it was widely known that Kuch and Gain would try to groom those young boys for sexual abuse and exploitation. This former faculty member told Bill Pruitt that he could no longer teach male ballet technique or other dance curriculum for boys/men because he could not recruit young male students. Some members of the dance community around the country referred to Kuch and Gain as those two "sickos." Pruitt did nothing to address this widely known sexual abuse and exploitation.

25. The culture of condoning sexual abuse was not limited to the dance department. For example, at one point in time the then-Dean of the Drama Department had a practice called, "Freshman Friday," where all the male freshman students had to go into his office where he fondled them, causing an erection, to see how hard they would get. This Dean contended that it was understood that you could not be a successful drama student if you could not get sufficiently hard.

26. At one point in time, in the film school there was a group of graduate students who called themselves the "vagina hunters." They sought out 13-year-old female students in order to take their virginity. Upon information and belief the then Dean of Students was made aware of this information and ignored and/or condoned it.

27. Sexual relationships between faculty members and high school age students were widely known by UNCSA administrators who condoned such sexual exploitation. If a male faculty member had sex with a minor student that resulted in the young girl getting pregnant the only help the school might offer would be to provide the young girl with information about getting an abortion.

28. At all relevant times Defendant UNCSA, through its agents, employees and/or representatives knew or should have known of the repeated and ongoing sexual abuse and exploitation of its students and despite this knowledge failed to act or otherwise intervene to protect its students from these sexual predators who populated the faculty and/or administration.

29. At all relevant times it was reasonably foreseeable to Defendant UNCSA, through its agents, employees and /or representatives that this repeated and ongoing sexual abuse and exploitation of students purportedly under its care and supervision would likely result in injury to the victims of this abuse and exploitation, including injury to the Plaintiff and others.

30. Defendant UNCSA, through its agents, employees and/or representatives, consciously and recklessly disregarded their knowledge of the repeated and ongoing sexual abuse and exploitation of its students and the dangerous culture regarding such conduct that existed at the institution.

31. Defendant UNCSA, through its agents, employees and/or representatives, knew or should have known that its negligent, reckless, and outrageous conduct and ignoring, condoning and or perpetuating the culture of sexual abuse and exploitation of its students would inflict severe emotional and psychological distress, as well as personal physical injury, on those students who were abused or exploited, including Plaintiff, who did in fact suffer severe emotional and psychological distress and personal physical injury as a result of this wrongful conduct.

FACTS SPECIFIC TO PLAINTIFF MARY SLOAN GILLIAM

32. Mary began attending UNCSA in the summer of 1983. After the 1984 summer intensive program, Mary was invited to become a full-time student. She entered UNCSA as 14 year old high school freshman in the fall of 1984.

33. Mary knew that attending UNCSA was the first step toward achieving her goal of becoming a professional ballerina. She began her freshman year with two main priorities: to please and to succeed.

34. As a ballet student, Mary had daily classes with ballet instructor, Melissa Hayden, during which Hayden touched Mary inappropriately. At least once a week, Hayden would slap or place her hand on Mary's buttocks. She would also force her hand onto Mary's upper and inner thigh, very close to her genitalia. Mary became numb to these repeated acts of

inappropriate touching, especially since she witnessed the same abuse inflicted on her classmates nearly every time she was in class. Mary was made to believe this behavior was normal.

35. As a classical ballet student, Mary was also required to take modern dance classes with instructors Kuch and Gain. Mary had heard that both instructors were known to have had regular and frequent sexual affairs with underage students.

36. Kuch's conduct toward Mary during a floor barre class was particularly egregious. The students would lie on the floor with one leg up in the air and the other leg bent with their foot on the floor. As Mary held this pose, Kuch stood extremely close to Mary while staring directly down into her crotch for extended periods of time. Kuch stood so close to her that if her leg faltered, it would touch his groin. Indeed, he was so close to her that she could literally feel his breath. This made her extremely uncomfortable, but she was powerless to do anything about it.

37. Mary heard that Kuch and Gain, known on campus as "Crotch" and "Groin" along with ballet instructors Frank Smith and Fanchon Cordell, often hosted underage students in their homes and freely served alcohol to minors. It was "a badge of honor" for students to be invited to these gatherings given that Kuch and Gain offered them special treatment.

38. During her years at UNCSA, Mary became extremely introverted. She could not understand how the administration allowed the instructors to sexually abuse and humiliate the students. Indeed, inappropriate sexual conduct between students and faculty appeared to be an accepted part of the UNCSA artistic life, as though it would make you a better dancer. She became very guarded during her years at UNCSA. Much of her adult mores were established during her years at UNCSA. Mary developed low self-esteem and felt she was never good enough. These feelings negatively shaped Mary's adult life.

39. Mary graduated from UNCSA, and in 1988 started dancing for the Fort Worth Ballet. The Director sexually pursued her, and based on her twisted experiences at UNCSA, Mary believed that this was a "normal" part of a dancer's world. She knew that if she did not comply with his demands that she would have no career. Mary was so conflicted that she ended up leaving the company and stopped dancing which was extremely difficult for her. Throughout her early adulthood Mary believed that a healthy relationship was one in which she was submissive to an overly authoritative partner, launching her from one unhealthy relationship to another.

FIRST CLAIM FOR RELIEF:
NEGLIGENT RETENTION AND SUPERVISION
AGAINST DEFENDANTS UNCSA and UNC

40. Plaintiff refers to and hereby realleges and incorporates by reference all previous paragraphs of this Complaint.

41. Defendant UNCSA had a duty to take reasonable steps to protect Plaintiff from foreseeable harm when she was in their care, custody, control and under their supervision as a student attending UNCSA.

42. When hiring and/or retaining and/or utilizing employees, agents and/or representatives, Defendant UNCSA owed Plaintiff a duty to act as an ordinary, prudent and reasonable employer, supervisor and/or principal of the faculty, staff and administrators with whom Plaintiff and other students would be interacting with and relying upon for a safe and protected environment in which she and other students could learn and grow.

43. The Defendant UNCSA had a duty and an obligation to take reasonable steps to

prevent any and all members of its faculty and staff and any of its administrators from using the tasks, premises, job title, job responsibilities and/or the instrumentalities of his/her position to target, groom, and sexually abuse students in their care and entrusted to them, including Plaintiff.

44. Defendant UNCSA had a duty to have in place policies and procedures that would prohibit adult faculty, staff and administrators from engaging in any form of sexual contact with any student at the school, specifically including Plaintiff. Defendant UNCSA had a further duty and obligation to see that those policies and procedures were implemented, followed and enforced.

45. Defendant UNCSA had a duty to have in place policies and procedures that would prohibit adult faculty, staff and administrators from engaging in any type, kind and/or form of sexual abuse or exploitation of at the school, specifically including Plaintiff. Defendant UNCSA had a further duty and obligation to see that those policies and procedures were implemented, followed and enforced.

46. Defendant UNCSA negligently and recklessly breached each of the foregoing duties by failing to exercise reasonable care and by failing to take any action of any kind to prevent its faculty, staff and administrators from engaging in sexual contact with and/or sexually abusing and/or exploiting the students entrusted to their care and supervision, including Plaintiff.

47. Defendant UNCSA, acting and/or failing to act by and through its administrators, negligently and recklessly breached each of the foregoing duties by participating in, condoning and/or encouraging an institutional culture that permitted sexual abuse and exploitation of the students entrusted to its care and supervision, including the Plaintiff.

48. In breaching these duties Defendant UNCSA failed to create a safe and secure

environment for Plaintiff and other students entrusted to its supervision and in their care, custody, and control, and instead created a dangerous culture and environment that ignored, condoned and/or encouraged sexual abuse and exploitation of its students. In breaching these duties, Defendant UNCSA created a real and foreseeable risk that Plaintiff and other students would be sexually abused and/or exploited.

49. As a direct and proximate result of the above-described negligence of Defendant UNCSA, Plaintiff has suffered and continues to suffer physical, mental and emotional injuries and has incurred and continues to incur medical and other expenses and the Plaintiff has incurred a loss of wages and income and suffered a loss of earning capacity causing her to continue to incur lost earnings in the future and the inability to earn wages at her full potential all damages in an amount to be determined by a jury, but in any event, in an amount in excess of twenty-five thousand dollars ($25,000.00).

50. The acts and/or omissions of Defendant UNCSA as alleged herein are imputed to Defendant UNC through the doctrine of agency and/or *respondeat superior.*

SECOND CLAIM FOR RELIEF:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
AGAINST DEFENDANTS UNCSA and UNC

51. Plaintiff refers to and hereby realleges and incorporates by reference all previous paragraphs of this Complaint.

52. As alleged above, Defendant UNCSA's actions and/or failures to act related to Plaintiff were negligent.

53. These negligent acts or failures to act did, in fact, cause Plaintiff severe emotional distress.

54. Defendant UNCSA knew or should have known, and it was reasonably

foreseeable that, Defendant UNCSA's conduct would cause the Plaintiff severe emotional distress.

55. Defendant UNCSA knew of should have known and it was reasonably foreseeable that the failure of the employees, administrators and/or agents of Defendant UNCSA to properly supervise and to intervene and stop the sexual abuse and exploitation of its students, including Plaintiff, when it was or should have been clear that such harmful conduct was occurring would cause the Plaintiff severe emotional distress.

56. As a result of Defendant UNCSA's negligent conduct, Plaintiff has sought professional medical treatment.

57. As a proximate and foreseeable result of the negligence of Defendant UNCSA as alleged herein, Plaintiff endured pain, suffering, mental anguish, and suffered from severe emotional distress and will continue to endure pain, suffering, mental anguish, and suffer from severe emotional distress in the future.

58. As a direct and proximate result of the above-described negligence of Defendant UNCSA, Plaintiff has suffered and continues to suffer physical, mental and emotional injuries and has incurred and continues to incur medical and other expenses and the Plaintiff has incurred a loss of wages and income and suffered a loss of earning capacity causing her to continue to incur lost earnings in the future and the inability to earn wages at her full potential all damages in an amount in excess of twenty-five thousand dollars ($25,000.00).

59. The acts and/or omissions of Defendant UNCSA as alleged herein are imputed to Defendant UNC through the doctrine of agency and/or *respondeat superior*.

WHEREFORE, Plaintiff respectfully prays the Court as follows:

1. That Plaintiff have and recover of Defendants an amount in excess of twenty-five thousand dollars ($25,000.00);

2. That Plaintiff be awarded attorney's fees, pre-judgment interest and costs as allowed by law; and

3. For all such other and further relief as the Court may deem just and proper.

This the 29th day of September, 2021.

LANIER LAW GROUP, P.A.

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VERIFICATION

I, Mary Sloan Gilliam, have reviewed the allegations made in this Complaint, and to those allegations of which I have personal knowledge, I believe them to be true. As to those allegations of which I do not have personal knowledge, I rely on information and I believe them to be true.

Date: 9-21-23

Mary Sloan Gilliam
Claimant
Email: mmgilliam6@yahoo.com

Sworn to and subscribed before me,
this the 23 day of September, 2021.

Amanda C. Thompson
Notary Public

Amanda C. Thompson
Printed Name

My Commission expires: 3/16/2030