

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION

JOSHUA SISCO

Plaintiff

v.

Case No 3:21cv059-MPM-RP

UNIVERSITY OF MISSISSIPPI, and  
GLENN BOYCE

Defendants

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**COMPLAINT**

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The plaintiff, by and through undersigned counsel, alleges as follows:

**PRELIMINARY STATEMENT**

1. This case involves disability-based discrimination by the University of Mississippi against one its students, who is deaf. Despite repeated complaints by the Plaintiff to Student Disability Services and to the Director of Equal Opportunity and Regulatory Compliance, the university refuses to caption its social media videos, including videos posted on the school's official accounts and accounts belonging to various sports programs. As a result, the Plaintiff is deprived of equal enjoyment of the university's programs and activities.
2. The University of Mississippi also refuses to enable captions on the televisions located in its common areas, including its dining areas.
3. In addition, the Plaintiff received a poor grade in one of his classes, because the professor tested material from videos played in class that were not captioned, meaning that the Plaintiff could not follow along and thus performed poorly on exams. Despite the Plaintiff's repeated complaints to the school, the professor played four uncaptioned videos in class.

**JURY TRIAL DEMANDED**

4. This is a civil action for declaratory relief, injunctive relief, equitable relief, and monetary damages to redress disability-based discrimination under the Rehabilitation Act, 29 U.S.C. § 701 *et seq.*, and the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*

### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over this action pursuant to 29 U.S.C. § 794, 42 U.S.C. § 12132, and 28 U.S.C. § 1331.
6. Venue is proper in the Northern District of Mississippi pursuant to 28 U.S.C. § 1391(b) because the events or omissions giving rise to the Plaintiff's claims occurred there.

### **PARTIES**

7. Plaintiff, Joshua Sisco, is a resident of Mississippi.
8. Plaintiff has a "disability," as defined by 42 U.S.C. § 12102 and 29 U.S.C. § 705(20).
9. Plaintiff is a "person aggrieved" under 29 U.S.C. § 794a(a)(2) and a "person alleging discrimination on the basis of disability" under 42 U.S.C. § 12133.
10. Defendant University of Mississippi—aka Ole Miss—is a public university in Oxford, Mississippi.
11. Defendant Glenn Boyce is the Chancellor of Ole Miss and resident of Mississippi. As such, he is the highest administrative official at the university. He is sued in his official capacity.

### **FACTUAL ALLEGATIONS**

#### ***Background Information***

12. Joshua Sisco, the plaintiff in this case, is deaf.
13. Mr. Sisco was diagnosed at a young age with profound hearing loss.
14. Mr. Sisco was raised by his mother, who is also deaf, and Mr. Sisco's first language is American Sign Language (ASL).

15. Although originally from South Carolina, Mr. Sisco has been a diehard fan of Ole Miss athletics since 2012, particularly of Ole Miss football.
16. Mr. Sisco attended Ole Miss as an undergraduate between 2015 and 2020.
17. Because of his status as an out-of-state student, Mr. Sisco paid a substantial amount of money in tuition to attend Ole Miss.
18. As an undergraduate, Mr. Sisco had season tickets to Ole Miss football games every year except one.
19. Mr. Sisco is also an Ole Miss basketball fan. Though he has never had season tickets to the basketball games, he attends many of the games and has friends who are managers for the team.
20. The Pavilion is Ole Miss's basketball arena. It has a food court area where students often eat lunch. Mr. Sisco enjoys eating lunch at this facility.
21. NewsWatch is Ole Miss's student-run TV news station, which airs on the university's cable news system, as well as online.
22. For most of Mr. Sisco's time at Ole Miss, NewsWatch was not captioned.
23. Mr. Sisco obtained his undergraduate degree in history in spring, 2020.
24. After graduating in 2020, Mr. Sisco began a graduate program at Ole Miss called "Teach Mississippi Institute." He withdrew from this program in 2021.
25. Ole Miss has numerous social media accounts on various platforms, including Facebook, Twitter, and Instagram.
26. Ole Miss's Athletics Department has its own social media accounts, as do various sports programs within the department.
27. Mr. Sisco enjoys following Ole Miss sports on various social media platforms, including Facebook, Twitter, and Instagram. In particular, he's a fan of "The Season," a reality show

that shows behind-the-scenes footage of Ole Miss's football team and is featured on Facebook, Instagram, and YouTube.

*Accessibility issues raised in this complaint.*

28. During Mr. Sisco's time at Ole Miss, the university consistently failed to make many of its programs accessible to people with hearing impairments. In this complaint, Mr. Sisco complains of three issues.
29. First, very few of the videos posted to Ole Miss's official social media accounts are captioned, making it impossible for Ms. Sisco to know what is being said in these videos.
30. In particular, the social media accounts associated with Ole Miss Athletics and Ole Miss's various sports teams feature videos that are rarely, if ever, captioned.
31. Second, Mr. Sisco has consistently encountered TVs in the common areas of the school, including The Pavilion, which do not have captions enabled.
32. There are large televisions in the Pavilion, usually tuned to ESPN. But during Mr. Sisco's time at Ole Miss, the TVs were generally not captioned.
33. Mr. Sisco repeatedly complained, to no avail, to Student Disability Services that the Pavilion TVs were not set with captioning. After several complaints, the TVs in the Pavilion were finally captioned, but it lasted only for about a week. Apparently, students were complaining about the captions, and the captions were taken off.
34. Third, Mr. Sisco had an issue in his Chinese history class, in which a professor repeatedly played uncaptioned videos in class, and the tests and quizzes were based, in part, on the material covered in these videos.
35. Between 2017 and 2019, Mr. Sisco met three times with Becki Bressler, Ole Miss's Director of Equal Opportunity and Regulatory Compliance.

36. Corey Blount, who works as an assistant director and ASL translator for Student Disability Services at Ole Miss, was present at all three meetings with Ms. Bressler.
37. In or around 2017, Mr. Sisco met with Ms. Bressler the first time. At this meeting, Mr. Sisco raised several issues, including: (a) the lack of captioning for videos posted on Ole Miss's various social media accounts, including the football team's social media accounts, the basketball team's social media accounts, and Ole Miss Athletics' social media accounts; and (b) the lack of captioning for NewsWatch.
38. At the meeting, Ms. Bressler promised to address these concerns. Despite this promise, the problems persisted.
39. In or around 2018, Mr. Sisco again met with Ms. Bressler to complain that the issues he raised in their first meeting still had not been addressed. Again, she promised to address these issues, but, again, they remained unaddressed.
40. On April 1, 2019, Sisco met with Ms. Bressler a third time. In addition to Mr. Blount and Ms. Bressler, a campus translator named Ronda Bryan was present at this meeting.
41. At the third meeting, Mr. Sisco again raised the same two issues he raised during the first meeting. But he also raised two additional issues.
42. The first additional issue Mr. Sisco raised at the third meeting with Ms. Bressler was the lack of captioning in The Pavilion.
43. The second additional issue he raised at this meeting was the lack of captioning for videos played in his Chinese history class, in which he was then enrolled (in the spring of 2019).
44. Starting with the first week of class, Mr. Sisco's Chinese history professor, Dr. Joshua Howard, repeatedly played videos in class that were not captioned.
45. Dr. Howard tested material from these videos on quizzes and exams.

46. Before the semester began, Student Disability Services instructed Dr. Howard that, because there was a deaf student in the class, he needed to obtain captions for any videos played in class.
47. Dr. Howard was further instructed that, if he gave a copy of the video to Student Disability Services with sufficient advanced notice, the department could caption the video for him.
48. During the first week of class, Dr. Howard showed a video that was not captioned.
49. After this first incident, Mr. Sisco complained to Student Disability Services, who contacted Dr. Howard to admonish him to ensure any videos played in class have captions.
50. Despite this admonishment, Dr. Howard again played a video in class that wasn't captioned. Again, Mr. Sisco complained, and again Student Disability Services contacted Dr. Howard to admonish him.
51. This happened a third time in class. Again, Mr. Sisco complained, and again Dr. Howard was admonished. This time, Dr. Howard was also admonished by the head of the history department.
52. Dr. Howard then played an uncaptioned video in class a *fourth* time—this time for an after-hours extra-credit opportunity.
53. In advance of the extra-credit opportunity, Mr. Sisco had emailed Dr. Howard and asked that he please be sure to caption the video. However, the video was not captioned.
54. Dr. Howard instructed his students to write a paper on the video, but Mr. Sisco was unable to write the paper, because the video was not captioned. He therefore was deprived of the opportunity to earn extra credit.
55. Mr. Sisco's third meeting with Ms. Bressler (on April 1, 2019) took place shortly after this fourth incident, and Mr. Sisco complained about this issue to Ms. Bressler.

56. Ms. Bressler apparently spoke with Dr. Howard, and the fifth video that he played in class was captioned. But by this time, there was only about three weeks left in the semester.
57. Because Mr. Sisco missed so much information in class, he earned a C in the course.
58. Mr. Sisco's grade in Chinese history brought down his GPA, which in turn harmed his prospects of obtaining a good job and/or earning admission into a competitive graduate program.
59. After his third meeting with Ms. Bressler, Mr. Sisco was frustrated that his concerns were not being addressed. So he filed a complaint with the Department of Education's Office of Civil Rights (OCR) on April 9, 2019.
60. After OCR began investigating the issues raised in his complaint, NewsWatch finally began captioning its programming. OCR did not obtain any other relief for Mr. Sisco.
61. On January 8, 2020, Mr. Sisco filed a second OCR complaint, raising substantially the same concerns as his first OCR complaint.
62. Mr. Sisco withdrew his OCR complaint after obtaining private counsel in October 2020.
63. To this day, the same problems persist—namely, lack of captioning in the Pavilion, and lack of captioning for videos posted to Ole Miss social media accounts.

**FIRST CLAIM – Disability Discrimination (Section 504 of the Rehabilitation Act)**

64. Plaintiff repeats and realleges all allegations of this Complaint as set forth above.
65. Defendants violated Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, because Ole Miss is a recipient of federal funds, and it discriminated against Plaintiff solely on the basis of his disability.
66. Defendants treated Plaintiff less favorably because of his disability.
67. Defendants failed to provide Plaintiff with reasonable accommodations.

68. Defendants' practices or policies have a negative and disparate impact on people with hearing impairments.

69. The discriminatory actions of Defendants were intentional and taken with deliberate indifference to Plaintiff's rights.

70. Plaintiff suffered injuries as a result of Defendants' conduct.

### **SECOND CLAIM – Disability Discrimination (ADA)**

71. Plaintiff repeats and realleges all allegations of this Complaint as set forth above.

72. Defendants violated Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132, because Ole Miss is a public entity that discriminated against Plaintiff on the basis of his disability.

73. Defendants treated Plaintiff less favorably because of his disability.

74. Defendants failed to provide Plaintiff with reasonable accommodations.

75. Defendants' practices or policies have a negative and disparate impact on people with hearing impairments.

76. The discriminatory actions of Defendants were intentional and taken with deliberate indifference to Plaintiff's rights.

77. Plaintiff suffered injuries as a result of the Defendants' conduct.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that the Court enter judgment:

1. Declaring that Defendants' conduct as set forth above violates 29 U.S.C. § 794, 42 U.S.C. § 12132.
2. Entering an injunction directing that Defendants and their officers, directors, agents, employees and successors, and all other persons in active concert or participation with



Defendants, take all affirmative steps necessary to remedy the illegal, discriminatory conduct alleged herein and to prevent similar occurrences in the future;

3. Awarding compensatory damages to Plaintiff for injuries caused by Defendants' discriminatory conduct pursuant to 29 U.S.C. § 794a, 42 U.S.C. § 12133, and any other applicable provisions.
4. Awarding nominal damages to Plaintiff for injuries caused by Defendants' discriminatory conduct pursuant to 29 U.S.C. § 794a, 42 U.S.C. § 12133, and any other applicable provisions.
5. Awarding punitive damages to Plaintiff for injuries caused by Defendants' discriminatory conduct pursuant to 29 U.S.C. § 794a, 42 U.S.C. § 12133, and any other applicable provisions.
6. Awarding costs and attorney's fees to Plaintiff, pursuant to 29 U.S.C. § 794a, 42 U.S.C. § 12133, and any other applicable provisions;
7. Requiring that Defendants put into place policies and training to prevent future violations;
8. Equitable relief in the form of raising Plaintiff's grade in Chinese history;
9. Equitable relief in the form of restitution, namely, a partial reimbursement of tuition that Plaintiff paid to the school;
10. Granting such further relief as this Court may deem just and proper.

#### **JURY DEMAND**

Consistent with Federal Rule of Civil Procedure 38(b), Plaintiff hereby requests a trial by jury as to every claim for which he is entitled.

#### **WAIVER OF SERVICE**

Consistent with Rule 4(d) of the Federal Rules of Civil Procedure, Plaintiff intends to seek a waiver of service of the complaint.

Respectfully submitted,

March 19, 2021

/s/ Mike Farrell

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PRO HAC MOTION TO BE FILED

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Joshua Sisco

(b) County of Residence of First Listed Plaintiff Lafayette County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Mike Farrell, PLLC Regions Plaza, Suite 1088 210 Capitol Street Jackson, MS 39201 601-948-8030 Tel

DEFENDANTS

University of Mississippi, Glenn Boyce

County of Residence of First Listed Defendant Lafayette County (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 29 USC 794, 42 USC 12132. Brief description of cause: disability discrimination

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 1922807 AMOUNT \$402 APPLYING IFP JUDGE MPM MAG. JUDGE RP

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.