

DRAFT

August 7, 2019

Daniel Fallon

Home Address

Re: Complaint Against Beaufort County Board of Education Trustee

Dear Mr. Fallon:

I am writing to follow up on our meeting on June 26, 2019, during which we discussed the grievance you filed in response to an incident in your office on June 13, 2019, involving Beaufort County Board of Education Trustee Will Smith.

In your grievance, you state that on the morning of June 13th, Mr. Smith came into your office unannounced and without an appointment. He asked you several questions about your computer and then began to focus on papers on your desk. You were concerned because you often have confidential student data in your office. Later that same day, Mr. Smith returned to your office and questioned you about a text you had sent the prior evening to Alice Walton upon observing Mr. Smith at the District Office door after the office had closed for the day. You reported Mr. Smith told you that "this is his building" and that you had no right to question him being on District property.

You also reported you have observed Mr. Smith on multiple occasions walking around the District Office during work hours. You stated his conduct was distracting for employees and that you were particularly concerned about his ability to access confidential student and/or employee information in your office.

You shared that after reflecting on the June 13th incident, you were concerned about the possible impact on your position in the District, since the Board approves the budget and was searching for ways to cut costs. Accordingly, you spoke with Ms. Walton and Dr. Berg and decided to file a grievance.

You said that Mr. Smith had offered to apologize to you, but that you preferred he email that apology rather than meet with you in person. You said you never received an email from Mr. Smith. When I asked you during our meeting about the relief you were seeking, you stated you wanted Mr. Smith to follow the chain of command and avoid confronting employees while they are working.

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 interacting with 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."

It also is my opinion that in interrupting your work on June 13th Mr. Smith did not act consistently with Board Governance Policy 3.4 Section IX. 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 the June 13th incident 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 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 Trustees of their role in the day-to-day operations of the District.

Should you encounter further instances where Mr. Smith interacts with you 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.