



EQUAL JUSTICE SOLUTIONS A Public Interest Law Firm

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October 23rd, 2025

U.S. Department of Education
Atlanta Office
Office for Civil Rights
61 Forsyth St. S.W.,
Suite 19T10
Atlanta, GA 30303-8927

RE: Office of Civil Rights Complaint filed by *Equal Justice Solutions, on behalf of Complainants DD and RS, and similarly situated students* on the Bases of Sex-Based Retaliation and Discrimination against: *Cumberland County School District, 368 Taylor Street, Crossville, Tennessee 38555*

To Whom It May Concern:

Equal Justice Solutions (EJS) is a Christian, faith-based public interest law firm dedicated to justice on behalf of vulnerable people.

EJS brings this complaint on behalf of two named students, Complainant DD and Complainant RS and similarly situated students who have experienced sex-based harassment and discrimination, in Tennessee's Cumberland County District (District) schools. Complainants attended schools within the District, a federally funded public school system located at 368 Taylor Street in Crossville, Tennessee, and were subjected to violations of Title IX of the Education Amendments of 1972 (Title IX).

Both students' cases are emblematic of broader systemic failures. Over more than a decade, District employees—including Michael Speich, Gary Burg, and Heather Chesser—were accused or charged with sexual abuse of students. Despite these incidents, public records confirm that the

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District has no documentation of Title IX investigations into any of those cases. District policies governing harassment are internally inconsistent and do not meet federal requirements. Additionally, key personnel lack training in trauma-informed, non-discriminatory Title IX compliance.

This complaint asserts that the Cumberland County School District has shown deliberate indifference to known acts of sex-based harassment and discrimination, failed to adopt and implement effective Title IX procedures, and has created an educational environment that is hostile to students who experience sex-based harassment and discrimination. The Complainants request corrective action by OCR, including a compliance review, institutional reform, and remedies for affected students.

We respectfully submit this complaint to the U.S. Department of Education Office for Civil Rights (OCR) against the District for civil rights violations against Complainants and others who are not named in this complaint due to the District's systemic violations of Title IX when it failed to immediately address, investigate and correct ongoing severe and pervasive acts of sexual assault, sex-based harassment, retaliation and discrimination. As a result of the District's abject and repeated failures to comply with Title IX, Complainants DD and RS suffered acute educational, emotional, psychological and financial harm.

Parties

Complainant DD

[Contact information redacted for privacy]

Complainant DD is a former student of Cumberland County Schools (District Schools) and a survivor of sexual assault and sex-based harassment and discrimination while enrolled at Homestead Elementary School (HES). Sex-based harassment continued during his time at Stone Memorial High School (SMHS). He brings this complaint on behalf of himself and other similarly situated students who have experienced sex-based harassment and discrimination in violation of Title IX within the District.

Complainant DD was sexually assaulted by a fellow student while attending HES. The assault occurred after years of documented incidents of student-on-student sexual misconduct in District schools, including multiple arrests for forcible fondling and rape. Despite this history, District officials failed to address the abuse Complainant DD experienced with a Title IX investigation or any Title IX process. The District not only failed to notify his parents, it took no apparent steps to investigate or mitigate the hostile educational environment that followed.

After the assault, Complainant DD endured repeated sex-based harassment by other students, resulting in loss of benefits to educational programs, an emergency room visit stemming from a physical manifestation of anxiety, long-term psychological trauma, and out-of-pocket costs for mental health counseling to address issues related to the sexual assault and sex-based harassment and discrimination that occurred while attending District schools.

Additional Aggrieved Party Complainant RS

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[Contact information redacted for privacy]

Complainant RS is a former student of the District Schools and a survivor of sex-based harassment while enrolled at SMHS, including conduct violating their Title IX rights by both students and faculty. Complainant RS is an aggrieved person identified in this complaint due to the District's failure to address sex-based harassment and discrimination in violation of Title IX. As a result of the District's failure to address the Title IX violations of sex-based harassment and discrimination directed at Complainant R.S., they experienced the loss of educational programs, out-of-pocket and otherwise unreimbursed costs for ongoing mental health counseling.

Respondent Cumberland County School District
368 4th Street
Crossville, TN 38555
(931) 484-6135

The Cumberland County School District (the District) is a public educational entity receiving federal financial assistance and is therefore subject to the nondiscrimination requirements of Title IX. The District is responsible for operating Homestead Elementary School, Stone Memorial High School, and other institutions named in this complaint. The District, through its agents, policies, and actions, is alleged to have engaged in systemic violations of Title IX by failing to prevent or respond appropriately to sex-based discrimination and harassment that created a hostile environment for Complainants DD and RS and other students.

Legal Standard

Title IX provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681(a).

While the implementing regulations of Title IX have changed over time the core standards for institutional liability under Title IX have remained consistent. Courts have long recognized that a school district violates Title IX when it acts with deliberate indifference to known acts of sexual or sex-based harassment that are so severe, pervasive, and objectively offensive that they deprive the victim of access to educational opportunities or benefits provided by the school.

To establish such a claim, four elements are typically required. First, the institution must receive federal financial assistance. There is no dispute that the District receives such funding, thereby subjecting it to Title IX's mandates.

Second, the alleged harassment must be severe, pervasive, and objectively offensive. This standard does not require physical assault or prolonged conduct. In *Jennings v. University of North Carolina*, 482 F.3d 686, 698 (4th Cir. 2007) (en banc), the court held that even verbal harassment alone can meet this threshold if it is sufficiently egregious. Notably, a single incident may be actionable where the conduct is especially serious, such as sexual assault or sexually explicit, targeted harassment.

Third, the institution must have actual knowledge of harassment. Courts have interpreted this to mean that an official with authority to take corrective action has notice of facts indicating a likelihood of sex-based harassment.

In *Doe v. Fairfax County Public Schools*, 1 F.4th 257, 263–64 (4th Cir. 2021), the court emphasized that schools are deemed to have actual notice when they receive information that would alert a reasonable person in their position to the potential for harassment. Furthermore, in *Doe v. Metropolitan Government of Nashville & Davidson County*, 35 F.4th 459, 467 (6th Cir. 2022), the Sixth Circuit held that a school may be liable even where it was not informed of the specific incident at issue if it had prior notice of similar misconduct and failed to act.

Fourth, the institution must respond with deliberate indifference. This is defined as a response that is “clearly unreasonable in light of the known circumstances.” The Supreme Court articulated this standard in *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, 290 (1998), and it has been cited and reaffirmed in numerous circuit decisions. In *Doe v. Fairfax County Public Schools*, the Fourth Circuit found deliberate indifference where school officials failed to take meaningful action after being notified of student harassment. Likewise, in *Zeno v. Pine Plains Central School District*, 702 F.3d 655, 667 (2d Cir. 2012), the court found a school liable where it took minimal, ineffective steps over a multi-year period of harassment and failed to stop or adequately address the hostile environment.

Thus, despite regulatory shifts, the core principles governing institutional liability under Title IX— federal funding, severe and pervasive harassment, actual notice, and deliberate indifference—remain firmly established in federal law and binding precedent. These elements are established in this case of systemic Title IX sex-based assault, harassment and discrimination.

The District was on Prior Notice of Systemic Title IX Failures

Long before the specific harms experienced by Complainants DD and RS, the District had actual and constructive notice of repeated sexual misconduct, sex-based harassment, and Title IX noncompliance within its schools. Despite this, the District failed to adopt adequate policies, initiate corrective action, or implement necessary training and investigative procedures. This history of inaction underscores the systemic nature of the District’s failure and supports a finding of deliberate indifference under Title IX.

As early as 2008, the District received multiple reports of sexual misconduct by employees and students. Among the most egregious cases is that of Michael Eugene Speich, a teacher and coach at HES. Speich was repeatedly accused of inappropriate contact with students, including physically restraining them, tickling them, and engaging in grooming behaviors. One female student said Speich sexually groomed and abused her in 1997-1998. However, despite her mother writing a complaint in while the student was in the fifth grade and reporting it to the District’s school resource officer, who told her to “keep quiet,” no one listened. In 2010, an SES employee complained about Speich keeping students alone after class. In 2013, Speich was accused of hugging, kissing, and sitting male students in his lap, and telling a male student to come work at his farm for “child slavery.” In 2013, the SES Principal also warned Speich to not tickle students

or pull their socks off. Despite written complaints from parents and ongoing concerns expressed by both staff and law enforcement over several years, no Title IX investigation was ever initiated. Other victims were sexually abused in the school greenhouse, inside Speich's truck, and while working at Speich's farm. Speich also raped and took pictures of some victims at his farm where law local law enforcement discovered items used to restrain his victims. In 2022, Speich was indicted on multiple charges of sexual abuse involving former students and later died by suicide following public exposure of his actions. Tennessee law enforcement ultimately identified over 80 potential victims. Public records confirm that the District did not conduct any Title IX investigation related to Speich at any time.

Similarly, Gary Lee Burg, a convicted felon and former substitute teacher, admitted to sexually abusing multiple students in their homes. One victim disclosed that Burg assaulted her when she was just six years old. Between 1992 and 1993, Burg pled guilty to a criminal charge involving a firearm and domestic violence and was charged with criminal battery. Despite his criminal history, Burg was allowed to work directly with District students at MES. During his sentencing, he admitted to hiding candy in his pockets for students to grab and that school officials warned him about his conduct. Despite his known violent history and prior complaints regarding his behavior, the District continued to assign Burg to elementary schools. There is no evidence that any formal Title IX inquiry into Burg's sex-based harassment and abusive behavior was conducted by the District.

In a third case, Heather Michelle Chesser, another substitute teacher, was indicted in 2008 for statutory rape involving a 17-year-old male student. Though her criminal prosecution was a matter of public record, and she worked directly with District students, the District again failed to document or initiate a Title IX investigation into her conduct.

In addition to these employee-related incidents, the District had ongoing knowledge of student-on-student sexual violence. Between 2011 and 2014, local law enforcement documented at least four incidents of sexual assault or forcible fondling in District schools involving both minor and adult offenders. These included:

- A November 2011 incident of forcible fondling by two underage offenders.
- A September 2013 incident of forcible fondling involving two minors.
- A January 2014 rape investigation involving an adult suspect.
- A September 2014 incident of forcible fondling involving an underage perpetrator.

All of these incidents were cleared by arrest or investigation and were likely known to District administrators. Yet, there is no indication the District modified its policies, launched a Title IX inquiry, or provided targeted prevention efforts in response to this pattern.

Further, the District's own Title IX policies during this time were internally inconsistent and legally insufficient. For example, Board Policies 6.304, 6.3041, and 5.501 overlapped in scope but failed to provide clear procedures for students to report harassment or appeal outcomes. Under Board Policy 6.304, only the respondent—not the complainant—was entitled to an appeal. Public records confirm that the District failed to designate a properly trained Title IX Coordinator

in accordance with federal law, and no records exist of staff receiving mandatory training during this period.

In addition, the District failed to address, investigate and remedy a clear pattern of unaddressed complaints of bullying within its schools.¹ Complaints made public through the news media paint the picture of a District that has for years ignored its duty to keep their students safe against bullying, harassment, even death threats against its students. Parents who complained to the District said their complaints were not taken seriously. In 2020, an 11-year-old student from the District’s Martin Elementary School survived a suicide attempt that was made because her classmates told her that she was “a mistake.”² This student’s mother said that the District failed to handle the bullying incident or remedy the situation.

In sum, the District neglected to fulfill its duty to address Title IX violations against its students. It shows a pattern of systemic failure and deliberate indifference by the District. The District was repeatedly placed on actual notice of employee-perpetrated abuse, student-on-student sex-based harassment and assault, and widespread Title IX noncompliance. Its failure to act on this knowledge— through policy reform, investigation, or meaningful training—constitutes deliberate indifference. This background establishes the institutional context in which both Complainants DD and RS were later harmed and is essential to understanding the District’s legal liability under Title IX.

Complainant DD

Sexual Assault and Sex-Based Harassment at Homestead Elementary School

In the fall of 2014, while attending HES, Complainant DD was subjected to escalating sex-based harassment by a fellow seventh-grade student, AC. Initially, AC’s behavior began as unsolicited and unwanted physical contact—touching Complainant’s arms and shoulders, attempting to hold his hands, and following him throughout school common areas such as the cafeteria, hallways, breezeways, and recess areas.

Despite his attempts to avoid confrontation, Cook’s conduct progressed from non-consensual touching to overt sexual behavior. On one occasion, AC explicitly told Complainant DD that he "wanted her" while sexually touching her own breasts over her clothing. This occurred publicly, as the students moved classes between buildings. Complainant DD, age 13 at the time, felt deeply uncomfortable but refrained from reacting out of fear of retaliation or embarrassment.

1 <https://www.wate.com/news/local-news/cumberland-county-parent-says-school-not-doing-enough-to-stop-bullies-2/>
 2 <https://3bmedianews.com/rhileys-story-11-year-old-from-crossville-nearly-loses-battle-with-bullying-in-school/>

In December 2014, AC’s misconduct culminated in a sexual assault. While standing in line near

the school cafeteria, AC insisted on zipping up Complainant DD's oversized jacket. Although Complainant DD told her "no" several times, AC persisted. She then reached underneath the jacket and forcibly grabbed Complainant DD's penis and testicles over his clothing. The assault lasted several seconds and was witnessed by multiple students, who laughed. AC stopped only after noticing onlookers. In the same location, AC disclosed the incident to school counselor Patsy Thompson-Horst (Ms. Patsy).

After Reporting the Incident: Administrative Inaction, Breach of Confidentiality, and Ongoing Harassment

After AC told Ms. Patsy about the sexual assault, Complainant DD was called into a meeting with Ms. Patsy. During this meeting, Ms. Patsy stated that "no one should touch you there," regardless of whether they are a boy or a girl. The nature of the conversation indicated that Ms. Patsy had actual notice of the sexual assault, as well as prior concerning behaviors exhibited by AC.

Later that day, Ms. Cooper, a teacher, entered the classroom and stated in front of other students, "[DD], can I talk to you about how AC touched you?" She then led Complainant DD into the hallway near student lockers, which was a public space within earshot of others, to discuss the matter including identification of both the victim and alleged assailant. During the conversation, Complainant DD expressed anxiety, to which Ms. Cooper replied, "No, it's not [a big deal]." No documentation, Title IX referral, or protective action followed.

In January 2015, AC approached Complainant DD in a breezeway and issued an apology, stating that "the teachers told me to." This interaction was unsupervised by school staff, and there was no administrative follow-up.

Following AC's unsupervised apology in January 2015, she resumed both physical and verbal harassment of Complainant DD, including touching him in ways that made him feel unsafe. In May 2015, she isolated Complainant DD in a breezeway, forcibly grabbed the collar of his shirt, pushed him against a stone wall, and yelled at him loudly enough to be heard from nearby playgrounds. This incident occurred during school hours and on school grounds, yet no intervention occurred.

The harassment continued into the 2015-2016 school year, and AC continued to make sexually suggestive comments to Complainant DD, including describing a graphic dream involving group sexual activity with him and other peers. She also made alarming statements such as suggesting she might become a "serial killer or serial rapist" and telling Complainant DD that she might climb through his bedroom window at night. These repeated acts of physical intimidation and sexually charged remarks demonstrate that the sex-based harassment did not cease following initial reports to the District but instead escalated. No school officials took steps to monitor AC's conduct, provide protective measures for Complainant DD, or investigate the continued sex-based harassment.

Despite this, no formal Title IX investigation was initiated, and the District failed to take basic remedial steps, including:

- Reporting the incident to law enforcement as required under Tennessee Department of Education policy.
- Investigating prior incidents of sexually inappropriate conduct by the same student, including previous remarks or touching.
- Interviewing students who may have witnessed the incident.
- Treating the sexual assault as a traumatic nonconsensual touching and offering appropriate supportive services.
- Notifying his parents promptly about the sexual assault.

The District's inaction reflects a complete failure to fulfill its Title IX obligations to provide a safe and non-discriminatory educational environment to a vulnerable 13-year-old student. Had any of these steps been taken, the District likely would have discovered a pattern of sex-based harassment involving the same student.

During the 2014–2015 school year, due to the District’s administrative inaction, no Title IX investigation occurred. Complainant DD was never informed about a Title IX Coordinator. He was not updated on his initial report of sexual assault. To his knowledge, the assault was never documented or escalated to Title IX staff, apart from informal knowledge by his teacher, Ms. Patricia Cooper. He was never offered interim measures such as counseling, academic flexibility, or increased supervision, and his parents were not informed that their minor child had been the victim of a reported sexual assault, in violation of applicable school board policy.

In fact, the District’s deliberate indifference to the Title IX violations appeared to embolden the perpetrator. AC continued to engage in inappropriate physical and verbal conduct following the report, with no observable consequences imposed by the school. Because District personnel took no action Complainant DD perceived that reporting led only to increased vulnerability and humiliation, without any meaningful intervention. As a result, he developed a deep-seated fear of retaliation and further public exposure. This fear persisted throughout middle and high school, contributing to his silence in the face of ongoing sex-based harassment. Even when subjected to frequent, targeted verbal abuse by peers, Complainant DD did not feel safe confiding in District school officials, having learned through experience that disclosure would not lead to protection and could, instead, result in additional harm and retaliation.

For instance, during the 2015-2016 school year, while Complainant D.D. was still being sexually harassed by AC, a male student, JW, cornered him in the auditorium and said, “Aren’t you one of those boys who wants to cut his dick off?” Another male student, JG, harassed Complainant D.D. asking him in front of others if he was gay, calling him a “British faggot,” mockingly referred to him as “she,” and asked if D.D. had sex with a specific female student.

Ongoing Sex-Based Harassment at Stone Memorial High School

Beginning in August 2016 and continuing through his early graduation in December 2019, Complainant DD was subjected to pervasive sex-based harassment at SMHS. This harassment was not isolated, but rather part of a continuous pattern that originated during his earlier years in the District and intensified in high school.

During the 2016–2017 school year, students at SMHS routinely targeted Complainant DD with sex-based slurs and conduct. In algebra class, a male classmate, MS, asked Complainant DD if he was gay. After receiving an affirmative answer, MS responded with disgust. Days later, in an effort to publicly shame him for being openly gay, MS shouted across the classroom, “Hey DD! Do you like me?” Complainant DD later learned that MS had expressed a desire to contact Complainant DD’s parents to tell them their son was gay.

Around the same period, an unidentified male student shoved Complainant DD in a hallway and called him “faggot” while fleeing. In that same class, the algebra teacher, Brenna Houston, had to publicly reprimand another student for using the same slur against a peer.

In the Spring of 2017, Complainant DD’s honors English class was reading *Speak* by Laurie Halse Anderson, a novel centered on a teenage rape survivor. During classroom discussion of the rape scene, the teacher, Angela Adams, stated that the incident was “he said, she said” and suggested that the perpetrator could not have known the victim had not consented because she did not verbally say no. Despite pushback from students, including Complainant DD’s observation that teens should communicate about consent, Adams continued to minimize the assault. These comments deeply impacted Complainant DD, a survivor himself, and reinforced a culture of disbelief, sex-based shaming, and victim-blaming in the school environment.

Later in the 2017 school year, Complainant DD reported to District staff his safety concerns involving an older classmate, KS, who had allegedly threatened another student and openly discussed her drug use. Though Complainant DD’s report was submitted in writing to the Vice Principal, KS returned to class without restrictions after a brief absence and began questioning students about who had reported her. The District took no steps to protect Complainant DD from retaliation. KS then regularly mocked and disrespected their Spanish teacher, whom she appeared to perceive as lesbian.

On November 15, 2017, while the teacher was briefly out of the room, KS shouted at Complainant DD: “I know you’re gay, but you don’t have to push it onto everyone,” calling him “un-American,” and claiming that “people like you are destroying this country.” The comments provoked laughter from classmates and triggered a panic attack for which Complainant DD had to leave school early.

During spring 2018, Complainant DD was routinely mocked by a classmate, PH, who imitated a high-pitched, effeminate voice while Complainant DD was speaking in geometry class. Despite these incidents occurring in front of teacher Jaime Rossman, no corrective action was taken. Around the same time, during a physical education class, two or more unknown male students followed Complainant DD in the gym and asked sexually explicit and invasive questions. These incidents occurred within view of instructor Mike Buck, who took no action. Fearing escalation or assault, Complainant DD declined to report the incident after begging his mother not to intervene on his behalf.

From 2018 to 2020, Complainant DD corresponded with District officials—including the Human Resources Department and then-principal Justin Whittenbarger—regarding the Title IX implications of Stone Elementary’s eighth-grade graduation dress code, which reenforced sex

stereotypes. At one time, when he called the Human Resources Department, District personnel told him the matter was on the “back-burner.” Although the policy was later changed, Complainant DD never received a formal response or acknowledgement from any District personnel.

In April 2018, health science teacher Amy Woody remarked in class: “Haven’t you guys ever read the Bible? It says women should submit to their husbands.” This comment made multiple students, including Complainant DD, uncomfortable and was reported to a civil liberties organization. Though the District responded to the organization’s letter, it did not initiate any Title IX inquiry.

In August 2019, Complainant DD’s honors economics teacher, Jess Raby, played a YouTube video titled “The Crazy and Hot Matrix / Cute and Money Matrix” during class. This video ranked women and girls on scales of “hot” and “crazy,” saying “there is no such thing as a woman who is not at least a 4 crazy.” It labeled women and girls into zones such as “no go,” “danger,” “wife,” “unicorns,” and “tranny.” One story described a woman rated “9 hot” and “2 or 3 crazy,” concluding, “That’s a dude, you’re talking to a tranny.” Raby acknowledged the video was “offensive but funny,” and most students laughed. Complainant DD, aware of the District’s prior mishandling of complaints and retaliation against students, declined to formally report the incident of sex-based shaming and harassment out of fear that doing so would jeopardize his early graduation plans.

In the Fall of 2019, Complainant D. D’s business and legal systems teacher, Carol Smith, gave her personal opinions in class about the acquittal of a local man accused of sexually assaulting a teenage girl. Ms. Smith expressed doubt about the victim’s testimony about her sexual assault because she disclosed, she was on sleeping medication at the time of the incident. Considering the victim was a 17- year-old girl at the time of trial, and likely connected to the District, Complainant D.D. found Smith’s statements to students inappropriate and uncomfortable to hear as a survivor. In October of 2019, during a senior ACT administration, a male student shouted “faggot” in the SMHS auditorium. Three guidance counselors, Andrea Simmons, Karen Hicks, and Melissa Miller—were present and failed to intervene or address the comment.

During the 2019–2020 school year, the school’s yearbook included senior superlatives labeled “Man Crush Monday” and “Woman Crush Wednesday,” reinforcing sex-based objectification and stereotypes. This contributed to an environment that continually singled out students based on sex- based discrimination, including focus on sex stereotypes and physical appearance.

As a result of nearly daily sex-based harassment, Complainant DD eventually enrolled in a co-op program that allowed him to take classes at a community college so he would no longer have to attend SMHS. The years of unaddressed sex-based discrimination and harassment that Complainant DD endured at District schools, resulted in his constructive expulsion.

Despite Complainant’s reporting the conduct and teachers witnessing the ongoing, years long sex- based harassment and discrimination, the District demonstrated deliberate indifference to the Title IX violations to which Complainant DD was subjected. The District’s egregious failure to initiate a Title IX investigation, conduct Title IX training for staff and create and follow

consistent and coherent reporting policies resulted in retaliation against Complainant DD and ultimately normalized sex-based harassment and discrimination at the District's schools.

Complainant RS

During Complainant RS's matriculation through District schools, they experienced repeated sex-based harassment, including sexual-assault and sexualized verbal harassment by other students. District employees witnessed the verbal harassment on many occasions and failed to intervene, investigate, or address the conduct. Complainant RS feared retaliation for formally reporting the incidents and was not made aware of any anti-harassment policies or procedures or about a Title IX coordinator.

During their time at HES, Complainant RS witnessed and experienced multiple incidents of sex-based harassment and discrimination. While in middle school they were sexually bullied by another student, who pushed RS up against the showers in the girls' locker room while naked, blocked them in the shower area, repeatedly took their clothing and underwear while in the locker room and shoved R.S. in the hallways. Complainant RS's mother noticed bruising and reported the incidents to the District. Although the school officials changed Complainant R.S.'s class schedule to minimize contact with the perpetrator, at no time was there any follow up with school counseling or staff at HES, and the bullying continued.

In the 2011-2012 school year at HES, on several occasions Complainant R.S. saw Physical Education Teacher and Coach James Vaughn Davis looking inside the girls' locker room while female students changed clothes. On one occasion Coach Davis refused to allow R.S. access to their asthma inhaler during a running exercise, causing R.S. to throw up and have an asthma attack. A grand jury indicted Coach Davis for physically assaulted an HES student with an Intellectual Disability with a paddle, who was not on the "paddling list." In May 2012, Davis pleaded guilty to one count of misdemeanor assault.³ Despite these criminal actions during the scope of his employment, the HES football field is still named in honor of Davis. In addition, Complainant R.S. witnessed staff speaking in a derogatory and shame-based manner about a pregnant student sitting nearby.

While at SMHS, Complainant R.S. witnessed A.C. sexually harassing Complainant D.D. multiple times during the 2014-2015 and 2015-2016 school years. R.S. witnessed A.C. cause D.D. great distress when A.C. physically touched and spoke in explicit sexual ways. On more than one occasion, A.C. had long conversations with R.S. about D.D., often demanding his phone number, home address, or email. Complainant R.S. observed A.C. make sexually suggestive comments to Complainant D.D., including describing a graphic dream involving group sexual activity with him and other peers and stating once that she might become a "serial killer or serial rapist." On at least 50 occasions Complainant R.S. witnessed HES students openly ask D.D. if he was gay, made threats against his well-being, and call him slurs such "faggot." Many of those incidents were witnessed by District faculty and staff. In addition, Complainant R.S. was asked multiple times by other students if they could date or "fuck" Complainant D.D. to "make him straight" or

³ https://www.crossville-chronicle.com/news/local_news/teacher-coach-among-many-indicted/article_9384afbe-7717-517b-9639-268ea239e95a.html

if Complainant R.S. was dating him. Students also told R.S. that D.D. would “drag R.S. to hell” if they continued to be around D.D or D.D. would cheat on them with another “faggot.” These incidents were witnessed by multiple people, including District staff.

In the spring of 2017, Complainant R.S.’s was in the same honors English class as D.D. where they discussed *Speak* by Laurie Halse Anderson, a novel centered on a teenage rape survivor. During classroom discussion of the rape scene, teacher Angela Adams described the incident as “he said, she said” and suggested that the perpetrator could not have known the victim had not consented because she did not verbally say no. Despite pushback from students, Adams continued to minimize the assault. These comments deeply impacted Complainant R.S., a sexual assault survivor, and reinforced a culture of disbelief and victim-blaming in the school environment.

In spring of 2018, Complainant R.S. had Honors Biology 1 with James Edward Greene. Complaint R.S. recalls Greene mentioning clothing choices of female students, often singling them by stating that boys in high school must be “annoying” and “hard to handle for pretty girls.” He hovered around the female students’ desks more than the male students. Greene was later charged with and ultimately pleaded guilty to felony reckless endangerment stemming from a November 2024 incident where Greene held a knife near an SMHS student’s throat in front of a classroom of 14 students.

In 2019, Complainant R.S. was asked by other female students to accompany them to report a sexual assault that one of them experienced by a male student who had also harassed several other girls. The female student had been pushed to the ground and groped by a male student in the gym and thrown against a wall in another incident. R.S. went with the students to report the incidents to the counselor’s office. The guidance counselor told the female student who reported the sexual assault that a report could potentially ruin the male student’s life.

Due to fear of retaliation, Complainant R.S. feared reporting the many incidents of sex-based harassment and discrimination they witnessed and experienced to District staff. They did not believe anything would happen and worried about retaliation.

The sex-based harassment of Complainants DD and RS are not isolated incidents. They are part of a broader, systemic breakdown of civil rights protections of its students and the District’s deliberate indifference to sex-based harassment and discrimination in its schools.

Timeliness and Good Cause for Delay

Although the governing statute generally requires filing within 180 days, OCR may extend this timeframe upon a showing of good cause. If ever there was a case of good cause to extend the filing period, this is it. The repeated failures by District leadership, teachers and staff demonstrated over a period of years, strongly indicates that there is a severe and unaddressed pattern of sex-based harassment and discrimination. The District’s systemic pattern of sex-based harassment and discrimination towards students continues into the present day. For instance, during the most recent 2024-2025 school year, public records confirm at least four District teachers were accused of sex- based harassment towards students, including inappropriate online

communication, physical touching, and sexual remarks, as recently as May 2025, across three District Schools.

Furthermore, the traumatic nature of the abuse suffered by Complainants who were minors and their lack of awareness of OCR processes, their prolonged psychological recovery, and the pattern of institutional concealment and retaliation by the District constitute good cause. Complainants are ready, willing and able to supplement this section, if needed, which may include evidence from psychological professionals describing the reason for delay.

Both Complainants only recently became aware of their rights and the systemic scope of the District's failures and reached out to EJS which brings this complaint within a reasonable time thereafter. Moreover, federal regulations and OCR precedent recognize that systemic violations, especially involving minors, merit equitable tolling and warrant full investigation regardless of filing delays.

The District violated Title IX

This complaint is replete with evidence of the District's systemic Title IX discrimination and sex-based harassment including a pattern of failing to address harms done to its students and an indifference to the harm inflicted upon its students. In violation of Title IX, the District had no infrastructure to address Title IX violations. Its policies - Board Policy 6.304, 6.3041, 5.501 - were inadequate and ineffective. Moreover, District staff were not trained on Title IX generally, response procedures specifically and had no Title IX coordinator to turn to for guidance. Complainants were subjected to retaliation and feared retaliation for reporting incidents of Title IX violations. Finally, the District showed an abject lack of trauma-informed or survivor-centered processes, procedures and trained staff.

EJS files this complaint to secure justice for Complainants and all students whose dignity and access to education have been undermined by the District's ongoing Title IX violations.

Requested Relief

On behalf of Complainants DD and RS and other unnamed students who experienced sex-based harassment and discrimination, EJSR request that OCR order the District to:

- 1 Conduct a full compliance review of all District policies, training, and handling of sexual assault, sex-based harassment and discrimination.
- 2 Implement mandatory Title IX training for all staff and students including:
 - a. Adopt mandatory yearly student education about the identification of, consequences of, and steps to report sex-based harassment and discrimination to school officials.
 - b. Adopt mandatory yearly staff training about trauma-informed care, trauma responses, and common behaviors exhibited by child sexual assault victims
- 3 Establish a robust Title IX response protocol including timelines, investigator training, and support resources.

- 4 Create a soft interview room for student victims of any sex-based violence, harassment or discrimination to report their experiences in a private and safe location.
- 5 Appoint an independent Title IX monitor for three years to ensure compliance.
- 6 Provide redress to named Complainants, including providing counseling and academic support for victims and resources for sexual assault victims on the District's website and social media pages, acknowledging the harm of sex-based harassment, and a firm commitment to create school environments free from sex-based harassment

If you have any questions or need additional information from or about Complainants and the incidents underlying this complaint, please contact EJS. Thank you.

Respectfully submitted,

Signed by:



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Cc: Honorable Johnathan Skrmetti,
Tennessee Attorney General and Reporter