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2023 DEC 18 PM 12:50
2024 JAN -3 AM 11:00
**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BRARAILTY "REL" Dowdell,

Plaintiff,

v

TRUSTEES OF BOSTON UNIVERSITY,

Defendant

Civil Action No. _____

COMPLAINT AND DEMAND FOR TRIAL BY JURY

NOW COMES the Plaintiff, Brarailty "Rel" Dowdell ("Plaintiff" or "Mr. Dowdell"), establishing claims as set forth below against Defendant Boston University ("Defendant" or Boston University").

PARTIES

1. Plaintiff Brarailty "Rel" Dowdell is an individual who resides at 61 Hollis Wood Drive, Hampton, Virginia 23666.
2. The Trustees of Boston University as the legal owner and authority of Boston University with its principal office located at 881 Commonwealth Ave, 4th Floor, Boston, Massachusetts 02215-1303.

JURISDICTION AND VENUE

3. This Court has Federal Diversity Jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that it is a civil action between the Plaintiff, a resident of the Commonwealth of Virginia, and Defendant, a resident of the Commonwealth of Massachusetts. Therefore, complete diversity of citizenship exists. The amount in controversy, exclusive of interests and costs, exceeds the sum value of \$75,000.

4. Venue is proper in this District is proper pursuant to 28 U.S.C. § 1391(a) because Defendant resides in this District and a substantial part of the events giving rise to Plaintiff's claims asserted herein occurred in this District.

INTRODUCTION

5. Plaintiff Brarailty "Rel" Dowdell brings this action against Boston University for violation of Massachusetts General Laws Part III, Title I, Chapter 214 § 3A - Unauthorized use of name, portrait, or picture of a person; injunctive relief; damages; exceptions for its use and misappropriation of Mr. Dowdell's image, name, and likeness without obtaining his permission and without providing him notice from 2022 to 2023, and did so with the fraudulent misrepresentation of Mr. Dowdell's academic credentials all for the purposes of misrepresenting and exploiting his race and accomplishments to attract potential students, especially those of race, to enroll in the Boston University College of Communication Master of Fine Arts program for Film and Television Studies.

6. During the 2022 to 2023 timeframe, Mr. Dowdell and several of his fellow alumni who graduated from Boston University College of Communication with a Master of Science in Film Production and Screenwriting in 1999 and earlier were in communication with the Boston University Legal Department regarding an opportunity to present to the Boston University Board of Trustees their request and need for the name of their degree to be changed from Master of Science to Master of Fine Arts.

7. During the 2022 to 2023 timeframe, when Mr. Dowdell and his fellow alumni were engaged in ongoing communications with the Boston University Legal Department and its follow-up with the College of Communication regarding the need for the name of their degree to be changed to Master of Fine Arts, Boston University created a large, prominent display of Mr. Dowdell's image, accomplishments in the film industry along with language stating his degree from Boston University was a of Master of Fine Arts. For approximately a year, Mr. Dowdell's image and credentials were visibly shown on this poster for thousands to see every day, even though during this exact timeframe, Boston University's Legal department refused to change the name of his degree and refused to allow Mr. Dowdell to present his request for the name of his degree to be changed to the Boston University Board of Trustees.

8. The display of Mr. Dowdell's image, and strikingly incorrect credentials, was prominently located in the Boston University College of Communication, a building that has approximately 2,400 students (approximately 2,000 undergraduates and 400 graduates) along with over 200 faculty, staff, and administration members. The display of Mr. Dowdell was placed on a wall in front of the Dean's office that featured other highly successful graduates from the Boston University College of Communication, such as Jon Banner (McDonald's Global Chief Impact Officer), Judy Smith (lawyer and inspiration for ABC's hit show "Scandal"), Joe Roth (former Chairman of 20th Century Fox and Disney Studios) and Stephanie McMahon (former Chairwoman of World Wrestling Entertainment).

9. Of note, Mr. Dowdell was the only Boston University graduate of distinction in the advertisement who was an African-American male.

10. Mr. Dowdell learned that his image was being used by Boston University in the advertisement in March 2023 when a student at Boston University contacted him via social media and told him she saw his profile in a poster at Boston University.

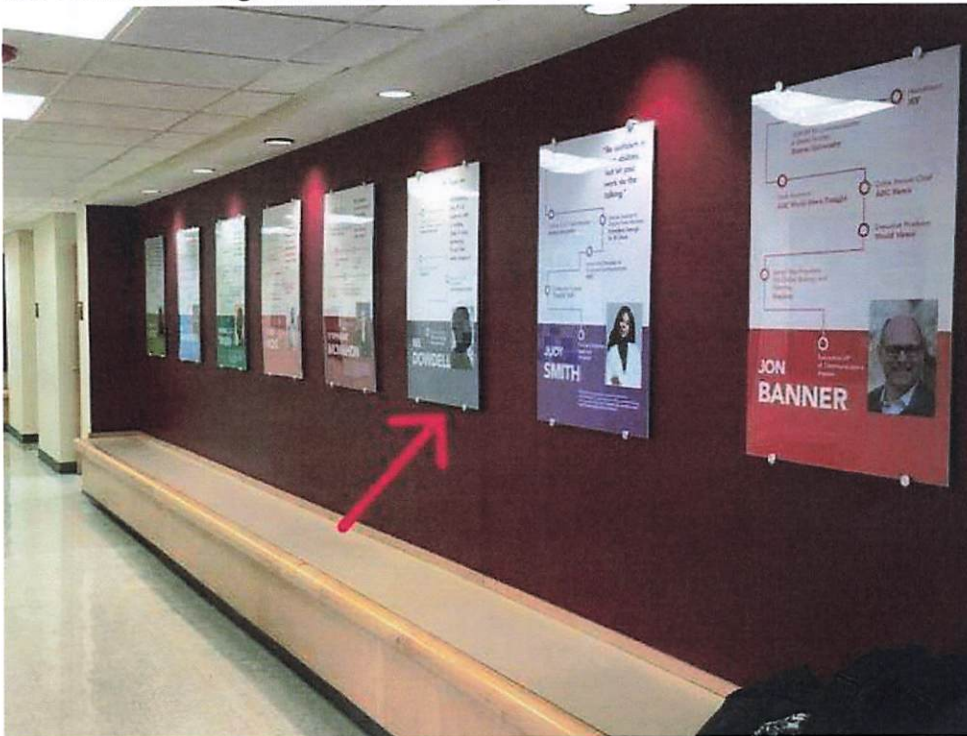
11. Boston University's blatant and insensitive misappropriation and unauthorized use of Mr. Dowdell's name, image, and likeness without Mr. Dowdell's permission or knowledge, while at the same time stating he held a Master of Fine Arts prominently displayed for thousands to see every day, but fully neglecting Mr. Dowdell's numerous requests for the name of his degree to be changed to Master of Fine Arts was cruel, self-serving, and very injurious beyond measure to Mr. Dowdell. The egregious actions by Boston University were unbeknownst to Mr. Dowdell and were clearly used in order to promote diversity and equity for minority students in regard to achievement in Boston University's College of Communication, knowing as Boston University did that Mr. Dowdell was the only African-American male displayed in their advertising presentation. Thus, Mr. Dowdell would never have agreed to such a misappropriation of his image and credentials in this regard had he had knowledge of the situation.

12. Photographs of Boston University's advertisement with the unauthorized use of Mr. Dowdell's image and name with false academic credentials.

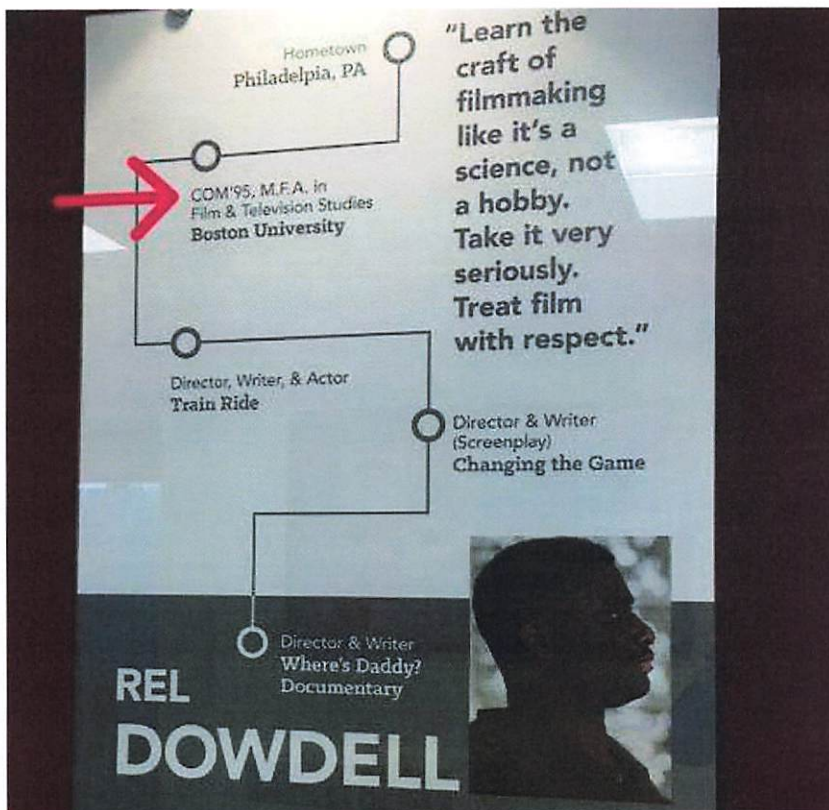
12.a The entire advertisement by Boston University promoting alumni who attained notable success after attending the Boston University College of Communication-Location is immediately next to the Office of the Dean of the College of Communication:



12.b Mr. Dowdell's image and name; the only African American male is the advertisement:



12.c Close-up of Mr. Dowdell's photograph, name and false academic credentials, "Master of Fine Arts."



FACTUAL BACKGROUND

13. The averments of Paragraphs 1 through 12 are hereby incorporated by reference as though fully set forth herein.

14. In 1995, Mr. Dowdell graduated from the now-defunct Boston University College of Communication Master of Science program in Film Production and Screenwriting. Following graduation, Mr. Dowdell's work as a filmmaker and producer garnered national and international acclaim, including praise from Boston University with articles that site his correct academic credentials such as, but not limited to, the following:

- COM/365, Deans Report 2021; Marc Chalufour, "Showtime: Twenty-Five Years After Completing His Graduate Thesis Film, Train Ride, Rel Dowdell Still Remembers The Thrill of Screening it for a Packed Auditorium as Part of The Annual Redstone Film Festival."
- Boston University Alumni & Friends, The Proud to BU podcast series, November 2019, Using Film to Spark Systemic Change, Rel Dowdell."
- Bostonia, Boston University's Alumni Magazine, May 8, 2018, Amy Laskowski, "Where's Daddy? Interplay of Race and a Flawed Child Support System; COM alum's new documentary focuses on hardships facing American fathers (by Rel Dowdell)."

15. However, for the graduating class of 2000, who contractually agreed to attend the Master of Science program for Film Production and Screenwriting, the Boston University Board of Trustees, Deans, and senior administration, for the reasons discussed below, decided to abruptly and without notice to these students, change the name of the degree from Master of Science in Film Production and Screenwriting to Master of Fine Arts in Film and Television Studies.

16. Boston University did not change the name of the Master of Science in Film Production and Screenwriting to Master of Fine Arts for people who graduated in 1999 and earlier despite their requests and pleas, as well as those of all the Chairmen and senior faculty members of the Boston University College of Communication, regarding the need to do so.

17. In 2000, Boston University changed the name of the degree to a Master of Fine Arts in Film and Screenwriting even though the curriculum and work required to graduate was

precisely the same as it was for the people who graduated in 1999 and earlier with a Master of Science in Film and Screenwriting.

18. By way of background a “terminal” degree, such as a Master of Fine Arts, is a degree that requires no further study or degrees in order for the holder to be deemed an expert in their field. Terminal degrees are the highest level of education a person can achieve in a particular field in order to be considered and compensated as an expert in their field. A terminal degree means the holder has achieved the pinnacle of academic study in a specific field by means of tenacity, dedication, and a high level of commitment. A “nonterminal” degree, such as a Master of Science, indicates the holder has not attained expertise in their field and must continue their studies to attain a terminal degree at the doctorate level. The distinction is critical for employment purposes because it impacts compensation and decisions involving senior leadership positions, particularly at institutions of higher education.

19. In the early 1990s, the Master of Science degree for screenwriting, film, and television production started to phase out nationally and was replaced by the terminal degree, Master of Fine Arts. It was at this time the senior leadership of the Boston University College of Communication, many of whom had worked in and had contacts with the entertainment field, started to advocate for the name of the degree to be changed from Master of Science to Master of Fine Arts, but their requests and arguments to do so were rejected over the years by Boston University administration.

20. In 2000, the 1999 and earlier graduates of the Boston University College of Communications Master of Science program in Film Production and Screenwriting, such as Mr. Dowdell, contacted Boston University immediately after learning of the change in the degree’s name to Master of Fine Arts because they were facing burdensome barriers to entering the film and television industries, as well as academia, with the degree named Master of Science and requested

Boston University, via leadership of the College of Communication to change the degree name to the increasingly more prestigious Master of Fine Arts. Although senior leadership of the College of Communication agreed that their request to change the name of their degree was valid, justified, and easy to do, Boston University refused to change the name of their degree retroactively.

21. The Chairman of the College of Communications at Boston University in 2000 and all subsequent Chairmen including the current Chairman were forced with only one way to help the 1999 and earlier graduates who held a Master of Science instead of a Master of Fine Arts: The Chairman of the College of Communications would write a letter on the graduate's behalf attempting to explain to the potential employer that the graduate's Master of Science degree should be considered the same as Master of Fine Arts.

22. As time went by, Mr. Dowdell and his fellow 1999 and earlier graduates from Boston University College of Communication who also held a Master of Science tried their best to make inroads, especially in academia, by providing a letter written on their behalf by the Chairman of the College of Communication explaining that their Master of Science degree should be treated the same as a Master of Fine Arts degree.

23. The Master of Fine Arts degree status and prestige expanded over the years and is now the gold standard for academic degrees in the film and television industries, especially for academic senior leadership positions for film and television programs.

24. In 2022, Mr. Dowdell and several of his fellow graduates from the Boston University College of Communication Master of Science program in Film Production and Screenwriting agreed that the hardship they had suffered over the years as a result of the name of the degree they had received, i.e., Master of Science, was not only defunct at Boston University it was currently no longer recognized in their professional fields, i.e., the film and television industries and academia.

25. Moreover, Mr. Dowdell and his fellow graduates agreed they were increasingly suffering professionally and monetarily because the name of the degree Boston University refused to update, Master of Science.

26. Compounding their situation was the expanding use of Applicant Tracking Systems (ATS) with Search Engine Optimization by employers such as academic institutions and corporate organizations to screen prospective new employees. Human Resources and internal managers are increasingly using ATS automated programs that involve Search Engine Ranking of “keywords” such as Master of Fine Arts to identify high-scoring applicants on their algorithms and eliminate those who score low due to a lack of keywords.

27. In 2022, Mr. Dowdell and his fellow graduates decided to formally ask the Boston University Board of Trustees to change the name of their degree to Master of Fine Arts in a letter written by a lawyer and signed by them all.

28. Unfortunately, the Boston University Legal Department intervened and refused to present the letter explaining their situation and request to the Boston University Board of Trustees because, as stated by the Legal Department, Boston University does not retroactively change the name of a degree.

29. For approximately ten months, from 2022 to 2023, Mr. Dowdell and his fellow graduates contacted the Boston University Legal Department pleading to make their case and request to the Board of Trustees. However, the Legal Department would not allow him and/or his fellow graduates to speak with the Board of Trustees about this matter. The Boston University Legal Department stated they had investigated the matter with the College of Communication and determined there was no need for Mr. Dowdell to discuss the situation with the Board of Trustees because Boston University does not retroactively change the name of a degree.

30. It was during the last two months of communication between Mr. Dowdell and

the Boston University Legal Department that a student currently at Boston University noticed Mr. Dowdell's photo in an advertisement prominently displayed in the hall of the College of Communication in close proximity to the Dean's office.

31. Mr. Dowdell was extremely shocked and hurt to see that Boston University had not only used his image to advertise their program, but they also represented that he held a Master of Fine Arts - The exact degree name he had been pleading with Boston University to change.

32. Mr. Dowdell was also extremely hurt that Boston University created an advertisement that highlighted the success its graduates attained as a result of attending Boston University College of Communication with the obvious purpose Boston University chose to include his image with the prestigious Master of Fine Arts degree was to communicate to students, especially potential students, as well as visitors, that black men can and do graduate with a Master of Fine Arts from Boston University College of Communication and go on to do important work after graduation.

CAUSES OF ACTION

COUNT I

Unauthorized use of name, portrait, or picture of a person; injunctive relief; damages; exceptions: Massachusetts General Laws Part III, Title I, Chapter 214 § 3A

33. The Averments of Paragraphs 1 through 31 are hereby incorporated by reference as though fully set forth herein.

34. Under M.G.L. Part III, Title I, Chapter 214 § 3A, "Any person whose name, portrait or picture is used within the commonwealth for advertising purposes or for the purposes of trade without his written consent may bring a civil action in the superior court against the person so using his name, portrait or picture, to prevent and restrain the use thereof; and may recover damages for any injuries sustained by reason of such use. If the defendant has knowingly used such person's

name, portrait, or picture in such manner as is prohibited or unlawful, the court, in its discretion, may award the plaintiff treble the amount of the damages sustained by him.”

35. Boston University used Mr. Dowdell’s name, picture, and significantly false credentials without his written consent in an advertisement in which Mr. Dowdell was the only African-American male to promote the Boston University College of Communication from approximately 2022 to 2023 to potential students, visitors, employees, and current considering further education.

36. Mr. Dowdell has suffered damages in the form of humiliation and emotional distress, economic harm (including lost wages and reputational harm), and other harm as a result of Boston University’s unauthorized advertisement to the public that falsely reflected he had the very degree name he had been pleading Boston University to change to for decades, i.e. Master of Fine Arts.

37. Mr. Dowdell has suffered damages in the form of emotional distress seeing and knowing his name and image with the fake credentials of Master of Fine Arts was used by Boston University for its benefit, i.e., to promote its educational programs, while refusing to change the name of the degree to Master of Fine Arts for Mr. Dowdell’s benefit and avoid economic and financial harm.

38. As the only African-American male alum in the advertisement, Mr. Dowdell has suffered damages in the form of humiliation and emotional distress seeing and knowing his name and image with the false credentials of Master of Fine Arts was used by Boston University to advertise its educational programs to potential and current students of color.

PRAYER FOR RELIEF

Wherefore, Plaintiff Brarailty “Rel” Dowdell respectfully requests this Court to grant the

following relief:

- 1. Enter judgment in favor of Plaintiff on all Counts;**
- 2. Award Plaintiff all damages to which he is entitled under law, including treble damages of the amount sustained by him;**
- 3. Award Plaintiff reasonable costs and expenses, including attorney's fees if any should be incurred, and;**
- 4. Permanently enjoin Defendant to change the name of Plaintiff's degree to Master of Fine Arts.**