

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE**

MICHAEL MADISON, et al.,  
Plaintiffs,  
and  
United States of America,  
Plaintiff-Intervenor,  
v.  
SULLIVAN COUNTY BOARD OF EDUCATION, et al.,  
Defendants.

C.A. No. 2:00-CV-094

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**COMPLAINT-IN-INTERVENTION**

The United States of America, Plaintiff-Intervenor, alleges as follows:

1. This complaint-in-intervention is filed by the Attorney General of the United States on behalf of the United States, pursuant to the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and Title IX of the Civil Rights Act of 1964, 42 U.S.C. § 2000h-2; and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., and its implementing regulations, which prohibit recipients of Federal financial assistance from discriminating on the basis of race or color in education programs or activities.
2. This Court has jurisdiction under 28 U.S.C. § 1345 and 42 U.S.C. § 2000h-2.
3. Defendants Sullivan County Board of Education (hereinafter "SCBE" or "the District") are responsible for the administration of educational services for all students enrolled in the Sullivan County school system, including Sullivan East High School (hereinafter "East").
4. The original complaint in *Madison v. Sullivan County Board of Education, et al.*, No. 2:00-CV-094, was filed on March 24, 2000, and has since been amended. In the amended complaint, Plaintiffs allege that SCBE violated, inter alia, the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., and its implementing regulations, by discriminating on the basis of race or color.
5. Plaintiffs are citizens of Tennessee. Plaintiffs seek compensatory and punitive damages as a result of the District's deliberate indifference to the verbal and physical peer-on-peer racial harassment committed by students under the District's direct control and disciplinary authority.
6. SCBE is organized under, and exists pursuant to, the laws of the State of Tennessee and, as such, is subject to the prohibitions of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.
7. SCBE is a recipient of Federal financial assistance and, as such, is subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., and its implementing regulations.

8. Plaintiffs are former students of the District who have been subjected to harassment constituting discrimination on the basis of race.

9. The racial harassment to which Plaintiffs were subjected was severe, pervasive, and objectively offensive.

10. The Defendants' actions and inactions in response to the harassment violate the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., and its implementing regulations.

11. Such actions and inactions include the following:

a. East officials with authority to rectify the situation were given notice that Plaintiffs were being subjected to harassment or discrimination on the basis of race, but failed to take immediate and appropriate corrective actions;

b. East officials with authority to rectify the situation had actual notice of, and were deliberately indifferent to, the harassment or discrimination on the basis of race to which Plaintiffs were subjected;

c. The deliberate indifference of East officials prevented Plaintiffs from enjoying the educational benefits and opportunities provided by East.

d. The District's response to the racial harassment to which Plaintiffs were subjected constituted a denial of equal protection of the laws on the basis of race, in violation of the Fourteenth Amendment to the Constitution of the United States.

12. Unless enjoined by this Court, the Defendants will continue to violate the Fourteenth Amendment and Title VI.

13. The United States seeks intervention in this lawsuit. The United States, through intervention, seeks relief to ensure that the SCBE will operate a school system that provides an educational environment free of racial harassment for its students and that is in compliance with federal law.

14. The Attorney General, pursuant to 42 U.S.C. § 2000h-2, has certified in the attached certification that this is a case of general public importance.

**Wherefore**, the United States respectfully requests that this Court:

1. Grant the United States intervention in this case;

2. Declare that Defendants have denied Plaintiffs the equal protection of the laws in violation of the Fourteenth Amendment;

3. Declare that Defendants have discriminated on the basis of race by failing to address, prevent, and remedy racial harassment, and in so doing failed to provide the benefits of its educational activities and services to Plaintiffs, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., and its implementing regulations;

4. Permanently enjoin Defendants, their officers, agents, employees, successors, assigns, and all persons in active concert or participation with them, from all unlawful discrimination against school-age children on the basis of race;
5. Order Defendants to develop, adopt, and timely implement a comprehensive plan that will ensure a harassment-free educational environment for all its students;
6. Order Defendants to file a report annually with the Court for three years detailing the implementation of its plan;
7. Order Defendants to provide such relief as is necessary to compensate Plaintiffs for the discrimination to which they were subjected;
8. Grant any additional relief as the needs of justice may require.

Respectfully Submitted,

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Attorney General

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