

# Filing: Kansas military school failed to supervise cadets

By ROXANA HEGEMAN January 14, 2019



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WICHITA, Kan. (AP) — A Kansas military school failed to adequately supervise cadets entrusted to its care and intentionally inflicted emotional distress in 2014 on a bullied 11-year-old student who had been physically tied together with his harasser in public as punishment, according to an arbitration award made public Monday.

Shortly thereafter, the boy was allegedly raped and sodomized by his harasser in a dorm room at St. John's Military School in Salina, the court filing said.

A \$369,175 arbitration award last month against St. John's Military School and its endowment fund was made public on Monday when the family's attorney, Dan Zmijewski, filed a procedural motion in the federal case seeking a court order confirming it. Zmijewski represents the Tennessee father of the bullied boy. The initial complaint listed the boy's age as 12, but the family's attorney and arbitrator both noted the boy was 11 at the time of the alleged assault.

School officials and the school's attorneys did not immediately respond to emails seeking comment.

The arbitration award, dated Dec. 17, followed a four-day hearing in September.

The private boarding school for grades 6 to 12 draws boys from around the country as it touts its ability to develop academic and leadership skills in a military environment. Tuition is \$34,100 a year, according to its website.

Arbitrator John Phillips of the American Arbitration Association found St. John's school was suffering from decreasing enrollment and did little review of applicants to determine their own safety or the safety of other students.

by Taboola

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The alleged perpetrator, another student who now lives in Washington state, had a troubled childhood that raised a substantial question as to whether he should have been admitted to the boarding school, according to the ruling.

Shortly after arriving at St. John's, he was observed bullying other students and demanding that they call him "master." The 11-year-old student was one student that he bullied extensively, and on one occasion "adult supervision" at the school decided to tie them together and leave them in a public area within the school, the court filing said.

"Not only was it an unconventional way to discipline boys that age but the boarding school's own expert testified that it resulted in humiliation of both boys and made things only worse" for the boy who was the object of the other student's bullying, the arbitrator wrote in his findings.

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The bullied boy did not tell anyone he was sexually assaulted until more than a year later. A therapist attributed the boy's post-traumatic stress disorder to the sexual assault, saying he will likely need treatment the rest of his life, according to the arbitration ruling.

The arbitrator noted that the school acknowledged there was "some sort of unfortunate incident," but did not concede that a nonconsensual sexual assault necessarily occurred.

No criminal charges were ever filed in the case, which Zmijewski attributed to the fact that the rape was not immediately reported or investigated. A complaint was later made to state child welfare officials who determined the charges were unsubstantiated without even interviewing his client, Zmijewski said.

The arbitrator also faulted the school for moving an aggressive, threatening student across the hall from a student who was known to have psychological issues.

In his finding of negligence, the arbitrator also faulted the school for its lack of documentation or investigation and for its decision to allow the aggressive cadet to remain a student for the remainder of the school year. But the arbitrator did not find the conduct or failure to provide appropriate care was so outrageous or egregious as to warrant punitive damages.

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