

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY
PENNSYLVANIA - CRIMINAL DIVISION**

**IN RE: COUNTY INVESTIGATING : CP-46-MD-3660-24
GRAND JURY :
: INVESTIGATION # 626**

FINDINGS AND ORDER

AND NOW, this 28th day of July, 2026, after having examined the Report of the Montgomery County Investigating Grand Jury of MD 3660-2024, Investigating Number 626, and reviewing the record, this Court finds that the said Report is within the authority of the Investigating Grand Jury and is otherwise in accordance with the provisions of 42 Pa.C.S. § 4541 et. seq. In view of those findings, the Court hereby accepts the Report and files the Report as public record.

BY THE COURT



HON. RISA VETRI FERMAN
Supervising Judge

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REPORT

TO THE HONORABLE RISA VETRI FERMAN, SUPERVISING JUDGE:

We, the Montgomery County Investigating Grand Jury, MD 3660-2024, have been duly charged by the Honorable Court to investigate allegations of any and all types of criminal activity within said County, and having obtained knowledge of such matter from witnesses sworn by the Court and testifying before us, and finding therein reasonable grounds to believe, and so believing, that a summary with recommended proposals for legislative, executive, and/or administrative change is necessary to the public interest, upon our responsive oaths not fewer than 12 concurring, do hereby make this Report to the Court.


Foreperson
Montgomery County Investigating
Grand Jury

7/22/26
Date

INTRODUCTION

On October 17th, 2025, Cheltenham High School's football season was temporarily suspended and the senior night game against Truman High School cancelled. The school district cancelled the remainder of the season on October 19th. In two letters submitted to the community, the school district cited allegations of hazing as the reason for the suspension and, later, cancellation of the season.

The cancellation and suspension of Cheltenham's football season marked the beginning of an intensive 6-month grand jury investigation into allegations of hazing. This investigation uncovered violent hazing targeted at one member of the team. What began as emotional bullying eventually turned into two brutal physical attacks that involved threats of a broomstick being used to penetrate the Juvenile Victim. These physical attacks were recorded by teammates and circulated around the school, forcing the victim to relive the trauma as more of his classmates became aware of what happened and shared it.

The coaching staff undertook a concerted effort to discredit the Juvenile Victim and to cover up and diminish the hazing allegations to protect the team. When the Juvenile Victim told Head Coach Terence Tolbert what had occurred, he told the Juvenile Victim not to tell his mother. During grand jury testimony from members of the coaching staff, the hazing was described as simply "horseplay" and "rough housing." Text messages show the coaching staff was

more concerned with not “[putting] the whole team in jeopardy,” than dealing with the issue. The coaching staff’s portrayal of the Juvenile Victim as a player who “doesn’t listen to anyone” is even more troubling, as if a perceived attitude somehow excused the emotional and physical abuse he endured.

While the school district claims to “protect and prioritize safety and well being,” their actions in this case say otherwise. The administration carried out three school-led investigations that were so flawed they failed to even identify that two separate instances of hazing occurred in the locker room. Further, they included Head Coach Terence Tolbert in every step of their investigation. School administration did not adequately communicate with the Juvenile Victim’s mother, which eventually prompted her to petition for a Title IX investigation. This level of incompetence didn’t just fail one child — it put every young man on the football team at risk.

FINDINGS OF FACT

The Grand Jury reviewed information and heard testimony that showed there were ongoing issues between the Juvenile Victim and other players, including verbal and physical conduct directed toward him by teammates, as well as assaults in the locker room at Cheltenham High School on August 15, 2025 and September 3, 2025. The first assault on August 15, 2025 was recorded and quickly disseminated among other players and students.

Two videos were recovered of the August 15 assault. Both videos show the Juvenile Victim on his back on the locker room floor, surrounded by a group of players that are pulling on his shorts and shirt. The players were pulling on his clothes so hard that at times his body was lifted off the floor. One player involved can be seen trying to stick a broomstick up the Juvenile Victim's shorts. Players can be heard laughing while the assault is occurring, some shouting "Broomstick him" and "Broomstick N——" while turning their heads to look at the camera. The Juvenile Victim sat up after the assault, at which point another player squatted and positioned his groin close to the Juvenile Victim's head.

The second assault occurred on September 3, 2025. The Juvenile Victim said that he took one of the captain's shoulder pads. After the captain told the coaches, the whole team had to run. After practice finished, the players decided to "jump him." When the players returned to the locker room after practice, a few of the players attacked the Juvenile Victim and dragged him to the floor, which prompted a larger group of players to surround him just a few feet from

the lockers. The Juvenile Victim was punched and kicked. The players stomped on his head and groin with their cleats, while he curled up to protect himself. The Juvenile Victim attempted to escape but was knocked back down on the floor while the assault continued. Like the August 15 assault, the players tried to “poke him in his butt with a broomstick.” The assault ended when buses arrived and everyone had to leave to catch their bus. The Juvenile Victim suffered a contusion to his penis.

When the assault was over, the Juvenile Victim got ice and then rode home with Coach Ralph Burnley. The Juvenile Victim told Burnley about the assault and provided the names of the people involved. Burnley then texted Head Coach Terence Tolbert, Offensive Coach Benjamin Johnson, and Offensive Coordinator Darian McFadden. Later, after the Juvenile Victim was dropped off, there was a phone call with the same coaches that Burnley originally texted, as well as the Juvenile Victim. During that phone call, McFadden told the Juvenile Victim not to tell his parents so the team could deal with it internally. The Juvenile Victim was traumatized by the assault and felt betrayed by his teammates, who were supposed to be like his family.

Handling the matter internally was, in actuality, a cover for protecting the team and the season. The text messages uncovered by the grand jury investigation reveal what McFadden meant when he said the team would handle it internally — they wanted to cover it up. In a September 3 text message conversation, Burnley said the quiet part out loud: “This has to be

handled and kept quiet. It's just like hazing...I'm telling you if this gets out they could put the whole team in jeopardy." To this, McFadden responds that "if this get's out we are fucked! They will cancel the whole season."

When the senior night game against Truman High School was cancelled, the coaching staff seemed more concerned for the players than the Juvenile Victim. Johnson "hurt for our boys," Coach #4 felt "bad for the kids and parents," and Coach #6 even got "teary eyed" knowing the players they have "[seen] play as 8th graders" wouldn't get a senior night football game. Missing from these text messages is any mention of the Juvenile Victim. The Juvenile Victim, according to Burnley, was just asking for it: "I'm going to tell the truth...the kids was stealing out of everybody's locker...of course kids were upset. What would you do if somebody keeps stealing from you??? This has nothing to do with hazing...he got his fucking ass kicked cause he kept stealing [people's] shit." No other coach responded to Burnley's text message.

Cheltenham High School Administration first learned of the second assault from the Juvenile Victim's mother on September 7. On the same day, Employee #1 sent a text message to Employee #2 and Employee #3 to inform them of what happened. In that text message, before even speaking with the Juvenile Victim, Employee #1 describes him as having "a chip on his shoulder" for not making the varsity team. It would appear from these messages that the administration was trying to avoid meeting with the Juvenile Victim's mother. Employee #1 stated "I THINK I backed her off coming to the building in the

AM.” The grand jury investigation confirmed that Employee #2 spoke with Tolbert the same day (September 7), and during the conversation Tolbert denied that anyone told the Juvenile Victim not to tell his mother. After speaking with Tolbert, Employee #2 informed Employee #1 and Employee #3 that he spoke with Tolbert and that Tolbert denied anyone told the Juvenile Victim not to tell his mom. At this point in the conversation, all three Employees vouched for Tolbert’s credibility. Employee #2 said he believed Tolbert, to which Employee #3 responded that it does not “sound like Tolbert” to ask a player not to talk with a parent about an incident and that “if this was another coach’s team I’d be questioning,” Employee #1 simply said “agreed.” When asked about the conversation he had with the Juvenile Victim’s mother during his grand jury testimony, Employee #1 described the mother’s account as “uncorroborated information.”

Employee #2 led the school’s investigation into allegations of assault, even though he does not have experience or training conducting these types of investigations. His job includes supervision of many school programs, but he is unfamiliar with the process by which coaches are informed and trained about their mandatory reporting obligations. The grand jury investigation revealed that at least five of the paid coaches were not up to date with their Act 126 clearances during the 2025 football season.

Tolbert was the first person Employee #2 interviewed during his investigation. Employee #2 stated that Tolbert “did not know anything.” Employee #2 also spoke to the coaches but took them at their word because he “thought that they would be forthcoming, mature adults and do the right thing and not lie to [him].” Employee #2 did not take notes of his conversations with any of the coaches. The Juvenile Victim’s mother contacted Employee #2 on September 9, 2025 after her son’s locker was vandalized. He then went to look at the locker with Tolbert while on FaceTime with the Juvenile Victim and his mother, which he admitted was inappropriate and could have been intimidating for the Juvenile Victim. Employee #2 did not adequately communicate with the Juvenile Victim’s mother during his investigation. This prompted her to file a Title IX complaint, at which point the school-led investigation concluded with “inconclusive” results. Employee #2’s investigation was flawed from the beginning and failed to even reveal that two separate assaults had occurred. When the school-led investigation concluded, Solicitor #1 became the lead investigator for the Title IX investigation. It was, however, the grand jury — not the school administration or Solicitor #1 — that discovered two separate assaults.

The grand jury investigation revealed that even though the coaches had an office in the locker room, they rarely used it. They instead used an office down the hall outside the locker room. At no point did Employee #2 communicate to coaches that they should be supervising students at all times, such as in the locker room before and after games and practices. Further,

Employee #2 did not visit the locker room to ensure that coaches were present to supervise. During his grand jury testimony, he stated that neither he, or any other Employees, did anything to make sure players were being supervised in the locker room during the 2025 football season. Moreover, grand jury testimony from all Employees revealed considerable confusion about mandatory reporting rules, including what constitutes a reportable offense and the process by which reports are made. There was consistent confusion about what type of assault allegation would prompt an immediate report to Childline and the police and what type would be merely investigated by the school staff. Employee #3 testified about the importance of corroboration when discussing the criteria that went into making that decision. Specifically, he discussed needing corroboration to the child's allegations of abuse in certain situations. Employee #3 expressed especially concerning judgement during the school investigation into the Juvenile Victim's claims when he concluded the coaches never told the Juvenile Victim not to tell his parents simply because a coach said it never happened. He justified this conclusion by relying on the coach's word over the Juvenile Victim's experiences.

Hazing

Dr. Susan Lipkins, PhD. testified before the grand jury on May 6, 2026. She is a psychologist with expertise in hazing and bullying. She has a Bachelor of Arts in Social Sciences from Fordham University, a Master's degree in Early Childhood Education and Special Education from Bank Street College of Education, and a PhD from Yeshiva University in School Psychology. Additionally, she has a Post-Doctoral degree in Psychotherapy with Children and Adolescents from the Derner Institute of Adelphi University. Dr. Lipkins is the author of Preventing Hazing: How Parents, Teachers and Coaches Can Stop the Violence, Harassment and Humiliation and is recognized as a pioneer in the area of hazing in high school.

Group domination and submission through violence and humiliation is the essence of hazing. Dr. Lipkins defines hazing as a process used by groups to discipline and maintain group hierarchy. These activities can be humiliating, demeaning, intimidating, dangerous and risky; all of which result in physical and/or emotional discomfort for the victim. Hazing is about acceptance into the group through physical and emotional humiliation. It is also a method used to discipline. The group has all the power and the victims have no power, and this is communicated and reinforced by the physical and psychological intimidation and actions of those in senior positions.

Hazing can often be mistaken for bullying. Hazing is a group activity, that is planned with a clear structure and duration. No individual gains

anything, other than acceptance in the group. Conversely, bullying is not a group activity. Bullying is an activity perpetrated by one person that garners that person an object or social status. Bullies target a random individual whereas hazing targets groups of people, such as new members of a team.

There is a blueprint for hazing. It begins with the newcomer, or victim, being hazed. Once accepted by the group, the victim becomes a bystander that watches others get hazed. Eventually, the bystander becomes a perpetrator. Perpetrators repeat the cycle and feel as though they have the right and duty to continue it. High school students bring their hazing experience with them to college, the military, or the workplace, where, like a virus, it morphs and adapts to new environments.

Hazing is prevalent in middle schools and high schools, as well as in colleges, the military and in the workplace. It occurs all over the United States and throughout the world. Hazing occurs in locations that are poorly supervised, or completely unsupervised by authorities. In a high school hazing, students know the locations that are unsupervised or under supervised, such as fields, locker rooms, bathrooms, buses and hotel rooms.

The “code of silence” is integral to the group dynamics of hazing. The code of silence is an understanding among the group that group members should not speak about something that may be illegal, immoral or unethical. Intimidation is used to reinforce the code of silence. The intimidation used is based on fear of breaking the code. The fear is real, especially when

intimidation and physical threats are used. The fear can be implied, such as the fear of retribution or social isolation.

On athletic teams, communications about the code of silence are both overt and covert. The “code of silence” is a crucial part of hazing rituals. Before traditions begin, a “cover story” is often taught to all members and potential victims as an alibi for wrongdoing. Dr. Lipkins’ experiences have shown her that, when kids on a team or in a group are interviewed, “they’ve been primed by whatever authority figure spoke to them before they were being interviewed, and you get the same exact answer...I don’t know, I don’t remember...” She said, “it’s obvious that they’ve been told what to say and what the cover story is.”

Institutions, organizations and corporations often have established frameworks that inhibit members from confronting hazing. Instead, members are inherently encouraged to accept the status quo, regardless of how much it may harm them. Dr. Lipkins uses the phrase “institutionalized code of silence,” when an organization uses the code of silence to protect itself. In other words, it is not an individual acting alone, but a method of operation perpetrated by the institution.

The psychological effects of hazing change according to the kind and degree of hazing. In addition, the victim’s state, prior to the hazing, will influence how severely harmed the victim may be after. In general, most victims of hazardous hazing suffer from anxiety, depression, and possibly post-

traumatic stress disorder. Typically, the victims experience a drop in academic achievement, nightmares, flashbacks, and significant problems with peers. Trust becomes an issue, as no one, and nowhere feels “safe.” Victims often need to change schools. Sometimes continued harassment causes the family to move far from the community.

Hazing victims that have Post-Traumatic Stress Disorder need appropriate psychological intervention, without which, they may react disproportionately, or even violently, in situations where they feel helpless or threatened by those in power. This misplaced response can be dangerous for the victims and others.

Hazing victims endure ridicule and harassment from peers and from the community at large. In any given hazing disclosure, a significant majority of the community supports the status quo. The community is generally behind the coaches and the school district. Those supporting the perpetrators may diminish the hazing and oust the victims and supporters, labeling them as weak. Those who support the victim or their family are ostracized by the larger group or community. The victims, their families and their supporters are made to feel like they did something wrong or are blamed for the hazing itself. This can continue for months and years. Dr. Lipkins describes this as the “Second Hazing.” This can be devastating to the victims as well as to the school and community. When athletic seasons are postponed, or coaches are fired, the

reaction is often immense. The victims are the ones blamed and usually there is no empathy for the physical and psychological pain they endure.

Legislative Recommendations

Hazing physically and psychologically harms our children. The secretive way hazing pervades our educational institutions and is allowed to fester threatens the safety of our children. Protecting our children is such an important goal in the Commonwealth of Pennsylvania that we have laws directing those who work with children to immediately report suspected child abuse and criminalizing those individuals who fail to do so. We believe that hazing is a consequential threat to the well-being of our children.

The mandatory reporting laws do not currently recognize hazing as a form of “child abuse” that must be immediately reported to authorities by mandated reporters. Pennsylvania’s child welfare laws (hereinafter referred to as the CPSL) require mandated reporters to report any suspected child abuse. However, “child abuse” is specifically defined as certain conduct and reporting is only required where that conduct is suspected to have been committed by certain people. See 23 Pa. C.S. § 6311(Persons required to report suspected child abuse), § 6306 (Definitions), and § 6304 (Exclusions from child abuse). Generally, this statutory structure only requires reporting of abusive conduct when committed by adults or by certain juveniles (generally those who are in a caregiving, household, or family relationship with the victim child).

“Child-on-Child Contact” is not required to be reported when committed by a peer, unless (1) the child actor is in relation to the victim child in a capacity as defined in § 6306, or (2) the suspected abuse at issue includes acts

of rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault, or indecent exposure. 23 Pa. C.S. § 6304(f)(2). Thus, acts of hazing which fall short of a *completed* sexual assault, touching, or exposure, such as the threatened sexual assault in this case, are not subject to mandated reporting laws. Likewise, the repeated acts of hazing that may escalate to more serious, violative assaults are excluded from mandated reporting as well. Hazing should be defined under the CPSL as child abuse, even where committed as child-on-child contact, to support early intervention and child protection.

Hazing should be considered a form of reportable child abuse to protect children. If hazing was a reportable offense, the Cheltenham High School Administration would not have had the opportunity to mishandle the Juvenile Victim's disclosure and the ensuing investigation as poorly as they did.

The Cheltenham High School administration contacted Childline and the police when an anonymous Safe2Say report came out alleging a potential sexual assault against a child. If suspected hazing had been a reportable offense, then Employee #1 would have been legally obligated to notify Childline and the police when he received the information about a locker room assault. The school administration would not have been able to open and control a biased investigation that was ultimately more concerned with protecting coaches and the institution than advocating for the Juvenile Victim.

The mandatory reporting laws need to be amended to adequately address the danger that hazing presents to our children. If hazing is adopted as a reportable offense, future children will be encouraged to disclose the truth and be protected from institutional prejudices while doing so. Changing the law would require the following amendments:

1. Amend the definitions statute under the CPSL to explicitly state that child abuse, committed by a “non-perpetrator” must still be reported by a mandated reporter.
2. Amend the definition of “child abuse” to include hazing and aggravated hazing.
3. Amend the Exclusions from Child Abuse statute to include hazing and aggravated hazing. This would require adding the following language to the Definitions section under 23 § 6303 and the Exclusions from Child Abuse section under 23 § 6304:

§ 6303. Definitions

...

“Perpetrator.” A person who has committed child abuse as defined in this section. This definition shall not be construed to mean that a child who has been subjected to child abuse by a person who does not meet the definition of “perpetrator” should not be protected by the mandated reporter statute or that such abuse is not required to be reported. Any instance of child abuse as defined in this statute triggers a mandated report.

...

(b.1) Child abuse.--The term “child abuse” shall mean intentionally, knowingly or recklessly doing any of the following:

. . .

(11) Hazing as defined in 18 PA CS § 2802 or § 2803, whether committed by another child or an adult.

§ 6304. Exclusions from child abuse

. . .

(f) Child-on-child contact.--

(1) Harm or injury to a child that results from the act of another child shall not constitute child abuse unless the child who caused the harm or injury is a perpetrator.

(2) Notwithstanding paragraph (1), the following shall apply:

(i) Acts constituting any of the following crimes against a child shall be subject to the reporting requirements of this chapter, whether the acts are completed, attempted, or solicited:

. . .

(G) Hazing as defined in 18 PA CS § 2802 or § 2803.

Conclusion

The Juvenile Victim was failed by his teammates, coaches, and the Cheltenham High School Administration. The assault and ridicule he endured shattered the basic trust that should bind teammates. The coaches, who were supposed to protect him, disregarded his welfare to save the team. The Cheltenham High School Administration violated its “duty and obligation to protect and prioritize student safety and well-being.” The proposed amendment to include hazing as reportable child abuse would limit a school administration’s ability to fumble investigations into this kind of wrongdoing. Moreover, making hazing a reportable offense would strengthen protection for students and give parents more peace of mind. Our community deserves no less.