

**STATE OF NORTH CAROLINA  
WAKE COUNTY**

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

File No. \_\_\_\_\_

ROMAN CAPLE

*Plaintiff,*

Vs.

*Defend ..o..t.h. ..a..o.l.i.n.a... .. d .. d .. R f. d R f. d D.e.f.e.n.d.a.n.t. .S.a.i.n.t. ..u.g.u.s.t.i.n*

6. On April 18, 2011, Saint Augustine's College announced via Facebook.com ("Facebook"), a popular social media website, that it would reopen, although some students were still without power.
7. Following complaints from students regarding the sc



18. After learning of the disciplinary taken against him, Plaintiff attempted to speak with President Suber, but President Suber refused to see Plaintiff and instead referred Plaintiff to Vice President Jackson.

19. On April 28, 2011, Mr. Caple returned to campus, this time accompanied by his mother.

20. Once on campus, Plaintiff and his mother w2.53658( )-30.5368(S)-5p1.47J517( )-160.786(t)-2.53414(

25. Mr. Scott refused to let Plaintiff have his regalia until May 2, 2011, the day after commencement.

26.



40. Prior to his punishment, Plaintiff had sent out commencement announcements to his family and friends and had paid for travel and hotel accommodations for members of his family who were to attend commencement.

41. Plaintiff had also made plans to celebrate with his

[The] Student Handbook and other materials are part of the contract the student has with the College...

### **Count I**

47. Defendant Saint Augustine's College, by and through its agents, promised and represented to Plaintiff that Plaintiff would be permitted to participate in commencement activities upon fulfilling graduation requirements.

48. The *Student Handbook* states:

Candidates for graduation are expected to participate in all commencement exercises...

49. Further, in its promotional materials to prospective students, Defendant states:

At Saint Augustine's College, the graduation ceremony is both dignified and joyful. You've completed all requirements and it is time to EXHALE! Celebrate with family and friends who have traveled from near and far to witness your success after years of rigorous study mixed, of course, with lots of laughter and good times. On this special day, all eyes will be on you and your classmates as you don well-earned academic regalia and take your place in the processional. As the orchestra acknowledges your achievement with the majestic cadence of "Pomp and Circumstance," the Saint Augustine's College family will roll out the red carpet and help you celebrate this momentous milestone in grand style!

50. Plaintiff fulfilled all requirements for graduation.

51. When Saint Augustine's College banned Plaintiff from participating in the commencement, Saint Augustine's College breached its promise to Plaintiff that he would be allowed to participate in commencement exercises upon fulfilling graduation requirements.





as guaranteed to him in written college policy which the college itself explicitly characterizes as a “contract.”

**Count IV**

56.

The status of a student [...] will not be altered and disciplinary sanctions will not be initiated until completion of the disciplinary process.

60.

action on Plaintiff's part amounted to a violation of the *Student Handbook*, Saint Augustine's College violated its own guarantees of Due Process.

### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

65. Defendants retaliated against Plaintiff for having attempted to exercise his guaranteed rights of Freedom of Expression, Freedom of the Press, Right of Input into College Governance and Instructional Programs, and Due Process.
66. The defendants' actions were malicious and were taken with the specific purpose to punish, embarrass, and humiliate Plaintiff.
67. Defendants were aware that Plaintiff was a first-generation college graduate in his family.
68. Defendants were aware that Plaintiff had sent out commencement announcements to his family.
69. Defendants were aware that Plaintiff's family and friends had made plans to travel from out of town to attend the commencement.
70. To increase Plaintiff's shock and humiliation, administrators at Saint Augustine's College intentionally waited until May 27, 2011, just days before commencement, when Plaintiff came to pick up his regalia, before informing Plaintiff that he would not be allowed to participate in commencement.
71. Notwithstanding the fact that Plaintiff had already paid for his regalia, Defendant Saint Augustine's College denied Plaintiff the right take possession until the Monday after commencement, because Defendant's knew that Plaintiff had planned to take pictures



It is the responsibility of the College faculty and administration to [...] uphold the rights of students and to obey the letter and the spirit of such rights.

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86. All administrators involved knew or should have known that, under the circumstances, banning Plaintiff from commencement because he used social media to express his view regarding a matter directly related to the student body violated Plaintiff's Right of Freedom of Expression, Right of Input into College Governance, Right of Freedom of the Press, and Right of Due Process.
87. Having received a copy of the letter, each of the administrators in paragraph 79 was in a position to take steps to prevent the unjust punishment of Plaintiff.
88. Each of the administrators could have, but did not, take the matter to the Board of Directors.
89. All of the administrators involved, while acting in their official capacity, failed to exercise reasonable care in carrying out their duty to uphold Plaintiff's rights, i.e., they neglected their duty protect Plaintiff.
90. As all of the administrators involved were acting within the scope of their employment, Defendant Saint Augustine's College is vicariously liable for their negligence.
91. Further, President Suber is personally liable in her individual capacity for her own negligence in carrying out her duty to protect Plaintiff.

### **DAMAGES**

92. Plaintiff incurred expenses in paying for the cap and gown that he was not permitted to use at commencement.
93. Plaintiff incurred expenses for commencement announcements that he sent out to his friends and family.

94. Plaintiff incurred travel and lodging expenses related to having made arrangements for out-of-town family members to attend the commencement.

95. Plaintiff was denied his right to participate in the ceremony.

96. Plaintiff has incurred extr



2. Defendants stood in a special relationship to Plaintiff and led Plaintiff to believe that Plaintiff could trust Defendants to act in a manner that benefited Plaintiff.
3. Defendants knew that Plaintiff had already sent out commencement invitations to his friends and family and Defendants gained satisfaction from the fact that Plaintiff would be humiliated when he had to inform his family and friends that he would not be participating in commencement.
4. For Plaintiff's Alma Mater to ban him from commencement because of a social media post was petty, spiteful, and mean-spirited.
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