Response to Lindsey Quirk's Report, Concerning BHS Track and Guy Avery

This is a response to Lindsey Quirk's report, following, what I believe, was an incomplete investigation of supposed complaints regarding Guy Avery. I say, "supposed," because the track ordeal at BHS began with one complaint, only, from a source, whom I believe, lacks credibility related to his complaint, as I will show. I am sure that he solicited others to bolster his complaint, but his complaint dealt only with a perceived, "Pay to play," situation. Complaints prior to 2017 had already been investigated and Mr. Avery was found to have been eager and happy to comply with rules he was informed of, and was found to be compliant regarding other policies, according to a Qualls investigation, Dr. Farmer's correspondence, and a response to a Franklin High School coach, by Dr. Looney, in 2015. "Complaints," #2 and #3, listed in The Report, are not complaints, at all, I believe, but simply issues the Central Office decided to include, when they discovered there was a, "perceived," noncompliance with Mr. Avery using the BHS track, and their concern over Mr. Avery being a Volunteer BHS coach, while also being a personal/private coach to some of the same athletes. My response is on behalf of myself, not another, and represents my opinion and beliefs.

I urge the Central Office to include my response, along with any other response, as a part of the official record containing Ms. Quirk's report. In my mind, an investigation is not considered complete until opposing views can be heard and honestly considered. The purpose of welcoming opposing views is to adequately vet incorrect information and arrive at a place closer to the truth. Then, we can work together to reach more productive and agreeable solutions. This is in keeping with the spirit of many School Board policies promoting healthy collaboration.

I assumed I would be interviewed by Ms. Quirk, since my son trains with Guy Avery, and since I was actively involved in trying to resolve the situation. Finally, after waiting, but not being contacted, I requested to be interviewed by Ms. Quirk because I believe I was closer to the breaking out of the BHS track situation than the other parents and I had other pertinent information to provide. She did not return my call, concerning my desire to be interviewed.

I wanted to share that, for two cross-country seasons, my son received coaching from Guy Avery, while he was a volunteer BHS coach, and was never required or compelled by him to pay him. My son was not kept out of any meets, and was given every opportunity others had to run in events. He also was daily running with the top athletes on the team, and was not prevented from doing so, simply because he was not compensating Mr. Avery. He understood that Mr. Avery was a paid private coach of some BHS athletes and others in the county and across the state, but was volunteering at BHS, since BHS did not have an adequate cross-country coach, or mid-distance track coach. When my son was presented with the opportunity to train more extensively with Mr. Avery, and compensate him for his services, we decided not to, since we already had committed funds for travel soccer. However, Mr. Avery did not want finances to be a reason why a talented athlete would be prevented from the training he needed, so he offered to train him, without receiving compensation. When soccer ended, we began compensating him for his private coaching, and are glad to do it. It is bothersome and curious to me that, although the Central Office has received several testimonies similar to mine, The Report is completely absent of them, and therefore, skewing the perception of Mr. Avery toward a negative bias.

If The Report had adequately considered and included some of these stories, it might have satisfied itself regarding the, “pay to play,” perception.

I also thought it was relevant that my son was involved in the situation that led to this track upheaval. My son, a sophomore, travelled with the top four runners on the team to Virginia to run in a national competition. Elias was given the opportunity to run in a couple of relays, which Brad and Brenda Vroon became extremely upset over, due to some expectations they had for the top four runners to run a relay together, (as shared to me by the Vroons). I believe it was their anger with Mr. Avery that led them to file a complaint against him, within weeks, which led to this semester-long turmoil. I believe his complaint had nothing to do with good intentions and everything to do with vindictiveness. But, without knowing the back story, the Principal and Athletic Director, not to mention the Central Office, gave credence to someone who lacks credibility in this matter. Everyone believed, hook, line, and sinker the man complaining about, “pay to play,” not knowing that Vroon had just proposed pay to play, but was rejected by Mr. Avery, as I will show.

I am involved because it is offensive to me that the Central Office has fixated itself on making Guy Avery out to be, “The bad guy.” In my very first conversation with Dr. Farmer, he was already referencing that there had been a number of complaints against Avery in prior years, as though that made Avery guilty of something. Somehow, he failed to mention that every single complaint ended in either Avery being made aware of a rule, and then complying, or that Avery was found to be in compliance, already. This bias against Avery has been clear from the beginning, and is evident in this report. So, regarding this report:

1. The Report begins with an inaccurate statement, saying, *“Mr. Avery refused to comply with the investigation and to meet. (Appendix 1)”*

I am glad The Report included in Appendix 1 its email correspondence with Mr. Avery, in which he writes:

a. “Please communicate with me after you have interviewed everyone else in your investigation…”

b. “Like I said, when you’ve completed all of your interviews, I am open to clarifying anything you sincerely seek clarity on...”

c. “Please let me know when you’re done with all your other interviews regarding this matter, and I’ll be happy to arrange my schedule in order to meet with you for the clarity you are seeking.” ”In most cases, all I need is a 24 hour notice.”

<u>There is no place in any of his correspondence where he says he will not meet.</u> Any reasonable person would understand that Mr. Avery is requesting to be interviewed last, so that he could address complete information. He does not want to be followed by other interviewees, who might provide new information that he is not privy to and to which he would not be able to respond.

Saying that an interviewee does not get to dictate the terms of an investigation is a valid point. However, issuing a report without interviewing the person being investigated is irresponsible and validates claims of bias and unfair treatment. The Central Office should not have a posture of, “lording over,” any interviewee, and should operate in the spirit of cooperation with all parties, complying with

numerous School Board policies, concerning cooperation. Any defensive attitude, concerning who gets to set the terms of an investigation, is not a reasonable justification for completely leaving out Mr. Avery's contribution to this, "investigation."

2. The Report does not provide any supporting evidence of a complaint by a parent.

I would think, at a minimum, that a copy of a complaint would have been included in The Report. I am aware of the complaint concerning, "perceived," "pay to play." But, I find it hard to believe that any parent would have complained about Avery using the track, since they would not have even known the policy concerning its use. The concern over BHS track use originated at the Central Office. So, I guess Ms. Quirk is investigating *your own complaint***.**

3. The Report reveals a lack of understanding of what, "pay to play," means, and provides no evidence that it has occurred.

The Report states in Complaint #1, *"Parents were paying Mr. Avery for coaching services (pay for play)…"* "Pay for play," in sports, involves paying someone to be allowed to participate in that sport. First, despite how *some* felt, (not, "Many," as The Report claims), The Report provides no evidence that anyone has ever been prevented from participating in cross-country or track at BHS, has been prevented from entering their earned spot in a race, or has not made the Varsity team because they did not pay Guy Avery. In fact, the opposite is true. One of the complainants, Brad Vroon, who had been paying Mr. Avery for several years, was upset with Mr. Avery because he did not agree with how Avery placed boys in an indoor meet. Looking forward to the National Championship indoor meet, Brad wrote to Avery, January 15, 2017, the Sunday the meet ended:

> *Guy- it is my opinion that Jackson has earned a spot on the DMR. He is the fastest one on your squad and he is a part of the core top 4 on the team. Clearly, he can beat Elias, Matthew Walters, or anyone else. Personally, I think it is hurtful to him to be asking other runners that are not of his caliber and younger. He is a competitor and will race at whatever position he is asked. I think it would be extremely detrimental to your group to ask someone who doesn't train with you or pay you to participate in the DMR, basically handing some kid an all American medal. Going forward, this is the core issue to me and Brenda. You need to decide if Jackson will join Taylor, Scott, and Brody in New York and Vanderbilt.* (Appendix 1)

The fact is, Jackson is not as fast as Matthew Walters, for the 400m leg of the DMR, (Distance Medley Relay), so Mr. Avery chose Matthew Walters to run that leg, despite the fact that Walters does not pay or train with him. He chose him, instead of choosing Jackson Vroon, whose parents had been paying Avery. Please notice Vroon's words, *"I think it would be extremely detrimental to your group to ask someone* ***who doesn't train with you or pay you*** *to participate in the DMR…"* Obviously, Vroon thinks Mr. Avery should give preferential treatment to those who have been paying him. That is a *proposal* for, "pay for play," which Avery flatly *rejected*. Odd that Vroon was the one who brought the initial complaint, concerning, "pay to play," this year. He proposes, "pay to play," gets rejected, then overnight, grows a conscience and files his complaint alleging, "pay to play," concerning Avery's involvement as a coach at BHS. Can we all agree that Vroon bringing that complaint lacks credibility?

Another complainant, (I assume), whom, I believe, lacks credibility, is Tina Caldwell. Her family also paid Guy Avery to train both their son and daughter, both of whom have track scholarships, now. She would have credibility if she objected to hiring a private coach, then, refused to do so. Then, she would have been able to determine if, indeed, *"their child would not be on the Varsity team,"* rather than just have a *feeling* about it.

So, labeling payment for Avery's services, "(pay for play)," is *absurd*. Parents pay Mr. Avery because BHS and other schools in the county and across the state have either not provided coaches, or provided poor coaches, and athletes and parents have had to find private coaches to fill the void. They hire Avery because he is the best coach around. Parents do not pay for their kids to play, they pay for their kids to improve, in order to reach their goals. This is consistent with the School Board policy 5.611, Ethical Practices for Teachers, which states that the educator, 1. Shall not unreasonably restrain the student from independent action in the pursuit of learning, and, 2. Shall not unreasonably deny the student access to varying points of view. Both of these have been violated by BHS and WCS this semester, in their attempt to make it extremely impractical to train with Guy Avery.

On a side note, there has been more corruption, unfair treatment, manipulation, and preferential treatment toward certain athletes, in the last 2 ½ months by the BHS track program, than in the last seven years, while Avery has been involved. I will address that in another document, later.

4. The Report does not adequately distinguish Mr. Avery's role as a BHS volunteer coach versus his role as a private coach. As a result, The Report fails to grasp the context in which payments or reimbursements were made, it misapplies Tennessee Rules and Regulations, and it misapplies the meaning of the county's Volunteer Release Form.

The *Correct* Context of Payments and Reimbursements

During the cross-country season, the athletes run for the school team. However, there are regional and national meets that the school team is not involved in, so the BHS athletes who train with Mr. Avery run as a Club Team in those meets. A Club Team is like a travel soccer club, which operates independently from the school and is not subject to the school's jurisdiction. Therefore, as with travel soccer clubs, amounts paid by athletes to participate and reimbursements for travel expenses have nothing to do with Tennessee Rules and Regulations 0520-01-03-.03 governing school fees. So, there is no violation of this rule.

So, after the TSSAA State Championship ended the school season, the team competed regionally in North Carolina, as a Club Team, and later got 3rd in the nation at the national meet in Oregon. Those Club Team meets are the only meets where Mr. Avery's travel expenses are reimbursed by the families whose athletes are running in those events. Mr. Avery does not *require* this; it was *agreed* to when families engaged Mr. Avery's services. These events are outside the scope of his service as a volunteer coach to the school team, and are within the scope of his private coaching of these club athletes, just like indoor track season is.

So, when The Report has as a complaint that, *"Parents were paying Mr. Avery for coaching services…and also required to pay for travel for Mr. Avery,"* it misleads the reader to believe these occurred within context of Avery volunteering at BHS. That is incorrect. He receives compensation as a private coach and receives travel reimbursements as the coach of the Club Team, outside the scope of his service to BHS.

The Report, again, mistakenly views Avery's compensation as a private coach in the context of being a volunteer school coach. It is obvious that amounts paid to Avery for his private coaching, outside the scope of the school, are not, "school fees," any more than hiring a tutor, privately, would be considered, "school fees." Neither is a violation of the Tennessee Rules and Regulations cited by The Report.

Volunteer Release Form

In addition, The WCS Volunteer Release Form is an agreement between Avery and WCS, stipulating that he is, *"volunteering without promise, expectation, or receipt of compensation for my service."* What is his service? It is volunteering as an assistant coach. A reasonable person understands that a Volunteer Release Form between a party and a school system only governs matters having to do with their relationship. It is obvious that when Avery agrees to not receive compensation for his service, it means he will not receive compensation from WCS for his services at BHS. What he does *not* agree to, on this WCS form, is to not receive compensation from his private clients.

There was a futile attempt in our meeting to try to use the Volunteer Release Form to show that Mr. Avery agreed to not receive *any* compensation, and that the form gave Mr. Avery foreknowledge of WCS policies, that he agreed to, regarding not receiving compensation other than what the School Board allowed. That is ridiculous. If that were the case, then, Chris Duncan's and other coaches' employment forms would *also* include wording, that they would have agreed to, that made them aware that they were not to receive compensation, other than what the Board allowed. But, those forms do not contain that wording. (Appendix 2). So, on Avery's Volunteer Release Form, the wording is not informing him of Board Policy, but simply defining what, "Volunteer," means, and having him agree to the Board's definition, and agree that he has no expectation of compensation from WCS.

5. The Report shows that Mr. Avery requested pay for services during the XC season.

For years, Mr. Avery was not employed by WCS as a volunteer coach for the cross-country and track teams. He was simply a personal/private coach to athletes, and received compensation from athletes who hired him, and was paid on a monthly, quarterly, or some other agreed-upon basis. So, WCS and TSSAA rules concerning compensation did not apply to his role, since his role was outside the scope of WCS's and TSSAA's responsibility and authority.

However, in the fall of 2015, Mr. Keidel and Ron Seigenthaler *compelled* Avery to sign on as a volunteer coach for BHS's cross-country team. (Appendix 3). *(Mr. Keidel told me, personally, that they, "Made," Avery sign on with BHS – Please, note how Mr. Avery felt it was best not to).* At that time, he became subject to TSSAA rules and WCS policies governing compensation. TSSAA allows a personal/private coach to receive compensation from the school they are volunteering at, while at the same time, even during the season, receive compensation from his personal/private coaching clients. WCS has a more restrictive policy, not allowing a volunteer coach to, *"receive pay other than from Williamson County Schools for any athletic-related services provided to any student who is or may be participating in that coach's sport…"*

When Mr. Avery was hired, the Central Office did not make him aware of their policies concerning compensation. Again, signing a Volunteer Release form agreeing that he would not receive compensation is understood, by reasonable people, to mean he would not receive compensation from WCS for serving as a Volunteer Coach. The principal, Kevin Keidel, also did not make Avery aware of the policies. Mr. Keidel was unaware, himself, of the policies, and believed that it was fine for Mr. Avery to receive other compensation from his team athletes, out of season. (Appendix 4).

So, having a knowledge of TSSAA rules, only, Mr. Avery continued to receive payments for his personal/private coaching during the season, but refused to receive compensation from WCS, as a

matter of personal integrity. Mr. Keidel and Ron Seigenthaler, although they should have already known the WCS policies, were made aware of the policies on February 27, 2017. If the school's Principal and Athletic Director are unaware of the compensation policies, it is farfetched to place the blame on a newly hired volunteer coach for violating the policy.

6. The Report exaggerates concerning Mr. Avery attempting to collect from one delinquent parent.

The Report states that Avery, *"has pushed families to pay him if they are 'behind' on payments to him."* First, The Report cites one singular time when Mr. Avery was corresponding with a parent about being late in paying. That was Brenda Vroon, by the way. Can Ms. Quirk provide even one more example of Mr. Avery trying to collect from a delinquent client, in order to make The Report's statement true, regarding, "families?" The Report can take a leap and call this light-hearted exchange a, "push," but I think it is a stretch, and simply baloney. Do you think anyone actually believes that Avery was serious about accepting a nice car for payment? More likely, it was an attempt to keep an awkward collection process, light, with a familiar and valued client.

On a personal note, due to all the stress surrounding the track ordeal, and our son's imposed lack of continuity with Avery, I was, uncharacteristically, late two months in paying him. I did not receive any correspondence from Mr. Avery, at all, concerning paying him. Like I said, "pushing," families for payment is just baloney. The Report is grasping at straws, here.

It is simply irrelevant, too, because it has nothing to do with his involvement with the school. It is nothing more than a failed attempt to assail Mr. Avery's character.

7. The Report discusses Mr. Avery's use of the BHS track, citing a policy violation.

Dr. Looney explained to me, in our impromptu meeting, that the reason Gary Kinder was not banned from all WCS properties, like Mr. Avery was, even though he had violated this policy, (probably more often than Avery had), was that Gary Kinder had been given permission to use the track. So, if Mr. Avery had been given permission, as well, then shouldn't he be treated like Kinder has been, not banned from WCS properties?

Correspondence in February of 2013 between Ron Seigenthaler and Mr. Avery leads me to conclude that there was an understanding that Avery would use the track after regular practice to coach those with whom he had a private coaching relationship. The same arrangement was discussed regarding Gary Kinder. So, it appears they *both* had permission to use the track. (Appendix 5). *(Please, also note Mr. Avery's desire to present clarity to the students and parents as to what his exact role would be, and his seeking guidelines from Seigenthaler to better serve the team).*

In addition, The Report states that, *"Mr. Avery held practice at BHS during the week and on weekends for the athletes he trains."* If so, are we to believe that Ron Seigenthaler, the Athletic Director and Head Track Coach was never there, observing the use of the track? If he observed Avery's use and did not prevent it, the lack of action on his part constitutes permission to use the track. Also, in his February 27, 2017 email to Guy Avery, Kevin Keidel writes, *"We have not been concerned about monitoring that rule since our track is open to the public…"* (Appendix 4). Again, lack of action on his part constitutes permission.

Furthermore, The Report cites a portion of Policy 3.206, but leaves out important language in the policy. The policy states the Board's recognition that these facilities are public property and encourages their use for activities which will enhance the cultural, educational and recreational opportunities in the community. While #4 of the policy states that, *"No building shall be available for personal, private or for-profit use,"* we all understand that people use the track for personal use/conditioning. In addition, #1. a.v. provides that, *"For-profit/non-profit businesses as designated by Williamson County Schools which enhance the education or recreation of the students or staff when invited by the school to perform an activity."* Since the students have access to the facilities, when not interfering with school activities, and since Keidel admitted lack of monitoring and lack of action concerning supposed violations, in addition to Seigenthaler's awareness, and lack of action, these constitute an invitation to use the track, in my opinion. In addition, Avery is enhancing the education of these runners. So, there is no violation, in my opinion.

Also, Qualls and Farmer reviewed and discussed, extensively, complaints from the Franklin High School coach, in March of 2015, concerning Avery using the track. Dr. Looney copied Farmer, Golden, Keidel, and Qualls in a draft to that coach, informing him of a "No Findings Report," by Qualls. (Appendix 6).

(Please also note that Qualls' report refutes Ms. Quirk's Report, ***"Complaint #3: Mr. Avery acts as if he is the BHS XC coach and he dictates who runs,"*** *by referring to Ron Seigenthaler and Kevin Keidel, saying, "Both also said adamantly that Guy Avery does not dictate who travels, participates, or coaches the Brentwood High programs." Of course, if Avery does not dictate who participates, then that comment also refutes The Report's claim of, "pay to play," as well. All this relates to when Avery had not yet signed on with BHS as a Volunteer Coach.)*

Finally, once Avery was informed of the policy this year, he immediately stopped using the track. So, any implication that Avery knew of the policy and purposely violated it is completely unfounded. Again, a strong case could be made that there is no violation, due to Seigenthaler's and Keidel's lack of action, constituting permission. But, even if you do not agree with that, if Seigenthaler and Keidel, who are responsible for knowing policies and enforcing them, had instructed Avery to not use the track, then Avery, like he had in the past with other issues, would have fully complied. So, does Ms. Quirk have any evidence showing that Seigenthaler or Keidel ever told him he could not use the track?

8. The Report lists Complaint #3, saying, "Avery acts as if he is the BHS XC coach and he dictates who runs.

This ridiculous complaint is followed by, *"Coach Billy Anderson is listed as the Boys XC country coach for Brentwood High." "However, most of the parents stated that Guy Avery is the coach."* Newsflash! That is no different than the present situation, Seigenthaler being the Head Track Coach and delegating the responsibility of coaching the mid-distance runners to Duncan. Duncan designs the workouts and the runners view Duncan as their coach. In cross-country, Billy Anderson is the Head Coach, but Avery was delegated the responsibility of coaching the Varsity runners, because he has significantly more experience and expertise than Anderson.

The only difference between Guy Avery's role as the Assistant Coach and Chris Duncan's role as the Assistant Coach is that Avery was actually fulfilling the role he was hired for, stated on his Volunteer Release form, *"Assistant Coach Boys and Girls Cross Country."* The Report states, *"Coach Chris Duncan was hired in 2017 as an assistant track coach to work with the middle and long distance runners."*

Apparently, Ms. Quirk did not look at his Supplemental Staff Approval Form, which says his Position Assignment is, *"Girls' Track Asst."*

Conflict of Interest?

The Report seems to have a problem with Mr. Avery being listed as a volunteer coach for BHS, and also being a private coach, concluding, *"The two should not be mixed due to a conflict of interest."* Yet, The Report does not provide one shred of evidence where there was an actual conflict. One might imagine a conflict, if preferential treatment was given to someone, unduly, simply because they were clients of Avery's private coaching. But, we have already dealt with that false, "pay to play," allegation. In addition, **IF** a conflict had *ever* existed, there existed an easy remedy. An athlete could have gone to the Head Coach, Billy Anderson, and complained about unfair treatment, and he could have handled it. Does Ms. Quirk have any evidence that an athlete complained about unfair treatment, due to this conflict of interest? She certainly did not provide this kind of evidence.

So, all that is necessary to deal with a perceived conflict of interest is clear communication to the students and their parents of the volunteer coach's separate role as a personal/private coach, and instruction on the process to follow if they ever feel that he is giving preferential treatment to an athlete. Clear communication and having a Head Coach to appeal to completely remove the perceived conflict of interest.

TSSAA Rules

Then, The Report states, "TSSAA rules state that private coaches cannot coach at meets." The reason The Report does not cite a reference to that rule is because TSSAA rules do not say that!

Article IV, Section 7., of the TSSAA Bylaws, state, "The official rules books as published by the National Federation of State High School Associations shall be used in football, basketball, baseball, girls' softball, wrestling, girls soccer, soccer, track and field, cross country, and girls volleyball." In the NFHS rules book, **Rule 4. Competitors and Competition, Section 6 Disqualification and Conduct, Article 5** says, *"It is an unfair act when a competitor receives any assistance." "Assistance includes: …e. Coaching a competitor from a restricted area."* **Section 7 Event Start/Conclusion, Article 1** says, *"A running event or heat begins when the competitors report to the starting line, and is considered to be official and concluded when places have been determined and the results have been recorded at the finish line."* The rules are basically the same for track and cross-country.

These rules are applicable to all coaches, not just private coaches. In fact, there is no mention of personal/private coaches in the rules book. So, there is no rule prohibiting a private coach from having contact with an athlete, and even giving the athlete instructions, before or after the event. In my correspondence on April 25, 2017, with Richard McWhirter, the representative at TSSAA for Track and Cross-Country, he responded to my email, "Correct," when I summarized part of our conversation, writing, *"You agreed that an athlete may receive instruction from his private coach any time before the athlete checks in for his event, and any time after the conclusion of his event, plus processing. And, TSSAA will not disqualify an athlete for meeting and receiving instruction from his private coach during the time before checking in to his event and after he competes in his event."* (Appendix 7).

So, when Ms. Quirk cites the meeting notes, dated February 23, 2015, from the supposed meeting between Guy Avery and Ron Seigenthaler, in her next paragraph, basically saying that Avery can have no

more contact with the athletes than a fan can have, during a meet, it is not an indictment of Avery, it is a clear indictment of Ron Seigenthaler, demonstrating that he does not have a clue about what TSSAA rules state.

This is why this, "investigation," is a farce; Ms. Quirk does not know the rules, Keidel does not know the rules, Seigenthaler does not know the rules, yet, The Report claims Mr. Avery violated rules, unfairly incriminating him in the minds of the readers of the Report, when he did not, in fact, violate the rules. How irresponsible!

Ms. Quirk's Conclusion

The Report says, *"There is no clear definition on who the BHS XC coach is for parents."* Incorrect. It was clear that Billy Anderson was the XC Head Coach, and Guy Avery was the Assistant XC Coach, who had been given the responsibility of coaching the top athletes, which were all the athletes on the varsity team, plus a few up-and-coming athletes. Anderson coached the JV athletes, particularly those with a lower commitment level.

The Report says, *"Mr. Avery is viewed as the BHS cross country coach when in reality he is a private coach."* Inaccurate. Mr. Avery was viewed as the Varsity cross-country coach, (having been delegated that responsibility), and having signed-on as a Volunteer Coach. He was also viewed as a private coach. Contrary to belief, the two are not mutually exclusive.

The Report says, *"Mr. Avery has convinced our students and families that in order to be successful they must train with him which comes at a price of around $400 per child a month."* Is Ms. Quirk under the impression that *our* students and families are so unsophisticated, and Guy Avery is such a great salesman, that we need to be *convinced* to train with Mr. Avery? It sounds like Ms. Quirk believes we are all under Mr. Avery's spell. Mr. Avery's record speaks for itself. I wonder if there was any investigating of Mr. Avery's results before that comment was conceived.

Not all students are going to reach the highest ranks in their sport and they and their parents have their own goals and definitions of success. But, when a team, which had not won a state championship in cross-country in years, wins five state championships in six years under Avery's coaching, and places third in the nation twice, during that time, most intelligent people would not need convincing that Avery is an excellent coach. When athletes he trained finished 1st, 2nd, 3rd, and 5th in the State Indoor Championship, in the mile, this past winter, I really did not need Mr. Avery to come *convince* me that it would benefit my son to train with him.

Yes, it runs about $400/month. Why don't we all tally up how much our families spend, going out to eat each month. What we pay Mr. Avery for his excellent coaching is less than the amount we would have to pay to send our kids to a private school, where they actually financially support their track programs.

Finally, The Report says, *"There is a lack of institutional control regarding athletics at Brentwood High School and the school has lost trust from various families."* No doubt, the school has lost trust from families. But, it is not because there is not enough control. It is because they arrogantly attempt to control our kids, with their limited mindsets, lack of creativity, and "old-school," beliefs concerning how athletics should be administered. They leave parents out of the loop, concerning a program the parents are most responsible for having built, because of their thinking outside the box, and hiring someone like Mr. Avery. They have lost trust because, at least one coach has lied to our kids, has been insubordinate

to his Principal, lied to parents, and does not honor his word. Parents have lost trust because BHS has a Principal who lacks discernment and an ability to properly analyze a situation, and believes everything the coach tells him, and as a result, allows multiple agreements to be broken. It is called, the tail wagging the dog.

Conclusion

Since Mr. Avery resigned before the season, there is no continuing issue regarding compensation or a perceived conflict of interest. Since he has been made aware of the policy, regarding the use of WCS property, he has been compliant and has agreed to remain so.

Mr. Avery was in violation of two WCS policies, but violated them, unknowingly. There has been no evidence presented in this report that proves Avery knowingly violated rules. There has been plenty of evidence presented here and evidence in Public Records involving Guy Avery which show that those employed by WCS have been ignorant of the policies and allowed Avery to violate them because of their ignorance.

Regarding Ms. Quirk's Recommendation

There is no BHS XC club, as Ms. Quirk suggests; there is a Brentwood XC club. The school has no more jurisdiction over this private club than it does the Tennessee Soccer Club. It was formed independently from the school, and has every right to use its name, and seeks no involvement with the Booster Club.

Regarding Ms. Quirk's recommendation for Mr. Avery to not be allowed on WCS property:

Mr. Avery's character has been brought into question as a result of Ms. Quirk not adequately knowing the rules, Mr. Keidel not knowing the rules, Ron Seigenthaler not knowing the rules and others at the Central Office not knowing the rules. All of these should be more familiar with the School Board policies and TSSAA rules than Mr. Avery. If, unknowingly, violating these policies is so damaging to WCS that it warrants Mr. Avery being banned from WCS properties, then maybe those *more responsible*, those who should have been *more familiar* with the rules, the paid caretakers of the rules, like Kevin Keidel and, especially, the Athletic Director, Ron Seigenthaler, should be banned, as well. If not them, then certainly not Mr. Avery.

Please be reminded that Mr. Keidel and Ron Seigenthaler allowed Mr. Avery to be on the BHS campus for seven years, and had no incident, during that time, where they believed he should be removed. Mr. Avery has not been a threat to anyone. After observing Mr. Avery's excellent coaching and his involvement with the athletes for several years, they signed him up as a volunteer coach. Certainly, that is an endorsement and a testimony of how they feel about Avery's coaching and his character. So, banning him from WCS property is an insult. It is an undeserved slap in the face. It is disrespectful and ungrateful. The ban should be lifted immediately, with a sincere apology.

The School Board policies should be reviewed and changed. The policies, along with the mindset of several at the Central Office staff, are old-school. TSSAA recognizes the need for private coaching in track, where there are 19 separate events. It is clear to most that WCS has not supported the cross-country and track programs, adequately, and has created the void that private coaches have filled. That will not change. Since WCS is unwilling and unable to provide what is needed for these talented athletes

to succeed, they should, at least, adopt a more flexible policy that encourages cooperation and collaboration with private coaches, like TSSAA has. In fact, they should just mirror TSSAA policies. They should not continue to violate existing School Board policies by unreasonably restraining these athletes from, “independent action in pursuit of learning,” and unreasonably denying the athletes’, “access to varying points of view.”

Appendix 1

From: Brad
<bradvroon@gmail.com<mailto:bradvroon@gmail.com>>
Sent: Sunday, January 15, 2017 4:21 PM
To: Guy Avery
Subject: Re: Track info

Guy- it is my opinion that Jackson has earned a spot on the DMR. He is the fastest one on your squad and he is a part of the core top 4 on the team. Clearly, he can beat Elias, Matthew Walters, or anyone else. Personally, I think it is hurtful to him to be asking other runners that are not of his caliber and younger. He is a competitor and will race at whatever position he is asked. I think it would be extremely detrimental to your group to ask someone who doesn't train with you or pay you to participate in the DMR, basically handing some kid an all American medal. Going forward, this is the core issue to me and Brenda. You need to decide if Jackson will join Taylor, Scott, and Brody in New York and Vanderbilt. I am free to meet tomorrow to discuss. Thanks,

Brad Vroon

Appendix 2

SUPPLEMENT STAFF APPROVAL FORM
2016-2017 SCHOOL YEAR

NAME: Chris Duncan DATE OF HIRE: 3/8/17

NEW HIRE: ✓ REASSIGNMENT / TRANSFER:

REHIRE: PREVIOUS POSITION:

PREVIOUS LOCATION:

PAY STATUS:

EMPLOYEE NUMBER:	PART TIME SUPP.	FTE
[redacted]	✓	

SCHOOL/WORK LOCATION: BHS

POSITION ASSIGNMENT: Girls Track Asst

BUDGET CODE ASSIGNMENT:

FUNDING: GP ☑ BOOSTER ☐

REPLACING EMPLOYEE INFORMATION: NAME OF EMPLOYEE REPLACED:

RESIGNATION DATE	RETIREMENT DATE	TRANSFER/REASSIG. DATE	LEAVE OF ABSENCE DATE

BACKGROUND CHECK (fingerprinting results received) ✓ 2/16/17

DCS ✓ DHS ✓ Sexual Offender Registry ✓

****

Date Offered/Emailed FP Instructions: 2/20/17 cc: Carlton

FP Scheduled: 2/16/17

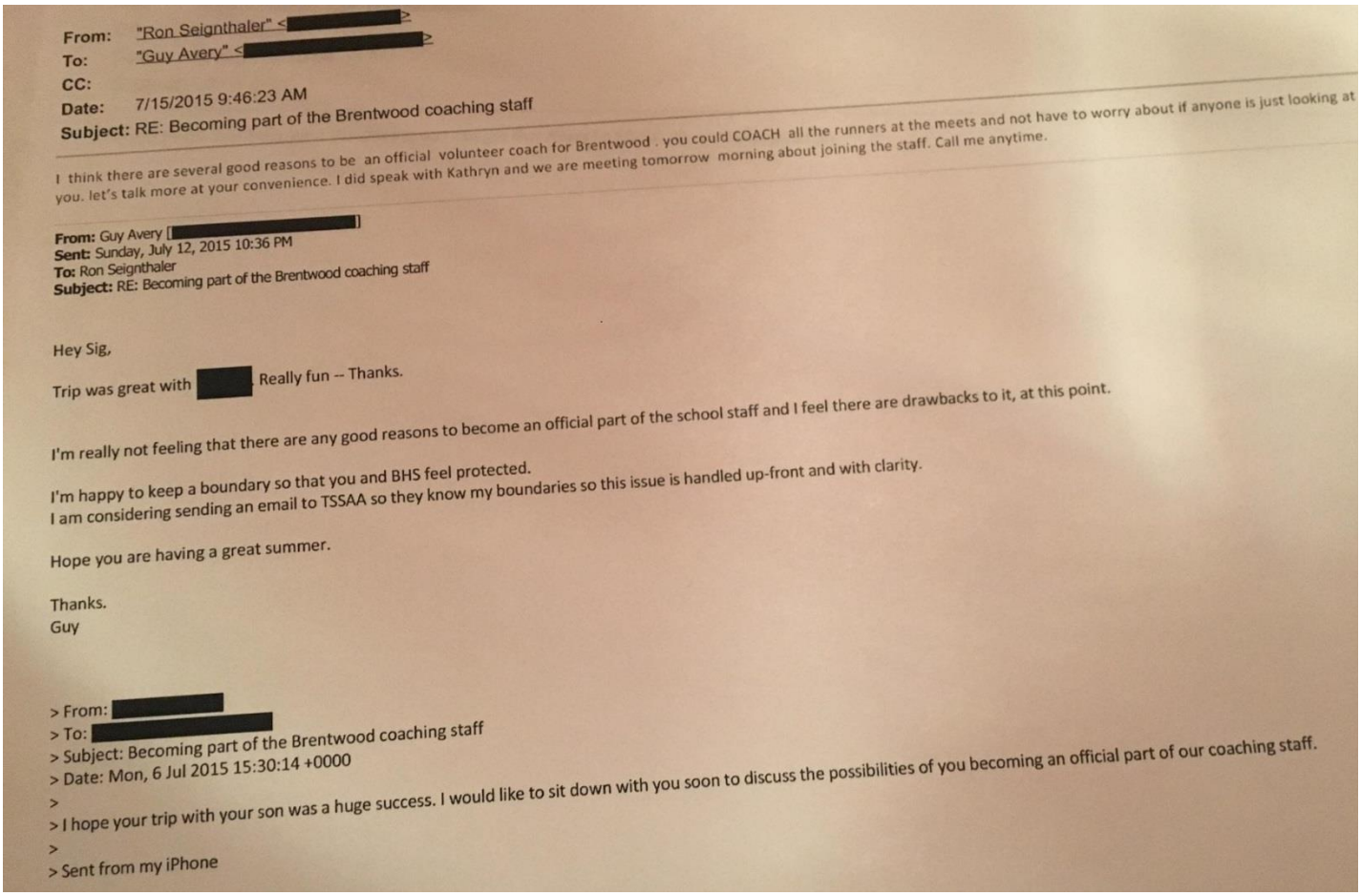
Orientation Date: 3/8/17 @ 10:00am

Emailed Orientation PowerPoint: 3/23/17

XC head Coach

APPROVAL FORM 15-16 jy

Appendix 3



From: "Ron Seignthaler" <[redacted]>
To: "Guy Avery" <[redacted]>
CC:
Date: 7/15/2015 9:46:23 AM
Subject: RE: Becoming part of the Brentwood coaching staff

I think there are several good reasons to be an official volunteer coach for Brentwood . you could COACH all the runners at the meets and not have to worry about if anyone is just looking at you. let's talk more at your convenience. I did speak with Kathryn and we are meeting tomorrow morning about joining the staff. Call me anytime.

From: Guy Avery [[redacted]]
Sent: Sunday, July 12, 2015 10:36 PM
To: Ron Seignthaler
Subject: RE: Becoming part of the Brentwood coaching staff

Hey Sig,

Trip was great with [redacted]. Really fun -- Thanks.

I'm really not feeling that there are any good reasons to become an official part of the school staff and I feel there are drawbacks to it, at this point.

I'm happy to keep a boundary so that you and BHS feel protected.
I am considering sending an email to TSSAA so they know my boundaries so this issue is handled up-front and with clarity.

Hope you are having a great summer.

Thanks.
Guy

> From: [redacted]
> To: [redacted]
> Subject: Becoming part of the Brentwood coaching staff
> Date: Mon, 6 Jul 2015 15:30:14 +0000
>
> I hope your trip with your son was a huge success. I would like to sit down with you soon to discuss the possibilities of you becoming an official part of our coaching staff.
>
> Sent from my iPhone

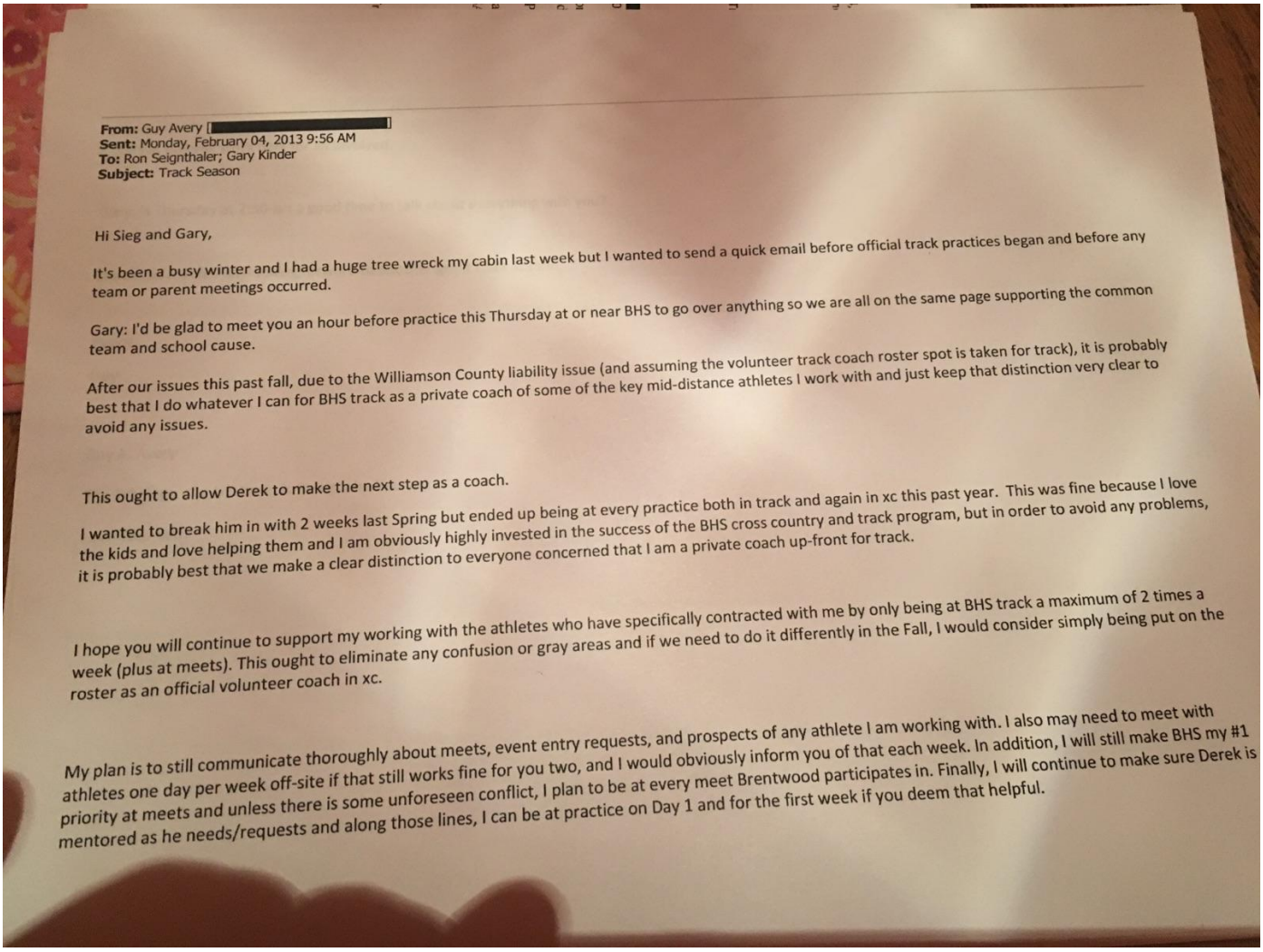
Appendix 4

From: Kevin Keidel <kevink@wcs.edu>
Sent: Monday, February 27, 2017 3:28:12 PM
To: Guy Avery
Subject: RE: Solutions to the Current Dilemma

We've been given some very clear direction regarding coaches that must be followed. A coach can receive no money from an athlete at any point in time. This was news to us. We were under the impression that the rule was just for those coaches during the season. This includes money from athletes from other WCS schools as well. We have also been told that coaches charging students for private instruction cannot use the track and field facilities. We have not been concerned about monitoring that rule since our track is open to the public but someone called the Central Office this weekend to report that you and another coach were giving private lessons on Williamson County property. We are working with the Central Office to resolve all of these issues and hope we can come up with a solution for the student-athletes. The current expectation for Williamson County Schools is that each school hires a coach and that coach conducts all practices and contests throughout the season. We have hired Coach Seigenthaler to be the track coach and it is his responsibility to run all practices and meets.

Thank you for the work you have done with BHS runners and I hope Scott and Brodie have great performances at the Indoor Nationals.

Appendix 5



From: Guy Avery [redacted]
Sent: Monday, February 04, 2013 9:56 AM
To: Ron Seigenthaler; Gary Kinder
Subject: Track Season

Hi Sieg and Gary,

It's been a busy winter and I had a huge tree wreck my cabin last week but I wanted to send a quick email before official track practices began and before any team or parent meetings occurred.

Gary: I'd be glad to meet you an hour before practice this Thursday at or near BHS to go over anything so we are all on the same page supporting the common team and school cause.

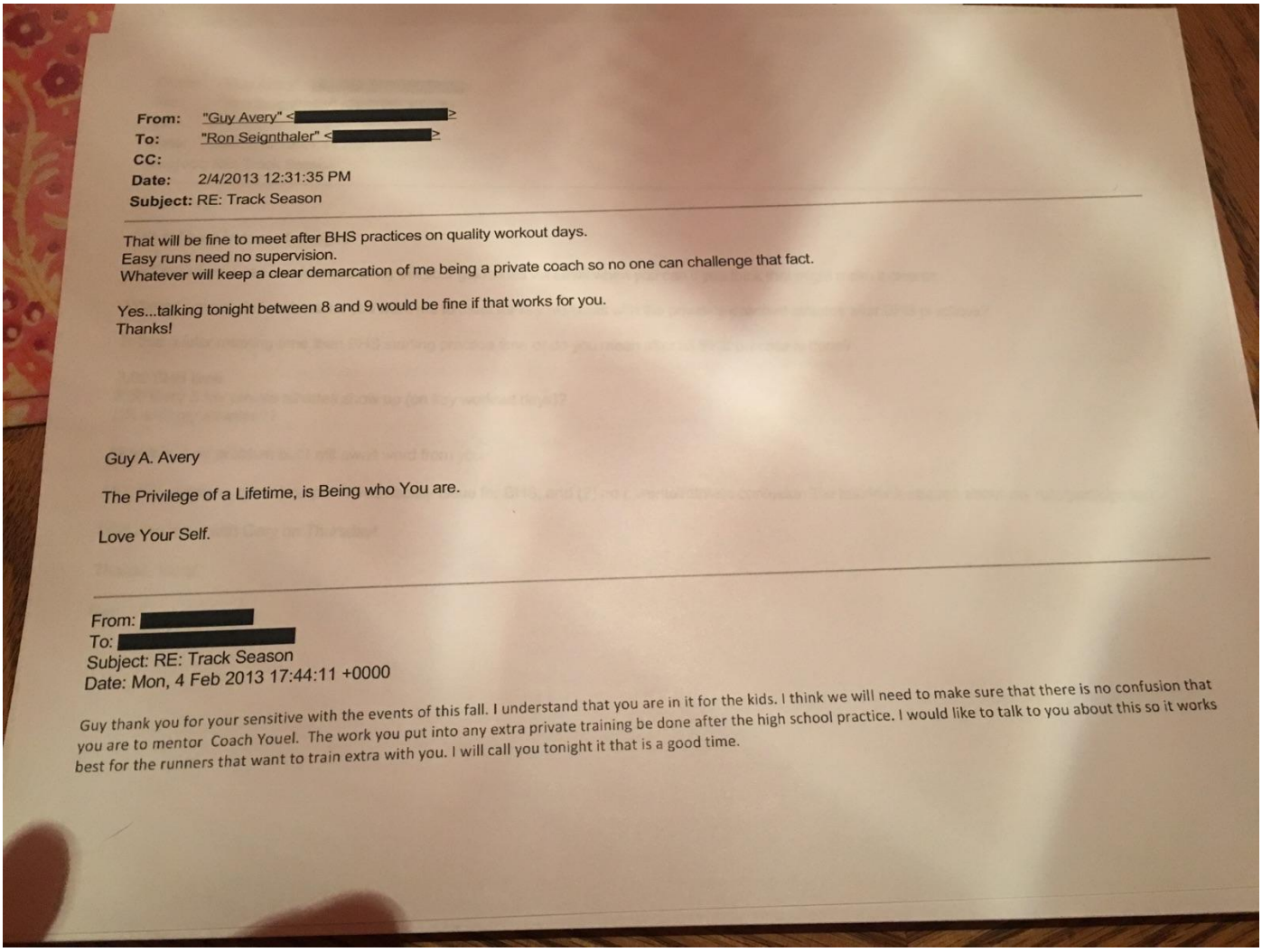
After our issues this past fall, due to the Williamson County liability issue (and assuming the volunteer track coach roster spot is taken for track), it is probably best that I do whatever I can for BHS track as a private coach of some of the key mid-distance athletes I work with and just keep that distinction very clear to avoid any issues.

This ought to allow Derek to make the next step as a coach.

I wanted to break him in with 2 weeks last Spring but ended up being at every practice both in track and again in xc this past year. This was fine because I love the kids and love helping them and I am obviously highly invested in the success of the BHS cross country and track program, but in order to avoid any problems, it is probably best that we make a clear distinction to everyone concerned that I am a private coach up-front for track.

I hope you will continue to support my working with the athletes who have specifically contracted with me by only being at BHS track a maximum of 2 times a week (plus at meets). This ought to eliminate any confusion or gray areas and if we need to do it differently in the Fall, I would consider simply being put on the roster as an official volunteer coach in xc.

My plan is to still communicate thoroughly about meets, event entry requests, and prospects of any athlete I am working with. I also may need to meet with athletes one day per week off-site if that still works fine for you two, and I would obviously inform you of that each week. In addition, I will still make BHS my #1 priority at meets and unless there is some unforeseen conflict, I plan to be at every meet Brentwood participates in. Finally, I will continue to make sure Derek is mentored as he needs/requests and along those lines, I can be at practice on Day 1 and for the first week if you deem that helpful.



From: "Guy Avery" <[redacted]>
To: "Ron Seignthaler" <[redacted]>
CC:
Date: 2/4/2013 12:31:35 PM
Subject: RE: Track Season

That will be fine to meet after BHS practices on quality workout days.
Easy runs need no supervision.
Whatever will keep a clear demarcation of me being a private coach so no one can challenge that fact.

Yes...talking tonight between 8 and 9 would be fine if that works for you.
Thanks!

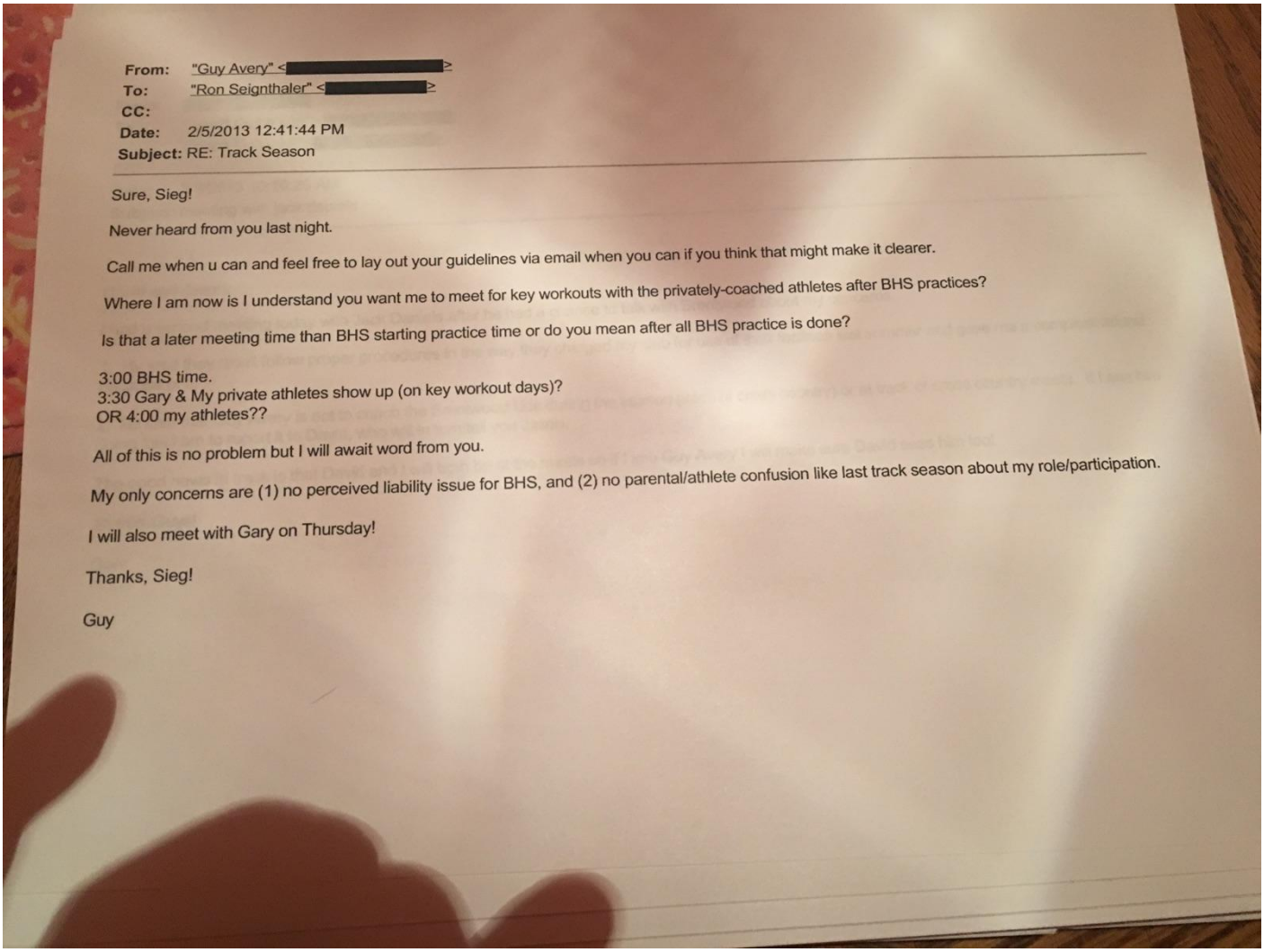
Guy A. Avery

The Privilege of a Lifetime, is Being who You are.

Love Your Self.

From: [redacted]
To: [redacted]
Subject: RE: Track Season
Date: Mon, 4 Feb 2013 17:44:11 +0000

Guy thank you for your sensitive with the events of this fall. I understand that you are in it for the kids. I think we will need to make sure that there is no confusion that you are to mentor Coach Youel. The work you put into any extra private training be done after the high school practice. I would like to talk to you about this so it works best for the runners that want to train extra with you. I will call you tonight it that is a good time.



From: "Guy Avery" <[redacted]>
To: "Ron Seignthaler" <[redacted]>
CC:
Date: 2/5/2013 12:41:44 PM
Subject: RE: Track Season

Sure, Sieg!

Never heard from you last night.

Call me when u can and feel free to lay out your guidelines via email when you can if you think that might make it clearer.

Where I am now is I understand you want me to meet for key workouts with the privately-coached athletes after BHS practices?

Is that a later meeting time than BHS starting practice time or do you mean after all BHS practice is done?

3:00 BHS time.
3:30 Gary & My private athletes show up (on key workout days)?
OR 4:00 my athletes??

All of this is no problem but I will await word from you.

My only concerns are (1) no perceived liability issue for BHS, and (2) no parental/athlete confusion like last track season about my role/participation.

I will also meet with Gary on Thursday!

Thanks, Sieg!

Guy

Appendix 6

To: Dr. Mike Looney, Jason Golden, and Dr. Charles Farmer

From: Jeremy Qualls, WCS Athletic Director

RE: Brentwood High School Cross Country, Track and Field, and Guy Avery

Date: 2/27/15

This investigation began after receiving a phone call from a "concerned Ravenwood parent" and Len Jeffers, Head Coach of Daniel Boone High School. The accusations were that Guy Avery was:

- Coaches the Track and Field, and Cross Country teams at Brentwood High School,
- He is not the "Coach of Record" according to the TSSAA rules,
- Determines who runs what events at the meets,
- Determines who traveled to competitions based on whether they attended his practice.

Part of the evidence presented were links to YouTube videos. The date stamp on these videos are over two years old. Guy Avery was conducting a practice with many athletes that attend WCS and do not, as well as college athletes in this video. According to Kevin Keidel, the track is used by many people throughout the year. "There are many groups that use the track for exercise in the mornings, throughout the day and evenings."

I had a conversation with Ronnie Seigenthaler pertaining all of the above accusations that were brought to light. I asked Coach Seigenthaler and Kevin Keidel (separately) two specific questions. These questions were:

1. Does Guy Avery coach the Track and Field, and Cross Country teams?
2. Does Guy Avery dictate who gets to travel and participate in the meets?

Both reported that the students independently may contract with Guy Avery on their own. Both also said adamantly that Guy Avery does not dictate who travels, participates, or coaches the Brentwood High programs.

Coach Seingenthaler reported to me that he met with Guy Avery about the state of the programs and what he can and cannot do. The minutes are included with this report. I find no wrong doing on behalf of Brentwood High School that would result in any disciplinary action from our office or the TSSAA.

From: "Charles Farmer" <[redacted]>
To: "Mike Looney" <[redacted]>
CC: "Jason Golden" <[redacted]>
"Kevin Keidel" <[redacted]>
"Jeremy Qualls" <[redacted]>
Date: 3/24/2015 9:30:21 AM
Subject: BHS Inquiry Into Cross Country and Track & Field Programs
Attachments: Brentwood HS Track Summary.docx
Brentwood High track Grievance Findings.docx
Minutes from meeting with Guy Avery.docx

Dr. Looney,

Attached are three documents. They are as follows:

1.) My summary of the situation based on the report provided to me by Mr. Qualls. Mr. Qualls and I also had extensive discussions about the allegations.

2.) Mr. Qualls' report of findings

3.) Mr. Seigenthaler's minutes from a meeting he had with Mr. Guy Avery.

If you have additional questions, please let me know.

Thanks,

Charles

Charles E. Farmer, Ph.D.
Williamson County Schools
Assistant Superintendent
Middle & High Schools

From: "Mike Looney" <[redacted]>
To:
CC: "Jeremy Qualls" <[redacted]>
"Kevin Keidel" <[redacted]>
"Jason Golden" <[redacted]>
"Charles Farmer" <[redacted]>
Date: 3/2/2015 10:26:30 AM
Subject: RE: it's past due!
Attachments: image001.jpg

All, this is a draft of an email that I plan on sending out. Please review it and let me know if there is additional insight or information to share.

Mike

Gary,

I wanted to follow up with you on the outcome of our investigation. The WCS Director of Athletics, Mr. Jeremy Qualls has reviewed your concerns and has issued a no findings report. If I can be of further assistance, please let me know.

Respectfully,

Mike Looney

From: [redacted] [redacted]
Sent: Friday, February 20, 2015 3:43 PM
To: Mike Looney
Subject: Re: it's past due! Dr. Looney,

I would like to know what your idea of an investigation is?

The evidence that I was right in 2012 is in those videos. It shows Guy Avery coaching kids on Brentwood's track. He did not have WCS permission to do

Appendix 7

Sandifer, Michael

From: Richard McWhirter <rmcwhirter@tssaa.org>
Sent: Tuesday, April 25, 2017 3:56 PM
To: Sandifer, Michael
Subject: Re: Rules concerning private coaching

Correct

On Tue, Apr 25, 2017 at 2:28 PM, Sandifer, Michael <michael.sandifer@lpl.com> wrote:

Mr. McWhirter:

Thank you for our conversation, today, and for your candor regarding what my desired proposal.

Based on our conversation, I understand that, "All coaches must be approved by the principal, superintendent, and/or local board of education prior to coaching," according to TSSAA bylaws. In addition, a coach is defined as, "Anyone who instructs or supervises student-athletes in practices or contests."

In addition, the rules for track and cross country allow an athlete to receive instruction from his coach inside a restricted area, only. So, according to your example, if a pole vaulter has a bad vault and wants to receive instruction from his, "approved coach," he must go to the restricted area, reserved for coaches, and receive instruction there. He may not receive instructions outside of that restricted area.

However, you defined the contest as beginning when the athlete has signed in for his event, which typically occurs 15-30 minutes before the event. Once signed in, the athlete can receive instruction from his, "approved coach," only, (in the restricted area for coaches), until the event concludes and those working the meet have completed processing that event, (like lining the athletes up in their lanes to make sure proper times are assigned to the competitors). So, the contest is not defined by the starting and ending times of the entire track meet, but rather, when the athlete signs in for his event until it concludes, including processing of that event, immediately following.

You agreed that an athlete may receive instruction from his private coach any time before the athlete checks in for his event, and any time after the conclusion of his event, plus processing. And, TSSAA

will not disqualify an athlete for meeting and receiving instruction from his private coach during the time before checking in to his event and after he competes in his event.

Would you please let me know that what I have written here, regarding these rules, is correct? Thank you.

Sincerely,

Michael Sandifer, CFP®

SANDIFER
INVESTMENT GROUP, LLC

PH: 615-889-9669

Fax: 866-368-6313

5719 Cloverhill Dr., Brentwood, TN 37027

michael.sandifer@lpl.com www.sandiferinvestmentgroup.com

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By wisdom a house is built, and by understanding it is established; and by knowledge the rooms are filled with all precious and pleasant riches. – Prov. 24:3,4.