

DRAFT

August 7, 2019

Charity Summers

Home Address

Re: Complaint Against Beaufort County Board of Education Trustee

Dear Ms. Summers:

I am writing to follow up on our meeting on June 26, 2019, during which we discussed the grievance and harassment complaints you filed on June 13, 2019, regarding the conduct of Beaufort County Board of Education Trustee Will Smith.

In your complaints, you state that on the evening of May 31, 2019, between 8:00 and 9:00 pm, Mr. Smith entered your office space at Beaufort High School, where you were working in a conference room with your assistant principals on a final check of student transcripts for graduation. Mr. Smith insisted you stop what you were doing and meet with him privately in your office. You then accompanied Mr. Smith into your office, where you stated he began questioning you about why student transcripts were being checked. You stated he was in close physical proximity to you during this conversation and that you felt uncomfortable and intimidated.

You considered reporting Mr. Smith's conduct after that incident but decided you needed to focus on the upcoming graduation practice and ceremony. On June 3rd, Mr. Smith again entered Beaufort High School without following the established rules for visiting the school and confronted you in the gymnasium where you were leading graduation practice. He called you away from practice and you followed him into the small gym area, where he began questioning you about the dress code for graduation. After listening to Mr. Smith for a few minutes, you informed him you had to return to the students whom you were assisting.

During our meeting, you became very emotional, stating you did not feel safe in your building as the result of Mr. Smith's actions. You shared that you were considering leaving the District if the situation did not improve. As relief for your complaints, you are asking that Mr. Smith conduct himself in accordance with the protocol for Trustees and, specifically, that he follow Board Governance Policy 3.4 "Board Member Code of Conduct" in visiting Beaufort High School and interacting with you and your staff.

As I advised you during our meeting, the Board retained me to review and reach conclusions regarding your grievance. Based on the information you shared about Mr. Smith's actions, it is my opinion as an education law attorney who has worked with school districts and boards of trustees across the State for more than thirty years that Mr. Smith's actions were not in keeping with established protocol for Board members visiting schools and interacting with school staff. My opinion is based on the School Board Member Ethical Principles promulgated by the South Carolina School Boards Association and on the Beaufort County Board of Education's Governance Policy 5.1 "Board-Superintendent Relationship." Policy 5.1 states that "the authority over, and accountability of, staff are the responsibility of the Superintendent" and that "the Superintendent is responsible for all matters related to the day-to-day operation of the BCSD within the parameters of Board Policies." I also concur with your assertion that

Mr. Smith has not acted consistently with Board Governance Policy 3.4 Section IX in visiting Beaufort High School and interacting with you. Section IX states “Members shall make official visits to schools only upon knowledge of the Principal. Board Members shall not unnecessarily interfere with the day to day operations of the school or work location, or with the work being performed by employees assigned to that school or work location.”

On behalf of the Board, I have shared your concerns and my conclusions about your recent interactions with Mr. Smith with District Superintendent Dr. Rodriguez. I understand Dr. Rodriguez is in the process of developing procedures to share with the Board concerning the impact of Board Governance Policies 5.1 and 3.4, specifically, how Trustees should properly visit schools and interact with District employees outside of Board meetings and committee meetings. Hopefully, the establishment and implementation of these procedures will result in a better understanding by Mr. Smith of his role in the day-to-day operations of the District.

Should you encounter further instances where Mr. Smith interacts with you and/or your staff in a manner that you find intimidating or otherwise inappropriate, please report those incidents directly to Dr. Rodriguez.

Thank you again for your willingness to talk with me.

Sincerely,

Andrea E. White

Bc: Clifford Bush, Esq.