

## Regina Dabbs

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**From:** D. Scott Bennett <scott.bennett@leitnerfirm.com>  
**Sent:** Monday, May 2, 2016 9:23 AM  
**To:** Courtney Bullard  
**Subject:** FW: follow up to the Gatlinburg matter, OHS basket ball team, etc.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Here is a thread I started last week as a follow up to some discussions with the central office.

It's like pushing chain....

### **D. Scott Bennett**

Attorney at Law | Member

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**From:** Jarvis Jim [mailto:jarvis\_j@HCDE.ORG]  
**Sent:** Monday, May 02, 2016 9:45 AM  
**To:** D. Scott Bennett; McDade Dr. Lee; Ed Adams  
**Subject:** RE: follow up to the Gatlinburg matter, OHS basket ball team, etc.

Mr. Bennett I understand we do not need to know what the future holds in order to contact the underclassmen on the basketball team. The "Gatlinburg Incident" has not been a topic of discussion at O.H.S. since the students returned to school in January. The question, in my opinion, from the students that will be returning is when do we get back to being student athletes? The students have been ready to move on for some time. I am more than willing to reach out to our athletes, but I do not have the answers to the questions I predict they are going to ask.

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Therein is my question – setting aside the rape victim, what have we done to reach out to the other students/victims? To my knowledge, none of them have retained attorneys, so school officials are free to be as compassionate toward them as they ought to be. If we have done nothing, then let's do something. If you are not sure what the appropriate limits might be under these circumstances, then formulate a plan and run it by me. Don't let me drive or limit the plan; start with what you think is appropriate and then let me reign you in but ONLY if I think it is necessary.

As for the other students who were on the team, so I understand that you have something in common – everyone is uncertain about the status of the team. You do not need to know what the future holds in order to contact them and see how they are doing, nor do you need my permission.

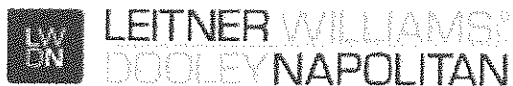
I think it would be very prudent to have guidance or an AP reach out to these folks ASAP. Ed, do you have any additional suggestions?

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**From:** Jarvis Jim [mailto:jarvis\_j@HCDE.ORG]  
**Sent:** Monday, May 02, 2016 8:02 AM  
**To:** D. Scott Bennett; McDade Dr. Lee; Ed Adams  
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Mr. Bennett I believe we have a lack of communication within the system. Ooltewah High staff did reach out to the victim and his family. In your e-mail you used the term "victims", I have knowledge of only one victim. As administrators we have always been instructed that once we are aware of the fact a parent or student has stated that

they have procured a lawyer, we as administrators are to have no further communication with them. We have been further instructed at that point to refer all communication, concerning a parent or student that has obtained legal counsel, to contact the Hamilton County School Board Attorney with any concerns they may have.

As principal of Ooltewah High, I understand the frustration of parents and students involved with the basketball program at Ooltewah. I am also frustrated with the status of our basketball program. I have asked on more than one occasion where the status of the program stands, and when we can move forward. This is the time of year coaches are planning summer camps and preparing for the 2016-2017 season. The answer I receive is nothing can be done until the court case has been decided. I welcome any solutions to the problem.

Thank You,  
Jim Jarvis

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**From:** D. Scott Bennett [<mailto:scott.bennett@leitnerfirm.com>]  
**Sent:** Friday, April 29, 2016 3:33 PM  
**To:** McDade Dr. Lee; Jarvis Jim; Ed Adams  
**Subject:** follow up to the Gatlinburg matter, OHS basket ball team, etc.

Good afternoon, all.

Ms. Bullard mentioned to me during a debriefing session that there has been a common complaint among the parents of the Gatlinburg victims and the parents of the other OHS basket ball players – No one has called them to follow up about anything.

The victims' parents complain that no one from HCDE has called to ask how the boys are doing. No one has offered counselling or any other support. They have said that they feel forgotten in the mess over the central office. I told Ms. Bullard that, I think, HCDE did offer counselling to the known victim. And I also think that counselling was offered to everyone at the school. Am I wrong? Regardless, please, someone, reach out to each of the victims, ask how they are doing, and offer counselling. If they have incurred counselling costs out of pocket, offer to pay for it.

The players' parents complain that the season was cancelled and no one has communicated with them, neither before nor since. Some of the players apparently transferred to other schools, and no one has called to check on them. I can see how they would fall through the cracks, but perhaps someone – guidance or an AP? – ought to call and check on them.

Just trying to keep you in the loop....

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Whether to override depends upon the issue. In this instance, now that the central office is aware that he hasn't addressed this, I think he will be told to do something.

For the record, I don't think that any other principal in the entire district would have sat back and waited on the lawyer to tell him how to handle his students and team. Most would have just taken the initiative and been there for the kids. Maybe a third would have done something and then told me about it later, hoping that they hadn't done too much.

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**From:** Courtney Bullard [mailto:chb@SMRW.com]  
**Sent:** Monday, May 02, 2016 10:41 AM  
**To:** D. Scott Bennett  
**Subject:** RE: follow up to the Gatlinburg matter, OHS basket ball team, etc.

Question that I have in this instance and overall in my investigation – at what point does Central Office override a principal? In this situation below, for example, if he will not cooperate why not have Central office intervene? I am still trying to wrap my arms around the structure although at this point I understand Principals have wide discretion. Perhaps a discussion for when we meet again to discuss a status update.

With respect to the communication chain below, all of the students on the basketball team have suffered a loss of some sort given their “family” (the team) has broken up in the wake of a pretty traumatic event, separate and apart from the

pool cue situation. You have students who were friends with the assailants and still have loyalty to them as well. There are a few parents who have retained attorneys – but I do not see how that should hinder the school's ability to simply see if they are doing ok and need anything from HCDE.

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## Regina Dabbs

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**From:** D. Scott Bennett <scott.bennett@leitnerfirm.com>  
**Sent:** Monday, May 2, 2016 8:52 AM  
**To:** Courtney Bullard  
**Subject:** Re: Update/Bullying Policy  
**Attachments:** image2395dd.PNG

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

On another note, I am about ready to shoot Jarvis in the head.

D. Scott Bennett  
Attorney at Law | Member  
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Bio <<http://www.leitnerfirm.com/attorneys/d-scott-bennett>> | Website <<http://www.leitnerfirm.com>>

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On Mon, May 2, 2016 at 6:34 AM -0700, "Courtney Bullard"  
<[chb@SMRW.com](mailto:chb@SMRW.com)<<mailto:chb@SMRW.com>>> wrote:

Hi Scott. I hope that you had a good weekend I am sure you have been busy with all of the HCDE changes happening this past week.

I am still working through interviews although I am hopeful that this week will wrap up the main ones. I have had significant difficulties obtaining cooperation from football parents and also with no shows which has slowed me down. In any event, I have several stacked for Wednesday and Thursday and after that point hope that most of my time at OHS is complete. I have started writing the report but of course it has a ways to go. My next step after this week is to work on any necessary follow up

interviews and follow up with witnesses who declined to participate to see if their position has changed.

I noticed this article and was wondering whether you have sent me this new bullying policy if it is in fact in place? <http://www.timesfreepress.com/news/local/story/2016/apr/21/board-pressed-stricter-anti-bullying-policy/361269/>

I am out of town part of next week, but perhaps early in the week we can sit down again to discuss where I am with the investigation, etc.

Thanks,

Courtney H. Bullard, JD  
Institutional Compliance Solutions\*  
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Chattanooga, TN 37402  
423.757.0448; [www.icslawyer.com](http://www.icslawyer.com)<<http://www.icslawyer.com>>

Member, Workplace Investigations Group

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