

## **Report and Recommendations on Allegations of Racial Discrimination and Harassment**

**To: Dayton Public Schools Board of Education  
Dr. Robert Walker, President**

**From: Beverly A. Meyer, Attorney at Law, Compliance Officer**

**Date: November 21, 2017**

This constitutes the written report summarizing evidence gathered during the investigation of reports of racial discrimination and harassment initiated by Complainant Dr. Markay Winston ("Complainant") on June 12, 2017 against Respondent Superintendent Rhonda Corr ("Respondent Corr") and recommendations based upon that evidence. Complainant formally named Dr. Elizabeth Lolli ("Respondent Lolli") as a respondent to her allegations of racial discrimination and harassment on July 7, 2017. This Report summarizes the evidence adduced during the investigation of those allegations and makes a recommendation based upon that evidence as well. The substance of Complainant's allegations preclude complete anonymity in this report. However, identifying information concerning witnesses has been omitted from this Report to the extent possible in furtherance of Board policy.

### **Applicable Standards**

Dayton Public Schools ("DPS") Board of Education Policy AC/ACA/ACAA/ACB, titled "Nondiscrimination/Harassment," applies to Complainant's allegations. Board Regulation AC-R-1 also applies. Policy AC/ACA/ACAA/ACB prohibits discrimination on the bases of race and color and adopts the standards set forth in "the State and Federal Constitutions, pertinent legislation and applicable judicial decisions." The Policy also prohibits harassment on those same bases, providing:

The Board views harassment as a form of discrimination. Harassment is defined as intimidation by threats of or actual physical violence; the creation, by whatever means, including the use of electronic communications devices, of a climate of hostility or intimidation; or the use of language, conduct or symbols in such a manner as to be commonly understood to convey hatred, contempt or prejudice or to have the effect of insulting or stigmatizing an individual.

The Policy also provides that "[e]mployees...who engage in discrimination/harassment of another employee...are subject to disciplinary action."

Under these standards, the Compliance Officer is charged with investigating and making recommendations to the Board regarding the inquiry of whether Respondent Corr or Respondent Lolli engaged in conduct toward Complainant or others within the purview of Complainant's allegations *because of* their race or color. Board policy does not establish the

evidentiary standard to be applied in making this determination. Consistent with evidentiary standards applicable to federal and state statutes prohibiting discrimination and harassment on the bases of race and color, and as set forth in related legal authority, the Compliance Officer will apply a preponderance of the evidence standard in evaluating Complainant's allegations. A "preponderance of the evidence" requires a showing that it is more likely than not that something happened as alleged by Complainant.

The nature of the allegations raised by Complainant necessitated a prolonged and comprehensive investigatory period. This Compliance Officer interviewed witnesses and examined documents produced by Complainant and Respondents in the investigation of Complainant's allegations. This Compliance Officer also explained the Policy's prohibition against retaliation to each witness, Complainant, and Respondents.

### **General Information**

Complainant is an African American female. Complainant began her tenure at DPS on September 1, 2016. Complainant resigned her position in June 2017, and her last day of work at DPS was July 12, 2017.

Complainant alleges Respondent Corr and Respondent Lolli have each engaged in racially-based harassment and discrimination of Complainant and other African American employees of the Board of Education. Generally, Complainant alleges a combative and increasingly hostile work environment, beginning in October 2016 and culminating in Complainant's resignation of employment in late June 2017. Complainant reports that she perceives the actions of Respondent Corr and Respondent Lolli to be intentional and underhanded.

Complainant states that Respondent Corr asked Complainant to come to DPS as its Chief Academic Officer ("CAO"), which Respondent Corr told her would be the "Number 2" position in the District and would be responsible for DPS' academic efforts, supervising principals, and overseeing 28 schools. Complainant states that Respondent Corr told Complainant that a team of administrators, including an executive director of curriculum would report to Complainant. Complainant states that, after arriving at DPS, Complainant learned that Respondent Lolli had applied for the CAO position. Complainant reports that Respondent Corr had planned to recommend Respondent Lolli for employment as executive director of curriculum reporting to Complainant but that Respondent Lolli wished to report only to the Superintendent and have the term "superintendent" in her title. Respondent Lolli's title is "Associate Superintendent for Teaching and Learning." Complainant states that, at the time of Lolli's hire, Respondent Lolli had no job description and no official duties.

Respondent Corr reports that she knew Complainant from when they both worked for the Chicago Public Schools and states that she asked Complainant to apply for the CAO position. Respondent Corr states that Complainant interviewed for the position and scored highly. Respondent Corr reports that Respondent Lolli then interviewed for the position and was "definitely the outstanding" candidate. Respondent Corr states that she wanted to hire both

Complainant and Respondent Lolli. Respondent Corr states that she hired both candidates for the same position with the intent of splitting the responsibilities of the position between them. Respondent Corr states that both Complainant and Respondent Lolli knew they were hired for the same position. Respondent Corr states that Complainant was given the title "Chief Academic Officer" and assigned to an office on the sixth floor. Respondent Corr states that Respondent Lolli was given an alternate title and assigned to an office on the third floor. She states that it was important to Respondent Lolli -- who had previously been a superintendent -- that she have "superintendent" in her title to avoid the appearance of a demotion. Respondent Corr states that both Complainant and Respondent Lolli were on-boarded at the same time and that Complainant's salary was \$5000 more than Respondent Lolli's salary.

**Complainant makes the following allegations against both Respondent Corr and Respondent Lolli:**

*1) Complainant was not permitted to hire an executive director to report to her or to hire clerical staff. Respondent Lolli and Respondent Corr placed much pressure on Complainant to reduce employees in the special education department under the direction of Dr. Gregory Roberson, an African American male and Chief of the Office for Exceptional Children. Complainant protested that she did not know enough about the District after 30 days of working there to make those decisions. Complainant reports that there were no reductions planned in the departments under her overseen by Wyetta Hayden, an African American female and then-Chief of Schools-North, and Bob Buchheim, a Caucasian male and then-Chief of Schools-South.*

Respondent Corr denies Complainant's allegations. Respondent Corr states that Complainant was "never promised" that an executive director would be hired to report to her and that Complainant was permitted to hire a data strategist using funds provided to DPS by the Montgomery County Educational Service Center. Respondent Corr states that clerical employee Debora Wotring, a multi-racial female, was assigned to Complainant and Dr. Shelia Burton. Respondent Corr states that Data Strategist Connie Solano also began acting as a personal assistant for Complainant. Respondent Corr states that, in relation to the reduction in employees, DPS "cut where we could cut" and that each department was told to make recommendations regarding employee reductions. Respondent Corr reports that Dr. Roberson has four secretaries and four assistant directors, that she has one secretary, and that Respondent Lolli does not have her own secretary.

Respondent Lolli denies complainant's allegations. Respondent Lolli states that Respondent Corr directed her to reduce six members of her staff and that Respondent Corr directed Complainant and Dr. Shelia Burton to reduce staff as well. Respondent Lolli reports that the intent was to reduce central office staff first before looking to reduce staff in the school buildings. Respondent Lolli reports that she received a rubric from Executive Director of Human Resources Judith Spurlock to use in determining which staff to reduce and that eight employees were reduced from her department. Respondent Lolli states that Complainant did hire a data strategist who ended up acting as Complainant's chief of staff.

Witnesses state that central office employees were reduced from many areas and that cabinet members of all races were placed in the position of defending the continued employment of their full staff complements. Witnesses state that no cabinet member was permitted to hire clerical staff as they understood from Respondent Corr that there was to be a clerical pool; no pool was created. Witnesses state that Complainant utilized Debora Wolfe (nee Wotring) for assistance with clerical services. Witnesses also state that Respondent Lolli does not have her own individually-assigned clerical person.

Findings: The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr or Respondent Lolli subjected Complainant and/or Dr. Roberson to conduct or consequences because of their African American race. DPS was implementing a reduction in force throughout Central Office, and all departments were instructed to determine which employees should be reduced.

*2) During the period of mid-October 2016 through mid-November 2016, Respondent Corr asked Complainant to apply for the School Improvement Grant ("SIG") on behalf of DPS. Respondent Lolli declined to be involved in the application process but Complainant forwarded materials regarding the proposal to her nevertheless. Complainant and Dr. Shelia Burton, an African American female and Associate Superintendent of Student Services, prepared the grant proposal. Several days before the grant proposal was to be submitted, Respondent Lolli read the proposals and called Complainant stating they needed to talk. In their meeting the next day, Respondent Lolli accused Complainant of stealing her ideas and excluding her from the proposal process. Respondent Lolli also swore at Complainant, slammed the door, and left the meeting. Dr. Burton was present during this incident. The next day, and prior to the SIG proposal submission, Dr. Burton told Complainant that Respondent Corr decided Respondent Lolli was now responsible for the grant. Respondent Lolli also told Complainant "You know, I was originally supposed to lead the SIG." Respondent Corr made changes to the SIG proposal without Complainant's involvement even though Complainant had prepared the proposal. In December 2016, DPS learned that it had been awarded the SIG grant and meetings were held concerning the grant. Complainant was not invited to or included in those meetings.*

Respondent Corr denies Complainant's allegations. She states that DPS' grant writer was reduced in the reduction in force and that she directed that an outside grant writer be used for the SIG grant application. Respondent Corr states that she initially assigned the SIG grant application to Respondent Lolli but then re-assigned it to Complainant because Respondent Lolli "had a lot on her plate." Respondent Corr states Dr. Burton and Complainant were then leading the SIG grant application process and that Respondents Corr and Lolli were excluded from the process. Respondent Corr states that she was present during the meeting in which Respondent Lolli swore, along with Dr. Burton and Complainant. Respondent Corr reports that the grant proposal contained specifications for an "Office of Reimagined Learning," which Respondent Corr considered to be an attempt to supplant DPS' curriculum department. Respondent Corr states that Respondent Lolli never swears but that Respondent Lolli said: "Why the fuck do we even need a curriculum office?" Respondent Corr denies that Respondent Lolli slammed the door or left the meeting. Respondent Corr states that she thereafter made

Respondent Lolli responsible for the SIG grant due to the bickering concerning the grant application and because she did not want anyone excluded. Respondent Corr states that Complainant had not been including Respondent Lolli in meetings with principals even though Respondent Lolli should have been included because of her role as curriculum director. Respondent Corr states that she told Complainant that Respondent Lolli was going to be leading the SIG grant after that meeting and that Complainant said "ok."

Respondent Lolli denies Complainant's allegations. Respondent Lolli states that Respondent Corr initially assigned the SIG grant application to her and that she made calls to the State concerning the grant. Respondent Lolli states that Respondent Corr then hired two grant writers and put Complainant over the grant writers. Respondent Lolli reports that she then delivered the red folder in which she kept the SIG grant materials to Complainant as she believed Complainant would need the information in completing the grant application. Respondent Lolli states that, after that time, she received last-minute invitations to the grant meetings (which prevented her attendance) or no invitations to them and that she was excluded from telephone calls regarding the SIG grant process. Respondent Lolli states that Complainant forwarded information from the grant writer to her but that the timing of the submission usually prevented her from reviewing it. Respondent Lolli reports that she did review the grant proposal prior to its submission and saw that it created a new department, the Office of Reimagined Learning, to be staffed with a director and a data strategist. She states that the Office of Reimagined Learning was the grant writers' idea but that it was included at the direction of Complainant. Respondent Lolli states that she contacted Complainant to meet and discuss it. Respondent Lolli reports that, during the meeting, she asked, "What the fuck is the Office of Reimagined Learning? Why the fuck do we even need a curriculum department?" and then left the meeting. Respondent Lolli denies slamming the door or swearing at Complainant but admits that she swore in speaking about the grant. She states that Complainant asked what her statements were about and that Dr. Burton, who was also there, said they thought Respondent Lolli would want her ideas in the proposal. Respondent Lolli reports that she responded that she wasn't included in the process and her ideas were stolen and that Complainant wanted to create a curriculum department that reported to Complainant. She reports that she also questioned why the Office of Reimagined Learning would not be in the curriculum department. Respondent Lolli states she asked again why a curriculum department was needed and that Complainant barely said a word in response. Respondent Lolli states that Complainant called her the next week and apologized and that Respondent Lolli also apologized for her language. Respondent Lolli states that Respondent Corr then assigned the SIG grant to her and that she did not request to be placed over it. Respondent Lolli states that, after Respondent Corr re-assigned the grant to her, she did not involve Complainant in it because Respondent Corr gave the directive that she was in charge of the grant. Respondent Lolli states that Complainant was invited to and did attend a meeting in December 2016 after the grant was awarded to DPS to discuss budgets under the grant.

A witness states that the SIG grant application was also assigned to Dr. Burton for completion and then made the responsibility of Complainant. A witness states that Respondent Lolli did swear during the meeting called to discuss the grant application, using the word "fuck," but

that the swear word was not directed at Complainant and was a show of Respondent Lolli's frustration with existing confusion about her area of responsibility. The witness also reports that the task of implementing the grant was assigned to Respondent Lolli for reasons other than Complainant's race but states that assigned responsibilities for the SIG grant process were not clearly communicated.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr or Respondent Lolli subjected Complainant to conduct or consequences because of her African American race. The evidence indicates that the SIG grant process was initially assigned to Respondent Lolli and Dr. Burton but then reassigned to Complainant and that the grant implementation was then assigned to Respondent Lolli due to Complainant's past exclusion of Respondents Lolli and Corr and bickering about the grant application. The evidence indicates that Respondent Lolli did swear during a meeting with Complainant but that the swearing was the result of Respondent Lolli's frustration with what she viewed as the usurpation of her department and responsibilities and not because of Complainant's race.

*3) Respondents Corr and Lolli stated on one occasion that Dr. Donetrus Hill, an African American male hired as a principal in February 2017, "has issues with white women." Dr. Burton was a witness to this statement. Complainant states that this comment was the result of Dr. Hill being a black man who "speaks his mind." On or about March 2, 2017, Corr instructed Dr. Hill to report to Lolli instead of Complainant. They also instructed Dr. Hill that he should not go to Complainant for anything.*

Respondent Corr reports that she was in a meeting with Respondent Lolli, Dr. Burton, and Complainant and shared a conversation that she had with Dr. Hill's former employer from Houston in which his former supervisor stated his belief that Dr. Hill "had issues reporting to white women" and that Dr. Hill's contract was bought out in Houston. Respondent Corr states that she was excluded from Dr. Hill's interview process. She also states that Dr. Hill, who some view as very opinionated, had been "extremely disrespectful" of Respondent Lolli in a meeting in which curriculum sequence was discussed. Respondent Corr reports that Respondent Lolli got up and left the meeting and the breeze slammed the door behind her and that Respondent Lolli returned to say that she was not trying to slam the door. Respondent Corr states that she assigned Dr. Hill to report to Respondent Lolli in March 2017 because he kept "playing" Respondent Lolli and Complainant "off of each other" and he needed guidance on curricular issues, which were Respondent Lolli's area of responsibility. Respondent Corr also reports that Dr. Hill has asked her to be his mentor this school year. Complainant submitted documentation from texts Corr sent her that confirms Corr's belief that Dr. Hill was "playing some games about Curriculum" and states that "[m]oving forward, he's going to report to Libbie because of the CTE importance and so he doesn't play departments off of one another."

Respondent Lolli denies any recollection of making the comment Complainant attributes to her and states that, if she had made it, she would have said Dr. Hill "had issues with women" and not specifically "white women." She states that Respondent Corr stated in a meeting that she

had contacted people in Houston questioning the reason for Dr. Hill's termination and was told "he had issues with white women." Respondent Lolli reports that Respondent Corr questioned why Dr. Hill's references were not checked and that Complainant was responsible for checking them. Respondent states that Dr. Hill referenced a desire to bring a white female assistant principal with him to DPS, but that request was denied. Respondent Lolli reports that Dr. Hill was playing Complainant and her against each other and that Respondent Corr called a meeting with Dr. Hill to talk about the sequencing of biology classes. Respondent Lolli explains that Dr. Hill was instructing counselors in his school to do the opposite of what DPS was advising for a program of study regarding biology, American history, and government classes and that Dr. Hill did not understand Ohio's curriculum progression. Respondent Lolli states that Dr. Hill became belligerent with her and Respondent Corr during the meeting and that Respondent Lolli then left the meeting to retrieve an Ohio Department of Education curriculum paper to show him. She states that when she returned with it to the meeting, Dr. Hill's attitude had changed for the better. Respondent Lolli states that Respondent Corr assigned Dr. Hill to her supervision and that she did not request to supervise him. She states that Respondent Corr instructed Dr. Hill via an email that he should not go to Complainant for anything. Respondent Lolli reports that she has worked closely with Dr. Hill regarding scheduling and that their relationship is fine this school year.

A witness states that Respondent Lolli and Respondent Corr said that Dr. Hill "has issues with white women" but could not elaborate on the context of the statement. The witness reports that complaints were made by teachers about his actions, that he challenged many people, and that he was unwilling to accept assistance in improving his performance. The witness states that Complainant was perceived as protecting Dr. Hill on the basis of his race instead of confronting his performance issues.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr or Respondent Lolli subjected Complainant or Dr. Hill to conduct or consequences because of their African American race. Although the statement was made that Dr. Hill "had issues with white women," it was in the form of a report of what his former supervisor had stated. The evidence shows that Dr. Hill was adamant in his incorrect beliefs concerning curricular programming due to his lack of knowledge about Ohio curricular requirements and that he changed his attitude and behavior toward Respondents Corr and Lolli in the meeting once he understood Ohio's curricular sequence. Respondent Corr had a legitimate, non-discriminatory business reason for Dr. Hill's re-assignment to Respondent Lolli's supervision in that she was responsible for the areas in which he needed guidance and that Complainant had not revealed potential issues concerning Dr. Hill's prior employment to Respondent Corr.

**Complainant makes the following allegations against Respondent Corr:**

- 1) *Beginning in or about mid-November 2016, Complainant requested several times to meet with Corr. Corr did not make herself available to meet with Complainant until December 2016.*

In support of this allegation, Complainant presented documentation demonstrating her repeated attempts to meet with Respondent Corr and to provide her information that she wanted Respondent Corr to have regarding Complainant's duties and the District. Complainant submits multiple memoranda that she submitted to Respondent Corr since she would not meet to ensure that Corr was apprised of the current status of issues occurring within Complainant's department. Complainant was also a member of cabinet.

Respondent Corr denies that she intentionally avoided meeting with Complainant and states that she instructed Complainant to schedule meetings through her former assistant, Colleen Wells. Respondent Corr states that she attempted to schedule meetings with Complainant but that Complainant was not available due to her vacations and absences from the office for professional development. Respondent Corr submitted documents showing her difficulties in scheduling meetings due to Complainant's unavailability in April, May, and, particularly, June 2017. Respondent Corr also submitted two disciplinary letters for Complainant, dated April 27, 2017 and June 6, 2017, that she states she was unable to give Complainant due to Complainant's unavailability. Respondent Corr reports that she cancels meetings "with a lot of people. Things come up." She further states that her telephone calendar does not consistently coordinate with her computer calendar, causing her to miss meetings.

A witness provided by Respondent Corr explains that Corr has had to cancel several scheduled meetings with Complainant as other issues arose requiring Corr's attention. This witness also confirms that Respondent Corr attempted to schedule meetings with Complainant but that Complainant would not be available. The witness could not recall whether Complainant cancelled meetings with Corr.

Numerous witnesses of various races and authority levels consistently state that it is difficult to secure a meeting with Respondent Corr and that she cancels scheduled meetings often. One witness states that Respondent Corr cancels over 50% of their scheduled meetings. This same witness states that Respondent Corr regularly cancelled cabinet meetings in the 2016-17 school year but would then meet privately with a few cabinet members as needed.

A witness states that Respondent Corr does not answer the witness' telephone calls or texts.

Another witness states that Respondent Corr would not show up at their scheduled meetings and failed to provide advance notice of her absence. The witness estimates that Respondent Corr has cancelled 70% of group meetings and all but one of their scheduled one-on-one meetings. This witness also reports that Respondent Corr either cancels or does not appear at County ESC meetings either.

Another witness states that Respondent Corr cancelled scheduled group meetings 80% of the time last school year and that the witness has never had a one-on-one meeting with Respondent Corr. The witness states that when meetings do occur as scheduled, there is no order to or agenda for the meeting.

Another witness estimates that Respondent Corr often cancels meetings at the last minute or instructs another person to appear at a meeting in her stead, including meetings with community members.

Another witness states that there is no pattern to Respondent Corr's cancellation of meetings while a separate witness notes that most cancellations concern early morning meetings.

Another witness states that Corr avoided meeting with Complainant later in the 2016-17 school year but attributed fault in failing to meet to both Complainant and Corr. Documents submitted by Complainant reveal that Complainant sent communications to Ms. Cherisse Kidd, an African American female and Corr's assistant, in February and March of 2017 asking her to forward them to Respondent Corr rather than sending the communications directly to Corr.

Yet another witness states that Respondent Corr usually cancels their meetings without notice and that it is difficult to get Corr's attention. This witness says Corr has accorded the witness a total of "60 minutes of face time" since she came to Dayton Public Schools despite multiple requests to meet with her and the fact that the witness reports to her.

A final witness, who is also a member of cabinet, states that Respondent Corr cancelled cabinet meetings "all the time" and then blames others for not communicating with her.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr failed or refused to meet with Complainant due to her race. The evidence shows that Respondent Corr regularly cancelled meetings with District employees of various races and that employees generally have a difficult time meeting with Respondent Corr.

*2) In mid-to-late December 2016, Complainant advised Corr that she was forming a principal advisory committee. Corr stated she did not want Karla Goins, an African American female, on the committee. Complainant responded that she needed a diverse group to discuss ideas. Corr then pre-empted Complainant and created a principal advisory committee with Dr. Lolli. Complainant was excluded from the committee and its meetings, as were Wyetta Hayden and Bob Buchheim, who both reported to Complainant. Complainant made the decision to have her own principal advisory committee and include Hayden and Buchheim in it. The principals were very appreciative.*

Respondent Corr states that, in October 2016, she told Complainant that she was forming a principal committee because she wanted an opportunity for direct contact with principals without having the principals' supervisors present. Corr denies that her selection of individuals for the committee was based on the individuals' race, and she denies that she did not want Principal Goins on the committee. She explains that she solicited input from former Superintendent Lori Ward regarding the committee's formation and which principals would provide objective comments and criticisms. She explains she wanted people on the Cabinet that she could trust "to tell me what's wrong." She also explains she wanted representatives

from East Dayton and West Dayton and elementary, middle, and high schools. Respondent Corr sent an email on January 4, 2017, inviting select principals to participate on her Principals Cabinet by meeting with her monthly as a group. Complainant sent an email on January 11, 2017 confirming that the principal advisory committee she had initiated would still meet. Some principals served on both administrators' committees. Respondent Corr states she did not preempt Complainant's committee as Corr is the Superintendent.

Respondent Corr reports her Cabinet of Principals met three times at restaurants in Dayton (Basil's, Salar, and a third she could not recall). Respondent Corr says she invited Dr. Lolli to attend the dinners because one of Lolli's concerns was that she did not get a chance to meet with principals. Corr explains that Complainant could have come to the Principals Cabinet if she wanted to but that she did not want Robert Buchheim or Wyetta Hayden there as they were the principals' direct supervisors. Complainant included Buchheim and Hayden in her committee's meetings.

One witness states that the witness encouraged Respondent Corr to meet with groups of principals, teachers, and parents to solicit comments and feedback as former Superintendent Ward had done. This witness believes that Respondent Corr's group adequately represented Dayton's East and West sides and minority populations.

One witness states that Respondent Corr's committee had two dinner meetings (one at Basil's and another at Salar) and that the dinners were more socially-oriented than professionally-oriented.

Another witness confirms that many of the same principals served on both Complainant's and Respondent Corr's committees but that those who served on Corr's Cabinet questioned why Complainant was not included in those meetings. This witness states that Complainant's principal committee was formed first.

One witness, a principal who participated on both Respondent Corr and Complainant's committees, says Corr told the principals on her committee that they were invited because they would "give it to her straight." The witness confirms that Corr's group met two or three times in the evening at restaurants. The witness states that Complainant was not a part of Corr's principal committee and that, when the principals questioned why, Corr said she wanted a group where principals could speak freely without supervisors present. The witness reports that, at one meeting, Corr told the committee members that she fully trusted Lolli with everything and that, if they couldn't get to Corr, they should get to Lolli (paraphrased). The witness explains that at that time Lolli was not supervising principals. The witness also reports that principals would ask if they should work with Complainant on an issue, and Corr would instruct them to work with Dr. Lolli instead. The witness also states that if someone at the meeting brought up Complainant in conversation, Corr would not respond. The witness does not believe that Corr's actions were the result of racial animus on Corr's part but that they were specifically directed to Complainant. The witness has not seen Respondent Corr regard other African American employees in the manner in which she regarded Complainant. The witness

reports that Complainant's committee met during the regular working day four or five times and started meeting in late Fall 2016. The witness reports that Complainant told her committee that she wanted them to share in the decision-making process and that Complainant involved the Chiefs of Schools.

Another witness who served on both principal committees perceived the purpose of Respondent Corr's as an attempt to discover what was happening in the District while Complainant's committee was more task-oriented. The witness reports that Complainant's committee met three times last year while Respondent Corr's, which was smaller, met twice. The principals on both committees were Caucasian, African American, male, and female. The witness says there is no principal committee this school year. This witness feels that Respondent Corr's committee meetings were helpful because the witness had a "louder voice" in the smaller group.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr created a principal committee to pre-empt Complainant's committee or excluded Complainant due to her race. The evidence adduced in the investigation also does not demonstrate that Respondent excluded Wyetta Hayden and Robert Buchheim due to their race. The evidence shows that Respondent Corr formed the committee in an effort to determine for herself what was occurring in the District and to directly solicit the opinions of principals she believed would be objective, all in a manner similar to her predecessor. Although Respondent Corr states that Complainant was welcome to attend her Principals' Cabinet, there is no evidence that Corr invited her to do so. Regardless, there is no evidence that Corr's actions were racially-motivated. Furthermore, the evidence shows that Respondent Corr's reason for excluding Hayden and Buchheim, one African American and the other Caucasian, from the meeting was non-discriminatory, as Corr wished to provide the principals an opportunity to speak freely at the meetings without the presence of their direct supervisors.

*3) Respondent Corr marginalized Complainant through the following actions:*

- a) Corr instructed Complainant: "Don't talk to Board members." Complainant did not see this same attitude to others.*

Respondent Corr states that she has instructed all employees that they should not speak with Board members and that she tells Board members that too. Respondent Corr reports that, despite having knowledge of her instruction, Board members communicate with Dr. Burton, Dr. Lolli, and Dr. Roberson. She states that Drs. Burton and Lolli re-route Board member communications through Corr but that Dr. Roberson does not.

A Caucasian witness denies that Respondent Corr has ever told the witness not to speak with Board members. This witness often receives inquiries from Board members but immediately alerts the Superintendent of the contact.

Another Caucasian witness states that Corr told administrative employees that all communications from the Board should go through Respondent Corr. The witness says that such a protocol is not unusual. The witness explains that employees who receive Board member contacts are to include Corr in those communications.

An African American witness states that Respondent Corr instructs central office employees that they are not to speak to Board members. This witness informs Corr upon receiving a Board member's contact, and the Superintendent then decides whether the witness should communicate with the Board member about the issue.

Another African American witness states that Superintendent Corr is aware that Board members communicate with the witness but has not received instruction from her about it.

A final African American witness who is a central office administrator has not received an instruction to refrain from communicating with Board members.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr instructed Complainant not to speak with Board members because of her race. Instead, the evidence shows that Respondent Corr has generally instructed administrative employees to limit their communications with Board members and direct Board members to Corr instead.

b) *Respondent Corr chastised Complainant in front of Drs. Burton and Lolli.*

Respondent Corr wholly denies this allegation. Corr states that Complainant publicly criticized her and points to an instance occurring during a principal's presentation in January 2017 when Complainant chastised her for referring to a teacher and a group of students as a "unit" when asking a question about the number of special education students at a school. Corr states that she considered Complainant's actions disrespectful and caused Corr to stop attending principals' presentations. A witness who was at the presentation states that Complainant interrupted Corr and deemed Corr's use of the word "archaic," and Corr responded that "they are units and when we stop treating them like units, we'll stop calling them units." The witness states that Complainant's statement to Corr made others uncomfortable.

A witness reports that Respondent Corr chastises anyone openly and cites as examples Jyllian Bradshaw and Judy Spurlock, both Caucasian females.

Another witness labels Respondent Corr "an equal opportunity chastiser." The witness adds that Corr speaks loudly and that people could interpret her speaking as chastising someone. The witness also reports that Respondent Corr swears and curses in meetings, which is different than how Central Office employees were spoken to by Corr's predecessor. Another witness agrees, stating that Corr is critical of Judy Spurlock, Jyllian Bradshaw, and Sheila Burton.

Other witnesses agree that Respondent Corr has chastised Complainant openly and in front of others, particularly with regard to the email Complainant sent regarding athletic directors being able to coach and regarding the manner in which Complainant conducted meetings, asking people to hold questions until the end.

One witness remarks that Respondent Corr devalued Complainant's responses to issues in meetings and that the tension between Complainant and Corr was evident on Corr's part. Another witness notes that Corr would not acknowledge Complainant in meetings and would direct all questions to Dr. Lolli.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr chastised Complainant before others because of her race even though witnesses agree that Corr openly chastised Complainant and that tension existed between the two of them. The evidence shows that Respondent Corr is critical of employees who are not African American as well, leading to the conclusion that these criticisms stem from reasons other than race.

c) *Respondent Corr instructed Complainant to invite DPS Board Member Dr. Robert Walker to a college and career signing event, which Complainant did, and Corr then criticized her for contacting a Board member.*

Respondent Corr explains that she expected the invitation to Dr. Walker to go through her office and not Complainant's office. Corr suggests that Complainant may have misunderstood her intent when she said "we should invite Dr. Walker."

No other witnesses had information about this allegation.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr chastised Complainant about the invitation to Dr. Walker because of her race.

d) *On June 1, 2017, Respondent Corr made a determination concerning the issue of whether building athletic directors could also be employed as coaches and blamed Complainant for alleged inconsistencies on the issue in an email that Corr had instructed Complainant to send earlier that day. Respondent Corr's decision contradicted Corr's prior statements to Complainant. Complainant felt like she had been "thrown under the bus."*

Respondent Corr states that the issue concerning building athletic directors as coaches arose in May 2017 because someone had the idea a person could not hold both positions simultaneously as they had in the past. Dayton Education Association President, David Romick, questioned the change in policy. Building principals also expressed their desire to be involved in the decision. Corr says that she was just returning from vacation and stopped by the office, where she happened upon Complainant speaking with the District's internal auditor about the

issue. Corr states that Complainant told her she did not know what to do and that Corr responded by saying she would talk with Board member Sheila Taylor, who is on the Athletic Board of Control. Corr explains that she spoke with Ms. Taylor, who said that the dual role was permissible. Corr then reported to Complainant: "I talked to Sheila Taylor; it's a go," meaning a person can serve in both roles the next year. Corr believes Complainant misheard the statement as "it's a no." No witness was present during that exchange.

Both parties submitted documents in support of their position. On June 1, 2017, Complainant sent an email communication to building principals and central office administrators at 2:13 pm stating that the Respondent Corr had determined the roles of building athletic director and head coach were incompatible and that a person could not serve in those dual roles in the 2017-18 school year. At 5:32 pm, Corr sent Complainant an email stating that the 2:13 pm email was unacceptable as Complainant placed the burden for the decision on Corr. Corr also expressed her disappointment in Complainant's actions. At 5:54 pm, Corr sent an email to principals and central office administrators to clarify Complainant's communications. Corr's email expresses that she served as a "thought partner" with Complainant in the decision and recommended that Complainant speak with Board Member Taylor regarding the issue. Corr also states that she is available to discuss Complainant's decision. The next day, June 2, 2017, Corr sent an email to Complainant at 8:26 am stating that she was "ok with ADs serving as coaches for next year as long as they are tightly monitored and evaluated." Her communication states that "Sheila Taylor is fine with ADs doing both next year as is Mark [Baker, District Athletic Director]. Mark also told me he is fine." Corr instructed Complainant to send another email to let principals know they have the option. At 11:35 am that day, Corr sent an email to six select principals stating: "Clearly there was a misunderstanding yesterday so I want you to know that it was not my intention to change the current practice of ADs serving as coaches. It's unfortunate the way it was inaccurately communicated, but I want you to know that I value you as CEOs of the buildings and therefore am leaving the decision up to your discretion. We will monitor and evaluate for this next year to see the effectiveness. If you would like to meet, please let me know. I'm always here for my Principals!"

On June 5, 2017 at 2:53 pm, Complainant sent Corr a memorandum explaining her position and requesting a meeting to discuss the issue before sending additional emails on the topic. Complainant's memo explains that, on June 1, 2017, Corr told Complainant she had spoken with the Board and the answer was "No, they cannot coach and be the building AD" and instructed Complainant to send out a nice email to that effect. Corr responded at 3:02 pm iterating her understanding of the events and stating, "The issue is done."

Multiple witnesses state that Respondent Corr's email to principals on June 2, 2017 at 11:35 am made Complainant look bad.

A Caucasian witness shares that Respondent Corr treated the witness in a similar fashion on a different issue.

Findings: The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr openly contradicted Complainant on the issue concerning the dual roles of building athletic director and head coach because of her race. The documented evidence recounts each party's version of events recorded contemporaneous to that time. The Compliance Officer's role is to determine whether evidence exists demonstrating that it is more likely than not that Respondent Corr's conduct was racially-motivated. The evidence is insufficient to find that Respondent Corr's actions were because of Complainant's race. Regardless, the documentation indicates that there was either a miscommunication or a breakdown in communication between Corr and Complainant that was the result of ongoing and mounting difficulties between them, as noted throughout this Report.

e) *Respondent Corr assigned Complainant responsibility for the District Leadership Team and then re-assigned the duties to Dr. Lolli.*

Respondent Corr confirms that she did re-assign the District Leadership Team ("DLT") responsibilities but that she re-assigned them to herself and not Dr. Lolli. Corr explains that her decision was the result of: Complainant's failure to remain in sessions she was supposed to be leading; Complainant's "disappearance" at important times; Complainant's failure to collaborate with the curriculum department or Corr about decisions prior to announcing them.

A witness explains that Complainant missed the first three DLT meetings even though she was supposed to be in charge of them. The witness states that Respondent Corr intended to perform the DLT tasks but did not do them and that Corr then assigned the DLT responsibilities to Dr. Lolli.

Multiple witnesses of various races state that they, too, have had core responsibilities assigned to them by Respondent Corr and then taken away and that they have been included in a core group on an issue and then removed from the group by Respondent Corr. A notable re-assignment concerns Corr's assumption of responsibility for the teacher contract negotiations, in which Corr relieved Judy Spurlock and then Jyllian Bradshaw and Dr. Lolli, all Caucasian females, of their duties in that regard and undertook them herself.

Findings: The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr reassigned the DLT responsibilities because of Complainant's race. The evidence shows that Complainant had other engagements causing her to be absent from meetings she was to be leading and that Respondent re-assigned the duties after Complainant missed three meetings in a row. The evidence further shows that Corr re-assigned the responsibilities of Caucasian Central Office administrators to herself as well.

f) *Respondent Corr assigned the Ohio Improvement Process ("OIP") tasks to Complainant and then stripped Complainant of those responsibilities.*

Respondent Corr confirms that she re-assigned the OIP responsibilities because they are curricular duties. Corr re-assigned the duties to Dr. Lolli, who was responsible for curriculum.

An African American witness states that the OIP duties were originally assigned to that witness and then reassigned to Complainant before they were then re-assigned to Dr. Lolli.

Findings: For the reasons set forth in Section 3(e), the evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr reassigned the OIP duties because of Complainant's race.

*g) DPS employees who came to meet with Complainant would wait for her in the sixth floor lobby. Respondent Corr would approach them and question what they were meeting about with Complainant. On one occasion, Corr told XXXXXXXXXXXXXXXX: "She's not the Superintendent; you don't need to talk with her about that. You need to talk to me about that." Corr then sent XXXXXXXXXXXXXXX away, cancelling his meeting with Complainant.*

Complainant's office was on the sixth floor, immediately adjacent to the lobby waiting area. Complainant states that Jamie Bullens, a Caucasian male and Director of Safety and Security, was waiting to meet with her one day and that Respondent Corr approached him and stated: "She's not the Superintendent; you don't need to talk with her about that. You need to talk to me about that." Corr then sent Mr. Bullens away, cancelling his meeting with Complainant.

Respondent Corr states that she sent Mr. Bullens away from Complainant's office and explains, "There is a culture in Dayton called 'circle around'. If I don't get what I want, I go to someone else." Mr. Bullens reports to Corr. Corr suspects that, since it was budgeting period, Mr. Bullens was meeting with Complainant to lobby for the purchase of a security vehicle with funds remaining in Safety and Security's budget. Corr reports she had denied Mr. Bullens' request to purchase a Ford Explorer but agreed that Safety and Security could purchase two Ford Escapes. Respondent Corr explains that she discovered from a secretary that Mr. Bullens was waiting to speak with Complainant, so she approached him and sent him away since she had already provided him an answer. Corr also notes that Dr. Burton, and not Complainant, was responsible for Transportation.

A witness states that the purpose of the meeting between Mr. Bullens and Complainant was to discuss parking assignments and that, as the Superintendent came off the elevator, she asked Mr. Bullens about the purpose of the meeting, he replied, and she then stated that the witness needed to speak with her about that since she was the Superintendent.

A witness whose assignment is adjacent to the lobby waiting area states that Respondent Corr regularly approaches people in the lobby and asks who they are there to see. The witness explains that Corr then checks how long their wait will be and advises the individual of the wait time. The witness says this conduct was not limited to visitors waiting to meet with Complainant but for those waiting to meet with any of the sixth floor administrators.

Another witness explains that the witness has not observed such conduct but reports that Respondent Corr likes to be involved in decisions that are made and that Corr's approach is to be "hands on."

A final witness states that the witness has seen Respondent Corr send people away from Complainant's office several times, telling them to come speak with Respondent Corr instead.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr sent Mr. Bullens away from Complainant's office because of her race. The evidence relating to the reason for Mr. Bullens' meeting with Complainant is conflicting. Regardless, a witness having knowledge regarding events occurring in the lobby area confirms that Respondent Corr intercedes and interacts with the visitors of all administrators who have offices on the sixth floor, which would include several Caucasian administrative employees. This belies the allegation that Respondent Corr interfered with Complainant's meeting due to her African American race.

h) XXXXXXXXXXXXXXX was coming to let Complainant know that a principal was resigning. Respondent Corr intercepted XXXXXXXXXXX and said, "There is no need to let her know. I'll take care of it." Corr told XXXXXXXXXXX not to tell Complainant about the resignation. Respondent Corr and Dr. Lolli then interviewed and hired a new principal without the involvement of Complainant, whose job was to include supervision of principals.

Complainant reports that Wyetta Hayden, who was her direct report and Chief of Schools, was coming to let Complainant know that a principal was resigning in May. She says Corr intercepted Ms. Hayden and said, "There is no need to let her know. I'll take care of it" and that Respondent Corr told Ms. Hayden not to tell Complainant about the resignation. Complainant asserts that Respondent Corr and Dr. Lolli then interviewed and hired a new principal without the involvement of Complainant, whose job was to include supervision of principals.

Respondent Corr denies the allegation, stating that she would never have said "don't tell her about the resignation." Corr explains that, at that time, job descriptions had changed and that there was a realignment of duties. She also states that she frequently runs into people who have issues and she tells them that she will take care of it.

The witness listed above, who has direct access to the lobby area, has no recollection of a time when Respondent Corr sent Ms. Hayden away from Complainant's office.

However, a witness states that Respondent Corr instructed Ms. Hayden to not report the resignation to Complainant and that Respondent Corr would handle the situation. The witness also states that Respondent Corr informed Ms. Hayden in that same conversation that she would be reporting to Dr. Lolli from that point forward. The witness states that the next day, Corr sent a text message reassigning all academic issues to Dr. Lolli, which included hiring principals.

Findings: For the reasons set forth in Section 3(g), the evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr intercepted Ms. Hayden and instructed her not to meet with Complainant because of Complainant's race. Further, there is evidence of the continually deteriorating relationship between Complainant and Respondent Corr, as noted throughout this report. It is more likely that another non-discriminatory reason, and not Complainant's race, motivated Corr's actions.

- i) *Complainant feels compelled to keep her door open because, when she has her door closed, Respondent Corr comes in and says, "Am I missing a meeting?"*

Respondent Corr states that, due to the proximity of Complainant's office to the lobby, she can understand Complainant's desire to close her door. Corr states that Complainant often held lengthy meetings in her office with the door closed and that she would walk in to those meeting and ask if she missed them. Corr states that she asks "just about everyone" whether she has missed a meeting, including Dr. Lolli and Dr. Burton. Corr explains that her calendar on her phone does not coordinate with her calendar on her desktop computer and that she has not had time to get it fixed.

A witness explains that Respondent Corr regularly knocks on a closed door and then enters an office if she needs to speak with someone. The witness says that Corr goes to the individual rather than having the individual come to her.

Witnesses of all races and levels state that Respondent Corr regularly interrupts their meetings to speak with them, even when the matters she wishes to discuss are not important in the witnesses' opinion. Some witnesses characterize this as happening "constantly" and "all the time." One of these witnesses reports that Respondent Corr comes into any meeting and asks what it concerns and why she wasn't invited.

One witness explains that Respondent Corr asks who is in a room and often "pops in" to see. The witness also recalls that John Carr, a Caucasian male who previously occupied Complainant's office, usually kept the office door closed.

Findings: The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr interrupted Complainant's meetings or compelled Complainant to keep her office door open because of her race. The evidence demonstrates that Respondent Corr regularly enters closed door meetings of employees who are Caucasian and African American to determine whether she should be in the meeting or to speak with a meeting participant.

- j) *Respondent Corr instructed XXXXXX, a clerical employee assigned to XXXXXXXXXX, not to complete tasks requested by Complainant.*

Complainant reports that Corr instructed clerical employee Serita Brake, a Caucasian female assigned to Wyetta Hayden, not to complete tasks requested by Complainant.

Respondent states that she told Ms. Brake that she did not have to perform tasks for Complainant and that Complainant had a secretary upstairs, Debora Wotring. Respondent Corr adds that she assigned Ms. Wotring to Complainant, who shared Ms. Wotring's clerical time with Dr. Burton. Corr also adds that Complainant had support from Connie Solano as well even though Ms. Solano was not intended to be Complainant's personal assistant.

A witness states that Serita Brake, a Caucasian female, was told that she should not complete tasks for Complainant.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr told Serita Brake that she should not perform clerical tasks for Complainant because of Complainant's race. As described in the beginning pages of this Report in Initial Section 1, above, Complainant was provided clerical support through Ms. Wotring, and other administrators shared clerical staff as well.

- k) *Respondent Corr instructed XXXXXXXXXXXXXXX to put Complainant's budget under the control of Dr. Lolli. Complainant never received any feedback from Corr concerning her budget proposal.*

Complainant alleges that Respondent Corr instructed Diane Mendenhall, a Caucasian female budget personnel employee, to put Complainant's budget under the control of Lolli. Complainant states that she never received any feedback from Corr concerning her budget proposal.

Respondent Corr explains that the draft organizational chart dated August 2, 2016 was approved by the Board of Education in September 2016. Respondent Corr states that after the District's reduction in force, a new organization chart was approved by the Board. Further, Corr states that, as responsibilities changed, she perceived there was a communication problem between Dr. Lolli and Complainant and that she made the decision to align all curricular responsibilities under Dr. Lolli's area for the 2017-18 school year. Respondent states that she informed Complainant in April or May of 2017 that she would be reporting to Dr. Lolli the following year and that Complainant stated she did not want to report to Dr. Lolli. Respondent explains that she told Complainant "you can be an indirect report to me but you must collaborate with Dr. Lolli."

A witness confirms that Respondent Corr instructed Diane Mendenhall to move Complainant's budget under Dr. Lolli's budget in April or May of 2017 but that the budget was not actually moved over until August 2017. The witness states that there was no discussion of this change in budget meetings. The witness states that department heads were not consulted regarding their budgets and allocations. This is a departure from the way budgets had been handled in past years, when department heads were integral to the budget process and each department was responsible for specific funds.

A witness confirms that Respondent Corr finalized budgets without talking to department heads.

Another witness states that it is Treasurer Hiwot Abraha, an African American female, and not Respondent Corr, who controls the budget process.

Several witnesses remarked in their testimony that no organizational chart was finalized in the 2016-17 school year. They repeatedly referenced the lack of a chart as the basis for confusion (and resulting tension) regarding the assignment of job duties and the division of responsibilities between Complainant and Dr. Lolli and also Dr. Burton. The organizational chart presented by Complainant and Respondent Corr for consideration is dated August 2, 2016 and marked "Draft." According to Board minutes, the Board of Education adopted an organizational chart on October 4, 2017.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr intended to place Complainant's duties under Dr. Lolli's area because of Complainant's race. Further, the budget process was handled differently pursuant to Respondent Corr's instruction. No department head was intimately involved in the budget process.

- l) Respondent Corr assigned Complainant responsibility for SST but then excluded Complainant from those meetings and reassigned the duty to Dr. Lolli and Dr. Burton.*

Respondent Corr explains that she considers SST to be part of the DLT responsibilities (see Section 3(e), above). Corr denies that Complainant was excluded from SST meetings but confirms that she assigned the SST duties to Drs. Lolli and Burton because she saw that Complainant was not sharing information regarding SST. Corr says that Dr. Burton needed to be involved with SST because of the emotional needs of students that SST issues covered.

Witnesses did not have information about whether Complainant was excluded from SST meetings. However, a May 4, 2017 email from Corr to Complainant that Complainant submitted states: "Libbie, Brooke, and Monica will be handling SST meetings. On occasion, they will invite other members, depending on the topic."

**Findings:** For the reasons set forth in Section 3(e) and above, the evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr reassigned the SST duties or excluded Complainant from SST meetings because of Complainant's race. Those duties were re-assigned, in part, to Dr. Burton, who is an African American female.

- m) Complainant was excluded from OLI training for principals even though they were supposed to report to her.*

Complainant presents a personal journal dated March 2017 stating that she is not included in planning meetings or discussions about OLI training. Another journal entry dated April 21, 2017 notes a discussion Complainant had with Montgomery County Educational Service Center employee Betsy Apolito, Director of SST10, to discuss proposed date changes for May Building Leadership Team meetings. The journal entry indicates Ms. Apolito could not speak with Complainant and directed her to Respondent Corr. A memorandum that Complainant drafted and sent to Corr dated June 12, 2017, reflects that Complainant attended the two day OLI4 leadership training.

Respondent Corr denies that Complainant was excluded from OLI training for principals and states that no one was excluded. In support of her assertion, Corr presents a January 3, 2017 email from Montgomery County Educational Service Center employee Betsy Apolito to a list that includes Complainant concerning an OLI4 meeting scheduled for that day.

**Findings:** The evidence adduced through the investigation does not demonstrate by a preponderance of the evidence that Complainant was excluded from OLI training because of her race. The evidence shows that Complainant was not invited to plan and execute OLI meetings at some point after January 3, 2017. However, she attended an OLI training in June. There is insufficient evidence to determine that the alteration of Complainant's duties was because of her race.

n) *Respondent Corr did not evaluate Complainant. This is the first time Complainant has not been evaluated at a school district. Corr also fails to provide Complainant any feedback and refuses to meet with Complainant to do so.*

Respondent Corr states that she scheduled a meeting with Complainant in June 2017 for purposes of reviewing her performance but that Complainant did not appear for her evaluation. Respondent presented multiple emails in that time period, and specifically for requested meetings on June 7, 2017 showing her efforts to meet with Complainant and Complainant's unavailability and failure to return Corr's telephone calls. Respondent also shared a page from Complainant's online calendar for June 7, 2017 obtained by proxying in to Complainant's system.

Multiple witnesses of various races provided evidence concerning their evaluation processes. No witness was satisfied with the process.

One witness states that Respondent Corr evaluated the witness one time, before June, and that the evaluation meeting lasted less than ten minutes. The evaluation contained no feedback, and the witness found the process insulting.

Another witness states that the witness did not receive a mid-year evaluation or, as of the time of the witness' interview, a final evaluation by Respondent Corr. The witness reports that an evaluation meeting was scheduled two different times but the witness had to cancel each time due to District emergencies.

Yet another witness states that Respondent Corr cancelled the witness' initial evaluation meeting and that the rescheduled evaluation meeting lasted between five and ten minutes.

Findings: The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr failed to evaluate Complainant because of her race. The evidence reveals that Respondent Corr did not attempt to evaluate the Central Office administrators until late in the school year and that conflicting schedules, including Complainant's schedule, interfered with the evaluation process. The evidence further reveals that those employees Respondent Corr did evaluate were not satisfied with their abbreviated evaluation meetings, despite the marks they received on their evaluations.

*o) Respondent Corr repeatedly cancels meetings with Complainant.*

Complainant's allegations are substantially similar to the allegations she presents in Section 1, above. Respondent Corr presents the same response to the instant allegations as was presented to the prior allegation. Other witness testimony and evidence presented in response to the allegations in Section 1 apply to this allegation as well.

Findings: For the reasons set forth in Section 1, the evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr cancelled meetings with Complainant because of Complainant's race.

*p) Respondent Corr did not seek the opinions of Complainant; Corr only sought the opinions of Dr. Lolli.*

Respondent Corr denies this allegation as inaccurate and states that she seeks the opinions of everyone just as everyone is free to seek her opinion. As examples, Respondent Corr cites the Deep Dives, the DIVA online program, and the building athletic directors issue. Corr explains that she initially called Complainant after Board meetings to ask her opinions on issues but that Complainant would not make herself accessible to Respondent Corr. Respondent Corr also explains that she and Complainant had different working styles and that Corr gets a lot of work done at night on the phone. Corr adds that Complainant had never been a principal or a superintendent.

Various witnesses state their perception that Respondent Corr relied heavily on Dr. Lolli and then Dr. Burton in making decisions for the District.

As examples, one witness states that Corr often deferred to Dr. Lolli and openly solicited her opinions in meetings last school year. The witness explains that Corr became nervous if Dr. Lolli did not attend a meeting. Another witness adds that if Dr. Lolli could not attend a meeting, the meeting was cancelled. Two witnesses state that Corr often deferred to Dr. Lolli for decisions on issues.

A witness states that Respondent Corr bragged about Complainant before her employment began and was surprised that Corr's regard for Complainant appeared to change. The witness notes that Corr's attitudes toward Complainant changed when Complainant's absence from the District for conferences increased.

Another witness states that Respondent Corr's loyalty shifted from Complainant to Dr. Lolli in connection with Complainant's attendance at a superintendent training workshop.

Findings: The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr failed to evaluate Complainant because of her race. There is a consensus that Drs. Lolli and Burton were greater influences on Respondent Corr than Complainant was during the 2016-17 school year. However, the evidence does not show that it is more likely than not that Corr's reliance on Drs. Burton and Lolli is racially motivated. The evidence shows that Respondent Corr views Dr. Lolli as more experienced than Complainant, which would reasonably lead her to seek Dr. Lolli's opinions.

q) *At the Board meeting on May 2, 2017, Respondent Corr stated that Complainant doesn't do anything in her job description. Complainant felt like she was inappropriately singled out by Corr.*

Respondent denies Complainant's allegation and states that her comment concerned Dr. Burton's job description. Corr explains she commented on Dr. Burton's job duties to support a revision on job descriptions.

A witness who attends all Board of Education meetings and who was present at the May 2nd meeting states that the witness has not seen Respondent Corr make pejorative statements about Complainant or her job duties.

The minutes of the May 2, 2017 Board meeting do not reference any discussion of job descriptions or duties by Respondent Corr.

Findings: The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr inappropriately singled out Complainant because of her race. The evidence shows that Respondent Corr reassigned job duties from employee to employee, and specifically Complainant's job duties, and that confusion existed regarding the job duties to be performed by Dr. Lolli and those to be performed by Complainant, due in part to the noted absence of an organizational chart. Even if Corr did comment that Complainant did not perform the job duties of Chief Academic Officer, the statement is likely true due to decisions implemented by Respondent Corr.

r) *Complainant has not been provided clerical support.*

The evidence relating to Complainant's allegations is discussed in detail in Initial Section 1 and Section 3(j).

Findings: For the reasons set forth in Initial Section 1 and Section 3(j), the evidence adduced in the investigation fails to demonstrate by a preponderance of the evidence that Complainant was not provided clerical support because of her race.

s) *Complainant's subordinates and co-workers comment that Respondent Corr treats her like Corr treated David Lawrence and question why she stays.*

Complainant explains that David Lawrence is an African American male and the former Chief of Innovation at Dayton Public Schools. Complainant states that other employees compared Respondent Corr's conduct toward her to Corr's conduct toward David Lawrence.

Respondent Corr denies Complainant's allegation in its entirety. Corr states that Complainant's office was not reassigned nor was she limited to performing research, as David Lawrence was. Corr explains that David Lawrence was insubordinate.

A witness states that Respondent Corr referred to David Lawrence in conversation with the witness as "that [other] person" instead of using his name and that Corr began referring to Complainant in the same manner. The witness explains that Corr refused to meet with David Lawrence, moved his office two times, and reassigned his duties to others.

Another witness states that Lawrence applied for the District's superintendency when the Board hired Respondent Corr and believes that Respondent Corr views District employees who vied for her current position as a threat. The witness reports Respondent Corr stripped David Lawrence of his responsibilities and assigned him to a room in the basement, characterizing her conduct as "mean." The witness shares that David Lawrence's position was eliminated as part of the District's reduction in force. The witness did not draw a comparison to Respondent Corr's treatment of Complainant.

Another witness states that Respondent Corr assigned David Lawrence to an office in the basement and did not communicate with him. The witness opines that David Lawrence was stripped of his dignity. The witness explains that Corr began treating Complainant in a similar manner beginning in April 2017 but states that Complainant "did not cave" and continued to do her work.

Findings: The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr treated Complainant differently because of her race. Although witnesses liken Corr's treatment of Complainant to her treatment of David Lawrence, there is no evidence that Corr's conduct toward David Lawrence was because of his race. A direct comparison also reveals that, although Corr re-assigned some of Complainant's duties to others, she did not move her office.

4) *Respondent Corr is racially-insensitive and disrespectful to African American employees. As an example, Corr calls out for Dr. Burton by loudly stating in the sixth floor halls, "Shelia Louise,*

*Shelia Louise." Dr. Burton has corrected Corr many times that that is not her name, but Corr continues to call for her in that manner and by that name. Complainant is offended by Corr's behavior. Another example concerns Dr. Donetrus Hill (see above).*

Respondent denies that she is racially insensitive or disrespectful to African Americans. Corr states that Complainant never told Corr that she was offended by Corr's alleged conduct. Respondent Corr describes herself as "open", "transparent", and "fun loving" and admits that she yells down the hall on the sixth floor and uses nicknames to call for people: "Libs" (Dr. Lolli); "JB" (Jyllian Bradshaw); and "Shelia Louise" (Dr. Burton). Corr explains that Dr. Burton does not have a middle name and others now think it is "Louise" and "all think it's cute." Respondent Corr states that Dr. Burton has never corrected her and that "[Dr. Burton] is definitely my right hand - from Day One." Corr further explains that she repeated the statement concerning Dr. Hill (see Initial Section 3) to her core team to communicate the information she had received to them.

Multiple witnesses of various races have witnessed Respondent Corr's use of the name "Shelia Louise" when referring to Dr. Burton and that Dr. Burton has told Corr "that is not my name." They confirm that Respondent Corr calls for employees of various races using first names or nicknames.

Dr. Burton says she has told Respondent Corr that her name is not "Shelia Louise" but that Corr continues to call her by it. Dr. Burton states that she is not offended by Respondent Corr's use of the phrase and that she finds it funny. Dr. Burton states that Respondent Corr also calls her "Dr. Burton."

An African American witness explains that Corr's use of the name "Shelia Louise" when calling for Dr. Burton angers the witness as it is a reference to slave masters who called African Americans incorrect names. The witness has not reported the conduct as offensive, characterizing the witness' reaction as a personal reaction.

Another African American witness views Respondent Corr's use of the name "Shelia Louise" as offensive because Corr knows that it is not Dr. Burton's name and the witness perceives it as a reference to "slave days."

Yet another African American witness reports that the witness does not perceive Respondent Corr's use of "Shelia Louise" when calling for Dr. Burton as racially-motivated but, rather, Corr's way of being friendly.

A final African American witness does not view Corr's use of the name "Shelia Louise" as derogatory and explains that Dr. Burton laughs about it.

A Caucasian witness describes Respondent Corr's use of "Shelia Louise" to call Dr. Burton as embarrassing but not racially insensitive. The witness characterizes Respondent Corr's conduct

of loudly calling for people on the sixth floor using first names and nicknames as unprofessional and disruptive.

When presented with the open question of whether Respondent Corr engages in racially-insensitive or race-based behavior, two African American witnesses respond that Corr adopts a colloquial pattern of speech with them in private discussions. One of those witnesses describes it as "black talk," "ebonics," and "sister talk." A third African American witness confirms this. A fourth African American witness responds that subordinate employees refer to Respondent Corr as "ghetto" due to her speech and conduct. The fourth witness does not believe that Corr intends her speech and conduct to have a racial or derogatory connotation. A Caucasian witness says that Corr uses "street phrases" and "ghetto speak" in District meetings and that it embarrasses the witness. These are the only references to racially-based conduct described by witnesses in the investigation of Complainant's allegations.

**Findings:** Board Policy AC/ACA/ACAA/ACB prohibits race-based harassment and broadly defines harassment as "intimidation by threats of or actual physical violence; the creation, by whatever means, including the use of electronic communications devices, of a climate of hostility or intimidation; or *the use of language, conduct or symbols in such a manner as to be commonly understood to convey hatred, contempt or prejudice or to have the effect of insulting or stigmatizing an individual.*" (emphasis added) Board Policy does not require that conduct be unwelcome for it to be deemed harassment.

The evidence demonstrates that Respondent Corr calls employees of all races nicknames and by their first names and that Respondent calls Dr. Burton "Shelia Louise" even though Corr knows that is not Dr. Burton's name. Despite the evidence that Complainant and two other African American employees view Corr's use of the name "Shelia Louise" as offensive, there is no evidence that any person has told Respondent Corr that the conduct is offensive to them. Moreover, Dr. Burton does not find the conduct offensive. Regardless, this investigation reveals that at least some African Americans commonly understand Corr's use of the incorrect name for Dr. Burton to convey prejudice or to have the effect of insulting or stigmatizing an individual as they have sufficient reason to consider it a reference to slavery. Other African American employees do not view the conduct as conveying prejudice or having the effect of insulting or stigmatizing an individual. Therefore, Respondent Corr's use of the name with reference to Dr. Burton is, viewed most favorably, racially-insensitive conduct or, viewed otherwise, race-based harassment prohibited by Board Policy. Corr's resort to what African American witnesses describe as colloquial "black talk" in private meetings with them is racially-insensitive or race-based conduct that is directed at them and has the effect of insulting or stigmatizing them and, thus, violates Board policy. There is no evidence that they have asked Respondent Corr to alter her conduct.

Respondent Corr may be unaware of the effects her use of the name "Shelia Louise" and her manner of speaking are having on District employees. This Compliance Officer recommends that, as a result of Corr's violations of Board policy, the Board take such action as it deems

appropriate to cause Corr to cease referring to Dr. Burton by an incorrect name and to cause Corr to cease engaging in colloquial speech directed at African American employees.

*5) Since March 2017, Respondent Corr has commented on Complainant's attendance in a critical manner even though Complainant's absences have been approved by Corr (National Leadership Academy (CAO Academy paid for by DPS); National Superintendents Academy at Complainant's expense). Between September 1, 2016 and June 2017, Complainant had used 2 or 3 sick days, five vacation days, and all five personal days with five of those days attributable to the Academy.*

Complainant submits documentation showing that the superintendent training consisted of five two-day sessions (February 2-3, 2017; March 2-3, 2017; April 6-7, 2017; May 4-5, 2017; and June 8-9, 2017) held in San Francisco, California.

Respondent Corr states that she approved Complainant's request to attend chief academic officer ("CAO") training presented by Atlantic Research at a cost of \$10,000 and allowed her eight days' leave to attend it because Complainant had not previously been a CAO. Respondent Corr states that Complainant then requested to attend superintendent training presented by the same group. Corr says that she approved eight days' leave for Complainant to attend the superintendent training but that Complainant was required to pay for the training out of pocket. Respondent Corr states that Complainant was out of the District over 60 days during the 2016-17 school year due to sick leave, vacation leave, personal days, and unpaid leave days. She explains that it "became an issue" and that sixty days is "a lot" to be away from the District.

Respondent presented documentation from the period of late April 2017 through July 2017 showing ongoing communications between herself and Complainant regarding the entry of Complainant's absence in the District's system. One document, an absence request Complainant submitted on April 30, 2017 for a planned absence to the Central College Board of Trustees retreat and meeting June 14-16, 2017, was denied by Respondent on May 5, 2017 with the notation "You have been to many conferences and Board meetings. I cannot approve this as your current days away from the work have been excessive." In an email dated June 13, 2017, Absence records Respondent submitted as evidence and dated June 7, 2017 show that Complainant used or intended to use ten approved vacation days, sixteen approved "justifiable absence" days (with four requested days disapproved by Corr and five submitted days cancelled by Complainant), five approved sick days (with one submitted day cancelled by Complainant) during the period of September 2016 through July 2017. These records reflect a total of forty-one requested days and thirty-one actual days of absence. These records do not reflect Complainant's six additional absences to attend superintendent training on April 6-7, May 4-5, and June 8-9.

A witness confirms that Respondent Corr did watch Complainant's attendance closely but adds that Complainant was absent for more out of district conferences and travel than other Central Office administrators. The witness states that, although Corr approved Complainant's travel to conferences and attendance at trainings, Corr expressed concern about the frequency of

Complainant's travel. The witness explains that Corr would check Complainant's absence requests to determine whether she had approved an absence.

A witness who is familiar with the District's electronic absence submission and tracking system explains that the system must be used for any absence from the District, regardless of the reason underlying the absence. The witness states that Respondent Corr asked where Complainant was at different times and that the witness would consult the attendance system and inform Corr whether she had previously approved the absence. The witness states that Respondent Corr was not critical of other employees' attendance but adds that Complainant was absent from the District more than any other person.

A separate witness confirms that Respondent Corr began stating concerns about Complainant's absences in connection with Complainant's attendance at the second training she attended (superintendent training), beginning in February or March of 2017. The witness reports that Complainant was gone "a lot."

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr was critical of Complainant's attendance because of her race. The evidence reveals that Complainant was absent from the District more than any other Central Office administrator. Corr, however, approved Complainant's requests for CAO and superintendent training, and those absences should not have been subject to questioning once Corr approved them. Regardless, as superintendent, Corr had non-discriminatory reason to review Complainant's attendance and deny Complainant's requests for additional leave, as appropriate.

6) *On March 1, 2017, Corr sent Complainant a notice of an open superintendent position. Complainant felt like Corr was pushing her out the door.*

Complainant submits documentation showing that Respondent Corr forwarded her a posting for a superintendent position in the Loudonville-Perrysville Exempted Village School District on March 1, 2017.

Respondent confirms that she did send Complainant notice of a posting for a superintendent position because Complainant wanted to attend a superintendent academy and expressed a desire to be a superintendent. Corr believes she was helping Complainant. She also states that she has sent notices of postings to other employees at other places and that she would do the same for any Central Office administrator who said they wanted to be a superintendent.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr sent the posting to Complainant because of her race. Corr sent the notice to Complainant after Corr was aware of Complainant's request to attend superintendent training presented by Atlantic Research and after Complainant's attendance at that training had commenced.

7) Respondent Corr accused Complainant of "working in a silo." Corr declined Complainant's requests to meet each week, so Complainant wrote bi-weekly updates to Corr. Thereafter, Corr repeatedly told Complainant she had no knowledge of various issues even though they were in Complainant's bi-weekly reports to Corr.

Complainant states that Respondent Corr rebuffed or cancelled her requests to meet and that, as a result, Complainant submitted memoranda and documentation to Respondent Corr in an effort to inform her about the activities of the department and bring issues to Corr's attention. Complainant submitted several examples of such documentation, which Complainant began submitting in late fall and continued to submit throughout the school year. Complainant explains that Respondent Corr stated that she was not aware of issues even though they were addressed in memoranda Complainant previously submitted to her. In a March 10, 2017 email from Respondent Corr to Complainant, Corr states: "The CAO office and the special education office work in silos and it is not effective..."

Respondent admits that she uses "silo" all the time. Corr states that she requested the bi-weekly updates she received from Complainant and that she requested the same from Dr. Burton and Dr. Lolli. Respondent Corr explains that, as Superintendent, she wanted to be "in the loop" on decision making and that Complainant was the only Central Office administrator who would not involve Corr in her decision-making process before making a decision. She explains that she never had to wonder what was happening in Dr. Burton's department or Dr. Lolli's department as they would talk and invite Corr to meetings. Corr states that, instead of respecting Corr and following Corr's direction, Complainant did her own thing. Corr states that is why she did not have knowledge about different issues with which Complainant was involved.

Witnesses consistently state that Respondent Corr uses the phrase "works in a silo" or "is in a silo" regularly and with regard to nearly every Central Office administrative employee.

A witness confirms that Respondent Corr used the phrase directly in relation to Complainant and Complainant's subordinates, Dr. Roberson and Ms. Hayden.

Another witness confirms that Respondent Corr uses the phrase "working in a silo" often and explains that "everyone is in a silo according to the Superintendent," including Drs. Burton and Lolli.

Another witness confirms that Respondent Corr uses the phrase "working in a silo" a lot and characterizes it as a catch phrase of Respondent Corr.

Witnesses of various races also report that Respondent Corr makes statements to them that ignore information they have already provided her.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr uses the phrase "working in a silo" with regard to

Complainant because of her race. Corr's explanation indicates the importance she places on being involved in decisional processes within the District and that her use of the phrase communicates when she does not believe she is being included in those processes. The evidence further demonstrates that Corr's frequent and indiscriminate use of the phrase reveals that she does not believe she is being involved in decisional processes with Central Office employees who are both Caucasian and African American.

8) *Respondent Corr sends Complainant brusque, hostile and offensive email communications which are often "not founded in truth."*

Complainant presents communications regarding the building athletic directors as head coaches issue, the scheduling of meetings, Complainant's job duties, Complainant's absences, and trainings.

Respondent denies Complainant's allegations and points to the content of her emails to Complainant, which thank Complainant and communicate information to her. Respondent states that she addresses Drs. Burton and Lolli the same way.

A Caucasian witness states that Respondent Corr's email communications are terse and to the point. The witness does not interpret the communications as hostile but views some as unprofessional.

Another Caucasian witness describes Respondent Corr's email communications as short and not professional.

Yet another Caucasian witness describes Respondent Corr's emails as "curt," "off the cuff," and "not thought out."

A final Caucasian witness states that Respondent Corr's emails to the witness are usually "one word."

One African American witness describes Respondent Corr's email communications as unprofessional and uninformed. This witness characterizes Corr's responses as quick and without thought.

Four African American witnesses view Respondent Corr's email communications as generally short and abrupt.

Both African American and Caucasian witnesses remark that the brevity of Respondent Corr's emails are consistent with her overall communication style.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Corr's manner of emailing Complainant was because of her race. Instead, the evidence demonstrates that Respondent Corr's overall style is direct and that

she communicated with all employees in that manner. A review of emails submitted by Complainant reveals that Complainant's communication style is more thorough and that Complainant comprehensively addresses an issue in her written communications. It appears that Complainant expected Respondent to communicate with her in the same manner in which Complainant communicates with Corr and others, and Corr did not.

**Complainant makes the following allegations against Respondent Lolli:**

*1) In or about mid-October 2016, and in a meeting concerning the Board's planned reduction in force, Complainant verbally noted to Respondent Lolli that "it looks like you're getting rid of all the black folks." Lolli responded by looking at Complainant, smirking, and stating: "No, I'm actually not. There's only one black woman I'm trying to get rid of." Dr. Burton was present when the statement was made.*

Respondent Lolli does not recall the alleged conversation. Lolli states that if the alleged statement was made, it would have related to the issue of which Title I employee to reduce as part of the planned reduction in force. She explains that one employee under consideration was African American. Regardless, Lolli does not recall saying it and denies that she would have used the phrase "black woman." Lolli further states that she "wouldn't smirk about a RIF." Lolli adds that she and Complainant were friendly colleagues in October and that it wasn't until November that their relationship began to deteriorate.

A witness states that Respondent Lolli "could have said that" but does not recall a statement directed toward Complainant. The witness states that the meeting attendees were discussing which employees would be reduced and that the employees subject to potential reduction included Caucasian and African American employees. After additional contemplation, the witness states that Lolli was not talking about Complainant and emphasizes, "Never."

An African American witness shares that Respondent Lolli has stated her intolerance of racially-based comments.

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Lolli directed a statement to Complainant or that Lolli made the statement to Complainant because of her race. The evidence does reveal that it is more likely than not that Respondent Lolli made a remark concerning the reduction of a black female employee in the context of the meeting. However, the statement was not directed at Complainant. The witness' emphatic denial that Respondent Lolli would direct the comment to Complainant also lessens the likelihood that Lolli directed a smirk or other joking expression to Complainant.

*2) Respondent Lolli has stated that Dr. Roberson "works in a silo." Complainant has not heard Lolli make similar complaints about Caucasian employees.*

Respondent Lolli wholly denies Complainant's allegation, stating that she would not use the term "silo" unless it was in reference to a farm. Lolli reports that Superintendent Corr regularly uses the phrase "working in a silo."

One African American witness states that the witness has heard Respondent Lolli say "working in a silo" but that it is mostly said by Superintendent Corr. The witness adds that Corr uses the phrase to describe Dr. Roberson but does not similarly attribute that use to Respondent Lolli.

No other witnesses report Respondent Lolli using the phrase "working in a silo."

**Findings:** The evidence adduced in the investigation does not demonstrate by a preponderance of the evidence that Respondent Lolli stated that Dr. Roberson works in a silo and fails to demonstrate that Lolli made any such statement because of an employee's race.

### **Conclusion:**

The Compliance Officer has evaluated all of the evidence in relation to Complainant's allegations, as summarized above.

Complainant has asserted numerous allegations against Respondents. To find a violation of Policy AC/ACA/ACAA/ACB and Regulation AC-R-1, each of the following must be demonstrated by a preponderance of the evidence: 1) that the alleged conduct occurred; 2) that the alleged conduct occurred because of (on the basis of) an individual's race or color; and 3) that the alleged conduct constitutes discrimination or harassment that violates Board Policy AC/ACA/ACAA/ACB and/or Regulation AC-R-1. Conduct that is directed both toward African American employees and Caucasian employees or also employees of other races, as summarized in the majority of instances catalogued in this Report, is not conduct occurring because of an individual's race or color even though it may be viewed as inappropriate or offensive.

It is the Compliance Officer's conclusion that Respondent Lolli has not engaged in a violation of Board Policy AC/ACA/ACAA/ACB or Board Regulation AC-R-1 as the preponderance of the evidence does not demonstrate that Respondent Lolli engaged in action on the basis of Complainant's race or color.

It is the Compliance Officer's conclusion that Respondent Corr has engaged in a violation of Board Policy AC/ACA/ACAA/ACB and Board Regulation AC-R-1 as set forth in the Findings and Recommendation to Item 4, above, as Respondent Corr has used language, conduct or symbols in such a manner as to be commonly understood to convey hatred, contempt or prejudice or to have the effect of insulting or stigmatizing an African American individual. The Compliance Officer recommends that the Board of Education take such action as is necessary to cause Respondent Corr to cease referring to Dr. Burton by an incorrect name and to cause Corr to cease engaging in colloquial speech directed at African American employees. Such action

should include, but is not limited to, mandated policy training and review of the District's harassment policies.