

BLUE LLP

Investigation of the Use of Racial Slurs at Pender High School

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Prepared for the Pender County Board of Education

PRIVILEGED AND CONFIDENTIAL

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I. EXECUTIVE SUMMARY

On June 12, 2020, the Pender County Board of Education (the “Board”) engaged our law firm to conduct an independent investigation of certain allegations posted on social media by a current staff member at Pender High School (“PHS”) concerning comments regarding race allegedly made by staff at PHS. The Board asked us to determine whether the comments were made, all circumstances involving these or any other related racial comments, and whether they were directed towards students or staff. In so doing, the Board also tasked us with advising whether there have been violations of Board policy, law, or professional standards, and also to evaluate whether steps taken by the administration to address the issues that are the subject of the investigation were sufficient. Our mandate has been to “conduct, as quickly as possible, a thorough, efficient, and complete investigation without compromising the integrity of the investigation for any reason.” We have worked in pursuit of these objectives, and this report contains our findings and analysis to date.

In conducting this investigation, we have surveyed myriad laws, regulations, and Board policies; reviewed several documents; conducted comprehensive witness interviews (while also attempting unsuccessfully to interview other witnesses); and attempted to organize and present facts in a manner that will allow the Board to more fully evaluate what has occurred. In light of the foregoing, we can report the following undisputed facts.

In October 2018, on the first day students returned to PHS in the aftermath of Hurricane Florence, several PHS students were involved in a large, chaotic fight. In the course of investigating the fight, PHS’s then-new principal, Caroline Godwin, interviewed some of the students who had participated in the fight. She was unfamiliar with some of them because she had just started working at the school. She used a notepad to document the students who were involved, and wrote the phrase, “my’ niggers[,]” in the left margin of the page. Ms. Godwin does not dispute writing the phrase in her notes, but maintains that she used it to document how at least one student repeatedly referred to friends who had been attacked. Assistant Principal Jack Poulos corroborated Ms. Godwin’s description of the student’s language. Ms. Godwin kept the notes in her files in her office. This investigation has not yielded any evidence that the notes were provided to or shared with any student. We also have not been made aware of any evidence that Ms. Godwin ever verbalized the term privately or in the presence of students.

In a separate incident, on October 10, 2019, Karen McGowen, a PHS English teacher of approximately twenty years, said “nigger” or “nigga” in comments directed toward a student.¹ Ms. McGowen claims that the student had been using the word when speaking with other students after class had started. Evidence obtained supports a finding that Ms.

¹ For purposes of this investigation, whether she said the word ending in “a” or “er” is immaterial.

McGowen told the student to stop using the word, and she repeated it when doing so. The class was full of students and other students heard Ms. McGowen say the word.

Moments later, Ms. McGowen again repeated the term when she recounted some of the events from the class with her colleague and former student, Sararesa Hudson. Ms. McGowen said the word in Ms. Hudson's office while a student was present, and Ms. McGowen was aware of the student's presence. Both instances of Ms. McGowan's use of the slur were reported to school administration. PHS Assistant Principal Shanika Mack immediately commenced an investigation and consulted with both Principal Godwin and Chief Officer for Human Resources for Pender County Schools ("PCS"), Dr. ~~Alfreida Mack~~ Moore. The investigation was concluded on October 15, 2019, and administration issued Ms. McGowen a letter of reprimand for what they determined to be a violation of the Standards of Professional Conduct for NC Educators.

Finally, on June 8, 2020, PHS teacher and men's basketball coach Rayford Hankins posted two images of documents that contain the word "nigger" on social media websites. The first document is similar to the notes generated by Ms. Godwin in October 2018. The documents, however, are not identical. In particular, the original document has the word "my" written in quotation marks above the slur that appears in the margin. Additionally, a student's name appears on the social media posting that does not appear on Ms. Godwin's notes. Ms. Godwin denied altering the original document. Likewise, while Mr. Hankins declined to disclose how and when he received the notes, he also denied altering the document and further stated during his interview that the document that he published is the only version of the notes that he has seen. Mr. Hankins stated that before he published the notes online, he reported the presence of the slur in them to a person who he would not identify, but who he believed to be the proper person to receive such a report. Because Mr. Hankins would not identify that person, however, we could not corroborate this claim.

The second document that Mr. Hankins posted is an e-mail version of a statement that Ms. Hudson later provided to Ms. Mack during Ms. Mack's investigation of Ms. McGowen's use of the slur. Ms. Hudson e-mailed the statement to Mr. Hankins on or about October 11, 2019. Mr. Hankins redacted students' last names that appear in both documents that he published on social media websites.

Based on the foregoing findings of fact, we have concluded the following. First, Ms. Godwin did not violate the Standards of Professional Conduct or any Board policy in writing her notes. Second, PCS's investigation of the circumstances concerning Ms. Godwin's notes was and has been sufficient. Third, Ms. McGowen violated the Standards of Professional Conduct and Board Policy 1710-4021-7230 when she said a racial slur in the presence of students. Fourth, the administration's investigation of the complaint against Ms. McGowen was not fully compliant with Board Policy 1720-4015-7225. Fifth, Mr. Hankins' posting of the two images of documents containing racial slurs on social media websites did not violated Board Policy 7335 (Employee Use of Social Media).

II. INVESTIGATIVE PLAN

We developed our plan for this investigation in a manner that is consistent with how we routinely engage in fact development for internal corporate or nonprofit investigations, potential litigation, and ongoing litigation. For this engagement, our primary focus – and challenge – has been to expedite completion in light of intense public interest and the looming academic year without sacrificing thoroughness. Our process has been as follows.

A. Define Scope of Investigation

Our first task was to define the scope of the investigation. As noted above, and in fairly broad terms, we have been tasked with investigating certain allegations posted on social media by a current staff member at PHS concerning comments regarding race allegedly made by staff at PHS, determining whether the comments were made, investigating all circumstances involving these or any other related racial comments, and determining whether the comments were directed towards staff or students.

We understood this to involve determining whether any PCS employees at PHS have used the racial slurs alleged and the context in which the offensive language was used. In determining whether any event in the series of occurrences preceding our engagement violated any law, regulation, or board policy, we considered the instances of the alleged use of the terms themselves, and whether and how the alleged uses were addressed.

We acknowledge that an investigation such as this one easily can lend itself toward being unreasonably prolonged or open-ended, particularly where we have been tasked with determining “all circumstances involving these or other related racial comments[.]” As explained below, some questions remain unanswered. However, prolonging the investigation to obtain information that is not directly related to specific individuals’ use of racial slurs would yield marginal benefits in the context of our broader tasks. Thus, while we present these findings and acknowledge that some additional information would be helpful, we have obtained enough information to fulfil our primary investigative goals – to determine who used racial slurs and in what context, and how those incidents were addressed.

B. Identify Applicable Law

Our next step was to identify the most applicable laws, regulations, and/or Board Policies that might inform our investigation. We identified the following.²

² Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, prohibits intentional discrimination “on the ground or race, color, or national origin” *Alexander v. Sandoval*, 532 U.S. 275. Administrative investigation and enforcement of Title VI in public school settings generally is conducted by the U.S. Department of Education’s Office of Civil Rights. In our view, a complete and thorough Title VI investigation involves the assembly of

1. Standards of Professional Conduct, 16 NCAC 06C .0602

The Standards of Professional Conduct state, in relevant part:

(a) The standards listed in this Section shall be generally accepted for the education profession and shall be the basis for State Board review of performance of professional educators. These standards shall establish mandatory prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and disciplinary action by the SBE or LEA.

(b) Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional act or omission that violates these standards is prohibited.

(1) Generally recognized professional standards. The educator shall practice the professional standards of federal, state, and local governing bodies.

(2) Personal conduct. The educator shall serve as a positive role model for students, parents, and the community. Because the educator is entrusted with the care and education of small children and adolescents, the educator shall demonstrate a high standard of personal character and conduct.

(3) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties including the following: . . .

(G) submission of information in the course of an official inquiry by the employing LEA or the SBE related to facts of unprofessional conduct, provided, however, that an educator shall be given adequate notice of the allegations and may be represented by legal counsel;

* * *

far more data and information than what is required here. Thus, we have not undertaken such a review.

(5) Conduct with students. The educator shall treat all students with respect. The educator shall not commit any abusive act . . . in the presence of a student . . . as defined below: (A) any use of language that is considered profane, vulgar, or demeaning[.] . . .

(6) Confidential information. The educator shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others.

2. Prohibition Against Discrimination, Harassment, and Bullying, Board Policy 1710-4021-7230

The Prohibition Against Discrimination, Harassment, and Bullying states, in relevant part:

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, color, national origin, sex, disability or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities or programs.

In proscribing discrimination, harassment, and bullying, the Prohibition states that school system employees “are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment and bullying. . . . Employees are expected to comply with board policy and school system regulations.” Further, “[a]ny violation of this policy is serious, and school officials shall promptly take appropriate action.” “Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal.”

When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide or school system-wide response is necessary. Such classroom, school-wide or school system-wide responses may include staff training, harassment and bullying prevention programs and other measures deemed appropriate by the superintendent to address the behavior.

Under the policy, discrimination “means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race Discrimination may be intentional or unintentional.” “Harassment or bullying behavior is any pattern of gestures or written, electronic or verbal communications . . . that . . . creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities or benefits.” Additionally,

“Hostile environment” means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

“Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name calling and put-downs, epithets, [or] derogatory comments or slurs[.]”

School employees “are required to report any actual or suspected violations of this policy[.]” and all reports “should be made in accordance with policy 1720/4015/7225,” the Discrimination, Harassment and Bullying Complaint Procedure.

3. Discrimination, Harassment and Bullying Complaint Procedure, Board Policy 1720-4015-7225

Board Policy 1720-4015-7225 outlines the procedure for reporting and investigating allegations that an employee has violated Board Policy 1710-4021-7230. While any report made through the process set forth in the policy may be anonymous, mandatory employee reports cannot. To that end, “[a]ny employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed or bullied in violation of [Board Policy 1710-4021-7230] must report the offense immediately to an appropriate individual designated in subsection C.1.” “An employee who does not promptly report possible discrimination, harassment or bullying shall be subject to disciplinary action.” Subsection C.1.a. designates the principal or assistant principal of the school as the appropriate recipient of a complaint if the alleged perpetrator is an employee of that school. “School officials shall sufficiently investigate all reports of discrimination, harassment, or bullying, even if the alleged victim does not file a complaint or seek action by school officials, to understand what occurred and to determine whether further action under this policy or otherwise is necessary. School officials shall take such action as appropriate under the circumstances, regardless of the alleged victim’s willingness to cooperate.”

4. Staff Responsibilities, Board Policy 7300

Board Policy 7300 states, in relevant part, that all school employees shall: “1. be familiar with, support, comply with and, when appropriate, enforce board policies, administrative procedures, school rules and applicable laws; . . . 3. demonstrate integrity, respect and commitment to the truth through attitudes, behavior and communications with others; 4. address or appropriately direct any complaints concerning school employees, the school program or school operations; and 5. support and encourage good school-community relations in all interactions with students, parents and members of the community.”

5. Code of Ethics for Educators, Board Policies 7305 and 7305-R

Board Policy 7305 provides:

Employee conduct should reflect positively on the integrity and reputation of the employee and the school system. Each employee shall demonstrate the highest standards of honesty, integrity, and fairness when engaging in any activity concerning the school system, including in relationships with vendors, suppliers, students, parents, the public, and other employees. The Board will not tolerate deceit or insubordination. The Board does, however, understand that inadvertent errors may occur and that honest differences of opinion will exist.

Employees shall perform their jobs in a competent and ethical manner without violating the public trust or applicable policies, regulations, or laws, including NC State Board of Education Policy regarding the Code of Ethics for NC Educators. (See 7305-R Code of Ethics for Educators - R&P.) The absence of a specific policy, regulation, or law covering a particular situation does not relieve an employee from the responsibility to exercise the highest ethical standards at all times.

Board Policy 7305-R more specifically defines the standards of professional conduct for PCS educators. Among the obligations it enumerates are to: discipline students justly and fairly and not deliberately embarrass or humiliate them; participate actively in professional decision-making processes and support the expression of professional opinions and judgments by colleagues in decision-making processes or due process proceedings; practice the generally recognized professional standards of federal, state, and local governing bodies; and take action to remedy an observed violation of the Code of Ethics for North Carolina Educators and promote understanding of the principles of professional ethics.

6. Employee Use of Social Media, Board Policy 7335

Pursuant to the Board's social media policy, the Board "acknowledges that school employees may engage in the use of social media during their personal time. School employees who use social media for personal purposes must be mindful that they are responsible for their public conduct even when not acting in their capacities as school system employees." Moreover, "[t]he use of electronic media for communicating with students and parents is an extension of the employee's workplace responsibilities. Accordingly, the board expects employees to use professional judgment when using social media or other electronic communications."

Significantly, "[t]he [B]oard respects the right of employees to use social media as a medium of self-expression on their personal time. As role models for the school system's students, however, employees are responsible for their public conduct even when they are not performing their job duties as employees of the school system." Thus, "[e]mployees will be held to the same professional standards in their public use of social media and other electronic communications as they are for any other public conduct." "Further, school employees remain subject to applicable state and federal laws, board policies, administrative regulations and the Code of Ethics for North Carolina Educators, even if communicating with others concerning personal and private matters."

Section C of the social media policy specifically addresses content that may or may not be posted to a social media site. As relevant here:

1. Employees shall not post confidential information about students, employees or school system business. . . .
5. Employees shall be professional in all Internet postings related to or referencing the school system, students and other employees.
6. Employees shall not use profane [or] . . . indecent . . . language, pictures or graphics or other communication that could reasonably be anticipated to cause a substantial disruption to the school environment. . . .
9. Employees shall not use Internet postings to libel or defame the board, individual board members, students or other school employees. . . .
11. Employees shall not post inappropriate content that negatively impacts their ability to perform their jobs.

“Any employee who has been found by the superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal.” Additionally, the superintendent “shall establish and communicate to employees guidelines that are consistent with this policy.”

C. Preliminary Steps to Begin Investigation

After defining the scope of our investigation and then determining how best to contextualize it through the regulation and policies cited above, we reviewed potentially relevant documents that had been provided to us. We also requested additional documents during or following interviews that witnesses provided. In very broad terms, the documents reviewed included: handwritten employee notes, the social media posting, student statements, employee statements, letters, e-mails, instant messages, personnel documents, the PHS Staff Handbook, and the PCS Employee Handbook. For document management and identification purposes, we affixed Bates numbers to each document. All documents reviewed and/or referenced in this report have been provided.

D. Witness Interviews

After reviewing and organizing the documents we received, we identified potential witnesses. We interviewed the following³:

- Dr. Alfreida Moore, Chief Officer of Human Resources for PCS
Interviewed at PHS on June 24, 2020.
- Ms. Shanika Mack, Assistant Principal at PHS
Interviewed at PHS on June 24, 2020.
- Ms. Caroline Godwin, Principal at PHS
Interviewed at PHS on June 25, 2020.
- Mr. Jack Poulos, Assistant Principal at PHS
Interviewed at PHS on June 25, 2020.
- Ms. Karen McGowan, Teacher at PHS
Interviewed via videoconference on July 8, 2020.

³ A summary of each witness interview has been included in this report. We note that the interview summaries are exactly that – summaries. They are not verbatim transcripts of witness interviews.

- Dr. Steven Hill, Superintendent for PCS
Interviewed via videoconference on July 8, 2020.
- Mr. Rayford Hankins, Teacher at PHS
Interviewed via videoconference on July 30, 2020.
- Mr. Alex Riley, Communications Coordinator for PCS
Interviewed via videoconference on July 30, 2020.

We also requested interviews of certain additional fact witnesses by using the contact information that we received from PCS and/or PHS personnel. The following individuals either were non-responsive to our requests or could not be reached. They include:

- Ms. [REDACTED]
- Mr. [REDACTED]
- Ms. [REDACTED]
- Mr. [REDACTED]
- Ms. [REDACTED]

III. FINDINGS OF FACT⁴

A. Principal Caroline Godwin Wrote “Niggers” in the Margin of Her Notes in October 2018.

1. How the Notes Came to Exist

Caroline Godwin is the Principal of PHS. She has held that position since mid to late 2018. During the fall semester of 2018, PHS was required to close for several days as a result of Hurricane Florence. On the first day students returned to campus, on or about October 23, 2018, a massive, chaotic fight occurred. Law enforcement was involved and the fight resulted in the long-term suspension of some students.

After the fight was broken up, students were separated and interviewed. According to Ms. Godwin, administrators began their investigation by interviewing students who had been involved. Neither Ms. Godwin nor Assistant Principal Jack Poulos, who also recently had been hired, were familiar with some of the students involved.

As Ms. Godwin interviewed the students, she took notes on a legal pad. During her interview, she identified PCS00037 as an image of her original note. The left margin of the note contains the phrase “My Niggers[.]” She explained the note as follows. As she tried to identify the fight participants, one student, [REDACTED], repeatedly said that “‘my niggers’ and I were jumped.” She reported that the student was very excited and continued to repeat himself. Two other students, [REDACTED] and [REDACTED], also said that they had been “jumped,” and so she drew a bracket next to their names. Ms. Godwin stated that she did not repeat the student’s offensive language while interviewing him or anyone else.

When interviewed, Mr. Poulos said that he is familiar with [REDACTED]. He explained that the two have become close in the past year, and that [REDACTED] refers to his close friends in the manner reported by Ms. Godwin. When asked whether he had any specific memory of [REDACTED] using the phrase on the day of the fight, Mr. Poulos responded that he “feel[s] comfortable saying yes.” He also said that he has not ever heard Ms. Godwin use the slur, neither on the day of the fight nor since. He did, however, recall seeing her notes when they were written, but did not see them again until the social media posting. He saw the notes while he was in Ms. Godwin’s office. When asked whether Ms. Godwin used the slur in private to discuss what had been said, Mr. Poulos said, “I don’t think so[.]” and “I don’t recall her saying that.”

⁴ Unless otherwise noted, the description of specific events and statements attributed to particular witnesses are contained in the witness interview summaries attached in the appendices.

After interviewing Ms. Godwin and Mr. Poulos, we sought an interview of [REDACTED] to assess the accuracy of the accounts provided by Ms. Godwin and Mr. Poulos. As of the date of this report, we have not been successful in obtaining an interview. We also note that Mr. Hankins helped break up the October 2018 fight. During that time, he did not hear any teacher or administrator use racial slurs, but declined to answer whether any student reported to him that a teacher or administrator had used racial slurs during the fight or its investigation.

2. Investigation of Ms. Godwin's Notes

On June 8, 2020, Mr. Hankins published a version of Ms. Godwin's notes on social media websites. Alex Riley, Communications Coordinator for PCS, called Superintendent Hill and Ms. Godwin to alert them of the posts. Dr. Hill already had received notice from a Board member. During his interview, Mr. Poulos recounted being in Ms. Godwin's office for a non-specific reason and overhearing a telephone conversation between Ms. Godwin and Dr. Moore (on speakerphone). While Dr. Moore and Ms. Godwin were talking, Mr. Poulos says that he saw Ms. Godwin retrieve her notepad with the note from her files. He observed that the note on the pad and what had been posted on social media were different. He heard Ms. Godwin express the same to Dr. Moore. In particular, the word "My" appears above "Niggers" in the note Ms. Godwin claims to be the original. "My" does not appear on the social media posting. Additionally, the purported original note lists only seven students involved in the fight. The social media posting lists an eighth individual – [REDACTED] [last name redacted].

Ms. Godwin said during her interview that she took a picture of her original note.⁵ She said that she did not copy the note in physical or digital form. Dr. Moore told Ms. Godwin to bring the pad (and papers concerning Ms. McGowen, *see infra* Section III.B.) to her office.⁶ Mr. Poulos said during his interview that he did not observe Ms. Godwin alter her notepad in any way. Ms. Godwin also said that she did not alter her notes.

Dr. Hill, Dr. Moore, Mr. Riley, and Ms. Godwin subsequently met in Dr. Moore's office. Ms. Godwin recounted how the note came to exist, and provided information consistent with what she told us during her interview. Ms. Godwin also provided a handwritten statement describing the events of the day and her collection of relevant documents.⁷ She also gave Dr. Moore what she contended was the original note and documents concerning Ms. McGowen. Dr. Hill suggested that Dr. Moore and Ms. McGowen seal the note in a Ziplock bag, which they did. Dr. Moore and Ms. McGowen also signed a separate document reflecting the chain of custody for the note. Dr. Moore

⁵ *See* PCS00001.

⁶ Ms. Godwin also said that when she attempted to retrieve Karen McGowen's personnel file, it was empty.

⁷ *See* PCS00004.

signed her name on the seal and dated the same. During Dr. Moore's interview, she produced the sealed envelope, which remained sealed.⁸

B. Karen McGowen Said “Nigger” or “Nigga” on Two Separate Occasions – Once in a Classroom Full of Students and the Other in the Presence of a Student

1. Ms. McGowen's Use of the Word

Karen McGowen is a teacher at PHS, and has taught there for approximately 20 years. She teaches English for grades 9 through 12. In October 2019, her third period English 12 class ran from approximately 12:00 pm to 1:30 pm or 12:30 pm to 2:00 pm, depending on the day. The class began immediately after lunch, and typically had anywhere from 28 to 36 students. Roughly half of the students were black and half were white.

On October 10, 2019, after Ms. McGowan's class had started, she spent a period of time attempting to get the class under control. Her co-teacher, Carrie Falcone, had removed a student from the class for behavioral issues. According to Ms. McGowen, as she was attempting to gain control of the class a student, [REDACTED], was talking to students across the classroom, and in so doing, he repeatedly said the word “nigga.” Ms. McGowen explained during her interview that after attempting unsuccessfully to stop [REDACTED] from repeating the word, she said to him, “just stop saying nigga.” She recalls [REDACTED] responding by saying, “what did you say” and/or “what did you call me?” She reported that she knew immediately that she should not have used the word and that she knew [REDACTED] was upset because of his reaction. She claims that she responded by telling him that she did not call him the slur.

Ms. McGowen dismissed [REDACTED] from the classroom, although during her interview she did not recall doing so. Documents we have reviewed, however, and two of which were authored by Ms. McGowen, confirm that [REDACTED] was, in fact, dismissed from class.⁹

⁸ See PCS00037-38.

⁹ See e.g. PCS00016 (e-mail from Ms. McGowen to [REDACTED] ([REDACTED]'s mother) informing her that she sent [REDACTED] to in school suspension); PCS00019 (statement from Sararesa Hudson reporting that McGowen told her that she had sent “[REDACTED]” out of class); PCS00035 (instant message from McGowen to Poulos stating she had dismissed “[REDACTED]” from class); PCS00008-9 (student statements stating that McGowen dismissed [REDACTED] from class).

Shortly thereafter, Sararesa Hudson¹⁰ sent Ms. McGowen an instant message informing her that one of McGowen's students, ██████████, was in her office.¹¹ Ms. McGowen went to Ms. Hudson's office. While there, and in ██████████'s presence, Ms. McGowen said during a conversation with Ms. Hudson that she did not understand why kids (or ██████████) use the slur and get upset or angry when it is repeated to them (or him).¹² Ms. McGowen does not dispute that she said "nigga" in Ms. Hudson's office while a student was present.

At 1:19 p.m on October 10, Ms. McGowen sent an e-mail to ██████████, ██████████' mother, recounting McGowen's version of what had happened in class.¹³ Ms. McGowen did not tell ██████████ that she had used offensive language. ██████████ wrote back, "[h]e actually just sent me a message saying that you called him a nigga. I told him that I do not believe that and he was probably saying the word and you asked him to stop using it!" Ms. McGowen responded, "yes, that is exactly what happened."

After class, Ms. McGowen went to the school's front office, and reported the incident to Mr. Poulos. Mr. Poulos recalled skimming a note written by ██████████ about the incident that had been left in his office. ██████████ wrote, in relevant part, "I'm in class talking to my folks & we talking how we talk not even loud but Ms. McGowen says out loud Im tired of the word Nigger wit a hard R & I was wrong for how I delt with but at the same time no white person now ah days should ever come out dey mouth with that word as a teacher should've said I don't want to hear the N word but she said whole word and more[.]" ██████████ also wrote, "It's not cool or ok in any type of shape or form. I felt threatened[.]"¹⁴ Mr. Poulos referred the matter to Ms. Mack due to time constraints and other duties. Ms. Mack read the note and determined that administration needed to address the matter.

¹⁰ Ms. Hudson is a Student Support Specialist for Pender High School, and was employed at the time by Communities in Schools of Cape Fear.

¹¹ During her interview, Ms. McGowen was unsure how she learned that ██████████ was in Ms. Hudson's office. She appears to have learned through instant message. *See* PCS00026.

¹² During her interview, Ms. McGowen referred to kids generally becoming upset. In her statement, however, Ms. Hudson wrote that Ms. McGowen was referring specifically to ██████████. *See* PCS00019.

¹³ Ms. McGowen said during her interview that she called ██████████ after class, and then sent the e-mail to follow-up. The e-mail exchange is at PCS00015-16.

¹⁴ *See* PCS00011.

2. Administration's Response to Ms. McGowen's Reported Use of the Word

After reviewing ██████████'s note, Ms. Mack immediately reported the matter to Principal Godwin and inquired about how to proceed with an investigation. During her interview, Ms. Mack recalled telling Ms. Godwin that the substance of ██████████'s allegation against Ms. McGowen was highly offensive, and Ms. Godwin responded by also stating that the matter needed to be investigated. Ms. Godwin directed Ms. Mack to begin collecting student statements to document what had happened. She also directed her to meet with Ms. McGowen later in the day.

For her part, Ms. Godwin recalled Ms. Mack stating that the slur that had been used should never be used. Ms. Godwin also said during her interview that she wanted Ms. Mack to conduct as much of the investigation as she felt comfortable doing. She recognized that Ms. Mack was concerned and discontent, but also wanted to make sure that the investigation was fair and all the information gathered was correct. Ms. Godwin informed Dr. Alfreida Moore the same day, and told her that Ms. Mack would send her student statements.

Ms. Mack reviewed the roster for Ms. McGowen's class to determine which students to interview. She identified students who she thought would be objective, and determined which of those students were present that day. Ms. Mack interviewed the students individually to document their view of the events. She asked those students to write down or let her know about what they had witnessed.¹⁵ Ms. Mack also asked Ms. Hudson for a statement.¹⁶ Ms. Hudson provided a statement, and in so doing, also expressed concern to Ms. Mack about potentially being the subject of retaliation.¹⁷

The same day of the incident, Ms. Mack and Mr. Poulos met with Ms. McGowen about the allegations. Ms. Mack stated during her interview that she asked Ms. McGowen to recount the incident. Ms. McGowen's immediate response was something to the effect of, "I don't see the point of this; the students were being rowdy," and she commented that she did not have anything to say about it. Ms. Mack told her that they would be back in touch because they were still investigating and collecting statements from students. Later in the interview, Ms. Mack confirmed that the document stamped PCS00018 is a copy of her notes from the meeting with Ms. McGowen on October 10, 2019. Ms. Mack also wrote a letter to Dr. Moore documenting the meeting.¹⁸ Ms. Mack faxed the letter and the student statements that she had obtained to Dr. Moore on October 11. In the letter, Ms. Mack wrote that Ms. McGowen said the following during her meeting with Ms. Mack and Mr. Poulos: "I . . . told

¹⁵ See PCS00005-10.

¹⁶ See PCS00019.

¹⁷ See PCS00022.

¹⁸ See PCS00014.

the student, ‘Stop saying the word Nigger,’ It makes me uncomfortable and the students in this class as well. I figured if he said it, it was ok for me to say it.”

After the meeting, Ms. McGowen sent an e-mail to Ms. Godwin, Ms. Mack, and Mr. Poulos, forwarding the e-mail that she previously sent to [REDACTED], [REDACTED]’s mother. She later printed a copy of the e-mail and wrote on it, “I told [REDACTED] to stop saying ‘nigga’ in class on 10-10-19.” Ms. McGowen provided the e-mail and the above-referenced signed statement to administrators.

Administrators next met with Ms. McGowen on October 15, 2020. Ms. Mack lead the meeting and both read and presented a letter of reprimand to her. Dr. Moore previously had reviewed the letter. The letter states, in part:

This letter is to address actions that took place last week and were discussed with administration. On October 10, 2019, there was a student statement which reported your use of the racial slur, ‘Nigger’ in your classroom in response to a student’s disruptive behavior. It was reported that a student was utilizing the slur with other peers and you requested he stop using it by repeating the phrase. . . . Witness statements explained how uncomfortable and demeaning the witnesses felt when you utilized the slur in the classroom and in a private office. . . . Please be advised that the use of derogatory racial slurs repeated in front of students in a classroom is not acceptable behavior and will not be tolerated.

The letter cites the Standards of Professional Conduct as prohibiting the use of any language that is considered “profane, vulgar or demeaning” in the presence of a student.

Ms. McGowen refused to sign the letter. She explained during her interview that she wanted the letter to reflect that she said “nigga” and not “nigger.” She considers the former to be slang and the latter to be a slur. She also did not want the letter to imply that she had called [REDACTED] a slur. Finally, she wanted the full e-mail exchange with [REDACTED] to be considered as part of her statement, not just the handwriting on the e-mail that she had printed.

At Dr. Moore’s instruction, administrators added an addendum to document Ms. McGowen’s refusal to sign the letter. The substance of the letter remained unaltered, and the final version was placed in Ms. McGowen’s personnel file at PHS.¹⁹

¹⁹ From a legal standpoint, the distinction as to whether the letter of reprimand was kept in the personnel file or sent to the Central Office is inapposite. Pursuant to N.C. Gen. Stat § 115C-319, “a personnel file consists of any information gathered by the local board of education which employs an individual, previously employed an individual, or considered an

C. Rayford Hankins Posted Two Images of Documents that Contain the Word, “Nigger,” on Social Media Websites.

On June 8, 2020, PHS teacher Rayford Hankins posted on social media two images of documents that contain the word, “nigger.”²⁰ The first is an image of a version of Ms. Godwin’s note concerning the October 2018 fight. The second is an e-mail that he received from Sararesa Hudson and which contained an identical copy of the statement that Ms. Hudson provided to Ms. Mack during the administration’s investigation of Ms. McGowen.²¹ Mr. Hankins said during his interview that he redacted students’ last names in both documents. He also said that he posted the documents to “bring light to discrimination” at PHS. In addition to posting the images on social media, Mr. Hankins wrote, “[i]t always has been a hush hush environment to work in, not anymore. Who am I to keep quiet? The people would love to hear your excuses. Pender County Schools[.]”

Mr. Hankins would not disclose how he came to possess a physical or digital copy of the version of Ms. Godwin’s notes that he posted. He did state, however, that he has not ever seen any other version of the notes other than what he posted online.²² He also said that other than redacting student names, he did not alter the documents in any other way. Lastly, Mr. Hankins said during his interview that he orally reported the use of the slur in Ms. Godwin’s notes to someone at the county level. When asked to clarify whether he reported the notes to someone in the Central Office or the Superintendent’s office, his attorney stated that Mr. Hankins reported the issue to a person who he believed to be the proper official and that nothing was done in response. Mr. Hankins did not disclose to whom he made the report. Without that information, we cannot determine whether any specific person received the report and failed to act because we do not know who that person is.

individual’s application for employment, and which information relates to the individual’s application, selection or nonselection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment wherever located or in whatever form.” (Emphasis added).

²⁰ See PCS00002.

²¹ *Id.*

²² Though not the focus of this investigation, how Mr. Hankins received the notes is relevant to (1) whether any student ever had access to them, and (2) whether the notes (or what was presented as the original) were altered in any way to minimize or inflame the significance of the racial slur written in the margin of the notes. These questions remain unanswered.

IV. CONCLUSIONS

As noted in Section II.B above, the series of events preceding this investigation implicates a number of regulations and Board policies. In light of the facts obtained to date and applicable regulations and policies, we conclude as follows.

A. Ms. Godwin Did Not Violate the Standards of Professional Conduct or Any Board Policy in Writing Her Notes.

Ms. Godwin did not violate any regulation or Board policy in writing her notes from the October 2018 fight. No evidence suggests that she allowed any student to see them. Likewise, there is no evidence that she repeated the slur while interviewing students.²³ This is significant because the Standards of Professional Conduct for NC Educators, 16 NCAC 06C .0602(b)(5)(A), prohibits the use of any language that is considered “profane, vulgar, or demeaning” in the presence of a student. There is no evidence that Ms. Godwin has engaged in this sort of prohibited conduct. To be clear, we have reached this conclusion based on the absence of any evidence that Ms. Godwin referred to or characterized any student as a “nigger.” Had that been the case, whether the notes were private or not is inapposite. Referring to any student in this manner unquestionably would exhibit racial animus and be unacceptable.

Additionally, we observe that the slur is contained in several handwritten or typed documents generated by PHS employees that either are notes, informal communications, or official communications among adults to document with sufficient particularity actual or alleged uses of the word.²⁴ As is the case with Ms. Godwin’s notes, no evidence suggests that any of these documents or communications have been shared with students, and therefore they do not violate the Standards of Professional Conduct. Ms. Godwin’s notes should be construed in the same manner.

B. PCS’s Investigation of the Circumstances Concerning Ms. Godwin’s Notes Was Sufficient.

PCS’s investigation of the circumstances concerning Ms. Godwin’s notes was sufficient. Board Policy 7300, Staff Responsibilities, is most applicable. It states that all

²³ We note, again, that we attempted unsuccessfully to interview the student who allegedly used the slur that Ms. Godwin wrote to confirm (1) that he said it, and (2) that she did not repeat it.

²⁴ See e.g. PCS00014 (Mack letter to Dr. Moore); PCS00015 (McGowen statement to administrators); PCS00017 (Mack handwritten notes describing conversation with McGowen); PCS00018 (same); PCS00019 (Hudson statement to Mack); PCS00020 (McGowen Letter of Reprimand); PCS00022 (Mack statement); PCS00035 (McGowen instant message to Poulos).

school employees shall “address or appropriately direct any complaints concerning school employees, the school program or school operations[.]”²⁵

Immediately upon the publication of Ms. Godwin’s notes, PCS officials summoned her to Dr. Moore’s office, interviewed her, and took her statement. Within days, officials engaged our firm to investigate the circumstances surrounding the notes. We have presented our findings in this report.

C. Ms. McGowen Violated the Standards of Professional Conduct and Board Policy 1710-4021-7230.

We conclude that Ms. McGowen’s use of a racial slur on two separate occasions violated the Standards of Professional Conduct. Ms. McGowen admits that she said “nigga” on two separate occasions in the presence of students. The word was not used in any academic context and was repeated for the sole purpose of complaining about a student’s use of it. In context, the word’s use was “profane, vulgar, or demeaning[.]” especially where Ms. McGowen recognizes that she should not have used the word. Additionally, despite saying during her interview that she immediately knew that she should not have said the word to ██████████, moments after using it in the classroom, she again said the word while knowingly in the presence of another student. Multiple PCS witnesses agreed that repeating a slur, or any other inappropriate language, is not proper and is prohibited by the Standards of Professional Conduct. Thus, Ms. McGowen knew or should have known that repeating the slur was prohibited.

Ms. McGowen’s use of the slur also violated the Prohibition Against Discrimination, Harassment, and Bullying. As discussed in Section II.B.2, “[h]arassment or bullying behavior is any pattern of . . . verbal communications . . . that . . . creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities or benefits.” “Hostile environment’ means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.”

Importantly, ██████████ explained in his letter that he “felt threatened.” Additionally, in light of ██████████’s reaction and multiple PCS employees’ agreement

²⁵ Board Policy 1720-4015-7225, the Discrimination, Harassment and Bullying Complaint Procedure, also is not applicable because no person has alleged or provided any plausible evidence to suggest that Ms. Godwin used a slur to refer to students. Rather, the only evidence we have been provided is that her notes document how one particular student referred to other students involved in a fight.

that slur should not have been repeated in any context, it is reasonable to conclude that the conduct was “objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying.” Further, by dismissing ██████████ from class because of his response to what she said, the conduct “interfer[ed] with or impair[ed] a student’s educational performance, opportunities or benefits.” All employees have received notice that the use of a racial slur, particularly while addressing a student as Ms. McGowen did, potentially violates the Prohibition Against Discrimination, Harassment, and Bullying. The policy specifically states, “[e]xamples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name calling and put-downs, epithets, [or] derogatory comments or slurs[.]” Ms. McGowen’s successive recitation of the slur while knowingly in the presence of students falls within prohibited conduct under Policy 1710-4021-7230.

D. The Administration’s Investigation of the Complaint Against Ms. McGowen Was Not Fully Compliant With Board Policy 1720-4015-7225.

Although the administration’s investigation of ██████████’s complaint was substantial, it did not fully comply with Board Policy 1720-4015-7225, the Discrimination, Harassment and Bullying Complaint Procedure. The Policy requires the investigator to “interview all individuals who may have relevant information, including (1) the complainant; (2) the alleged perpetrator(s); (3) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, who may have relevant information. Although the administration responded promptly to ██████████’s complaint and took it seriously, no one interviewed ██████████ or had a substantive conversation with him about his allegations. *See* Board Policy 1720-4015-7225, Sec. D.2.a.

Additionally, to the extent the administration considered and determined that Board Policy 1720-4015-7225 was not violated, it did not inform the complainant ██████████ of the “investigator’s determination and the process for addressing the complaint[.]” *See id.*, Sec. D.2.b. Likewise, no information was provided to ██████████ as to whether the complaint was substantiated. *See id.*, Sec. D.3.a.

E. Mr. Hankins' Posting Did Not Violate Board Policy 7335

Rayford Hankins' June 8, 2020, posting of two images that contain the word "nigger" on social media websites did not violate Board Policy 7335, Employee Use of Social Media. In consideration of Sections C.1, 5, 6, 9, and 11, we observe the following.

First, with respect to Section C.1, Mr. Hankins redacted students' last names from the version of Ms. Godwin's notes that he published. He also redacted student names from the e-mail that he received from Ms. Hudson. Additionally, because he published the e-mail that he received from Ms. Hudson, and not any disciplinary or personnel file, he did not post confidential information about students, employees or school system business.

Second, with respect to Section C.5, nothing about Mr. Hankins posting can reasonably be construed as unprofessional. The language that he typed is not unprofessional. Although one of the images that he published has been altered from its original format, he states, and there has been no evidence to the contrary, that he has not seen any other version of the document and did not alter it. Additionally, although the second image references Ms. McGowen by name, neither Mr. Hankins' commentary nor the information contained within the image about Ms. McGowen is unprofessional.

Third, with respect to Section C.6, in posting the two images, Mr. Hankins published a racial slur that may be considered profane and/or indecent. But, the measure of what "could reasonably be anticipated to cause a substantial disruption to the school environment" is fairly vague and subjective.²⁶ More importantly, there appears to be some tension between this clause and the Policy's pronouncement that the board "respects the right of employees to use social media as a medium of self-expression[.]" Mr. Hankins explained that in publishing both documents, he sought to publicize what he believes to be discrimination at PHS. Moreover, what Mr. Hankins published ultimately is true – PCS employees have, in fact, verbalized or written racial slurs under varying circumstances.

Fourth, with respect to Section C.9, Mr. Hankins did not defame the board, individual board members, students, or other school employees in the social media posting. Although someone altered Ms. Godwin's notes, he did not attribute the notes to her. Additionally, Ms. McGowen has admitted to verbalizing a racial slur on two occasions.

Lastly, we note that enforcement of the social media policy is within the Superintendent's discretion. *See* Policy 7335, Section D ("Any employee who has been found by the superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal."). During their interviews, both Dr. Hill and Mr. Riley said that

²⁶ As a practical matter, we note that school was out on June 8, 2020, and therefore any disruption to the "school environment" would have been minimal.

PCS' approach to addressing violations of the social media policy has focused on coaching rather than discipline.²⁷

IV. WITNESS ACCOUNT SUMMARIES

For completeness, we have included the following witness interview summaries as part of this report.

- A. Dr. Alfreida Moore – Appendix A
- B. Ms. Shanika Mack – Appendix B
- C. Ms. Caroline Godwin – Appendix C
- D. Mr. Jack Poulos – Appendix D
- E. Ms. Karen McGowan – Appendix E
- F. Dr. Steven Hill – Appendix F
- G. Mr. Rayford Hankins – Appendix G
- H. Mr. Alex Riley – Appendix H.

²⁷ We also have considered whether Mr. Hankins violated Board policies that mandate the reporting of actual or potential discrimination, harassment, or bullying. Board Policy 1710-4021 makes clear that all employees have a mandatory obligation to report any “actual or suspected” violations of the prohibition against discrimination, harassment, and bullying. Likewise, Policy 1720-4015-7225 states that “[a]ny employee who has witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed or bullied in violation of policy 1710/4021/7230 must report the offense immediately to an appropriate individual designated in subsection C.1[.]” Ms. Hudson sent Mr. Hankins an e-mail on October 11, 2019 at 9:05 a.m. describing the events she witnessed in her office, and there is no evidence that Mr. Hankins ever reported the allegation to an administrator. That same day, however, and potentially within only a few hours, Ms. Hudson provided the exact same statement to Ms. Mack. And so, while Mr. Hankins’ failure to report likely is a technical violation of Board policy, what, if any, additional information he could have reported is unknown (he was neither in class nor Ms. Hudson’s office when the slur was repeated, but also declined to say during his interview whether he had discussed the matter with ██████████ or ██████████). Nonetheless, Board policies make clear that any suspected discrimination is to be taken seriously and must be reported.

APPENDIX A

Dr. Alfreida Moore Interview Summary
June 24, 2020

Dr. Alfreida Moore is the Chief Officer of Human Resources for Pender County Schools (PCS), and has held that position since 2016. She previously served as the Director of Human Resources, from December 2007 until she assumed her current position.

Among her several job duties and responsibilities are to oversee personnel matters and investigations, ensure that PCS Board policies are being followed, ensure that policies are revised and updated, and assist with professional development.

Dr. Moore typically gets involved in personnel investigations after the matter is initially investigated at the school level. If the matter has not been resolved at the school and warrants additional investigation, she becomes involved. Some investigations are initiated through her office, for example if an employee has been charged with a crime or the matter concerns theft, harassment, or bullying. Almost all investigations of school employees are initiated at the school level. School administrators will then contact her to keep her informed of the progress of the investigation as well as seek guidance throughout the process.

Investigations of teachers start at the school level. Investigations of principals start at the district office and involve the superintendent. For example, if an assistant principal has a complaint about a principal, Dr. Moore would be the first in line to investigate. If an investigation is assigned to Dr. Moore, she would report her findings to the superintendent. If a matter involving a principal is reported to her, the investigation would start in her office.

Other than the circumstances at issue in the current investigation, Dr. Moore is not aware of any teacher or principal using a racial slur at Pender High School. By not being aware, she means that she has not received any report. She is not aware of any rumors of principals or staff using racial slurs. Dr. Moore also is not aware of any teachers or administrators using other inappropriate language in the presence of students.

Dr. Moore learned about the situation with Ms. Godwin through the Facebook post. Ms. Godwin came to Dr. Moore's office to meet with her and Dr. Hill on the day the post was made. Dr. Moore's knowledge about the notepad is based on information provided by Ms. Godwin at that meeting. The meeting was attended by Dr. Hill, Alex Riley (communications coordinator), Ms. Godwin, and Dr. Moore. Ms. Godwin reported the notes were taken as Ms. Godwin wrote a list of students' names who were involved in a fight that had occurred on the first or second day after students returned to school following Hurricane Florence in October 2018. Ms. Godwin and administrative staff, including a school resource officer (Stokes), were conducting the investigation to determine who was involved in the fight and their role. The meeting at Dr. Moore's office lasted for approximately one hour at the Pender Resource Center in Burgaw. During the meeting, Ms. Godwin talked about the fight and explained that it originated from some community rifts that had occurred during the time students were away as a result of the hurricane.

Ms. Godwin told Dr. Moore, in regards to the notepad, that she wrote the slur in the margin to document what one of the students was saying. Ms. Godwin told Dr. Moore that the student said, “they’re my n’s,” and that is what she wrote in quotation marks. Ms. Godwin admitted writing the slur. Dr. Moore reported that Ms. Godwin was very upset and nervous during the meeting. Dr. Moore stated during the interview that because the fight was a student-related incident, she was not involved.

Dr. Moore identified Ms. Godwin’s handwritten statement that Ms. Godwin provided during the meeting. Dr. Moore clarified Ms. Godwin’s reference to “the student files” in the statement as referring to statements written by students in connection with the investigation of Karen McGowen. Ms. Godwin’s statement from that day also mentions a “HR file belonging to Ms. Mack on Karen McGowen.” Dr. Moore explained that she understood that Ms. Godwin had to gather Ms. McGowen’s HR file from Ms. Mack because the related HR file in her own office was empty with the exception of one document. Dr. Moore recalled later in the interview that the sole document left in the file was a student statement written in red ink. Ms. Godwin told her that the file had been taken or someone had removed papers from it.

Dr. Moore acknowledged that PCS00001 is an image of the notepad that Ms. Godwin brought to her office on June 8. She also noted that on the social media post, the word “my” is omitted from the margin. Additionally, the name “██████████” appears on the social media post, but is not on the note that she saw in her office. Ms. Godwin relayed to Dr. Moore that the name “██████████” was not written in her handwriting and that what Ms. Godwin shared with Dr. Moore and Dr. Hill was the original document.

During the interview, Dr. Moore presented a sealed envelope that contained a copy of the note Ms. Godwin provided to her in her office, as well as a chain of custody log, signed by both Dr. Moore and Ms. Godwin, noting the transfer of possession of the document. During the interview, images of the envelope were taken, the envelope remained sealed, and Dr. Moore maintained possession after the pictures were taken.

Dr. Moore has not had any other meetings with Ms. Godwin about this issue. She told Ms. Godwin that if she had any additional information she needed to share, then to please contact her. Dr. Moore has not had any subsequent meetings with Dr. Hill about the Godwin issue.

Dr. Moore is not aware of any other allegation that Ms. Godwin has used a racial slur. Dr. Moore also said that there are not any write-ups in Ms. Godwin’s personnel file.

Dr. Moore asked Mr. Hankins to meet with her after the post. She called him and left a voicemail on June 8 (Monday) asking if he would meet with her. When she checked her e-mail the next day she saw that he had sent her an e-mail the previous night requesting to use ██████████ leave for the remainder of the week due ██████████. Dr.

Moore responding by informing him that she would forward the request to the benefits coordinator. Dr. Moore also informed Mr. Hankins that she had left him a voicemail and to contact her as soon as possible. Later that Tuesday afternoon, Dr. Moore called Mr. Hankins and they spoke. She asked him to meet with her, and he asked whether he could follow-up via e-mail to let her know. The following day, she received an e-mail saying that he did not feel comfortable meeting with HR without an attorney. Dr. Moore responded by thanking him for following-up.

Dr. Moore does not have any personal knowledge of who may have removed items from the files in Ms. Godwin's office. Dr. Moore asked Ms. Godwin to look at camera footage to see if surveillance camera footage may show who accessed her office. Dr. Moore does not know who else has lawful access to Ms. Godwin's office.

Dr. Moore first learned about the situation involving Karen McGowen from Ms. Godwin. Ms. Godwin either called her or sent her an e-mail the day the slur was reported, and informed her that Assistant Principal Shanika Mack would be sending her student statements taken during the investigation. Ms. Godwin and Dr. Moore had a follow-up conversation that day or shortly thereafter and Dr. Moore observed that most of the student statements indicated that Ms. McGowen did not call the student a slur, but she did repeat the slur when she told the student to stop saying it. Ms. Godwin agreed with the observation. Dr. Moore asked what the next steps would be and Ms. Godwin relayed that Ms. Mack, Mr. Poulos, and Ms. Godwin would meet with McGowan. Ms. Godwin reported that Ms. McGowan asked if she needed a lawyer, and Ms. Godwin's response was that the matter was something that needed to be discussed regardless. Dr. Moore told Ms. Godwin to follow-up with her once a draft of the letter of reprimand was written and to send it to her for review. Dr. Moore provided feedback on the letter. After administrators met with Ms. McGowan, Ms. Godwin informed Dr. Moore of the meeting and Ms. McGowen's refusal to sign the letter. During the meeting Ms. McGowen maintained that she did not direct the slur at the student, but repeated what he had said. Dr. Moore told Ms. Godwin to add an addendum to the letter reflecting that they met and to note that she refused to sign.

Dr. Moore did not have any direct communication with Ms. McGowen on the matter. Dr. Moore's involvement was limited to receiving information from administrators and providing guidance on how to proceed.

Dr. Moore became involved in this investigation because of its sensitive nature due to the language used. Dr. Moore believes that it was appropriate for administrators to bring the issue to her. If it had been the case that McGowen had called the student the slur, the situation would have warranted additional conversation, probably with Dr. Moore or with Dr. Moore and Ms. Godwin discussing cultural awareness or cultural sensitivity training. Dr. Moore also said later in the interview that if Ms. McGowen had called the student the slur, the situation could have led to immediate suspension pending the outcome of an investigation.

Dr. Moore believes that there is a difference between calling the student a slur and repeating it, and to have repeated the slur is not appropriate. Dr. Moore agrees that it would not be appropriate for a teacher to repeat any other profanity after a student uses it. Dr. Moore cited the Code of Ethics for professional educators as the basis for concluding that it is not appropriate for a teacher to use a racial slur. She also recognized the Standards of Professional Conduct as a basis for determining that repeating a slur is inappropriate.

Dr. Moore recalls receiving the letter from Ms. Mack describing the meeting between Ms. Mack, Mr. Poulos, and Ms. McGowen. Ms. Mack also faxed some of the student statements on or around October 11 to Dr. Moore. Dr. Moore recalls having a brief conversation with Ms. Mack about the status of the investigation. Ms. Mack and Ms. Godwin were conducting the investigation together. Ms. Mack had become frustrated due to the sensitive nature of the matter.

Dr. Moore's understanding of the final outcome was that the letter of reprimand was given to Ms. McGowen, but Ms. McGowen would not sign it. Ms. Godwin indicated to Dr. Moore that she was choosing to keep the letter in the personnel file at the school because this was the first incident that she had with Ms. McGowan. Dr. Moore said that the file maintained in the Central Office is the official personnel file, and that principals typically keep documentation in their own files at the school if they do not want it to be in the official file.

Dr. Moore is not aware of any other circumstance in which Ms. McGowen has been accused of using a racial slur.

Dr. Moore believes that the matter was investigated and handled appropriately. Dr. Moore did not meet with Ms. Godwin about this matter because she was confident that it was handled appropriately at the school level.

Training on the prohibition against discrimination, harassment, and bullying is mandatory at the start of each school year. The training recently was made available online via the ClassLink training module. After the interview, Dr. Moore provided records showing that Ms. Godwin and Ms. McGowen had completed the online training modules for Board Policy 1710-4021-7230.

With respect to the second image that was posted by Mr. Hankins on social media, Dr. Moore said that she requested access to Mr. Hankins' and Ms. Hudson's e-mail records because she wanted to determine when information was shared with Mr. Hankins and whether the access occurred through school e-mail. Based upon the e-mail records, Dr. Moore determined that in October 2019 Hudson sent Hankins the same written statement that she had provided to Ms. Mack.

APPENDIX B

Shanika Mack Interview Summary
June 24, 2020

Ms. Shanika Mack is one of two Assistant Principals at Pender High School. She has held this position since January 2017.

Her several job duties and responsibilities involve performing tasks at the principal's discretion, the testing and evaluation of teachers, and student discipline.

Ms. Mack's general involvement in investigating matters of student or teacher discipline depends on the circumstances. If she is responsible for handling the disciplinary matter and the matter requires a more in-depth investigation, she will be involved in any way that she can. Ms. Mack clarified that investigations of complaints about teachers are based on which administrator is assigned to the particular department. She oversees English, Math, Arts, and Exceptional Children. With respect to the McGowen matter, once she received the information prompting the investigation, she determined that the issue required an immediate response.

Other than the specific matters being investigated with respect to Ms. Godwin and Ms. McGowen, Ms. Mack does not have any personal knowledge of any racial slurs being used by staff directed toward students or other staff. Likewise, she has not received any reports of racially charged language being used.

Ms. Mack has heard students on occasion use racial slurs between each other in the hallway. On those occasions, Ms. Mack generally corrects the student by pulling him or her aside and discussing the issue. She recounted a specific occasion in which a student was in her office for an unrelated disciplinary matter and began using the n-word. She asked him to refrain from using the word and explained why it was not appropriate in school. Ms. Mack did not repeat the word when she corrected the student. Similarly, when students use profanity, Ms. Mack corrects them by asking them to refrain from using the offensive language and she does not repeat the offensive word. Ms. Mack stated that adherence to the Code of Ethics and her own personal choices would make it inappropriate for her to repeat certain words. If a teacher has a consistent problem with a student using offensive language, parents would be contacted and the problem should be documented in the Educators Handbook (a discipline log).

The Standards of Professional Conduct and Code of Ethics are reviewed at the faculty meeting at the beginning of the year. Staff are provided an opportunity to ask questions, and each staff member signs a statement acknowledging receipt and review of the Faculty Handbook. The Handbook is provided in physical and electronic form.

Ms. Mack does not have any personal knowledge of the handwritten note posted on social media on June 8, 2020 that had a racial slur written in the margin. She clarified, however, that Ms. Godwin told her, during a meeting with her and Assistant Principal Jack Poulos,

that the handwritten notes were taken in the aftermath of an October 2018 fight. Ms. Godwin went on to explain to them that the slur that was written in the margin referred to what students were saying about each other, particularly with respect to who was on whose side during the fight. Ms. Mack had not seen the note prior to its posting on social meeting and she has not had any other discussion about the note other than during the meeting on June 8. Ms. Mack later stated that Ms. Godwin inquired as to why the note that was posted on social media differed from the original and why it had been altered. Ms. Mack is not aware of any other circumstance (other than the letter of reprimand) in which Ms. Godwin has written or used a racial slur.

Ms. Mack believes that the notepad containing Ms. Godwin's notes were stored in a confidential file in a cabinet in Ms. Godwin's office and the cabinet usually is locked. Ms. Godwin, [REDACTED], and [REDACTED] have keys to Ms. Godwin's office. Ms. Godwin leaves her office open on occasion when she is not there so that she does not have to keep locking and unlocking it. Ms. Mack does not have any evidence or knowledge of who took the notepad from Ms. Godwin's office.

With respect to the matter involving Ms. McGowen, Ms. Mack was in an extra office on October 10, 2019, when she noticed a paper with red writing on it. Upon reading it, she was made aware of a complaint accusing Ms. McGowen of using a racial slur in class. Ms. Mack gave her recollection of the contents of the note, and later confirmed the document stamped PCS00011-12 is a copy of the note she described. Ms. Mack again explained that she found the note in the spare office in front of the receptionist's desk, and adjacent to Mr. Poulos' office. The note was on the desk. Ms. Mack clarified that Mr. Poulos told her that [REDACTED] left the note in the office and that Poulos did not have time to look over it. He told her that he was dealing with [REDACTED] being sent out of class, and she asked him whether he read the note. He said that he had looked at it, and Ms. Mack responded that the note was something that they needed to pay attention to.

Ms. Mack then called Ms. Godwin to inform her about the note, and inquire how she should proceed in investigating the issue. Ms. Godwin directed her to meet with Ms. McGowen later in the day, after school had ended. Ms. Mack stated to Ms. Godwin that the substance of [REDACTED]'s allegation against Ms. McGowen was highly offensive, and Ms. Godwin responded that the matter needed to be investigated. Ms. Godwin directed Ms. Mack to collect student statements as soon as she could.

To determine which students to interview, Ms. Mack reviewed the roster for Ms. McGowen's class, identified which students she thought would be objective, and determined which of those students were present that day. Ms. Mack interviewed the students individually. She asked the students to write down or let her know about what they had witnessed. Ms. Mack reviewed the statements she collected and recalled the following additional information that is not necessarily reflected in the statements themselves:

- [REDACTED] graduated in [REDACTED]. Ms. Mack determined that [REDACTED] was not in the classroom for the duration of the period and, based on her interview of him, did not believe that he was in the classroom when Ms. McGowen used the slur.
- [REDACTED] graduated in [REDACTED]. He heard Ms. McGowen use the slur when she was speaking with Ms. Hudson.
- [REDACTED] graduated in [REDACTED], [REDACTED]. Ms. Mack trusted her judgment and described her as trustworthy and honest. In addition to the information provided in the statement, [REDACTED] said that “you are not supposed to say that word,” and that she was surprised that it was said in the classroom.
- [REDACTED] graduated in [REDACTED]. Ms. Mack regarded her as a bright student. [REDACTED] said that [REDACTED] and Ms. McGowen have frequent “back and forth” exchanges. [REDACTED] said that [REDACTED] was talking but did not use the slur. Ms. McGowen used the slur, [REDACTED] became upset, and walked out of the class.
- [REDACTED] graduated in [REDACTED].¹ In addition to what was written in the statement, [REDACTED] said that Ms. McGowen is a good teacher and that some students are always doing things that disrupt the class.

On October 10, 2019, Ms. Mack and Mr. Poulos met with Ms. McGowen about the allegations accusing her of using the racial slur. Ms. McGowan asked who made the accusation, and Ms. Mack responded she could not reveal the identity of the student. Ms. Mack asked Ms. McGowen to recount the incident. Ms. McGowen’s immediate response was something to the effect of, “I don’t see the point of this; the students were being rowdy,” and she commented that she did not have anything to say about it. Ms. Mack told her that they would be back in touch because they were still investigating and collecting statements from students. Later in the interview, Ms. Mack confirmed that the document stamped PCS00018 is her notes from the meeting with Ms. McGowen on October 10, 2019.

Ms. Mack recalled communicating with Dr. Moore during the investigative process. She acknowledged that the letter stamped PCS00014 reflected her effort to document the meeting with Ms. McGowan on October 10, as recommended by Ms. Godwin. Ms. Mack faxed that letter to Dr. Moore on October 11. Ms. Mack was asked to explain the school policy to which she referred in the last sentence of the second paragraph of the letter, which states, “[t]his action did not follow our school policy of alerting a school administrator if there is a conflict with a student.” Ms. Mack explained that the school policy to which she referred was in the behavior plan. She further explained anytime there is a disruption or

¹ PHS graduation was June 12, 2020.

conflict with a student that a teacher cannot handle, the teacher should report the issue to the office. Additionally, any time a student is removed from class, an administrator should be notified to escort the student out of the class so that the student is not left alone.

Ms. Mack also confirmed that the document stamped PCS00015-16 is what Ms. McGowen provided to Ms. Mack, Ms. Godwin, and Mr. Poulos as evidence of her notifying ██████'s mother of her interaction with him.

After Ms. Mack gathered the student statements on October 10 and 11, she attempted to schedule a meeting with Ms. Godwin, Mr. Poulos, and herself on October 14. Ms. McGowan said that she was not able to meet because she had classes and did not have time. She eventually agreed to meet the following day, October 15. At that meeting, attended by Ms. Godwin, Mr. Poulos, and Ms. Mack, Ms. Mack gave Ms. McGowen the letter of reprimand that Ms. Mack had written. Ms. McGowen reiterated that she said the slur but did not call ██████ the slur; she said that she had repeated what he said. Later in the interview, Ms. Mack confirmed that the document stamped PCS00020-21 is a copy of the final letter of reprimand.

After the meeting on October 15, 2019, Ms. Mack met again with Ms. McGowen to follow-up with her about signing the letter of reprimand. Ms. Mack confirmed that the document stamped PCS00017 are her notes from the exchange with her and Ms. McGowen. Ms. Mack met with Ms. McGowen from 8:55 am to 9:01 am. Ms. McGowen told Ms. Mack that she did not like the way the situation was handled because the letter of reprimand implied that she called ██████ a racial slur. Ms. McGowen also stated that another student, ██████ used the n-word in class on a different occasion, but that she did not report him to the administration. The notation "teacher repeated again" refers to Ms. McGowen's use of the slur in Ms. Mack's presence. During the meeting, Ms. Mack also counseled Ms. McGowen on student behavioral issues that could be handled by teachers inside of the classroom versus matters that require administrative intervention. In that regard, Ms. Mack explained during the interview that administrators have communicated to teachers that student use of profanity in the classroom is a major offense and inappropriate.

Prior to October 10, 2019, Ms. McGowen had informed administration of student use of profanity in the classroom, but not racial slurs.

Ms. Mack confirmed that the document stamped PCS00019 is a copy of the statement that she asked Sararesa Hudson to prepare concerning Ms. McGowen's use of a racial slur in Ms. Hudson's office on October 10, 2019. Based on Ms. Hudson's account, Ms. Hudson messaged Ms. McGowen to let her know that ██████ was in her office. Ms. McGowen went to Ms. Hudson's office to find out why ██████ did not report to class. It was not unusual for students to be in Ms. Hudson's office during the day. Ms. Mack authenticated PCS00022, and stated that she prepared the statement at the direction of Dr. Alfreda Moore, who wanted her to explain how she retrieved PCS00019. Ms. Mack received Ms. Hudson's statement in physical form.

With respect to the letter of reprimand being kept in Ms. McGowen's school personnel file, Ms. Mack said that Ms. Godwin explained to her that because Ms. McGowen had not been accused of using a slur in the past, the letter would remain in the school file. If it occurred again, the letter would be sent to the Central Office.

Ms. Mack believes that Human Resources and Ms. Godwin determined what would be appropriate discipline for Ms. McGowen. Ms. Mack wanted to include a recommendation for professional development in the letter of reprimand, but was told by Ms. Godwin that it was not available to be provided because it was not offered by the district. Ms. Mack does not have any other issue with how the situation with Ms. McGowen was resolved.

Ms. Mack is not aware of any other official allegation concerning the use of a racial slur by Ms. McGowen.

Ms. Mack is aware of at least one other circumstance in which a teacher has been disciplined for using inappropriate language in front of students. She recalled meeting with a teacher who had been accused of discussing inappropriate topics and cursing in the classroom. That teacher resigned. She did not address any other incidents.

When asked if the outcome of the initial investigation of Ms. McGowen should have been different if the slur had been directed toward [REDACTED], Ms. Mack stated that how the word was used did not matter and that use of the slur is inappropriate regardless of the context.

APPENDIX C

Caroline Godwin Interview Summary
Interview Date: June 25, 2020

Caroline Godwin is the Principal of Pender High School. She has held that position since 2018. She previously was the principal of Burgaw Middle School.

In general terms, Ms. Godwin sees her job duties and responsibilities as providing a safe environment for students to learn, ensuring that they receive an appropriate education, and identifying areas of growth for the school.

Ms. Godwin normally gets involved in an investigation when a matter is reported to someone, whether that person might be a teacher, administrator or some sort of stakeholder. Who conducts an investigation can depend on the relationship a particular student might have with the administration. Sometimes students may report something directly to an assistant principal, and if the assistant is comfortable handling it then he or she can proceed. Ms. Godwin will become involved if the assistant is not comfortable with the situation, the issue is what she describes as major, the assistant requests guidance, or the issue was brought to Ms. Godwin's immediate attention. For example, if there's a simple issue that arises in a hallway or the cafeteria and she is present, she will handle it. Normally, an assistant will approach her to say whether he or she needs assistance in an investigation, but her involvement is situational.

The Code of Ethics, Board Policies, and the school handbook are among the resources that Ms. Godwin looks to for guidance in investigating matters. The handbook is provided in the form of a physical copy. At the beginning of the school year, prior to student arrival on campus, the faculty holds a meeting where some board policies are discussed to set expectations for staff. The Code of Ethics, which is part of the handbook, is addressed during the meeting.

Other than Ms. Godwin's handwritten note that contains a racial slur and Ms. McGowen's use of a racial slur in the classroom as well as Sararesa Hudson's office, Ms. Godwin is not aware of the use of any racial slur by any teacher at Pender High School. Ms. Godwin did recall an occasion on which a parent complained about a health science's teacher's explanation that sickle cell anemia is more common in the African American population, but the discussion did not involve any slur or language that is derogatory.

Ms. Godwin was not aware of any teacher's use of profanity in the presence of students, but agreed that any such occurrence would be inappropriate due to the Code of Ethics. Ms. Godwin stated that faculty serve as role models and therefore should model what is expected of students.

Ms. Godwin stated that student use of profanity is not prevalent in a classroom setting when instruction is occurring, but is prevalent in other contexts when students are on their free time. Those situations are addressed when faculty hears it, but if it becomes prevalent as to a

particular student, faculty will have a conversation with that student's parent(s) and follow the student Code of Conduct and other appropriate measures. For example, if a student uses profanity in the hallway, Godwin will address the situation by informing the student that the language is inappropriate and explaining why. She explained that a proper way of correcting the student "absolutely" does not involve repeating the profanity. Ms. Godwin agreed that using profanity in the presence of a student would violate the Code of Ethics.

If Ms. Godwin learned that a teacher used profanity in the presence of a student, a meeting reviewing the Code of Ethics and documenting the incident would be warranted so that if it occurred again there would be a record of the matter. Any such documentation would be placed in a file in her office. If she determined that Human Resources should be involved or if HR deemed it necessary, a copy of the record would be kept at the Central Office as well. Ms. Godwin was referring specifically to a situation in which a teacher would be reprimanded for misconduct for not following the Code of Ethics or Board Policy.

In regards to when documentation of teacher incidents is stored at HR, Ms. Godwin explained the following: In an incident where an employee had habitual occurrences of not following Board policy or the Code of Ethics or if the situation involved an issue, that if not corrected, could lead to dismissal HR would receive a copy. Under those circumstances, HR would inform Ms. Godwin that the report should go to the HR file. For example, if a teacher does not report to work on time, that is not something that would be sent to HR, however, if it is a more regular occurrence and the teacher neglects other duties, HR would be alerted. In sum, HR would be alerted if a problem is persistent or significant on its own. Normally, Ms. Godwin makes the decision whether to contact HR.

Ms. Godwin is familiar with Board Policy 1710-4021-7230 (Prohibition Against Discrimination / Harassment / Bullying). This board policy is reviewed with teachers at the faculty meeting at the beginning of the year. She is familiar with Board Policy 1720-4015-7225 (Discrimination / Harassment / Bullying Procedure). That policy also is reviewed with faculty at the meeting at the beginning of the academic year. She noted that some of the review of the policy is completed in the online training module. The deadline to complete the modules is normally by mid-September.

Board Policy 7335 (Employee Use of Social Media) is reviewed consistently with teachers and staff. It is included with the materials provided at the beginning of the year, and also is addressed throughout the year through reminders at staff meetings, e-mails, meetings of the professional learning committees, and occasionally when staff have questions about it.

In October 2018, there was a significant fight at the school. Ms. Godwin had been in school for 10 days before Hurricane Florence caused the school to close. The first day that students returned to school was October 23, 2018. Shortly after busses started arriving, Ms. Godwin's radio alerted her about a fight.

Once the disruption was contained, students were brought into the school office, where the brawl resumed. With the assistance of law enforcement, the fight was contained and administration began gathering information. Dr. Hill arrived shortly thereafter. Ms. Godwin used a legal pad to record who was involved in the incident and how. She proceeded through the school and interviewed students who had been involved in the fight once they had been separated. The assistant principals participated in the effort. Ms. Godwin noted that Ms. Mack had been at the school longer and was more familiar with the students than her or Mr. Poulos, who were both new.

Ms. Godwin authenticated PCS00001 as her note from the interview. She also authenticated No. 37 and 38 as the same documents from her legal pad. PCS00003 was the back of the page. The signature on page PCS00038, she confirmed also was hers. The notes were kept in a credenza to the right of her desk in the bottom drawer and it contained personnel files and individual student files. The drawer was not locked. Her office door had a lock on it. It was not always closed, but locked automatically when closed.

PCS00001 was the legal pad Ms. Godwin used while trying to determine who the students were involved in the fight. The student listed at the top of her legal pad reported to her that he had been attacked (jumped). This student (██████████) repeatedly said, that “‘my niggers’ and I were jumped. Ms. Godwin said during the interview that ██████████ was very excited and continued to repeat the language. She asked who he was referring to and she began writing down names. ██████████ and ██████████ also said that they had been “‘jumped,” and she determined that ██████████ was referring to them, and therefore she placed the bracket around their names. Ms. Godwin said that she did not repeat the offensive language. The word “‘Started” on the legal pad underlined twice means that she started her interview with ██████████. Ms. Godwin stated the purpose of writing that was to remind herself that is where she started gathering her information. “‘Started” did not refer to who started the fight. She also says that she asked ██████████ to stop repeating the slur.

██████████, who was not listed in her original note, also was involved in the fight.

Mr. Poulos was with Ms. Godwin during her investigation of the fight.

Ms. Godwin does not know how Rayford Hankins got access to the document that he posted on social media. The legal pad on which the note was written had been in her office. She acknowledged to Dr. Moore that the note had been distorted and immediately retrieved it upon being questioned by Dr. Moore. Ms. Godwin took a picture of the note and had physical possession of the original note that she subsequently took to Dr. Moore’s office. Ms. Godwin later sent to our firm a copy of the picture that she sent to Dr. Moore. Ms. Godwin denied altering her original note in any way. On the day of the posting, Dr. Moore asked her to gather any documentation she had pertaining to the social media post and to bring it to the HR office. She was also asked to bring Karen McGowen’s file. Ms. Godwin attempted to retrieve the file and noticed the folder was empty. Ms. Godwin did not share her pad with any student or staff member or show to any one it at any time. The purpose of

her notes was to help her identify who was involved in the fight and to assist in the investigation.

Godwin identified the differences between her note and the note that was published on social media. The “my” was removed from above the slur in the margin and the name “██████████” had been added with a checkmark beside it. Ms. Godwin did not copy the note, and there was not a copy of the note in the file, physical or digital. She does not have any information about who altered the note or why it had been changed. Ms. Godwin, ██████████, ██████████, and ██████████ have keys to Ms. Godwin’s office. No one else is authorized to be in her office when she is not there.

In regards to Ms. McGowen’s personnel file at school, Ms. Godwin reported it was empty on the date of the social media posting when she pulled it at Dr. Moore’s request. Missing from the file was documentation of Ms. McGowen using a racial slur as well as documentation of an unrelated incident in the spring when a student reported McGowen telling him to “shutup.” The letter of reprimand as to the second incident did not go to the Central Office.

Shortly after the social media posting, Ms. Godwin went to Dr. Moore’s office. Superintendent Steven Hill and Alex Riley were present when she arrived. Ms. Godwin gave them all of the documents underlying both social media posts that she had, explained the situation, provided the written statement, and left. She estimated that the meeting lasted 45 minutes to an hour. Ms. Godwin identified PCS00004 as the handwritten statement that she drafted and submitted at that meeting. She noted that the reference to a fight in October 2019 should have been October 2018, and attributed the oversight to being in a hurry.

Ms. Godwin learned about Ms. McGowen’s use of a racial slur from Ms. Mack. Ms. Mack informed Ms. Godwin that a student reported that a teacher used a racial slur. She could not recall whether the conversation was via telephone or in her office. During the conversation, Ms. Mack expressed the slur that had been used should never be used. Ms. Godwin said that she agreed and the matter needed to be investigated. Ms. Godwin wanted Ms. Mack to conduct as much of the investigation as she felt comfortable doing. She recognized that Ms. Mack was greatly concerned and discontent, but also wanted to make sure that the investigation was fair and that all the information gathered was correct. Ms. Godwin took the nature of the allegations seriously, which is why she contacted Dr. Moore immediately. Ms. Godwin was familiar with the letter written by ██████████ [PCS00011].

Early in the investigation, Ms. Mack said that she would be meeting with students to gather information. Once the information was compiled, Ms. Godwin worked more closely with Ms. Mack by providing a sample letter of reprimand, reviewing the Code of Ethics together, and discussing aspects of the investigation. During the investigation, Ms. Mack told her that Ms. McGowen was not interested in discussing the issue. Ms. Godwin also confirmed that PCS00013 is her handwritten note, but could not recall whether she personally heard Ms.

McGowan said “that’s a crock . . .” as indicated in the note or whether that information was conveyed to her by Ms. Mack.

Ms. Godwin identified PCS00015 as an e-mail that Ms. McGowen sent to administration about the matter. Ms. Mack told her that the document was the only statement that Ms. McGowen was willing to provide.

Ms. Godwin’s interaction with Ms. McGowen concerning the matter was mostly limited to the October 15, 2019 meeting between Ms. McGowen and administrators. The only other interaction she recalled was a brief mention to Ms. McGowen that Ms. Mack wanted to meet with her.

Sararesa Hudson was a program director for Communities in Schools (CIS). She was responsible for PHS’ afterschool program. She also was present in the school to help tutor and support students. Ms. Mack told Ms. Godwin that Ms. Hudson had contacted her and wanted to speak with her about a situation that had occurred in her office. Ms. Godwin does not question Ms. Hudson’s credibility or honesty.

One of the purposes of the letter of reprimand was to make clear that use of a racial slur is inappropriate under any circumstance. Normally, to determine the type of discipline that is appropriate for any particular situation administration confers with Human Resources. Ms. Godwin believes that the McGowen matter required documentation. Dr. Moore reviewed the letter of reprimand prior to sharing it with Ms. McGowen. After Ms. McGowen refused to sign the letter at the October 15 meeting, Dr. Moore instructed administrators to document her refusal to sign.

With respect to the October 15 meeting, Ms. Godwin recalls Ms. McGowen wanting documentation that she did not intend to use the word as a racial slur and was repeating what the student said. Ms. Godwin attempted to state Ms. McGowen’s position in the addendum. Nonetheless, Ms. Godwin wanted to make sure Ms. McGowen knew that use of the word was unprofessional and should not have been used at all. Additionally, Ms. Godwin wanted the letter to address the administration’s role in addressing student behavior.

Human Resources did not ask for a copy of the letter of reprimand, and said that the letter should be kept in Ms. Godwin’s file at school. When referring to Human Resources, Ms. Godwin stated that she was specifically referring to Dr. Moore because she was her point of contact.

Ms. Godwin did not recall discussing training or professional development for Ms. McGowen with other administrators at the time but recalls having those discussions more broadly about staff in general since the events occurred. Ms. Godwin believes that administrators followed the protocol that they were told would be appropriate for this particular incident.

Any time a teacher intends to dismiss a student from class for behavioral reasons, the teacher should contact administration.

Ms. Godwin is not aware of any other circumstance in which Ms. McGowen has been accused of using a racial slur or racially charged language against a student or staff member at Pender High School.

When asked about any other occasions on which a teacher may have been disciplined for using inappropriate language, at the conclusion of the interview, Ms. Godwin explained a circumstance in which a teacher was disciplined for using profanity in front of students. The teacher had been reported by another teacher for swearing in the presence of students and behaving in an unprofessional manner. The accused teacher did not deny using profanity and received a letter of reprimand. The letter is kept in the teacher's personnel file at the school and did not go to the Central Office.

APPENDIX D

Jack Poulos Interview Summary
June 25, 2020

Mr. Jack Poulos is an Assistant Principal at Pender High School. He has served in this position since October 2018. He previously served as a teacher for 21 years in various school districts in Eastern North Carolina.

His several job duties and responsibilities include school bus monitoring, hall monitoring during class transitions, lunch supervision, tenth and twelfth grade discipline, classroom observations, supervising beginning teachers, field trip transportation, and various other tasks.

Mr. Poulos generally gets involved in teacher investigations when a complaint is brought to his attention. Usually if there is a complaint about a teacher's interaction with a student in the classroom, administrators will observe the teacher in the classroom and proceed from there, depending on the situation. Investigative responsibility is shared, for example, each administrator may observe the same teacher during different periods of the same day. Investigations also involve speaking with students to understand the circumstances.

At the beginning of each academic year, faculty attends a meeting during which the faculty handbook is reviewed. The review includes a discussion of the Code of Ethics, but Mr. Poulos could not recall specifically whether discussion includes the prohibition of the use of any language considered profane, vulgar, or demeaning. He noted, however, that discussions during the faculty meeting occurred in four different groups, and that other groups may have discussed things of which he is not aware.

The School Board policy against discrimination, harassment, and bullying was addressed during the faculty meeting, and Mr. Poulos is familiar with the policy. Mr. Poulos did not know whether the discrimination, harassment, and bullying complaint procedure was discussed. Nonetheless, he noted that the Code of Ethics, the prohibition against discrimination, harassment and bullying, and the complaint procedure all are in the faculty handbook.

In his time at Pender High School, Mr. Poulos has not had a student or parent complain that a teacher used profanity in a student's presence. He also was not aware of any such complaint. Likewise, and other than specific matters being investigated, Mr. Poulos was not aware of any circumstance in which any PHS staff member has used any racial slur or racially charged language directed toward any student or staff member. When a student uses offensive language, Mr. Poulos stated that it is not appropriate to repeat the language.

Turning to the events of October 2018, Mr. Poulos recalled a large fight that occurred on the first day students returned to campus after Hurricane Florence. After the fight, students were separated as administrators and law enforcement officers were identifying the participants. Neither Mr. Poulos nor Ms. Godwin were familiar with some of the students.

Mr. Poulos is familiar with one of the students in the fight, [REDACTED]. Mr. [REDACTED] refers to his close friends by using the slur at issue in this matter. Mr. Poulos recalled that Mr. [REDACTED] called him that during the most recent year due to their closeness (Mr. Poulos told Mr. [REDACTED] that he could not call him that). Mr. [REDACTED]'s use of the term is consistent with Mr. Poulos' experiences with him, and when asked whether Mr. Poulos had any specific memory of Mr. [REDACTED] using the term on the day of the fight as Ms. Godwin was taking notes, Mr. Poulos responded that he "feel[s] comfortable saying yes." Mr. Poulos has not ever heard Ms. Godwin use the slur, neither on the day of the fight nor since. He did, however, recall seeing her notes [PCS00001] when they were written, but did not see them again until the social media posting. He saw the notes while in her office, and the only other person present may have been Ms. Mack, but he was not sure. He does not recall Ms. Godwin putting her pad down or leaving it anywhere, and therefore does not believe any student saw the notes. Mr. Poulos recalled Ms. Godwin describing what students had told her about the fight and referring to her notes to convey what she had been told. When asked whether Ms. Godwin used the slur in private to discuss what had been said, Mr. Poulos said, "I don't think so[.]" and "I don't recall her saying that."

Mr. Poulos recalled the events of June 8, 2020. He went to Ms. Godwin's office for a non-specific reason, and she asked whether he had seen what had been posted on Facebook. She was on the phone with Dr. Moore discussing the matter. He saw her retrieve her notepad from her files. He looked at the notepad and looked at the posting as Ms. Godwin and Dr. Moore were talking, and observed that the two documents were different. Ms. Godwin expressed the same to Dr. Moore. Dr. Moore told Ms. Godwin to bring the pad and papers concerning Ms. McGowan to the Central Office. Dr. Moore was on speakerphone during the conversation.

When Ms. Godwin went to retrieve Ms. McGowan's file, she said that the papers were missing. Ms. Godwin retrieved papers concerning Ms. McGowan from Ms. Mack because she lead that investigation. Mr. Poulos did not observe Ms. Godwin alter her pad in any way. He does not know why "my" is not present in the margin of the version of the notes that were posted on social media. Likewise, he does not know why the name "[REDACTED]" appears on the notes posted on social media. Mr. Poulos does not have any information about who accessed Ms. Godwin's notes.

Turning to the matters regarding Ms. McGowan, Mr. Poulos recalled her coming to his office and saying that there was an incident in her class that he probably would hear about and that she already had communicated with the parent. Mr. Poulos later received [REDACTED]'s note. Ms. Mack was present. He began reading the note and asked her to take care of the situation because the bell just had rung and he had to be on duty. Mr. Poulos recognized PCS00011 as a copy of the note. Later, [REDACTED] asked Mr. Poulos whether he received the note.

Mr. Poulos did not recall receiving PCS00035, an instant message purportedly sent to him from Ms. McGowan. He noted, however, that he did not frequently use instant messaging.

Mr. Poulos did recall, however, that the protocol for removing a student from the classroom had been communicated to teachers multiple times. That is, if a student needed to be removed, the teacher should call and an administrator will report to the classroom to escort the student out. Students should not be allowed to just leave the classroom. This policy is communicated at the faculty meeting at the beginning of the year and in teacher meetings.

Mr. Poulos recalled meeting with Ms. McGowan on the day of the incident. He recalled her not wanting to come in for the meeting, noting that she was always busy. He remembered Ms. Mack trying to talk to her and had the impression that Ms. McGowan did not think that the issue was serious.

At the next and final meeting with Ms. McGowan, Mr. Poulos, Ms. Mack, Ms. Godwin, and Ms. McGowan were present. Ms. Mack essentially read the letter of reprimand verbatim. At the end of the meeting, Ms. McGowan was asked to sign the letter and said either that she was not going to sign it or would sign it later. When Ms. McGowan left, Ms. Godwin advised that if a teacher will not sign a letter, an addendum must be added stating that the teacher refused to sign. Mr. Poulos recalled signing the revised letter.

Mr. Poulos did not recall any discussion about any additional training or professional development for Ms. McGowan.

When asked, Mr. Poulos recalled an instance in which another teacher was disciplined for allegedly using profanity in the presence of students. The situation was addressed by meeting with the teacher, and giving the teacher a letter of reprimand.

APPENDIX E

Karen McGowen Interview Summary
July 8, 2020

Ms. Karen McGowen is a teacher at Pender High School and has been there since 1999 or 2000. She teaches English for grades 9 through 12. English 12, the class at issue, follows lunch and runs from 12pm to 1:30pm or 12:30pm to 2pm, depending on the day and the schedule. The class had anywhere from 28 to 36 students, and approximately half of the students were black and half were white.

School policies were usually communicated in a handbook or at the faculty meeting at the beginning of the school year. Different administrators and staff lead instruction on various aspects of the handbook, and some sections, such as those dealing with dress code, were reviewed by faculty on their own. After the faculty handbook is reviewed, staff acknowledges reviewing it by signing a statement. The meeting lasts roughly half a day and occurs before students report to campus.

Ms. McGowen identified PCS00072 as the staff handbook that was reviewed during the faculty meeting prior to the 2019-2020 academic year. The Code of Ethics is discussed every year and is addressed throughout the year in various contexts. Ms. McGowen also was familiar with the specific provision in the Standards of Professional Conduct, 16 NCAC 6C .0602, that prohibits the use of language that is considered profane, vulgar, or demeaning.

When dealing with a disruptive student in the classroom, Ms. McGowen tries to redirect or refocus the student. Sometimes that involves conferencing with the student outside of the classroom, giving the student space, and depending on what has happened, following up with a parent or having a conversation with administration. Ms. McGowen interprets the school disciplinary policy stated on PCS00098 to mean that once a referral is made in the Educator's Handbook, an administrator will handle any disciplinary consequences.

Ms. McGowen also is familiar with the Pender County Schools Employee Handbook [PCS00152] but said that she had not seen a copy recently. She has some recollection of the handbook being mentioned at the faculty meeting and the beginning of the year, but is not certain. She did not remember anyone going through the handbook with faculty. After reviewing PCS00041, Ms. McGowen recalled completing an online training module on the Board policy against discrimination, harassment, and bullying.

Ms. McGowen does not have personal knowledge of the use of racial slurs by any faculty or administrator at Pender High School. Other than the incident concerning [REDACTED], Ms. McGowen denied using any racial slur in the presence of a student at Pender High School. She could not recall any instance in which a faculty member or administrator used profanity or vulgar language in the presence of students.

When a student uses profanity, vulgar language, or a racial slur, Ms. McGowen's typical response is to ask the student not to use the offensive language. She could not recall any other circumstance in which she repeated the offensive language.

With respect to the events on October 10, 2019, Ms. McGowan said that [REDACTED] would not stop repeating a racial slur. A co-teacher (Ms. Falcone) already had taken another student ([REDACTED]) out of the class because of behavioral issues. As Ms. McGowen was attempting to get the class under control, [REDACTED] was talking to students across the classroom, and prefacing each statement or question with "that word." After attempting unsuccessfully to stop [REDACTED] from repeating the word, Ms. McGowen said, "just stop saying" the word. [REDACTED] responded by asking, "what did you say?" Ms. McGowen replied, "just please stop saying it." He asked the student sitting beside him, [REDACTED], "what did she say to me?" [REDACTED] chastised him by telling him to stop using the term and the exchange ended.

Ms. McGowen said that when she used the word, she was directing her language toward [REDACTED] but was not calling him the slur. She explained that she was repeating what he said. Class went on as normal for the rest of the day. Ms. McGowen first denied and later said that she did not recall dismissing [REDACTED] from the classroom. PCS00035 and PCS00015 did not refresh her recollection.

Ms. McGowen knew immediately that she should not have used the word. She also knew that [REDACTED] was upset because his first reaction was, "what did you call me." She responded by telling him that she did not call him the slur.

After class, Ms. McGowen called [REDACTED]'s mother to explain what had happened and left a voicemail message. She followed-up with the e-mail on PCS00015. After reviewing PCS00016, Ms. McGowen still did not recall sending [REDACTED] out of class but said that if she typed it (referring to the e-mail) that is what happened.

Ms. McGowen recalled discussing the [REDACTED] matter with Sararesa Hudson. When Ms. Falcone returned to the classroom, Ms. McGowen became aware that another student was missing from class. She either had received a message from Ms. Hudson or the student told her that he was going to Ms. Hudson's office. She left to try to get him to come back to class. When she went to Ms. Hudson's office, he was there and appeared bothered by something. Ms. McGowen began what she described as a casual conversation with Ms. Hudson, and told her that she did not understand why kids say certain words and when the word is repeated when telling them to stop using it, they get angry. Ms. Hudson shrugged her shoulders and Ms. McGowen returned her attention to the student who was present. She said that she used the slur during the conversation with Ms. Hudson while the student was present.

After class ended, Ms. McGowen went to the front office to follow-up with Mr. Poulos and tell him what she had said. He shook his head and said okay. She also told him that she had followed-up with [REDACTED]'s mother.

Ms. McGowen said that she repeated what [REDACTED] said because she was frustrated with the circumstances in the classroom. Her intention was to get him to stop using the word.

Her next interaction with administrators involved an e-mail or instant message stating that they needed to speak with her after school. When she followed-up to meet with them she became frustrated because she had to wait until all three administrators were available to meet with her. Ms. McGowen thought that the events concerning the use of offensive language had been settled and had not considered that to be the purpose of the meeting.

Ms. McGowen does not have a clear recollection of the meeting. She remembers Ms. Mack leading the meeting in Ms. Godwin's office and informing her that there had been a complaint that she had used a racial slur. She explained during the meeting that she already told Mr. Poulos what happened and had been in contact with the student's parent. She was frustrated and asked why she had to stay after school. She does not remember whether she sat down for the meeting or stood in the doorway for the duration. The meeting was later than she wanted it to be because she had to pick her son up from school by 4:00 p.m. Ms. Mack told her that administrators would need a statement from her and that they were conducting an investigation into the incident. After the meeting, Ms. McGowen returned to her classroom and forwarded the e-mail exchange between her and [REDACTED]'s mother [PCS00015] to administrators. Ms. Mack was not satisfied with the email, and Ms. McGowan eventually printed it, wrote a note at the top and signed the statement appearing on the e-mail. She believed the e-mail explained what had happened and was sufficient for a statement.

Ms. McGowen's next interaction with administration following the initial meeting was to discuss the letter of reprimand. They again met in Ms. Godwin's office with Ms. Mack leading the meeting by reading the letter of reprimand. Ms. McGowen expressed her disagreement with it. Ms. Mack took notes and told her that she would edit the letter. The meeting also included a discussion of behavior in school, student-teacher interaction, and a general conversation about how to best handle disciplinary matters. Administrators told her to seek help when she needed it and not to allow herself to get frustrated again.

When asked to explain the portion of the letter that she did not agree with, Ms. McGowen explained that she wanted the letter to reflect that she repeated the slang version of the term – niggaa versus nigger. She considers the former to be slang and the latter to be a slur. She did not want the letter to imply that she had called the student a slur. She also wanted the full e-mail exchange with [REDACTED] to be considered as part of her statement, not just the handwriting on the e-mail that she had printed. Ms. McGowan does not recall having any

conversations with administrators about whether the letter would remain in her personnel file at the school or the Central Office.

With respect to Ms. Hudson's letter posted on social media, Ms. McGowan disputes saying "nigger," but rather says that she said "niggaa." She does not recall other immaterial aspects of the letter.

APPENDIX F

Dr. Steven Hill Interview Summary
July 8, 2020

Dr. Steven Hill is the Superintendent of Pender County Schools. He has served in this capacity since September 2017.

Dr. Hill explained his general understanding of the investigative process for school teachers and principals and how he typically becomes involved. At the county level, investigations begin with Human Resources and Dr. Hill is the next level of engagement. For matters at the school level, a school administrator typically addresses the issue directly. Dr. Hill's office encourages principals to conduct their own investigations while keeping the Central Office informed of the progress, normally by working through Human Resources. Every Tuesday, Dr. Hill receives a briefing from the chief Human Resources Officer to stay informed of any investigations that are ongoing.

Dr. Hill first learned about the handwritten note the same day it was posted on social media, June 8, 2020. A board member had sent him a text message with a screen shot of the social media posting. Within a few minutes, Dr. Hill was in touch with Alex Riley, the Communications Coordinator. Dr. Hill met with Mr. Riley and Dr. Moore at the Human Resources office. Dr. Hill asked Dr. Moore for any files regarding what had been posted. Dr. Moore was aware of the circumstances involving Ms. McGowen in the second post, but she had no knowledge of the notes pertaining to the 2018 fight reflected in the first post. They then called Ms. Godwin and asked for all documents concerning both matters.

Ms. Godwin came to the office at approximately 3:00 pm the day of the posting and delivered all documents she had access to as requested. Dr. Hill became aware of the circumstances surrounding the documents and the social media posting as he reviewed the items Ms. Godwin brought in. Although Dr. Hill was present during part of the investigation immediately following the 2018 fight at PHS and he was aware that Ms. Godwin had been taking notes that day, he never held the notepad or read the notes. Ms. Godwin informed him that the notes posted on social media were different than the original document. Dr. Hill advised putting what Ms. Godwin represented to be the original note in a plastic bag, sealing it, and signing a statement showing the chain of custody. Dr. Hill was physically present when the chain of custody document was signed.

Dr. Hill was not aware of the matter concerning Ms. McGowen until June 8, 2020. Dr. Hill could not recall Dr. Moore briefing him on the matter when it had occurred. Other than the matters being investigated, Dr. Hill cannot recall any other instance in which a teacher or administrator has used a racial slur at Pender High School.

Dr. Hill believes that the matter concerning Ms. McGowen was investigated and addressed appropriately, but also believes that professional development would have been appropriate for her.

Dr. Hill said that the social media policy is mostly enforced through coaching and not reprimand. He could not recall any circumstance in which a teacher has been disciplined for violating the social media policy, but added the caveat that he would need to review personnel records. He reiterated that violations of the policy generally are addressed through coaching.

Dr. Hill concluded the interview by saying that there is no excuse for a teacher to use the slur at issue in this matter in the presence of a student.

APPENDIX G

Rayford Hankins Interview Summary¹
July 30, 2020

Mr. Hankins is a teacher at Pender High School, and has been there since August 2016. He also is the head coach of the Men's Basketball team, and has held that position since 2018. Mr. Hankins graduated from Pender High School in 2008.

Other than the circumstances surrounding the June 8, 2020 social media postings, since the time he has been a teacher, Mr. Hankins has not been made aware of any staff member or administrator at Pender High School using racial slurs. Mr. Hankins recalled that when he was a student, teachers made jokes about turning off the lights and not being able to see certain students. Those teachers are still on the faculty. Mr. Hankins was not comfortable identifying them. He said that the use of racially charged language by teachers has been persistent. When asked to clarify whether the incident that he described involved more than one teacher, he declined to answer.

Mr. Hankins confirmed that a faculty meeting occurs at the beginning of every academic year. He is not sure whether the meeting involves discussion of the policy against discrimination, harassment, and bullying. He does not recall whether the meeting addresses the complaint procedure for discrimination, harassment, and bullying.

Mr. Hankins confirmed that he posted the June 8, 2020 social media posting. Mr. Hankins described his knowledge of the first image on the posting. He understood that a fight had occurred and the notes were located in what he called an "investigation room." When asked to clarify what he meant by "investigation room," he said that investigations usually take place in the principal's office. The list of names represent the people involved in the fight in October 2018.

Mr. Hankins does not have personal knowledge of who wrote the notes. He does not have any information about how the racial slur came to appear in the margin. Mr. Hankins has not ever seen any other version of the document than the one that he posted on social media. He declined to answer: whether the person who provided the document to him gave him any information about it; whether he was provided the document in physical or digital form; and when he received the document. Mr. Hankins redacted the student last names in both documents that he posted on social media. He did not alter the documents in any other way.

Mr. Hankins assisted in breaking up the October 2018 fight. During that time, he did not hear any teacher or administrator use racial slurs. He declined to answer whether any student reported to him that a teacher or administrator had used racial slurs during the fight or its

¹ At various times during the interview, Mr. Hankins' lawyer, James Lea, interjected to express Mr. Hankins' desire to cooperate fully in the investigation, while also being concerned that the information provided may be used against him.

investigation. His attorney explained that Mr. Hankins would not answer the question because he did not want to identify anyone.

Mr. Hankins reported to an unidentified person the use of the slur in the notes prior to him posting the notes on social media. He declined to provide the person's response. He said that he reported it above the school level and at the county level. Mr. Hankins was uncomfortable answering whether he reported it to anyone in the Central Office. Mr. Lea stated that Mr. Hankins reported the issue to who he believed to be the proper official, he thought that the report would go to the Superintendent (he does not know if it did or if it did not), and nothing was done in response. Mr. Hankins affirmed his attorney's statement. Mr. Lea added that the complaint was made orally.

Mr. Hankins said that the second e-mail was sent to him by a colleague explaining what she had observed. He declined to answer whether he reported the contents of the e-mail to anyone after receiving it and before he posted it on social media. He later confirmed that the e-mail was sent by Sararesa Hudson. Mr. Hankins declined to provide any information about what Ms. Hudson told him beyond what is stated in her e-mail. He also declined to answer: whether he had any discussion with the student who was involved in the incident with Ms. McGowan or with the student's mother. He also declined to answer whether Ms. McGowan has used racial slurs or racially charged language on any other occasions.

Since the events of October 2019, there has not been any additional training concerning race and discrimination at the school.

Mr. Hankins' purpose and intent in posting both documents to social media was "to bring light to discrimination." He reported that 50 percent of teachers at Pender High School reported in a recent survey that students are not treated equitably.

Mr. Hankins does not recall receiving any training or guidance provided by the school or county on the board's social medial policy. Mr. Hankins said that he has not been provided examples of what is inappropriate for posting on social media, and that the social media policy is not addressed at the faculty meeting at the beginning of the year.

APPENDIX H

Alex Riley Interview Summary
July 30, 2020

Mr. Riley is the Communications Coordinator for Pender County Schools (PCS), and has held that position since February 2019.

His job includes managing social media, sending out press releases, dealing with the press, managing the district website, and working with all of the departments within the district in communicating information to staff, the community, and others.

Mr. Riley learned about the June 8, 2020 social media postings when he received a notification from Twitter that PCS had been tagged in a post. He confirmed that the post was what appears at PCS00002. He then went to Facebook and also saw that PCS had been tagged there. Mr. Riley called Superintendent Steven Hill and then Principal Caroline Godwin to alert them of the posts. Dr. Hill told him to meet at the Central Office, and Mr. Riley went there to begin working on the matter.

Mr. Riley went to Dr. Alfreida Moore's office, sat down and looked at what was posted. Dr. Moore reflected on what she remembered about the incidents. Ms. Godwin arrived and presented documents she had kept from both incidents and they all reviewed them as a group.

Ms. Godwin explained the handwritten note. She described the large fight that had occurred the on the first day that class had resumed after the hurricane. She said that she took the notes in documenting the fight and who was involved. She said that some of the students were using the n-word to identify each other in discussing the fight. Mr. Riley said that the note depicted at PCS00001 and PCS00037 were images of the note that he saw.

After Ms. Godwin explained the note, Dr. Hill asked Dr. Moore if she had a ziplock bag to seal the note. Dr. Hill sealed the note in the bag and wrote across the seal the time and date in the event the seal was broken. During the meeting, Ms. Godwin noted that the word "my" does not appear on what had been posted on social media and that the document that she had presented was in the file and had been there since the fight happened. Mr. Riley does not remember discussing any other differences between the documents.

With respect to the second image on PCS00002, Mr. Riley recounted that Ms. Godwin explained the matter concerning Ms. McGowen and showed them the letter of reprimand in Ms. Godwin's file. Mr. Riley was in the meeting for approximately 35 to 40 minutes until he left for work-related errands.

Mr. Riley recounted reviewing social media comments since June 8, 2020 generally suggesting that racial problems have been occurring for a long time at Pender High School, but the comments were not specific to any teacher or administrator.

Mr. Riley is not aware of any specific teacher being disciplined for violating the Board's social media policy. He agreed that violations of the policy or questionable postings are dealt with through coaching rather than discipline, and potentially letters of reprimand if the posting is "really bad."

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