

Ogletree Deakins

PRIVILEGED AND CONFIDENTIAL

SHELBY COUNTY SCHOOLS

**PRIVILEGED REPORT REGARDING
INVESTIGATION OF ALLEGATIONS
FROM RONALD MACKIN**

December 5, 2017

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INTRODUCTION

On June 1, 2017, Ronnie Mackin, the former Principal of Trezevant High School (“THS”), published a six-page single-spaced letter alleging violations of Tennessee and federal labor and employment laws and common-law and tort-related claims. As such, Shelby County Schools (“SCS”) retained Ogletree, Deakins, Nash, Smoak & Stewart, P.C. (“Ogletree” or “the firm”) to investigate these allegations and summarize its findings.

As such, Ogletree attorneys interviewed the following individuals in their investigation:

1. Ronnie Mackin,
2. Tonye Smith-McBride,
3. Dr. Sharon Griffin,
4. Barbara Beloch,
5. Gregory Glenn,
6. Michael Woods,
7. Brittany Clark Bratton,
8. Dr. Joris Ray,
9. Chantay Branch,
10. Cecilia Barnes,
11. Trinette Small,
12. Calvin Harris,
13. Kristin Tallent,
14. Shawn Pachuki,
15. Kevin McCarthy,
16. Brian Stockton, and
17. Dorsey Hopson.¹

The firm also reviewed SCS documents such as its policies, personnel and labor relations files of relevant individuals, performance evaluations, emails, and other such documents. This Report contains three sections: (1) a review of the individuals identified in Mackin’s letter or otherwise involved in the events surrounding the letter; (2) Mackin’s employment with SCS and time at THS; and (3) Mackin’s allegations against SCS and summary of facts discovered during the firm’s investigation.

LIST OF INDIVIDUALS IDENTIFIED IN MACKIN’S LETTER OR WITH KNOWLEDGE ABOUT THE EVENTS SURROUNDING MACKIN’S LETTER

1. Tonye Smith-McBride

During the 2016-2017 academic year, McBride was an Instructional Leadership Director (“ILD”) for the iZone and was Mackin’s supervisor while he was Principal at THS. As of approximately September 2017, McBride is Director of School Improvement and Accountability.

¹ We did not interview Reginald McClain or Stephanie Love regarding the allegations in Mackin’s June 1 letter. McClain declined to participate in the investigation, and because Love lacked first-hand knowledge of the events occurring at THS, her information would not be necessary to evaluate Mackin’s allegations.

2. Dr. Sharon Griffin

During the 2016-2017 academic year, Griffin was Regional Superintendent of iZone. She is now SCS Chief of Schools. When Griffin was Regional Superintendent of iZone, all ILDs and Principals in the iZone reported to her. Accordingly, Dr. Griffin supervised McBride, who supervised Mackin during his time as THS Principal.

3. Dr. Joris Ray

Ray is the Assistant Superintendent of Academic Operations for Shelby County Schools.

4. Barbara Beloch

Beloch is a Parent Liaison based out of the Welcome Center. In this role, she facilitates and smooths relationships between students' parents and SCS administrators at the students' schools. THS was among the schools she worked with.

5. Chantay Branch

Branch is the Director of Employee and Labor Relations for Shelby County Schools.

6. Calvin Harris

Before resigning in January 2017, Harris was a Campus Monitor at THS. Mackin's letter alleges that Harris and McBride had a sexual relationship. Harris now works as an ISS Coordinator at Riverview Middle School.

7. Dorsey Hopson

Hopson is the Superintendent of SCS.

8. Brian Stockton

Stockton is the Chief of Staff of Shelby County Schools.

9. [REDACTED]

[REDACTED] for THS and the [REDACTED] Mackin alleges [REDACTED] had consensual sexual relationships with other SCS employees and a [REDACTED]

10. Reginald McClain

Mackin hired McClain to be one of two Assistant Principals of THS. Mackin tasked McClain with enforcing student discipline. McClain also stepped in as Acting Principal when

Mackin took bereavement leave from mid-February 2017-March 2017. Corey Kelly, Mackin's successor at THS, did not retain McClain, and he is no longer at THS. He currently teaches at a Green Dot charter school.

11. Brittany Clark Bratton

Mackin hired Bratton to be one of two Assistant Principals at THS. Mackin tasked Bratton with instruction. When Mackin was Principal, he did not give Bratton the responsibility to suspend or discipline students unless both he and McClain were not present.

12. Teli White

White is the former football coach at THS. White was suspended from THS for his role in the transcript grading scandal for five days, and in March 2017, he was named head coach at Melrose High School. In July 2017, White was suspended again after Shirley Quinn indicated that he told her to change transcript grades.

13. Shirley Quinn

Quinn is a former secretary at THS. Quinn resigned in October 2016 amid suspicion that she altered students' grades on their transcripts.

14. Stephanie Love

Love is District 3's School Board Representative and is Vice-Chair of the Shelby County School Board. THS falls within her school board district. She and Mackin had a friendly relationship.

15. Trinette Small

Small is Chief of Human Resources for Shelby County Schools and reports to Superintendent Hopson.

16. Dr. Mario Willis

Willis was the Principal of THS immediately before Mackin. He was removed as Principal a few months before the end of the 2015-2016 academic year.

17. Corey Kelly

Kelly succeeded Mackin and is the new Principal at THS.

18. Gregory Glenn

Glenn is the Labor Relations Coordinator for Shelby County Schools. Glenn reports to Branch.

19. Michael Woods

Woods is THS' former Parent Liaison from 2007 to 2014. He is now a Labor Relations Advisor for SCS.

20. Cecilia Barnes

Barnes has been the Labor Relations Manager at SCS since July 2016. She formerly acted as a Senior Associate Counsel in the Office of the General Counsel at SCS.

21. Kristin Tallent

Tallent is the Public Communications Officer and External Communications Manager for Shelby County Schools. She is first point of contact for external media issues and reports to Pachuki.

22. Shawn Pachuki

As Director of Communications, Pachuki oversees SCS' media relations, marketing, international communications, and website of SCS.

23. Kevin McCarthy

McCarthy is the Director of School Operations and oversees the Welcome Center. When McCarthy was Regional Superintendent of Memphis City Schools ("MCS"), he supervised Mackin while he was Principal of Kingsbury Middle School. McCarthy worked with Mackin for a brief period after Mackin was removed from THS.

24. Natalia Powers

Powers is the Chief of Communications for SCS. Powers was involved in SCS' messaging on the transcript discrepancies.

25. Brad Leon

Leon is SCS' Chief of Innovation.

26. Sherry Scott

Scott was a guidance counselor at THS.

MACKIN'S EMPLOYMENT WITH SCS AND THS

I. Pre-THS Employment with SCS

Mackin is from Millington, Tennessee. He began his teaching career in Tipton County, Tennessee at Covington High School and later taught at Munford Middle School for three school years. Mackin worked at a private school for a short period of time and then worked at Dexter Middle School in Memphis City Schools as part of the New Leaders for New Schools program. He was Principal of Kingsbury Middle School from 2007 to 2012, after which he left MCS and worked for Achievement School District (“ASD”) as a regional superintendent from May 2012-March 2014.

Mackin briefly worked in Charlotte-Mecklenburg Schools as a Principal at a K-8 school from March 2014-June 2014. Mackin returned to SCS and served as Principal of Raleigh-Egypt Middle School from July 2014 until the ASD indicated that it would take the school over at the end of the 2015-2016 school year.

II. Mackin's placement at THS

Around March 2016, Griffin contacted Mackin and asked him if he was interested in applying for the Principal opening at THS. THS' former principal, Mario Willis, was being excessed. Mackin texted Hopson, who agreed Mackin should apply, on recommendation from Terry Roland, Shelby County Commissioner. During his interviews, Mackin presented a 90-day plan as required by SCS for all applicants for principal positions, and his own three-year plan for THS. Mackin noted that it would take him three years to fully improve THS. Mackin was selected as THS' incoming Principal in April 2016. Mackin formally assumed the THS Principal position effective July 1, 2016, and McBride supervised him.

III. Mackin's Tenure as Principal of THS

A. Hiring

When he arrived at THS, Mackin hired his administrative team and filled vacancies at the school. iZone schools have more resources than others because they need additional administrative assistance to help raise student performance and standardized scoring. Principals may hand-select their administrative teams: in all, reportedly Mackin personally selected individuals to fill approximately 20 out of 23 positions on his administrative staff. Mackin hired Bratton and McClain as Assistant Principals and hired Gwendolyn McGrew as financial secretary.

B. Transcript scandal and other grading issues

In early- to mid-September 2016, in the course of a transcript review conducted by Scott and Bratton, Mackin learned that some THS students' report card grades differed from the grades on their official transcripts. Scott reviewed these transcripts over the summer into the beginning of the school year to determine whether students were in the right classes, performed due diligence to make sure the students' grades aligned, and identified additional students who could

be eligible for graduation if they took additional classes. Namely, the grades on the official transcripts were higher than the grades on the students' report cards. These discrepancies affected numerous students in THS, including students on the football team.

After Bratton and Scott verified that the transcript issues affected several students, Mackin immediately informed Victor Carr, Coordinator of Student Management System ("SMS"), which contained the grading system, and Felicia Johnson, Student Records Manager.

Before September 28, 2016, Mackin, Branch, and Woods met in Woods' office to discuss the transcript discrepancies. They discussed the potential students affected, who included members of the football team—some of whom were being recruited to play NCAA Division I football, including [REDACTED]. Branch and Woods recommended that Mackin meet with Chief of Planning and Accountability Bill White to review the transcripts. Branch and Woods also suggested that Mackin and White speak to Shirley Quinn, the secretary. On September 28, 2016, in a meeting with Woods, Glenn, and Branch, Quinn told them that she was probably the only one with the code to change grades. In a second interview, she stated that students had accessed her computer years ago.

On September 28, 2016, numerous SCS officials attended a meeting to discuss the transcript issues, including Mackin, Ray, McBride, Griffin, Branch, Pachuki, Tallent, Powers, Leon, and Woods. In this meeting, Mackin explained the transcript problems he uncovered. Mackin reported that the transcript problems affected both student athletes and non-athletes. The meeting developed a plan of action: Bill White and Branch would investigate the discrepancies, and Ray would alert Superintendent Hopson. After this meeting, Hopson decided to forfeit one football game to stave off any potential future problems regarding players' Tennessee Secondary School Athletic Association ("TSSAA") eligibility.

Because the officials anticipated a negative reaction from the THS community, SCS Communications staff created materials to engage and inform the community—often with positive, affirming messages for Mackin and THS. For example, the staff drafted letters from Superintendent Hopson that supported Mackin and stated that he had confidence in Mackin's leadership at THS. The Communications staff also recorded messages for phone calls to THS parents. None of the messages drafted by the Communications staff blamed Mackin for the grade scandal or stated that the transcript issues happened under Mackin's leadership. Mackin was apprised of these materials from the beginning of the transcript investigation.

Mackin asserts that Ray emailed him in December 2016 and stated that the transcript problems needed to "go away," and that they had to "move forward and put things behind" them. Although Ray did send Mackin and Bill White a text message stating that the SCS had to move forward and put the scandal behind them, he stated that the text message referred to numerous THS parent complaints. Bratton states that Ray came to THS to talk to the administrative staff about the transcript situation and that he said that they needed to "get past" the transcript issues. Woods reported that he was encouraged to complete his investigation early, but accurately, so as to alleviate media pressure.

Parents and teachers also complained that Mackin gave students grades himself. Assistant Principal Bratton emailed teachers and instructed them to give students a minimum grade of 60. Ray stated that as principal of THS, Mackin had the authority to set a higher failing grade than 0. Administrators may require teachers to give higher failing grades so that students remain motivated to work harder throughout the school year and eventually pass the course. Ray stated that SCS does not have a district-wide policy on minimum grades. Bratton stated that Mackin told her to implement the grade floor of 60, and that other principals she has worked for have instituted similar grade floors.

C. Parental relations

Students' parents became angry with Mackin about the transcript issues. The Welcome Center (the first point of contact for parents) received many calls complaining about Mackin's treatment of the matter. Ray met with Mackin to discuss the parents' negative phone calls regarding Mackin's attitude and told Mackin that he needed to try to build better relationships with the community. Ray reported that Mackin's attitude negatively impacted his ability to connect with parents: Mackin could be short and come off as abrasive. Additionally, Mackin was extremely concerned about his reputation, and he told Ray and others he was sick of meeting with the parents soon after the transcript discrepancies were announced.

Ray met with two parents who regularly complained about Mackin, [REDACTED] and [REDACTED]. Both [REDACTED] and [REDACTED] sons played football and were heavily recruited to play for Division I schools. [REDACTED] called Mackin "the worst" and complained about how he treated her son. [REDACTED] further stated that the THS community hated Mackin and the way he talked to them, and that they would "form an uprising" because they thought Mackin was racist. Additionally, when the parents requested information regarding grading, Mackin had to sign off on it first. Although Ray reported that the parents were angry with Mackin, he never attended a meeting or sat in on a phone call where parents yelled or cursed at Mackin.

Beloch, the Parent Liaison for THS, also received many complaints from parents about the handling of the transcript scandal and Mackin's leadership. Because the investigation was ongoing and she needed guidance on how to respond, she forwarded complaints about the transcript scandal to her supervisor, School Operations Manager Jada Askew, or Kevin McCarthy. Beloch visited THS approximately seven times while Mackin was Principal to investigate parent complaints and facilitate meetings between parents and Mackin. Beloch reported that Mackin appeared disinterested during these meetings and did not give them his full attention. For example, he sometimes took phone calls during the meetings.

On October 24, 2016, McBride, Beloch, and Mackin held a meeting with five parents in Mackin's office.² Bratton and Scott also attended this meeting. The parents voiced numerous complaints: that they were not introduced to the new administrators at THS; that Mackin ran for School Board Commissioner in Millington (a separate municipal school district in Shelby County) during the height of the transcript issues; that administrators were not returning phone

² Originally, Mackin scheduled this meeting with only one parent. That parent reached out to McBride and asked to meet with her and other parents, but the parent did not tell Mackin about this intended change. Accordingly, Mackin's expectations for this meeting differed from the parent's.

calls; that staff were recording students on their personal cell phones; and that the financial secretary was unprofessional. One of the parents started a petition to remove Mackin and other staff from THS.

The meeting was contentious, and parents revealed a criminal background check they had run on Mackin. No evidence suggests that anyone from SCS encouraged the parents to run a background check on Mackin. Mackin refused to discuss it with them, left the meeting for a short period, and returned. McBride attempted to control the meeting and defend Mackin, but the meeting was ultimately unproductive. Mackin disagrees that McBride defended him. Administrators discussed taking action on the parents' complaints following that meeting.

After that meeting, Mackin notified Griffin, Love, Ray, McBride, Stockton, Powers, and Beloch that he would not be taking further meetings with parents. Mackin complained that the parents had been using the meetings to complain about him, damage his reputation, and harass him. Bratton substantiated Mackin's actions, stating that he stopped taking meetings with parents because they were not happy with him and spent the meetings accusing him—which made the meetings unproductive.

D. Mackin's position on the Millington School Board

In the summer and fall of 2016, Mackin ran for a position on the Millington School Board, a municipal school district separate from SCS. Mackin told Bratton that he sought this position because he had interviewed for some superintendent positions in other counties, and he had received feedback from these interviews indicating that he needed school board experience. Mackin did not inform anyone at SCS that he was running for the position; instead, parents brought it to SCS' attention.

Administrators and parents complained that Mackin's position on a different school board created a conflict of interest, and that the position and campaign required Mackin to spend too much time away from THS. Specifically, three or four parents complained to Beloch that Mackin was never at THS during the period that he was campaigning. Harris claimed that he saw Mackin at THS for less than five full days during the month of October 2016, when Mackin said he felt threatened because of the transcript scandal and needed some time off. When Bratton asked Mackin whether his school board campaign would interfere with him being principal of THS, he denied that it would. Bratton does not recall Mackin's attendance at THS while he was running for the Millington School Board position.

E. Bereavement leave

On February 12, 2017, Mackin's stepdaughter unexpectedly passed away. Mackin immediately took time off, and SCS supported this decision. McBride told him to let her know if he needed anything and to take care of himself. McBride kept Mackin apprised of what was happening on the district level and stated that the Assistant Principals were "holding it down." Branch told Mackin that he should not put a time limit on his grieving process, and that he was not expected to return to work at any specific time. Mackin returned to THS in late March after Spring Break.

Mackin expressed concern that if he was gone from school too long, he would be excused from THS. But SCS administration consistently stated that they did not have any issue with Mackin taking time away following his stepdaughter's death.

F. Break-ins and theft over spring break

In March 2017, Harris' SUV was stolen with THS keys and Harris' THS identification badge were in the cupholder. Harris reported the theft to Mackin the next day and told Mackin that he needed another set of keys. Mackin gave Harris two bathroom keys, and Harris borrowed different keys from other staff members when necessary. After Harris' SUV was recovered, it had been stripped and Harris' personal items, including the keys, were missing.

Over spring break, four THS students broke into the building and caused approximately \$50,000 in damage. Mackin claimed that Harris gave Harris' foster child keys to THS to retrieve his cell phone, and that the foster child used those keys to break into THS over Spring Break. Although Harris hosted a foster child until October 2016, the Department of Children's Services removed the child from Harris' home after the child turned 18 and dropped out of THS. THS' security cameras recorded footage of the break-in, and Harris' former foster child was on the footage. The video does not show that the child caused any damage, and Harris claims that he never gave the child keys to THS.

IV. Mackin's removal from THS and subsequent events

In April 2017, Mackin reported to Carolyn Jackson, Head of Security, Gerald Darling, Chief of Student Services, and (possibly) Joris Ray that he had been receiving death threats, he felt as if he were being followed, and he felt unsafe. He also reported problems to Love and Griffin. Love communicated her concerns about Mackin's safety to Griffin and Small.

After receiving Mackin's report, Griffin recommended to Hopson that he reassign Mackin and remove him as Principal of THS. She made the recommendation for a transfer to ensure Mackin's safety. Hopson supported Griffin's recommendation. Shortly thereafter, in mid-April 2017, Griffin, Ray, and Branch communicated this decision to Mackin. At first, Mackin hesitated because he was concerned that others would think he was being fired or was not doing a good job as Principal, but he accepted the removal. Mackin was told that he could work with the SCS communications team to craft the messaging of his departure from THS. Furthermore, the administrators also talked with Mackin about his ability to lead a school given his stepdaughter's passing and his related grief.

Mackin claims that employees at THS were talking about how Mackin was fired immediately after that meeting. Mackin reported this to Griffin and Branch. Griffin asked for names so that she could investigate and told Mackin not to respond. Mackin refused to provide names and instead responded to an email from Love regarding his removal and copied the Assistant Principals (who had not been on the communication).

Because Mackin was being transferred late in the school year and in the midst of SCS' staffing season,³ SCS did not have a permanent position immediately available for Mackin. Mackin was temporarily assigned to the Welcome Center until June 30, 2017, where he would be working with his former supervisor, Kevin McCarthy. But Mackin only reported to the Welcome Center for a few days: he took time off beginning May 4, 2017 until his resignation.

While he assigned to the Welcome Center, Mackin's salary did not change, and he was invited to apply for any positions he wanted. Mackin claims that although he applied to numerous positions, he did not receive interviews for any of them. Ray considered using Mackin to start SCS' Newcomer's Program. SCS also considered placing Mackin at Sheffield High School or Oak Haven Middle School. Ultimately, around Memorial Day weekend, SCS decided to assign him as Principal of Oak Haven. But Mackin resigned before SCS could communicate that decision to him.

Before Mackin submitted his resignation letter, Mackin contacted Branch to discuss how he would go about filing a grievance against SCS and certain SCS officials. He also wanted to discuss the possibility of receiving a severance package. Branch told Mackin to outline his concerns and provide her with information so she could investigate, but Mackin never provided that information or filed a grievance. Branch also informed Mackin that Hopson would not approve a severance package of two years like he requested. Instead of filing a grievance, Mackin submitted his letter of resignation soon after.

MACKIN'S ALLEGATIONS AND A SUMMARY OF FACTS DISCOVERED DURING INVESTIGATION⁴

I. Allegations related to race

A. Discriminatory Comments

Mackin claims that Griffin instructed him to hire "culturally competent teachers" and clarified that meant "teachers who look like our children." He also claims that other administrators, including McBride, stated that because he was white that he didn't fit into the "THS students' culture."

Beloch and others stated that no one said they did not trust Mackin specifically because he was a "white guy." Instead, parents and students did not like Mackin generally because of his abrasive communication style and flippant attitude toward both THS parents and students. Mackin's race did not make the situation more palatable. Parents were concerned that Mackin did not care about the students of THS, and that he was trying to discredit the black children in the neighborhood who relied on football to succeed. Beloch also noted that parents were upset with McBride, who is also black, because she did not act to resolve their complaints.

³ Staffing season runs from March through July and during this time, SCS interviews and places staff into positions.

⁴ While some of these allegations may overlap and correctly fit under more than one category, we placed them only under one category for ease of discussion.

Griffin admits to stating that Mackin should hire “culturally-competent teachers,” meaning that the teachers need to be able to handle the students at THS and understand their backgrounds. She never indicated that a white principal was incapable of achieving that goal. To the contrary, Mackin was endorsed by Love and others and generally had a good track record in his previous role as Principal of Raleigh-Egypt Middle School. Griffin, Hopson, and others indicated that there was much support for Mackin to take on the principal role at THS.

B. Vandalism of Mackin’s SUV

On February 1, 2017 (which was also National Signing Day), Mackin’s SUV was vandalized in the THS parking lot with “white boy bitch ass” spray painted on the side. At this point, Mackin did not ask to speak with the media. SCS reviewed the security footage, which showed two students vandalizing the car. [REDACTED], a football player who was supposed to have committed to a university that day but was unable to sign because his grades were implicated in the transcript scandal, was one of the students spray-painting the car.

Mackin referred the matter to Woods and Gregory Glenn from Labor Relations for investigation after one of the students claimed that THS teachers helped facilitate the vandalism. The investigation revealed that no teachers were involved and that the students vandalized Mackin’s SUV because they wanted to defend Coach White and THS. Mackin did not investigate whether teachers were involved before referring it to Labor Relations. Glenn said Mackin’s lack of initial engagement was consistent with Mackin’s pattern of referring issues to Labor Relations before evaluating or issuing progressive discipline.

Four students were expelled for the vandalism, including [REDACTED]. One of expelled students, [REDACTED], was reinstated at THS after the investigation revealed that although she was in the car when the vandalism occurred, she did not take part in the vandalism.

C. Sorority and fraternity connections

Mackin claims that SCS administrators showed preference for members of historically black fraternities and sororities. He voiced this concern with Griffin and McBride, who are both members of Alpha Kappa Alpha Sorority, Inc. (“AKA”), when discussing his mid-year evaluation. Branch and Barnes are also members of AKA. Beloch, who is a member of Zeta Phi Beta Sorority, Inc. asserted that she was not aware of anyone considering Greek affiliations when making decisions. Glenn mentioned that some might promote interactions between members of Greek organizations, but there was no preference for them. Bratton, who is not affiliated with a historically black sorority, is not aware of any individual receiving a promotion because of a sorority or fraternity connection. Woods, a member of Alpha Phi Alpha Fraternity, Inc. stated that some schools may have a “Greek Day” where teachers discuss their Greek affiliations and have conversations with students about race, but he has never seen a complaint regarding the Greek organizations.

D. Disparate treatment

i. Use of discipline

Mackin takes issue with Coach White's transfer to Melrose High School, as he believes that White should have been terminated as a result of White's alleged involvement with the grading scandal. While Mackin also implied that Jake Allen, the Deputy Chief of Staff, interfered with White's removal and circumvented due process as a result, we did not find evidence corroborating this assertion.

Our investigation did not reveal evidence that interference from anyone at SCS caused White to be placed at Melrose High School. In fact, several administrators interviewed during this investigation indicated that Mackin and Coach White's relationship was hostile at best. For example, Stockton recalled that there was no clear-cut evidence that White was part of the transcript scandal. According to Stockton, Mackin did not agree with the decision to return White to THS, and Mackin refused to shake White's hand at a meeting when he returned.

Griffin also recalls Mackin being "so bitter that he would not even speak to [Coach] White" when Stockton told Mackin that White was going to be reinstated as coach with THS. Griffin stated that as a leader, Mackin needed to continue to lead under any circumstance, but Mackin was unable to do so. Griffin also believed that Mackin was unwilling to accept White's return to THS because while White was suspended, Mackin hired a football coach to replace White. Griffin also recalls an incident where a librarian spoke inappropriately to White. Although White reported the incident to Mackin, Mackin dismissed the incident as untrue. Although White and the librarian resolved the issue, Griffin recalls that Mackin stated that he was "so sick of" White and "wished he would just leave." After White returned to THS, Griffin remembers that the relationship between Mackin and White would be one of mere tolerance. For example, Mackin and White did not talk during the parade celebrating the football team's state championship, and that Mackin lagged behind the parade route.

ii. Use of the "fresh start" process

Mackin asserts that he experienced discrimination because he was not permitted to "fresh start" THS like other principals.⁵ He complains that his predecessor, Willis, and THS' new black principal, Kelly, were both given the opportunity to "fresh start" the school because they are black.

⁵ Griffin explained that not every principal gets a "fresh start" when they start at a school. iZone schools are guaranteed at least one "fresh start"—when they originally join the iZone. Additionally, "fresh starts" are not available when teachers do not have sufficient time to reapply, reinterview, and potentially be replaced. Branch explained that decisions on whether to "fresh start" a school usually occur in February before the transfer season starts. Regardless of whether a principal receives a "fresh start," each principal selects his or her administrative team, fills any vacancies, and places staff on the "not a good fit" list. Principals retain the ability to place teachers on the "not a good fit" list throughout the year if the teachers' job performance does not improve. Generally, SCS tries not to "fresh start" a school every year to maintain continuity within the school. For example, from 2012-2016, no new principal received a complete fresh start at THS.

Mackin was not permitted to “fresh start” THS in the sense that he could require every teacher and staff member to reapply for their jobs. Instead, Mackin was permitted to hire administrators and other staff, such as two Assistant Principals and a financial secretary, and use the “not a good fit” process. Records revealed that Mackin had anywhere from 17-20 open staff positions to fill and that he filled all but 2-3 administrative positions.

Griffin asserts that Kelly did not formally do a “fresh start” of THS, but used a modified process whereby he listed staff as “not a good fit.” Kelly hired his administrative team (as did Mackin), and teachers were given the choice whether they wanted to stay in their positions. Because of the events of the 2016-2017 academic year and the uproar caused by Mackin’s resignation letter, some teachers decided not to stay at THS. Those who did want to stay were reassessed/reinterviewed but did not have to formally reapply. Of the teachers who wished to stay and were reassessed/reinterviewed, those deemed not to be a “good fit” for THS were excessed.

iii. Severance packages

Mackin alleges that SCS, specifically Hopson and Griffin, gave him a three-year contract to serve as Principal of THS. Because Mackin only served one year as Principal, he further alleges that SCS owes him severance for the two years remaining on his purported contract. Mackin also claims that Branch told him Reginald Porter, the former Chief of Staff, received a severance package when he left SCS. Branch denies this assertion, as Mackin never compared himself to anyone, including Porter, when discussing severance.

First, no evidence suggests that Mackin and SCS entered into an employment contract for three years. To the contrary, Stockton, Hopson, Griffin, and McBride confirmed that SCS administrators are only guaranteed employment at their schools for one year at a time. Hopson acknowledges that the expectation for every principal is that he or she will have sufficient time to turn a school around, but he never agreed to a three-year contract for Mackin. Although Bratton said that Mackin told her that Griffin guaranteed him three years at THS, she never heard Griffin say this and never saw any contract.

Mackin may have assumed that he would be allowed to remain at THS for three years because he presented a three-year plan during his interview process, but Mackin never signed a three-year employment agreement. Moreover, no evidence suggested any oral agreement between Mackin and SCS. Finally, an administrator’s extension at a school after his or her first year of employment depends on satisfactory performance. As indicated below, Mackin’s performance at THS was unacceptable at best and he did not demonstrate the attributes of the “turn around leader” he claimed to be.

Second, Hopson confirms that SCS does not have a policy related to severance payments. Instead, Hopson grants severance only for his direct reports, and even then in limited circumstances. Hopson recalls offering severance to his direct reports approximately four times during his five-year tenure as Superintendent. Hopson recalls that Reginald Porter did not receive severance.

Finally, Mackin failed to realize that he was not being terminated; rather, SCS was still considering him for reassignment when he published his June 1, 2017 letter and indicated that he resigned. In fact, Hopson was prepared to reassign Mackin as Principal at Oak Haven Middle School.

II. Allegations related to sex

A. Allegations against McBride

i. Relationship with Calvin Harris

In early October 2016, Mackin scheduled a meeting with Branch to discuss some of his concerns. Woods also attended that meeting. In that meeting, both Labor Relations team members heard Mackin state that he “heard from a reliable source”⁶ that McBride was in a romantic relationship with the Campus Monitor at THS. Mackin would not provide the Campus Monitor’s name, but Branch knew that Calvin Harris was the Campus Monitor at THS. Mackin reported that McBride’s sexual relationship with Harris caused him difficulties because McBride was always in the building and THS staff would report issues to her instead of Mackin. Mackin did not provide Branch the names of any other individuals who would have information regarding the relationship.

In the same meeting, Mackin complained about McBride’s personal relationship with Shirley Quinn, the secretary. Mackin believed that Quinn was improperly relaying information about THS’ daily operations to McBride. Mackin took issue with McBride’s frequent visits to THS and claimed that McBride intended to cause trouble for him.

After Mackin’s complaint, Branch investigated the existence of the alleged Harris-McBride relationship. McBride emphatically denied having a relationship with Harris.⁷ Because Mackin did not identify any other employee who could confirm the alleged relationship, Branch stopped her investigation after she spoke with McBride. Branch next discussed the situation with Griffin, who in turn suggested to Brad Leon that THS be assigned to a different ILD other than McBride. Leon chose not to reassign McBride, and she remained THS’ ILD until she became Director of School Improvement and Accountability in September 2017.

Harris and Mackin discussed McBride on a few occasions. Mackin claimed that Harris had told him that McBride forced former Principal Willis out, and that she would do the same to him. Harris did tell Mackin that Willis was not a good fit, that McBride and Willis did not get along, and that Willis got on McBride’s bad side. Harris explained that McBride regularly visited THS. Mackin responded by exclaiming “all [Willis] had to do was put a harassment charge against her to fix that, her coming into the school like that.” Harris asked why, and Mackin responded “that’s just how I roll.”

⁶ Bratton reports that McClain told her that Harris told McClain that Harris had a romantic relationship with McBride. Because neither McBride nor Harris mentioned this alleged relationship to her, Bratton did not give this statement any weight.

⁷ Harris also denies the existence of a relationship, and he also denies telling anyone that he was in a relationship with McBride.

ii. Inappropriate comments

In mid-October 2016, Mackin claims that he was with four of his staff (McClain, Bratton, McGrew, and a guidance counselor) in his office when McBride called him. Mackin put her on speaker phone, and he asked if McBride was still in Nashville. McBride responded, “why sweetie, are you coming up?” to which Mackin stated “Nah, I was going to tell you where to eat.” Mackin claims that this exchange was sexually charged and inappropriate. Bratton states that although she did not hear this conversation first-hand, either Mackin or McClain mentioned the conversation. She did not interpret McBride’s statements as relayed by Mackin or McClain to be sexual or a double entendre, and she dismissed the statements because she did not hear the actual conversation. We could not substantiate the contents of this phone call, and Branch stated she would have investigated if Mackin had made a complaint.

Although she does not recall the conversation, McBride admits that the term “sweetie” is part of her ordinary vernacular. Griffin and other staff have heard McBride use the word often as a term of endearment whenever she talks with peers or students regardless of whether they are male or female. In fact, before Mackin received his performance review, he referred to McBride as his “big sis.” Based on information collected during this investigation, Mackin and McBride’s interactions, as well as interactions between Mackin and others, seemed to take on a different meaning for Mackin after his mid-year performance review in January 2017.

iii. Inappropriate Touching

In mid-October 2016, Mackin claims that he and McBride were sitting in the THS gymnasium with the lights off when McBride reached “all the way right a few inches from his penis” and touched his inner thigh. During his interview, Mackin claimed that McBride touched him “and got into the weeds” in his personal spot. Bratton recalls that Mackin mentioned to her in passing that McBride had touched his thigh while they were sitting and talking. “It did not dawn” on her that Mackin had interpreted it in a sexual way. She did not suggest that he report the incident. Mackin claims that he reported this incident to Branch shortly after it occurred.

Branch does not recall a conversation with Mackin regarding this incident, and indicated that she would have “definitely” heard about this if he had reported it. When asked about the incident, McBride adamantly denies that she touched Mackin inappropriately as he claims.

B. Inappropriate fraternization

Mackin complained that there were inappropriate relations among SCS staff, including THS personnel. These inappropriate relations included the alleged relationship between McBride and Harris, but Mackin also claimed that others had inappropriate relationships.

Mackin specifically identified [REDACTED] as someone who had inappropriate romantic relationships with THS staff. [REDACTED] did have relationships with one SCS employee, a teacher named [REDACTED], and the [REDACTED] for THS, [REDACTED]. Although [REDACTED] was removed from THS, SCS did not make the decision because she was not an

SCS employee. No evidence supports Mackin’s assertion that either of these relationships were against SCS policy. Moreover, Mackin had the opportunity to place █████ on the “not a good fit” list so he would be removed from THS and reassigned to a different school. Although Mackin initially placed █████ on the list, after he met with █████ to discuss █████ actions and romantic relationships, Mackin removed him from the list.

Woods reported that in 2014, two principals and two teachers were terminated following investigations into their alleged inappropriate sexual relationships. In both cases, the principal was having a relationship with a teacher—thus, the relationship was between a supervisor and subordinate.⁸

III. Whistleblower/Retaliation

A. Low performance scores

In January 2017, McBride and Griffin issued Mackin his mid-year performance evaluation. In that evaluation, Mackin received scores of mostly threes—signifying that he met expectations. Mackin asserts that he never received scores so low, and that he received such scores in retaliation for his reporting of inappropriate relationships in the school—namely McBride and Harris’ alleged relationship—and █████ relationships. Mackin also claims that he was the subject of retaliation for uncovering the transcript issues.

According to Griffin, McBride, and others, concerns about Mackin’s performance began as early as September 2016, after he did not show progress on his 3-year plan. Specifically, Mackin did not outline the roles and responsibilities of his staff, establish progress monitoring systems for teachers, or create college and career readiness plans for students. Furthermore, Mackin failed to create a school-wide culture and establish consistent rewards and consequences for student behavior. Notably, THS staff noticed that Mackin disciplined students inconsistently. For example, Harris recounted one day where Mackin gave a student a full ten-day suspension for calling Mackin a “sissy-ass white boy” but gave another student a one-day in school suspension for cursing at a teacher.

Essentially, Griffin asserts that Mackin underperformed during his first 90 days and that his mid-year performance review held him accountable for his decisions. For example, Mackin did not attempt to engage with THS parents or community, and his staff development was non-existent. By the middle of the school year, Mackin had not made the advances promised in his 3-year plan: instead, he appeared focused on and distracted by the transcript issues. As Principal, Mackin had the duty to discover and investigate grading discrepancies—but he also had the duty to be an instructional and disciplinary leader. Nevertheless, despite these performance issues, Mackin’s evaluation score was higher than the two other African-American high school principals McBride reviewed and supervised. Moreover, Hopson and Stockton continued to encourage Mackin and inspire him to turn his performance around and be the leader that THS needed.

⁸ Ogletree was later informed that these two principals were not terminated, but resigned of their own volition following investigations into allegations of misconduct.

B. SCS' refusal to allow Mackin contact with the media

Mackin claims that SCS' refusal to allow him to have direct contact with the media prohibited him from correcting defamatory remarks against him. Mackin believed that the media should retract certain statements regarding incidents at THS and that SCS should provide him the opportunity to defend himself. Moreover, he complained that SCS allowed others at THS, including White, to make comments to the media without being punished.

Specifically, Mackin complained that the media's story about the THS spring break break-in was inaccurate and that he was not allowed to correct it. Communications team members Pachuki and Tallent met with Mackin to discuss his concerns—namely that the news stories were negatively affecting his reputation. They advised that because the media received its information from the police report, and the media would not likely issue a retraction. Moreover, questioning the veracity of the police report would put Mackin and THS in a difficult situation.⁹ (Questioning the media could focus negative publicity on a story not receiving any attention or traction.) Pachuki and Tallent asked why Mackin thought it was affecting his reputation and who was making negative comments, but Mackin never provided specific information.

Per SCS policy, all external communications must be directed to the Communications Department, including Pachuki and Tallent.¹⁰ The Communications team will then either respond to the media on behalf of SCS, or prepare an administrator, like Hopson, to deliver a statement to the media.¹¹ Although Mackin claims that Griffin prevented him from speaking to the media, the same policy of gaining approval from the Communications Department before addressing the media applies to Griffin as well. SCS Communications staff also did not condone other staff members' social media posts. While SCS instructs employees not to share sensitive information on their personal social media accounts, the Communications staff cannot prevent employees from posting and or force employees to remove their posts.

Additionally, SCS does not have a policy on when to issue retractions or correct false media statements. Instead, the Communications team makes these decisions on a case-by-case basis using their working knowledge and relationships with the media to determine when such action is prudent. The Communications staff advises the affected person or entity, discusses the pros and cons of contacting the media, and ultimately makes a recommendation. Pachuki and Tallent reported that SCS generally prefers not to “fight things out through the media” and will not correct media statements unless the false story is widespread. SCS uses other avenues, such as reaching out directly to parents, to correct misconceptions.

⁹ Although Pachuki and Tallent cautioned Mackin that it was not prudent to engage in a likely unproductive conversation with the media, they did not specifically prohibit Mackin from speaking with the media in his personal capacity. *See* SCS Policy 7001 (“SCS employees shall have the right to address the media as private citizens concerning District related issues. SCS employees providing information to the media shall disclose whether he/she is providing an official statement on behalf of the District or expressing personal views and/or opinions.”).

¹⁰ *See* SCS Policy 7001 (“The office responsible for communications is responsible for approving media access to schools and other District locations; and for responding or coordinating responses to media inquiries.”).

¹¹ *Id.* (“The Superintendent serves as the chief spokesperson and is solely authorized to speak in an official capacity on behalf of the District. The Superintendent at his/her discretion may designate other staff to serve as spokesperson and representative in responding to media requests or give statements on behalf of the District.”).

IV. Harassment

A. Bullying allegations against administrators

i. McBride

In addition to Mackin's sexual allegations against McBride, Mackin also asserts that McBride bullied him and others at THS. Specifically, Mackin claims that McBride often used a raised voice and screamed at staff and teachers on her frequent school visits. Moreover, Mackin asserts that McBride intimidated him to show that she was "in charge." McBride asserts that there is no merit to those claims, but rather that it was part of her role as ILD to spend a large proportion of her time in the schools she supervised. Furthermore, McBride felt that Mackin did not provide the amount of supervision THS required.

Bratton's interactions with McBride were limited to addressing the specific areas Bratton oversaw when McBride came to THS, which was about every two weeks to once a month. Bratton states that McBride's personality is "intense." According to her, McBride's professional approach is knowing what she wants, which is for "everything to be 100%, 100% of the time." Bratton repeatedly denied that McBride bullied her, stating instead that she focused on details in her effort to help improve THS, such as trash on the floor or students out of uniform, and was professional in her interactions and emails. McBride did not overly pressure Bratton. Bratton stated that McBride and Mackin's interactions seemed normal when they walked the hallways together.

Despite McBride's reasoning, Labor Relations received four complaints about McBride towards the end of the school year. First, a Muslim education assistant, Sandy Farraj, made a complaint against McBride for McBride's alleged statement that Farraj wore "garb." Second, staff from Jeter Middle School complained that McBride inappropriately encouraged the principal to reassign them. One teacher also complained that McBride was having a relationship with the coach, and that she was retaliating against the teacher because he held the coach accountable. McBride responded that she was acting within her role as ILD by giving the principal feedback regarding the low-performing individuals in the school. After these complaints were referred to Labor Relations, Jeter Middle School was ultimately reassigned to a different ILD.

Third, Assistant Principal McClain also complained about McBride. He asserted that McBride intentionally embarrassed him while Mackin was on bereavement leave and that McBride prevented him from getting other Assistant Principal positions once he was removed from THS. McClain also claimed that McBride was responsible for removing him from THS. Instead, Principal Kelly made the ultimate decision not to retain McClain because he saw McClain use curse words towards a student.

Fourth, the principal of Manassas High School claimed that McBride made an inappropriate comment to a teacher who had transferred to Manassas from THS. McBride asked the teacher why he did not want to stay at THS, and the teacher responded that he wanted to work for Willie Williams. McBride admits that she responded, "Why are you going there? He's

one of the reasons THS is in the position it is in now.” This complaint was also referred to Labor Relations. McBride was instructed that the comment was inappropriate, and SCS discussed providing McBride with additional coaching on how to administer feedback. We understand that McBride will be required to receive this training in the near future.

ii. Griffin

Mackin similarly asserts that Griffin bullied him and others at THS. Mackin claims that Griffin “chewed him out” for failing to follow protocol and reprimanding him for things that were beyond his responsibility. Mackin also claimed that Griffin threatened his assistant principals to prove that she had control over the school and their future employment.

Mackin appeared to interpret coaching and performance management as “bullying.” Griffin asserts that she leads by example and when issues are brought to her attention by other school administrators, it is her duty to respond appropriately. During one of her visits to THS, Griffin specifically recalls an incident with unsupervised students in the hallway. Although hall monitors were also present, they were engaged in their own personal activities instead of supervising the students. Moreover, two classrooms were without teachers. In that instance, Griffin asked Assistant Principal Bratton why the students were not being properly supervised and why there were no teachers in the classrooms. Griffin also pointed out that Mackin never complained about bullying or harassment until after he received his mid-year performance evaluation in January 2017.

Bratton reports that she did not see any interactions between Mackin and Griffin. Griffin came to THS only once while Mackin was there and once or twice after Mackin left. Bratton denies that Griffin bullied her, instead stating that Griffin was “concerned” about THS and focused on changing the school because of its status as a low-performing school.

B. Bullying by parents

As referenced above, Mackin received negative feedback from parents regarding the transcript issues and Mackin’s perceived inability to relate to students. Mackin claims that THS parents bullied him and that SCS did not stop it. THS parents were demanding and possibly inappropriately challenged Mackin’s authority—particularly those parents whose children were impacted by the transcript issues. But no evidence indicates that SCS employees, including McBride and Griffin, encouraged those parents’ behavior.

CONCLUSION

Based on our investigation, the documents we reviewed, and the individuals we interviewed, our investigation did not reveal any harassment or discrimination of Mackin. We hope that this report helps SCS as it evaluates how to proceed.