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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2022-001408

K.S., a minor, by and through his Guardian ad Litem, James Seeger ..... Petitioner,

v.

Richland School District Two..... Respondent.

APPENDIX – VOLUME II

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHALND COUNTY
Richland County Circuit Court
Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2019-000951

RECEIVED
Jun 30 2020
SC Court of Appeals

K.S., a minor, by and through his Guardian ad Litem, James Seeger……..……Appellants

v.

Richland School District Two……..…….……Respondent

CORRECTED RECORD ON APPEAL
VOLUME 2

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K.S., a minor, by and through his Guardian ad Litem, James Seeger

v.

Richland School District Two

Case No. 2017-CP-40-00323

Videotaped Deposition of **Dr. Alan McEvoy**

January 15, 2019

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STATE OF SOUTH CAROLINA
RICHLAND COUNTY

K.S., a minor, by and through his Guardian ad Litem, JAMES SEEGER,	)	
Plaintiff,	)	
v.	)	Case No. 2017-CP-40-00323
RICHLAND SCHOOL DISTRICT TWO,	)	
Defendant.	)	

VIDEOTAPED DEPOSITION OF DR. ALAN McEVOY

Taken by the Plaintiff on the 15th day of January, 2019, at 2400 Jamrich Hall, Northern Michigan University, 1401 Presque Isle Avenue, Marquette, MI at 9:36 a.m.

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EXHIBITS:

None

Marquette, Michigan
Tuesday, January 15, 2019 - 9:36 a.m.

THE VIDEOGRAPHER: The time is now 9:36, and we are now on the record.

This is the videotaped deposition of Dr. Alan McEvoy being taken on January 15th, 2019 in Marquette, Michigan. We are here in the matter of K.S., by and through his guardian ad litem, James Seeger, versus Richland School District Two, in Case No. 2017CP40-00323.

Would the attorneys please introduce themselves, and the court reporter please swear in the witness.

MR. GAMBRELL: This is Brian Gambrell. I'm the attorney for the plaintiffs.

MR. BARLOW: And I'm Tom Barlow. I'm the attorney for the defendant.

MR. GAMBRELL: Okay.

THE COURT REPORTER: Doctor, if you could please raise your right hand.

Do you solemnly swear or affirm that the testimony you are about to give in this cause will be the truth, the whole truth, and nothing but the truth?

DR. McEVOY: I do.

THE COURT REPORTER: Thank you.

DIRECT EXAMINATION

BY MR. GAMBRELL:

Q. Dr. McEvoy, can you give the jury the benefit of your education?

A. Yeah. I'm a sociologist. I have a Ph.D. in sociology from Western Michigan University. I also have a master's and an undergraduate degree. And I have been a university professor for my entire professional career.

Q. What year did you become a university professor?

A. 1975, I believe.

Q. And you've been continuously employed as a professor since 1975?

A. That is correct.

Q. And what is your current title?

A. I'm the head of the Department of Sociology and Anthropology at Northern Michigan University in Marquette, Michigan.

Q. And do you have a particular area of study that you focus on?

A. Yes. One of the areas of study is I look at school bullying issues, particularly teachers who bully students.

Q. And do you teach any classes that relate to bullying or teacher issues?

A. I have taught courses in sociology of education. I teach

courses in deviant behavior. And I also teach an honors course called Patterns of Violence, where I include discussions of teacher conduct. I've also taught -- directed studies dealing specifically with teacher conduct.

Q. And you used the phrase sociology of education.

What is sociology of education?

A. We look at how schools are organized, how they function, classroom interactions, student performance issues, assessment issues, a range of issues in school systems.

Q. How many school districts have you reviewed or analyzed their policies?

A. I've been asked to speak and do in-service training at dozens of schools when I've -- and I've had the chance to review policies at those schools.

Q. And how many papers and articles have you written on the topic of teacher-on-student bullying?

A. I published what I believe was the first study in 2005 on this topic. I published an article in 2014 that's been widely distributed in a magazine called "Teaching Tolerance." And this past year, in the spring of 2018, I published what was probably the largest study in the country on teachers who bully students.

Q. And how was that study conducted?

A. I developed a Qualtrics survey that was administered to

over a thousand teachers, asking them how they understood the behavior of their colleagues and how they responded, and how the school system responded.

Q. And did you publish those results?

A. Yes, I did.

Q. How did you become interested in the topic of teacher-on-student bullying?

A. Well, to be honest, I suppose its origins go back to my elementary school days. I had a horrible teacher who was one of the meanest persons I've ever encountered, and she was terrible to me. And even to this day, I can still remember in great detail the things she said and did. That was one source.

In the 1990s, I was doing workshops on school violence issues, including bullying, and I began talking to professionals about their conduct towards students, and not just how students treat one another. And as a result of that, I would have people coming up to me talking about their experiences and their frustration in dealing with colleagues who are mean to kids, and they didn't know what to do about it. So I -- From that, I began to do research on this topic of teachers who bully students. And at this point in time, almost nothing had been published on this topic.

Q. What year do you believe you first started actually

systematically researching the issue of teacher-on-student bullying?

A. The first paper I published was 2005, but I began looking at that topic earlier than that, probably the late 1990s.

Q. And have you continuously studied the issue of teacher-on-student bullying since the late 1990s?

A. I have.

Q. How many seminars do you believe you've presented over the years including the topic of teacher-on-student bullying?

A. Dozens. I don't have a specific count.

Q. How many seminars do you think you've presented where the topic of teacher-on-student bullying was a topic?

A. I presented this at a number of national conferences over the years, often as the keynote speaker. And I've done regional work. I've done training up here in the Upper Peninsula. I've been asked at a number of places in the country --

(Brief interruption)

THE WITNESS: Someone's phone.

MR. GAMBRELL: Yes.

THE WITNESS: I'm sorry. I lost track.

BY MR. GAMBRELL:

Q. We were discussing the issue of seminars that you were --

A. Seminars and workshops and teacher in-service training.

I've done quite a few of them in a number of places, both in -- particularly in Michigan and Ohio, but at national conferences as well.

Q. How many times have you been consulted by schools or school districts on anti-bullying policies?

A. Usually, that -- the consultation is included as part of an in-service training, so again, it would be dozens.

Q. Have you assisted in editing or making suggestions on anti-bullying policies?

A. In reviewing school policies, I've made suggestions. I don't edit their policy for them, no.

Q. How many times do you think you -- have you reviewed those policies for a school district?

A. Dozens.

Q. And how many times have you appeared as an expert witness regarding teacher-on-student bullying?

A. I think six or seven, at least.

Q. Have you always appeared on behalf of the student when you testify?

A. I've been hired by both the defense and the plaintiffs.

Q. And what did you do to prepare for your testimony today?

A. In addition to my own research over the years, I've read all of the depositions and materials that were submitted to me in preparation for this case.

Q. Have you had an opportunity to review the anti-bullying

policy promulgated by Richland School District Two?
A. Yes.
Q. And are you familiar with the standard of care of a teacher toward a student?
A. Yes.
Q. And what is that standard of care?
A. If you talk about a national standard, if you might bear with me, I would like to read you the National Education Association's code of professional ethics. And this is pretty typical throughout districts in the country in their national standard.

They say, "The educator shall not unreasonably restrain the student from independent action in the pursuit of learning. The educator shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety. The educator shall not intentionally expose the student to embarrassment or disparagement." That's the standard.

Q. And does that standard apply also to school districts?
A. Yes.
Q. And --

MR. BARLOW: Brian?

MR. GAMBRELL: Yes?

MR. BARLOW: Can I stop you?

MR. GAMBRELL: Sure.

MR. BARLOW: Are we going to cross on qualifications before you go into substance, like we talked about the other day?

MR. GAMBRELL: We are. In fact, I was about to -- I've got one more question, and then that's what we're about to do.

MR. BARLOW: Excellent. Thank you. Just making sure.

BY MR. GAMBRELL:

Q. All right. And in reviewing the materials for preparation today, have you discovered the standard of care that Richland School District Two has adopted for itself?

A. Yes. I have that right in front of me.

Their policy reads, "The Board prohibits acts of harassment, intimidation, or bullying of students by students, staff, and third parties that interfere with or disrupt a student's ability to learn, and the school's responsibility to educate its students in a safe and orderly manner.

Since learning by example -- Since students learn by example, school administrators, faculty, and staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment,

intimidation, or bullying."

And then their policy goes on to define bullying as "harming a student physically or emotionally, or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage, and insulting or demeaning a student or group of students, causing substantial disruption in or substantial interference with the orderly operation of the school."

And they go on to talk about students requesting -- or requiring students and professionals to report the incidents of bullying, which is pretty typical.

Q. And is that standard in the policy that Richland School District Two has adopted, is it consistent with the national standard?

A. It's consistent with keeping kids safe, not humiliating them, not harming them. Yes, that is consistent.

MR. GAMBRELL: Okay. And at this time, we will move for the admission of Dr. Alan McEvoy as an expert witness on the subject of teacher-versus-student bullying and school district responses to teacher-versus-student bullying.

And I think, Tom, you were going to cross-examine?

MR. BARLOW: Yes.

CROSS-EXAMINATION

BY MR. BARLOW:

Q. Dr. McEvoy, good morning. I'm Tom Barlow.

A. Good morning.

Q. We talked last week.

You're testifying from Marquette, Michigan; is that right?

A. That is correct.

Q. All right. Canada is on the other side of the lake from you?

A. Yes.

Q. Lake Superior?

A. Yes.

Q. Okay. And you're currently employed at Northern Michigan University?

A. That is correct.

Q. Previously Wittenberg University in Ohio?

A. That is correct.

Q. You've never worked in South Carolina?

A. No.

Q. The only time you've been to South Carolina was for a golf outing 10 to 12 years ago?

A. That is correct.

Q. You've never appeared as a presenter at a conference in South Carolina?

A. No.
Q. You've never conducted any training in South Carolina?
A. No.
Q. You're not an attorney?
A. I am not.
Q. All right. You have no experience with or study of South Carolina laws or regulations as related to qualifications or employment of teachers?
A. I do not know South Carolina law in that regard.
Q. All right. And no experience with South Carolina law or regulations regarding supervision of teachers?
A. I do not have that information.
Q. All right. No experience with or study of South Carolina laws or regulations regarding supervision of students?
A. I do not have that information either.
Q. All right. You've never held a certificate or license to teach in a K-12 setting in any state?
A. I am not a certified teacher; however, I have taught courses that do certify teachers.
Q. All right. You have never been employed by a public school district in a K-12 position, correct?
A. I have been employed to do evaluation as a -- evaluations of their program, as well as being hired to do in-service training, but I'm not employed as a teacher in a K-12 system.

Q. Fair. Not a W-2 employee for a K-12 school?
A. No.
Q. All right. And you've never been an administrator in a K-12 setting either?
A. No.
Q. Or a school principal, anything like that?
A. No.
Q. Or a district-level school administrator --
A. No.
Q. -- in any setting? All right.

You have not reviewed any other policies or rules from South Carolina school districts, other than that of Richland Two, have you?
A. That is correct.
Q. All right. And you've not reviewed any training materials or programs used by South Carolina school districts, other than Richland Two either, have you?
A. No, I have not.
Q. All right. You've not spoken personally to any witness in this case?
A. No, I have not.
Q. And you've not spoken to any school official in the state of South Carolina regarding this case?
A. No, I have not.
Q. All right. You've not been qualified by a court as an

expert witness previously?
A. I have been qualified as an expert witness previously, but not in South Carolina.
Q. What case was that, that you were qualified previously?
A. There was a case in San Diego; I think I gave you the information in my prior deposition. And there was -- There have been cases in Ohio; I gave you that information in my prior deposition. And I've been deposed in a case, I believe it was in Arkansas, in an administrative hearing.
Q. But in those cases, a court did not actually -- you didn't actually testify in court and qualify as an expert witness --
A. I did.
Q. -- by the judge?
A. I did in at least one case.
Q. We'll look for that case. All right.
There are no national standards on teachers bullying students?
A. There's very little in the way of research on this. And there has been a great deal of information on student-on-student bullying, but very little in terms of teacher-on-student research.
Q. Okay. In fact, your article in 2017 -- Well, your article last year that was based on a study in 2017 held

as the first significant survey of its kind; isn't that right?
A. Of a national -- Yeah, of a national survey of its kind, yes.
Q. All right. And that was 2017, the survey was done?
A. I gathered the data in 2017, and it was published in the spring of 2018.
Q. Okay. And you haven't actually presented on this topic since 2011, according to your resume, have you?
A. That's not true. I actually presented at -- some of this data at a national conference last spring.
Q. All right. You're not a licensed psychologist or psychiatrist?
A. No, I am not.
Q. You never have been?
A. No.
Q. All right. And you're not a therapist of any sort?
A. No. I'm a sociologist.
Q. All right. What are you being paid for your testimony in this case?
A. I beg your pardon?
Q. What are you being paid for your testimony in this case?
A. $300 an hour.
Q. All right. Is there also a retainer of some sort?
A. There's a $2,000 retainer fee.

Q. All right. So 200 -- Excuse me. $2,000 retainer?
A. And $300 an hour.
MR. BARLOW: All right. Okay. And at this point, we would object to Dr. McEvoy's testimony under Rule 702 of the South Carolina Rules of Evidence, on the grounds that Dr. McEvoy is not qualified as an expert to give an opinion on relevant standards of care in South Carolina or breach of that standard; that the testimony will not help the trier of fact understand the evidence or determine a fact at issue in this case; and that the danger of misleading or confusing the jury under Rule 403 of the South Carolina Rules of Evidence outweighs any probative value of any opinion evidence that may be offered.
MR. GAMBRELL: Okay. Let us go off the record.
MR. BARLOW: Sure.
(Discussion off the record)
THE VIDEOGRAPHER: The time is now 9:52 a.m., and we are off the record.
(A short break was had)
THE VIDEOGRAPHER: The time is now 9:54 a.m., and we are back on the record.
DIRECT EXAMINATION (CONTINUED)
BY MR. GAMBRELL:
Q. Okay. Dr. McEvoy, what is bullying?

A. I define bullying as a pattern of conduct rooted in a power differential that threatens, harms, humiliates, induces fear, or causes a student substantial emotional distress.
Q. And what is it about -- What's a feature of teacher-on-student bullying that makes it so bad or so pernicious?
A. At a fundamental level, the protectors are harming the kid, and it tends to be persistent, and the child doesn't have any means of redress or any means of escaping the problem. And often, the bullying is done publicly in front of peers, and it affects that child's relationship with other students. The child is often depressed, fearful, and the child doesn't know what to do.
Q. When you say public, what do you mean by public?
A. Bullying is a way of degrading a person in front of other people. And when I say -- When teachers do it, they do it in a classroom, but not necessarily in front of their colleagues, although sometimes that happens in the hallways or a lunchroom or on the playground. But typically, it's public in the sense that other students see it and know it's going on, but it may not be easily detected by colleagues.
Q. And I think in one of your writings, you talk about a public degradation ceremony. What is a public

degradation ceremony?
A. It's a way of defining a person as less worthy, as different, as requiring punishment sometimes. It's a way of spoiling their identity in front of others and in their own eyes.
Q. And what is it about teachers as bullying that's so particularly damaging to the victims?
A. First and foremost, it undermines the child's capacity to learn. It undermines the child's relationship with peers. It undermines the child's relationship with parents. Parents are often delivering the kid up to the school system without knowing what's going on. And it does emotional damage to the child. They often internalize their sense of worthlessness as defined by the teacher.
Q. And does the duration of the activity correlate to how damaging the bullying can be?
A. The longer it persists, the more damaging it is. The analogy I would use is, a friend of mine recently talked about a person that was snowmobiling up here and got frostbite at the tip of his fingers. And the person didn't take care of it, and it became infected, a kind of gangrene, and it spread. It could have been taken care of earlier, but the longer it persists, the worse it gets. That's the analogy that I would use. The longer

it persists, the more damage it does to the child.

Q. How do bullying teachers get away with their conduct?

A. It's a bit complicated, because teachers legitimately can motivate kids and discipline kids, but within the context of motivation and discipline, they often cross a line. And in the name of discipline, for example, they'll do harm. And they will justify their conduct as, I was trying to motivate the kid, or, I was trying to discipline the kid.

And that's legitimate to try to do, to motivate and discipline, but they cross a boundary. And that boundary they cross is often recognized by colleagues as inappropriate, that they have gone beyond a professional standard of conduct.

Q. And how is the bullying conduct perceived by the victim as it relates to whether they deserve the conduct or they need the conduct?

A. The target is often told that they're responsible for what's going on, that they deserve it, that the teacher is legitimately responding to their inappropriate conduct. And they tend to internalize it. They feel worthless. And one of the things that can happen then is when teachers bully kids in front of other kids, there's a kind of contagion effect where the other kids will pile on. They will feel justified. And this does enormous

damage to the child's ability to feel good about him or herself, to learn, and to establish positive relationships with other kids in the school.

One of the most powerful forms -- significant forms of power adults have over a child is the power to reject, and essentially, bullying is a process of rejection.

Q. Why is safety important to a student in his ability or her ability to learn?

A. There is a wealth of research that basically indicates first and foremost, you don't do well. You don't perform competently if you don't feel safe. Safety is a precondition for learning and for success in school, and if that is taken away, you don't do well.

I'll give you an example. If you're in school, you're a child at school, and you know that when you leave, someone is going to beat you up, you're not going to be able to focus on the class at hand. You're worried. That sense of safety, if it's taken away, undermines the capacity to learn.

Q. And what does -- What does bullying look like? I mean, what is it -- Maybe said differently, if we were able to kind of observe the classroom, what kind of conduct would we see the teacher engage in against the student?

A. Typically, when teachers bully students, it's not physical in nature. It tends to be verbal abuse.

Yelling, screaming, demeaning, telling a kid that he or she is stupid, can't learn. And it's done in front of other students. So it's a form of public humiliation. It tends to be a verbal, a kind of emotional abuse, or I'd even call it emotional terrorism, and the child has no place to turn for help.

Q. What is -- You used this word, emotional terrorism. What is emotional terrorism?

A. It's being in a situation where you can't escape the interaction, and you're constantly being made afraid, humiliated, demeaned, told you're worthless, and you have no redress or escape.

Q. What is the effect of yelling by a teacher on a student?

A. It's complicated, because probably most adults will, on occasion, yell at a child. I've yelled at my kids when they were crossing the street when it was dangerous. The intent was to stop them from harm.

The kind of yelling involved in bullying piles on the harm. It makes the kid feel worthless. And it's not about correcting behavior, it's about shaming, and it's about isolating the child.

Q. Can a teacher bully a student without yelling at them?

A. There are all kinds of ways of bullying a student. One of them -- You don't have to yell to isolate a kid and humiliate a kid.

I recall when I was a child, the teacher didn't yell at me. Made me stand up and tell the whole class what my failing grade was, and then told the whole class in front of me that I was not smart enough to go to college. There was no yelling involved, but that was a significant humiliating event that I still remember today.

Q. What are the differences between a child that is suffering from bullying by a teacher versus a child that just simply doesn't like school or like his teacher?

A. There are all kinds of reasons why kids may not like going to school. They don't like math. They don't like -- The teacher is boring. They'd rather be doing other things. The difference is, when a child is being bullied, they're afraid. They are made to fear.

THE WITNESS: I think we froze up.

THE COURT REPORTER: Just one second, because I think --

MR. BARLOW: Brian, I've lost connection.

(Discussion off the record)

THE VIDEOGRAPHER: The time is 10:02, and we are now off the record.

(A break was had)

(Record read as requested)

THE VIDEOGRAPHER: The time is now 10:17 a.m.,

and we are on the record.

THE WITNESS: Okay. So when a child is being bullied as opposed to simply disliking school, the child is fearful, the child is confused, the child doesn't know where to turn for help, and the child just tends to feel worthless. That's different from simply disliking school because it's boring.

BY MR. GAMBRELL:

Q. And what is the difference between a bad, which meaning, professionally unsound teacher, and a bullying teacher?

A. There are teachers who are not well prepared, do not have mastery of their subject matter, perhaps have a hard time controlling students or managing a classroom. That's different from when a teacher is mean. And so the abusiveness of a teacher has to be separated and treated as a different category than a teacher who is less -- simply not effective.

Q. And what can a school district do to prevent bullying by its teachers against students?

A. I'm sorry. Say that again, please?

Q. What can a school district do to prevent bullying by its teachers against the students?

A. There are several things. First of all, schools should include in their anti-bullying policy information about teacher conduct, so it isn't just referencing

peer-on-peer bullying behavior. So they have to acknowledge that teachers can perpetrate bullying as well as coaches and administrators.

Secondly, they need to do training of the staff on recognizing what bullying is, and have deliberate discussions with the staff about teacher conduct towards students, and not simply reference things in terms of peer-on-peer behavior.

Third, they need to have a procedure in place to do proper investigations if a teacher is alleged to bully a student, and that investigation should entail more than simply an informal conversation between, say, an administrator and the alleged perpetrator. There has to be some systematic way of gathering information about the teacher's conduct.

And secondly, there have -- Or finally, there have to be a range of consequences for the teacher if the allegations are proven to be true.

Q. Who should conduct an investigation of a teacher that's alleged to be a bully?

A. Quite often, it's claimed to be the responsibility of the principal to do an investigation. But what I have found is that very few principals are trained on how to investigate cases of alleged bullying by a teacher. So there's whatever investigation should take place at the

school level, but also, at a higher administrative level involving human resources.

Q. What is it in particular about principals that make them kind of ineffective investigators?

A. First of all, there's a lack of training. Secondly, there's often a lack of clarity in the policy itself, where it doesn't specify teacher conduct towards students. And finally, it has to do with the culture of the school itself. To use an analogy, police often don't want to report the behavior of a fellow colleague who may have crossed a line in doing an investigation or an arrest.

So teachers have this -- Or excuse me.

Principals have this kind of dual responsibility to be helpers of the teachers, but there's a kind of role conflict because they're also supposed to do investigation and sanctioning. And it's very confusing on what that person's responsibility is. That's why you need clarity in the -- not only in a policy statement, but procedurally what an administrator should do in the case of disciplining a teacher.

I'm a department head, and I have responsibility for the personnel in my department. And I will tell you, the hardest part of my job is having to confront a colleague who's behaved in a problematic way. It's a

very difficult thing to do because you want to maintain collegial relationships with that person. On the other hand, you're supposed to sanction that person and be in contact with higher administration about what a person has done. It's very confusing, and it's emotionally difficult.

Q. Are there teachers that are more likely to become bullies?

A. There's some -- There's a little bit of research on this by a guy named Stuart Twemlow, who did some work -- published an article in 2006. And his basic finding based upon a fairly small study was that teachers themselves who had been picked on or bullied, that they tend to be more likely to perpetrate. But I don't think we have clear evidence enough to make that a firm conclusion on what motivates the person to be a bully.

Q. Does the length of time that a teacher has been employed have any positive or negative relationship to their likelihood to become a bully?

A. In the research I have done on this, what I found is it tends not to be newer teachers, that is, teachers who have been in service less than five years. They tend not to bully students. Often, they come in with high ideals about teaching.

It is -- It tends to be teachers who have been in

service for longer periods of time, who have built up relationships within the school system, perhaps are burned out or frustrated with aspects of teaching. They tend to be the ones who are more likely to perpetrate.

Q. Why is the principal's length of service in one particular school relevant to a teacher becoming a bully?

A. The principal's length of service?

Q. Yes.

A. Experienced principals would -- should be in the position to know what to look for in evaluations of teachers, and to be able to identify problematic conduct that they can call into question and mediate.

So a new principal is often naive and doesn't know the system of the school necessarily, or how best to handle especially a more experienced teacher.

Q. Is there any -- What about a principal -- Excuse me.

What about a principal that has been in a position for a long time and has a teacher that is a bully?

A. My sense of this, and, actually, some of the testimony with former Principal Barth in this particular case, reflect that she had a better understanding of how to handle the allegations when presented with the evidence. What she said she would do was different than what was actually done in this case by Dr. Holzendorf.

So you would expect a more experienced principal to

have a better sense of policies and procedures and how to handle difficult cases.

Q. What is the appropriate response if a school district discovers an employee is bullying a student?

A. First of all, they have to do a thorough investigation, and that investigation should involve more than simply having a conversation with the person alleged to perpetrate. It's important to bring in the parents. It's important to discuss other teachers -- with other teachers what they might know. It's important to look at prior records, prior complaints, including from parents, or prior incidents.

And it's especially important to have conversations with the students who are in the person's class, because they are in the best position to have observed conduct over a period of time that others might not have observed.

Q. Is there a way to question these students that's more effective than another?

A. Yeah. You don't want questioning of students to be fearful or a hostile encounter. So typically, a neutral party, it could be a school counselor, one-on-one where the child is told that what they're saying is confidential, that they won't get into trouble for telling the truth. And you ask them. You ask them

what's going on. Ask them to describe what's -- the kind of interactions that are happening in the classroom.

And one of the things that was such a failing in this case is that the students were never asked anything.

Q. Why is an informal discussion not sufficient to remedy the problem of a teacher bullying?

A. The person who's alleged to perpetrate has every motivation to be deceptive, to deflect, to not tell the truth, and to basically rely on the claim, I was motivating or disciplining the student, and that the conduct was appropriate. Basically, they kind of gaslight someone and to say it's someone else's fault. So they deflect.

Q. What is gaslighting?

A. Gaslighting basically means you try to convince something [sic] what they've -- that it's all in their head, it's not true, it was a miscommunication, a misunderstanding, that they're crazy to think something is true.

Q. And does a bullying teacher seek to gaslight people that would be in a position to stop the bullying?

A. Absolutely right.

Q. What is the typical response of a bullied student?

A. A lot of it is avoidance behavior. They might have -- They feel fearful. They feel ashamed. They have a hard

time concentrating on school. They might have psychosomatic symptoms, eating disorders. And in extreme cases, there's a lot of evidence that kids that are bullied experience suicidal ideation.

Q. What does the word ideation mean?

A. Thinking about suicide. Thinking about ending their lives, or thinking about harming themselves.

Q. Is the amount of time a student is bullied particularly significant?

A. I think there's progressive deterioration psychologically and academically the longer it persists.

Q. Why do students typically not report the bullying behavior of their teachers?

A. They believe the teacher is all powerful, that there will be retribution, that the teacher will find out. It could affect their grades. That there will be -- The teacher will get even. They're afraid.

Q. And what makes the student hesitant to tell their parents about the bullying behavior?

A. First of all, the student has been isolated, and they've been made to believe that the teacher can levy consequences, and they may have been basically ordered not to talk about things, or they may come to believe that they're responsible.

And in this particular case, it was clear that Kian

was absolutely afraid that his teacher would find -- that Jan Moody would find out if he said anything, so he remained silent out of fear.

Q. What about -- In particular, the younger the children where students have -- There's a range, of course, from kindergartners to high-schoolers.

What is it about -- particularly about younger children, kindergarten, first, second, third grade, that makes them particularly vulnerable to this bullying type of environment?

A. First of all, they're told to believe and respect the adults. They tend to take things literally. They don't understand nuanced conflicts that might emerge. And they believe the teacher is all powerful. And perhaps their parents reinforce the notion, you do what the teacher says. And a child does not know how to respond when the person who is supposed to be a protector is doing harm to the child.

Q. Is this consistent not only with teacher-on-student abuse, but also maybe parent-on-child abuse?

A. Yeah, there is a parallel there. What do you do when the protector is harming you? And kids -- Young kids respond emotionally, not logically to these sorts of things. So you expect emotional disturbances. You don't expect a logical response. So when you ask, Well, why didn't you

tell anyone about this? Well, they're afraid. And their fear is reasonable, given that they're having unreasonable sets of situations imposed upon them by someone who has power.

Q. Is there a view that a student has of his parents' level of knowledge that makes it to where they don't necessarily report?

A. Well, quite often, the child is told, You have to go to school, and you have to do what the teacher is told. And the parents typically are not informed about what's going on and the day-to-day routine of the classroom. So if a child is being bullied by the teacher, the parent may not know about it.

And -- Or even in parent-teacher conferences, the parent may be told something different by the perpetrator, and they may believe that there's something wrong with the kid or there's something wrong with the way they're parenting if there's a disturbance. But they're not -- The parents are not in a position to know unless and until -- and this is what typically happens -- there's some egregious incident that stands out that nobody could hide. And in this particular case, what happened on October 20th was just that, they couldn't hide it anymore.

Q. Okay. Have you had the opportunity to review the school

district's anti-bullying policy?

A. I did review their policy, and I also looked at the PowerPoints that they showed to the children.

Q. And do you have any opinions as it relates to the policy itself?

A. The policy specifies that they won't tolerate bullying and that they have to report it, but they don't indicate anything about the procedures. The policy does indicate that teachers and staff can bully, but they never share that information with the children themselves. The children were not told that teachers could be perpetrators, nor were the children told how to respond specifically if they are bullied by a teacher.

In fact, I found this particularly troubling. This is in the PowerPoint that they gave the kids. They say, "If you see or hear any type of bullying, you should report it to the nearest adult at school right away. Do not wait." And then the next point on the slide is, "The adults will keep you safe from the person who is doing the bullying."

Well, the person who's doing the bullying is the teacher, and you're supposed to report that to the teacher? It's not logical.

Q. Okay. Would a first-grader have the capacity, in your opinion, to be able to kind of overcome that

misinformation and report it to an appropriate authority figure?

A. A six-year-old child is not in the position to be able to do that.

Q. And why is that?

A. They don't -- First of all, they're emotionally distraught. Secondly, they don't understand the nuances of this kind of thing, and they never have been told that a teacher will harm them. So they're not in a position. They haven't -- Their moral development is not sufficient enough to understand the complexities of what is happening. They're responding emotionally. They're feeling something is off, but they can't even articulate it themselves.

Q. Going back to the policy.

Does the policy require investigation?

A. Yes.

Q. And what kind of investigation does the policy itself mandate?

A. If an event is called to the attention of, let's say, the principal, the principal is duty-bound to investigate.

Q. Is there a particular description of the type of investigation that's required?

A. Unfortunately, they don't describe what the investigation entails. And according to Dr. Holzendorf's own testimony

and the testimony of the human resource officer, Karen Lovett, there was never any training on the principals on how to do investigations of teachers who bully students.

Q. What about the level of consequences that are supposed to be imposed on someone that's found to have engaged in that behavior? Is there a -- Is there a policy answer to that question?

A. The policy indicates that if there's a complaint against a teacher, it will be investigated thoroughly and promptly, and there will be consequences up to and including termination of employment. And it indicates there has to be a consequence. But in this case, no consequences were forthcoming.

Q. What is it about in particular Dr. Holzendorf that -- and his relationship to the policy that created a problem in this case?

A. My sense of Dr. Holzendorf is that he's probably a decent man. He was new to the job. And he was never given -- He was supposed to read the policy, but he was never given any guidelines on how to implement the policy, particularly involving teacher conduct, how to investigate. He had no clue.

The analogy I would use is, I remember teaching my two children how to drive when they were teenagers.

And it would have been negligent of me to give them the keys to the car and say go off and drive without doing any training. And I think that's exactly what happened. The policy, that was the keys to the car. That was -- And he was never trained on how to drive it. He was never trained on how to use it.

So he made mistakes. He was negligent in some ways. He didn't follow the policy, according to all the testimony from Lovett and others, that he was confronted with some pretty egregious behavior, and he didn't follow policy. But he was also not trained to follow policy. So there was fault or negligence on his part up to a point, but also on the system itself that didn't train him.

Q. If there are problems with the policy that you would recognize, that if it were presented to you, you would recommend they change?

A. First of all, they should specify in the policy and procedures what to do in the case if there's a -- in cases where there's allegations of teacher misconduct towards students. They should have had in-service training so that the other teachers and the staff could recognize it and know how to handle it. There should have been a clear specification of consequences. There should have been a description of what investigations

entail and how to do them, where to report, how to report, what happens when a report is filed, what is the whole process. The policy was unclear on how to do any of that, and there was no training in this.

Q. What about -- And what about setting the principal, like Dr. Holzendorf, up as the investigator, is there a problem within the policy for doing that?

A. You shouldn't ask a person to investigate if you don't train them how to ask questions and how to seek information. He was put in the position of being the primary investigator and to report to human resources, and he didn't know how to conduct an investigation.

Things that were clear warning signs that he should have been responsive to, he didn't, starting -- most importantly, starting with that first incident on September 29th, 2011. That was the caveat. That was the warning signal. And the alarm was going off, and he didn't respond.

Q. Have you had an opportunity to review the documentation supplied by the school district regarding the reporting of Jan Moody's conduct in the fall of 2011?

A. You mean from the different depositions?

Q. And also provided by the school district.

A. Yes, I've reviewed all the material that was sent to me.

Q. All right. What opinions in general have you drawn from

the documentation regarding Jan Moody's conduct in the fall of 2011?

A. The January -- Excuse me.

The September 29th incident was the first known incident that year that should have prompted a thorough investigation, the incident that took place in the media center that was reported by both Tabitha Glover and Susan Garris to the principal. And they wrote it up, they spoke to him, and my understanding is that he has no recollection of speaking to Jan Moody about it. She basically got a pass. There was no investigation.

The assistant principal, Ms. Germann, who is also responsible for teacher evaluations and assessments, was never informed of that event. The former principal, Ms. Barth, should have been contacted and asked, Are there any prior incidents that you know of?

There was a prior incident in 2009 that was in the personnel files; that was never looked at. And there were other incidents reported to Ms. Barth that had he -- had Dr. Holzendorf looked into this, he would have found out. He would have been able to connect the dots right there and to do a thorough investigation.

He also never, to my knowledge, spoke to Kian, and he never spoke to any of the students in that class, Kian or the other student that was the target of this in the

September 29th incident. And to my knowledge, he never even reported to the parents of the boy in the media center on September 29th what went on. I don't know what he was thinking.

Q. What --

MR. BARLOW: I'll move to strike that. You know, I don't think his testimony is allowed to encompass credibility determinations about the other witnesses, et cetera. So I'll move to strike the last comment.

Go ahead.

BY MR. GAMBRELL:

Q. Okay. Were there -- Were there opinions that you can draw by reviewing the documentation and comparing it to the policy regarding what kind of culture Richland School District Two had regarding teachers-on-students bullying?

A. It's clear to me there had been no prior discussion with the teachers about teacher conduct towards students. It was not indicated in any of the testimony that they had ever done a pre-service training or an in-service training for the teachers and the principal. That there was no discussion of reporting requirements, other than they had a requirement to report; to whom and about what was never clear.

One of the things that's interesting is on the

October 20th incident in the cafeteria, the person who actually reported the incident was a cafeteria worker who was not really formally employed by the school system, yet, the event was witnessed by other teachers, according to testimony, that Jan Moody was sitting next to. They didn't report it.

So I'm hesitant to say there was a culture of indifference, but maybe a culture of minimizing problematic conduct and not really responding as if it's significant.

Q. Have you had the opportunity to review the September 29th, 2011 incident involving Ms. Moody toward an unnamed student?

A. Yes, I did.

Q. And what opinions did you draw from that documentation?

A. That was a pretty egregious incident that I would define as bullying. She publicly humiliated a child and made that child cry. She was yelling at the child in front of other people. It was reported by two adults who witnessed the event. They reported it to Dr. Holzendorf, and it didn't seem to go anywhere.

Q. To the extent that Ms. Garris and Ms. Glover made a report, is that consistent with the requirements of the policy?

A. Those two did, in my view, follow procedure. They did

report it to the principal. The principal did not report it to the director of HR, Ms. Lovett -- Karen Lovett.

And in Karen Lovett's own testimony, she acknowledged that this was an incident of bullying behavior, it should have prompted an investigation, and she should have been informed, and she was not. She was not made aware of this until after the October 20th incident.

Q. Does the policy -- Did the policy require the principal to report the incident to HR?

A. Ms. Lovett indicated it should have been reported to her. I think the policy was a bit vague on exactly what investigation means and how to report. But the executive director of human resources indicated this event should have been reported to her.

Q. And why was the failure to report or improperly investigate the September 29th incident important to Kian?

A. The testimony indicated he had been crying for weeks and weeks. According to his own testimony, he indicated it started at the beginning of the school year, so quite likely, even prior to September 29th.

But September 29th was the warning. That was the moment at which the school was in a position to act, to investigate and to take action, and to protect the kids.

They didn't do it. So they had fair notice, and it went on for weeks and weeks, extending the damage.

I think you need to look at this from the child's point of view. What was that like every day? Every day was a new torment for him. And it could have stopped as of September 29th, and it didn't.

Q. In your opinion to a reasonable degree of certainty, did Ms. Moody's conduct toward the unnamed student on September 29th, 2011 constitute bullying as reported by Ms. Glover and Ms. Garris?

A. Yes.

Q. And in your opinion to a reasonable degree of certainty, did Ms. Moody's conduct toward the unnamed student on September the 29th, 2011, as reported by Ms. Glover and Ms. Garris, constitute a violation of the school district policy J -- JICFAA?

A. Yes.

Q. And in your opinion to a reasonable degree of certainty, did Dr. Holzendorf conduct an investigation as required by Richland School District policy in regards to the September 29th, 2011 incident?

A. No, he did not.

Q. And why do you have that opinion?

A. The policy required action. No action was taken. The policy required an investigation. No investigation was

taken. The policy required that there be some mediation or discussion. There were no consequences for the perpetrator.

Another event happened on October 10th, and a third event happened on October 20th, and the starting date on this was September 29th. Had they done a proper investigation, had they done some intervention, I think it's reasonably certain to say that those other events would not have happened. The damage -- There was a piling on of the damage, and it didn't have to happen.

Q. Is it your understanding that Kian witnessed the September 29th, 2011 incident?

A. Yes, he did.

Q. And why is that significant to Kian?

A. Well, first of all, if he's already been crying, he knows that he could be next, and it simply extends the fear he already has or is likely to have. And we don't know the dynamics that were going on in that classroom at that point. But this teacher was creating a climate of fear that was directly affecting Kian Seeger, and that was the point at which the school can and should have intervened, and they didn't.

Q. Who was uniquely situated to investigate the conduct of Ms. Moody on September 29th?

A. First and foremost, Dr. Holzendorf was. And secondly, if

she had been informed as according to policy, Karen Lovett.

Q. And is the failure to investigate important as to the facts -- the ability to gather facts?

A. The information was there. The school was in control of gaining that information and acting upon it, and they didn't do this. The damage continued for at least three more weeks.

Q. In your opinion to a reasonable degree of certainty, did Dr. Holzendorf violate Richland School District policy in regards to the September 29th incident?

A. I believe he did, yes.

Q. And what violations of the policy did he commit?

A. He failed to do an investigation. He failed to levy any consequences for Jan Moody. He failed to communicate the information to the higher administration, to human resources. And the testimony of Karen Lovett basically substantiates those claims.

Q. Now, kind of moving on to the next incident, which is the October 10th incident.

THE COURT REPORTER: Excuse me. I hate to interrupt you, but I'm looking up at the screen, and it says that the meeting will end in 10 minutes, and that's actually in 5 minutes because that's been up for a while. Do we want to call him back before we move on to the next

segment?

(Discussion off the record)

THE VIDEOGRAPHER: The time is 10:49, and we're now off the record.

(A break was had)

THE VIDEOGRAPHER: The time is now 11:03 a.m., and we are back on the record.

BY MR. GAMBRELL:

Q. Before we took a break, we were starting to move into the October 10th, 2011 incident.

What did you learn by reviewing the documentation from the October 10th, 2011 incident?

A. The incident, according to the testimony of both Glover and Garris, was that they had reported the incident to Dr. Holzendorf. And they reported, to their knowledge, nothing had happened. Dr. Holzendorf couldn't remember or didn't indicate that it was reported to him, so there's probably some confusion there. But they were pretty clear. Glover and Harris were pretty clear that the incident in the media center was reported within a day to Dr. Holzendorf, and apparently, there was no investigation.

The other thing I would say about that is that the policy didn't seem to give any direction to staff who would report to go to someone other than Dr. Holzendorf.

I think that would have been a very useful thing in the policy, to specify that they can report directly to human resources, for example, especially when they saw that there was no action taken to Moody after the second incident, so ...

Q. What opinion did you draw from the fact that the policy does not provide an alternative?

A. There was confusion. People didn't know what to do with the information. And certainly, Dr. Holzendorf didn't do any follow-up investigation at that point, nor did he do anything to talk to the students, nor did he follow up with Kian.

You've got to look at this from Kian's point of view. Okay? He's already -- He's in this class. He's been crying on a daily basis. And now this event happens in front of his peers on October 10th. Where does he go? His parents were not even aware of it at that point.

And one of the things that's so interesting, little kids think their parents are omniscient, they know everything that's going on. And in this case in particular, because Kian's mother was working in the school, I think he may have assumed -- it's possible he assumed that the mother already knew. And the mother testified how upset she was that she had realized later on that she was delivering her son up to this

perpetrator. She didn't know. The kid didn't know that she didn't know. And there was no consequence. The behavior continued.

Q. Why is the failure to document either the report or an investigation both in the September 29th incident and the October 10th incident important?

A. There's a reporting function, and there's an investigation function. Both of those functions failed. And there wasn't anything in the policy that provided alternative means to have this investigated or to whom they should report. Glover and Garris could have gone elsewhere had they been directed to do so. They could have gone directly to HR, but they didn't know to do that. They went to the one authority they assumed would handle the case, and he didn't do it.

And the policy requires that there be documentation of these reports, and Dr. Holzendorf didn't document it. And he, by his own admission, acknowledged that he hadn't connected the dots until after the egregious incident on October 20th.

Q. Why is the -- And in this regard, does the policy kind of create the problem, where there's no -- no one looking over Dr. Holzendorf's shoulder regarding either the reporting or the investigation?

A. The policy was an invitation to confusion, it seems to

me. And there should have been some mechanism to clarify both the reporting and the investigative processes that included not only Dr. Holzendorf, but beyond that. And the school system didn't do this, and there was no training in this.

And Karen Lovett admitted this. She -- We didn't train the principal. And it wasn't clear on what the reporting was. And she was all over the map on this herself. So even she was confused about these processes.

Q. When we speak of Dr. Lovett and the confusion, have you had an opportunity or seen information regarding how many incidents of teacher-on-student bullying that Dr. Lovett had investigated up to this point?

A. Yes. Early on in her testimony, I believe the question was asked to her how many cases of teacher bullying or teacher misconduct had she investigated, and she indicated there were about 40 of them. And as I recall, approximately half of those had occurred before the Kian Seeger incidents, and about half of them afterward.

Which, the surprising thing is that once they had this case evolve with Kian Seeger, they should have reviewed their policy and said, look, something is wrong here if we have this many cases, but there didn't seem to be a change.

And so if you have 40 cases of teacher misconduct

that often involve a teacher bullying students, clearly, there's some confusion in the policy itself, and there's a climate or a culture in the school that's not responsive to the kids' needs.

Q. Now, we understand that that 40 number was district-wide, not in the school --

A. Not in that particular school. It was district-wide. But she had responsibility for the entire district. And it's a district policy, by the way.

Q. Does each individual school, from your review, have their own policies?

A. Each school might have -- They tend to follow the university -- or excuse me -- the district's overall policy. There may be some things particular to the school in their training, but they have to follow the district policy.

Q. Is it your opinion to a reasonable degree of certainty that Ms. Moody's conduct toward Kian Seeger on October the 10th, 2011, as reported by Ms. Glover and Ms. Garris, constitute bullying?

A. Yes.

Q. Is it your opinion to a reasonable degree of certainty that Ms. Moody's conduct toward Kian Seeger on October the 10th, 2011, as reported by Ms. Glover and Ms. Garris, constitute a violation of Richland County

School District policy?
A. Yes.
Q. And is it your opinion -- In your opinion to a reasonable degree of certainty, did Dr. Holzendorf violate Richland School District policy in regards to the October 10th, 2000 [sic] incident?
A. Yes.
Q. And what in particular did Dr. Holzendorf do wrong in regards to the October 10th, 2011 incident?
A. He failed to document the incident as reported to him. He failed to do an investigation. He failed to -- He couldn't remember whether he had any conversation with Ms. Moody about it. He didn't do any san- -- There were clearly no sanctions or mediation with Ms. Moody. He did not speak to the parents about this. He did not meet with the students or other teachers to find out what was going on. And he never had a conversation with Kian Seeger about it.
Q. Does the fact that Dr. Holzendorf not know or can't remember whether the October 10th incident was reported to him, indicate some issues with his organizational methodology?

MR. BARLOW: Objection. That's leading.

MR. GAMBRELL: Okay. I'll restate it.

BY MR. GAMBRELL:
Q. Do you have any opinions regarding Dr. Holzendorf's method for receiving complaints of bullying as consistent with the policy?
A. He clearly was not keeping records. He clearly was not following up with investigation. It's hard to know whether he was simply disorganized or whether this was incompetence on his part, or whether he didn't want to have conflicts with Jan Moody. We can't really know. All we can say for certain is he did not follow policy when he was required to do so.
Q. Why is the October 10th incident particularly important?
A. This was an incident specifically directed at Kian Seeger in front of his peers and in front of Ms. Glover and Ms. Garris, and it was reported, according to their testimony, to Dr. Holzendorf. He didn't investigate. And the reports were that the crying continued for several weeks afterward.

The other thing that's so important, and we haven't mentioned this yet, but the No Crying Club that Jan Moody established in the class, we don't know exactly when that was established, but it's entirely possible that was already going on. And had there been a proper investigation with the students in the class, that could have been discovered. And this kid is suffering a daily

routine of torment, and nothing is being done. Who was advocating for this child?

Q. So we now have the September 29th and the October 10th incident.

Was there information available to Dr. Holzendorf that would have enabled him to draw conclusions regarding Ms. Moody's fitness to continue as a teacher?

A. At that point in time, I think a proper investigation should have revealed, and those two incidents were sufficient for them to have acted to either suspend her, to -- or possibly terminate her, but they failed to do that.

Q. Have you reviewed Jan Moody's employment file with the school district?

A. I have -- I don't believe I had her full employment file. I saw some of the initial materials that were submitted when she was first employed. But I have no idea what kind of due diligence was done to look at her file.

Q. Was there any reports of abuse prior to the 2011 school year that you're aware of that would create further concerns about Ms. Moody's behavior?

A. Yes. There was the report of what happened in 2009, when she discovered the soiled underwear in the girls' bathroom, and she lined the girls up and compelled them to expose the top of their panty line to see who -- to

investigate whose soiled panties were there. And this was reported and investigated, and it was indicated that she used very poor judgment. The only sanction, to my knowledge, was that she -- a letter was put in her file.

According to the testimony of Susan Garris, however, Principal Barth was informed of an incident with Jan Moody involving a boy with spina bifida who was injured because Jan Moody let him go down a ramp in a wheelchair, and he was severely injured as a result of that, and she didn't hold onto the handles.

There was also reports from Ms. Glover -- or excuse me -- from Ms. Garris that -- of the possibility of Jan Moody drinking; that wasn't investigated.

That she had -- There were other incidents with students that she could recall that were not reported, including her own daughter talked about how mean Jan Moody was.

But beyond that, the former principal, Ms. Barth, had indicated in her testimony that at least one parent requested that their child be removed from Jan Moody's class.

And had there been a proper investigation following the September 29th incident, this material was available, and it wasn't looked at. Jan [sic] Barth was never called, and the principal did not look at the prior

record to see about -- to learn about the incident in 2009 or any other potential incidents. On October 10th, he had another opportunity to do this, and he failed to do so.

There's a pattern here, and that pattern could have been discovered by the school had there been proper investigation.

Q. Now, why is the -- Why is the panty incident in 2009 troubling to you?

A. First of all, that was not the responsibility of the teacher to investigate whose soiled panties were in the bathroom, and to line these students up in a public way, and to demand that they reveal their underwear to the teacher. Under no circumstances is that considered appropriate conduct.

And the testimony of others indicated that sure enough, this was not acceptable conduct, this was very poor judgment. Ms. Barth even acknowledged this was problematic, although she called it weird or odd, I believe. And it's certainly unprofessional conduct.

Q. Could the conduct of -- in 2009 constitute a violation of the anti-bullying policy as adopted by the school district?

A. Let's put it this way: It probably could rise to that level; however, in this particular case, I think people

are entitled to a mistake. She made a mistake. And it was investigated, and she was given a warning. Okay? So she had her one chance.

The incident on September 29th is entirely different. Now you've got -- You can start connecting the dots. There's something not right there. And certainly the incident on October 10th, way out of bounds. And the inaction of the school system enabled the behavior.

Q. Have you had an opportunity to look at the training materials which were used to educate the students on bullying?

A. The only training materials that I'm aware of is that they had a PowerPoint presentation that was given to the students, I believe, at the beginning of the school year, and I think that was done in an assembly or a large gathering. And to my knowledge, there also was some discussion with, I believe, the school counselor, who came in on occasion and had discussions with students about bullying. It didn't seem to be very systematic or thorough. And that material never presented to the students the possibility that a teacher could be a perpetrator.

Q. Do you have an opinion to a reasonable degree of certainty about the -- regarding the effectiveness of the

Richland School District's anti-bullying policy?
A. In my view, it was a leaky boat. It was not a very effective policy.
Q. Do you have an opinion to a reasonable degree of certainty about the effectiveness of the Richland School District Two's training of its staff and employees on its anti-bullying policy?
A. I believe it was inadequate.
Q. Do you have an opinion within a reasonable degree of certainty relating to the investigation of Richland School District Two into Jan Moody's behavior?
A. I'm sorry. Could you say that again, please?
Q. Do you have an opinion within a reasonable degree of certainty relating to the investigation by Richland School District Two into Jan Moody's behavior before October 20th, 2011?
A. They didn't investigate it. They should have investigated it. So they failed.
Q. Have you seen or reviewed information relating to the October 20th incident?
A. Yes.
Q. And do you have any opinions regarding the October 20th incident?
A. That was the most extreme incident that was witnessed by a number of people in the cafeteria, including other

teachers, and it was at that point that the parents became aware of Jan Moody's behavior.

And if memory serves, a cafeteria worker who was subcontracted with the school is the one who initiated the report to another person who was a school employee, who then reported to the mother. They never came directly to Dr. Holzendorf.

And it was at that point the mother called the father in, who learned about, at least, some of the overall details of what happened, and demanded that his son be removed from that class.

It was at that point that once the parents became involved and demanded action, that Dr. Holzendorf started to do an investigation and bring in Karen Lovett.

Q. And why is that significant as it relates to the policy?

A. Because the policy should have protected that child long before this, and the school was in charge of investigation and taking action. They took no action, and that child continued to be hurt. Not only the child was hurt, but the parents were hurt. They didn't know what was going on. And their child was being harmed, and they didn't know why. And so it's affecting the parent-child relationship.

Q. Have you seen any indication prior to the October 20th incident that the parents were, at least, aware of some

issues involving their child at school?

A. They were aware that their child was crying. And the -- Both the parents and Kian Seeger, they had a parent-teacher conference, and Jan Moody did meet with the parents on October 18th to try to figure out why the child was crying. At no point did Jan Moody volunteer the information that happened on October 10th, nor did she volunteer the information that there was a No Crying Club.

And, in fact -- This is part of gaslighting. She seemed to suggest to the parents that the reason why the child was crying is that the father was in the military and could be deployed, and that didn't jibe with what was really going on. The parents were totally confused. And they were relying on the teacher to tell them the truth, and the teacher did not do so.

And it wasn't until after the October 20th incident several days later that they began to realize the source of the problem was Jan Moody herself.

Q. And to the extent that the parents were in a position to know what was going on, or would be in -- Excuse me. Maybe say it differently.

Who could have enabled the parents to know what was going on?

A. If Dr. Holzendorf had done his job and done proper

investigation, and also involved the assistant principal, Germann, they would have had more information on what was going on, and they would have known, and they could have known earlier. The parents could have done something. They could have had that child removed earlier had they known what the problem was. They didn't know.

Q. In your view of the materials, were there other behavioral issues witnessed by school employees that would have, at least, prompted an investigation?

A. There was an incident reported by the assistant principal where she was walking down the hall, and Kian Seeger was in the hallway crying. And she spoke with him, but didn't understand what the problem was. And he was sitting alone in the hallway crying. So that would have at least raised questions. There was no indication she had a conversation with Jan Moody about why that happened. I'm sorry. I lost track of the question.

Q. No, no, no, that was ...

Now, is there any bullying context to what Jan Moody did by putting Kian Seeger in the hall?

A. We don't know what the behavior was that resulted in him being placed in the hall, whether that was appropriate discipline or whether that was a mean-spirited act. We don't have that information.

The deeper point is, there were all these

indicators along the line that something was not right with that child, and nobody was finding out. Nobody was investigating. And the child wasn't talking. The child was afraid. The parents didn't know. And nobody was talking to the kids or investigating with other teachers, What do you know, what have you heard? It was absent.

Q. Did Kian Seeger, in your opinion to a reasonable degree of certainty, demonstrate all the characteristics prior to October 20th, 2011 of a student that was suffering from teacher-on-student bullying?

A. Yes.

Q. And can you explain to the jury what those warning signs are?

A. He was fearful. He was distraught. He was emotionally consistently upset. He was unwilling to talk about what was going on. He was hiding information, which is pretty typical of a kid who is afraid. So there were behavioral indicators that were unclear why they were happening. And they were relying on Jan Moody's information to give them some guidance, and it didn't happen.

Q. What is it about the explanation that Kian gives regarding his dad's deployment that is a warning sign of bullying?

A. I'm sorry. Can you say that again, please?

Q. What is it about Kian's description or stating that he

was afraid that his dad was going to be deployed was the -- was indication of bullying?

A. I think he was deflecting away from telling exactly what was going on because he was afraid.

And the other thing that's interesting is that the father and Kian had this arrangement where they would -- they could share notes about what was going on, and Jan Moody interrupted that process too and stopped it from happening. So this child's connection to his parents was being interrupted by Jan Moody.

And I can just imagine what it was like if Kian is in this class. His mother is working there. She's supposed to know what's going on. She doesn't know what's going on. He's got this arrangement with his father to help calm him down and to talk about what's going on. Jan Moody interrupts. He's afraid to tell what's going on. And in multiple points along the way he talked about he wouldn't say anything because he was afraid of what Jan Moody would do.

Q. Why is that -- Well, let me say it differently.

Did Jan Moody ever provide an explanation for why she interrupted this note process?

A. In my view, she didn't provide an adequate explanation, except at one point she did say, if I recall correctly, that, Why doesn't he send notes to me? She didn't really

explain that.
Q. Why is that -- Is that another example of this gaslighting?
A. She's withholding information. She's deflecting. She's not -- She only began to acknowledge some of the things after she -- after the October 20th incident when she was in trouble. And she only began to acknowledge them when she was confronted with the information. She never volunteered anything about the No Crying Club. She never volunteered the information about the notes. It was brought to her attention, and then she responded. And her story seemed to evolve as she got in deeper and deeper trouble, up to and including her suspension from school on November 3rd.
Q. Do you have any opinions regarding the length of time between the October 20th incident and her suspension on November the 3rd?
A. Had there been a proper investigation, a thorough investigation by both the principal and by Karen Lovett, I think that she would have been suspended immediately, and not wait until November 3rd.

And the reason why that's important is that she potentially is still doing damage to the other kids in the class. But also, now Kian Seeger is removed from the class, and she's in control of the narrative. She's

talking -- She may well be talking to the other students about why he's not there, was it his fault. She could be continuing to do harm in his absence from the class.

And she was allowed to do that. The information was already there by the October 20th deadline -- date, where she could have been removed. She was allowed to continue for almost two weeks.

Q. Is there any opinions that you have regarding Dr. Lovett's understanding of the policy within a reasonable degree of certainty that give you some concern?

MR. BARLOW: I'm going to object. How can he testify as to Dr. Lovett's understanding of the policy?

BY MR. GAMBRELL:

Q. Let me maybe rephrase it and say, do you have any opinions within a reasonable degree of certainty regarding Dr. Lovett's implementation of the school district policy?

A. Dr. Lovett acknowledged that the policy required an investigation. She also acknowledged that she tends to rely primarily on the principal's description of what's going on as part of her investigation.

She never interviewed the assistant principal. She never interviewed -- by her own testimony, interviewed Garret [sic] -- or excuse me -- Ms. Glover

and Ms. Garris, who were witnesses to two events. She never really reviewed or had anyone independently review whether or not Holzendorf had been doing the proper job. She was relying on him, and he was relying on Moody -- Moody's test- -- or responses.

So there was a failure on her part as well. Not only did she fail to do the training, she failed to do a thorough investigation according to their own standards.

Q. And do you have that opinion, that they failed to do an investigation to a reasonable degree of certainty?

A. Yes, I do.

MR. GAMBRELL: Okay. If we can go off the record for a second. Tom --

MR. BARLOW: Sure.

MR. GAMBRELL: -- I want to look at my notes.

MR. BARLOW: That's fine.

THE VIDEOGRAPHER: The time is now 11:30 a.m., and we are off the record.

(A break was had)

THE VIDEOGRAPHER: The time is now 11:38 a.m., and we are on the record.

BY MR. GAMBRELL:

Q. Dr. McEvoy, in -- to finish up, is there any research or studies that have been done of what the long-term impact of teacher-on-student bullying has on the student?

MR. BARLOW: I'm going to object to that. He's not qualified to talk about that in psychological or psychiatric terms or anything like that. So I don't think that -- Even if he's qualified as an expert in the area you seek, he's not qualified to testify about that.

MR. GAMBRELL: Okay. I'm going to let him answer in case she overrules your objection.

MR. BARLOW: No, that's fine. Yeah.

BY MR. GAMBRELL:

Q. Go ahead.

A. Okay. What little research we do have on the long -- There's research on the long-term effects of trauma, particularly to -- Teacher bullying is not as much known. But consistent with the research on people who suffer from trauma, they often have poor self-images, poor self-worth. They suffer from chronic depression. They suffer from intrusive imagery or memories. They don't forget it. They don't forget this stuff. They may not want to talk about it. And it can affect subsequent relationships.

So one of the things about being in an abusive relationship, it disorders subsequent relationships. It affects your relationship with other people, or it can affect your relationship with other people. And some of those effects may not emerge right away. They can emerge

over time.

Q. Have you had opportunity as a sociologist to study the impacts of victims that suffer trauma?

A. Yes, I've written several books on the problems of trying to recover from sexual assault, and how other people can help people to recover from sexual assault.

Q. Is there any analogies or conclusions that you can draw from a -- as a sociologist within a reasonable degree of certainty that would relate to a student that suffers abuse from their teacher?

A. Responses to trauma will vary. There's not going to be one response. But in general, chronic depression is one. Sometimes self-harm. Affecting subsequent relationships. A capacity to trust other people. If you want to call it irrational fears. Intrusive memories. Sometimes eating disorders.

So there are a range of issues that come into play, and a therapist will be able to focus on some of those and try to work through those problems with the person that's been traumatized.

MR. GAMBRELL: Okay. That concludes my direct examination, answering any questions on cross-examination that Mr. Barlow may have.

FURTHER CROSS-EXAMINATION

BY MR. BARLOW:

Q. All right. Dr. McEvoy, Richland School District Two's policy JICFAA and its administrative rule JICFAA-R reference and prohibit bullying by teachers and other adults in the school, correct?

A. Correct.

Q. Would you agree that most of the school district policies you've reviewed say nothing at all about bullying of students by teachers?

A. Many of them do not. Some of them do, but many of them don't.

Q. In fact, you did a survey in 2017, published in an article last year, in which only 13 percent of responders in the survey could say that the school policy indicates that bullying could involve teachers?

A. That the policy specifically mentioned that, yes.

Q. Right. Only 13 of those say their policies specifically mentioned it, right?

A. Yes.

Q. Okay. And Richland School District Two's does. All right.

You haven't reviewed any other policies of any school districts in South Carolina, correct?

A. I'm sorry. Say it again.

Q. You have not reviewed any other school district policies in South Carolina other than Richland Two?
A. No, I have not.
Q. All right. You would agree that bullying of students by peers is a far more common and widespread problem than bullying by teachers?
A. That's where most of the research and most of the attention, most of the policies that focus, peer-on-peer bullying.
Q. Right. Your testimony assumes that Mr. Holzendorf was informed of the October 11th incident before October 20th; is that right?
A. Of the October 10th incident, you mean.
Q. October 10th. Did I say 11th?
A. Yes, you did.
Q. Yeah, October 10th of 2011 incident.
A. He had no recollection of it, but both the testimony of Glover and Garris indicated he had been informed.
Q. That wasn't my question.

My question was, your testimony assumes that he was informed of it, correct?

A. My testimony assumes that the -- that he was informed, yes, that there was evidence to believe he was informed.
Q. Do you know when his deposition was taken, the date?
A. I could look.

Q. Was it after 2017?
A. I'm trying to re- -- I'm trying to recall. Offhand I can't recall. Let's see ... I don't recall offhand.
Q. That's fine. It was sometime after 2011, correct?
A. Yes.
Q. A significant time after 2011, right?
A. Yes.
Q. I mean, we're here in 2019 now for the deposition, so that's a number of years, right?
A. Yes.
Q. All right. Your survey that you did in 2017 was -- you referred to that as the first significant survey of its kind, right?
A. Yes.
Q. This survey would not have been around at all in 2011 or even perhaps thought of in 2011; is that fair?
A. Not to my knowledge.
Q. Okay. Richland Two's policy that we just mentioned that you've testified about, it also requires employees to report bullying or harassment of students by teachers and staff, doesn't it?
A. Yes.
Q. All right. Would you agree that most school policies you've looked at do not require employees to report bullying of students by teachers or adult staff?

A. Most of the school policies I've looked at have not discussed teacher-on-student bullying.
Q. So therefore, they would not have directions to employees of what to do if they saw teacher-on-student bullying?
A. Well, not exactly, because every school -- or nearly every school has statements of ethical behavior towards students. And if there's unethical conduct or inappropriate conduct towards students, including things like sexual harassment, there are mandated -- it's mandated that they report.
Q. Certainly. So school districts have other policies like sexual harassment policies that would prescribe and tell people how to investigate and do things like that, right?
A. They do.
Q. Sure. Okay. You didn't look at any of Richland Two's other policies, did you, with regard to whether they have sexual harassment policies?
A. They indicated in the -- They indicated that they have -- that harassment is prohibited, but they -- I didn't look specifically in their sexual harassment policy, but they do indicate that that kind of sexual behavior with -- certain sexual behaviors are prohibited, yes.
Q. All right. Richland Two's policies also spell out consequences for students and staff who commit acts like Ms. Moody was accused of, right?

A. All they do is spell out is it can include termination. It doesn't really give a range of sanctions.
Q. Okay. And the policies that you reviewed at -- reviewed from other places that deal with teacher-student bullying don't have that at all, do they?
A. Some do, actually. Some talk about a range of sanctions. Some will even talk about a statement of standards and protections, where they give a warning, and it goes -- the warning goes in their -- the record. And if the behavior persists, it can include -- it's an actionable offense. Some places require some kind of subsequent training or counseling. There's a variation there. In other words, schools are given options on how to handle reports.
Q. Right. And I believe you've -- your article that we've referenced makes the point that most teachers don't suffer any consequences for bullying students?
A. Most don't, because it goes undetected, because there's not -- it's not properly investigated.
Q. All right. Ms. Moody was -- suffered consequences here, didn't she?
A. She did ultimately, yes.
Q. Including the loss of her job?
A. Yes. Not until November 11th, but yes.
Q. All right. But most teachers, as you said, don't have

any consequences in these circumstances?
A. It goes undetected quite often.
Q. Sure.
A. Because there's no clear procedure to investigate or respond.
Q. And that's the norm?
A. I wouldn't call it a norm. I would call it a failure of policy and a problem that needs to be addressed.
Q. But this is a problem that you see across the country, right?
A. I do not think this problem has been fully addressed throughout the country, yes.
Q. All right. And Ms. Moody was also referred to law enforcement, wasn't she?
A. The school resource officer was informed of her conduct of October 20th.
Q. Okay. And the school resource officer is a law enforcement officer employed by the Richland County Sheriff's Office, is it not?
A. Well, either that or the school. I'm not sure who the actual -- who pays the check.
Q. Humor me and assume that it is somebody from the Richland County Sheriff's Office that is the school resource officer.
A. Okay, I'll humor you. Okay.

Q. All right. And they're paying for it. Okay?
That's a consequence to Ms. Moody as well, isn't it?
A. What? That it's reported to a school resource officer?
Q. Yes, for possible follow-up as a criminal matter.
A. I don't know that I would call that a sanction. I would call that a procedure.
Q. A procedure that is favorable or unfavorable to Ms. Moody?
A. A procedure that could result in consequences.
Q. Okay. Now, your testimony is that Ms. Moody's treatment of Kian Seeger did not serve any legitimate educational purpose --
A. Correct.
Q. -- right? All right.
And therefore, it would be outside of the scope of her duties and responsibilities as a teacher to engage in that kind of behavior?
A. I believe her behavior was a corruption of the teacher role.
Q. Okay. Done for personal reasons rather than educational reasons; is that fair?
A. I can't specify her reasons or her intentions. I can only specify that her behavior was outside professional bounds.

Q. Yeah. So it's not within the scope of normal teaching?
A. No, it is not.
Q. Okay. Now, the 2009 incident, Ms. Moody was placed on administrative leave for that as well, wasn't she?
A. I don't believe she was placed on administrative leave for the 2009 incident. I think the only sanction was there was a letter that went into her file noting the incident.
Q. Should she have been fired for that?
A. I don't -- I don't know that -- I think that's up to the school district upon their investigation. Clearly, they decided not. That's not for me to judge.
Q. Sure. A letter in your personnel file of warning is an employment consequence, isn't it?
A. It can be, yes.
Q. Does it stay in the file? I mean, assume it stays in there forever --
A. It did stay in the file. It was not discovered until they did the investigation later on -- much later on.
Q. Okay. And we're not aware in this case of any other incidents, other than that 2009 check to see who had panties on or whatever the case may be before 2011, are we?
A. Well, according to the testimony of Susan Garris, there were other incidents that could have been looked at that

were reported to Principal Barth, but there was no evidence in her personnel file of those incidents, including the one with the boy with spina bifida.

Q. All right. Is there any documentation that that was ever reported to anybody?

A. Not in the testimony that I saw.

Q. All right. The 2009 incident had nothing to do with students crying in Mrs. Moody's classroom or her treatment of them in the classroom, did it?

A. I'm sorry. Say it again.

Q. The 2009 incident that you've testified about did not have anything to do with a student crying in Ms. Moody's classroom?

A. In 2011?

Q. 2009 incident.

A. There was no evidence that the children were crying, no.

Q. Was there any evidence that the children suffered at all from that incident?

A. Well, she was -- It was judged that she used poor judgment, and that that was an embarrassing event for the students, and that she shouldn't have done it.

Q. No, that's not what I'm saying.

Is there any evidence that the students suffered any consequences or suffered any problems from it?

A. There was no evidence that they even interviewed the

students regarding how they felt about it.
Q. Or received any information from other sources.
There are other ways to get information other than interviews of students, fair enough?
A. There was no further evidence about the consequences for the students, if that's what you're asking.
Q. That's what I'm asking. Okay.
No other reports of kids having problems crying in Ms. Moody's class for more than 30 years of teaching, correct?
A. Not that were re- -- Not in any reports that I saw.
Q. All right. And about how many students a year would Ms. Moody have in her class, would you think, in a normal first grade class?
A. A normal first grade class might vary from 18 or 20 to as many as 25 -- as many as 30 or 35.
Q. So if we assume 20 students a year for 30 years, that's 600 students, approximately?
A. Over the course of her professional career?
Q. Yes.
A. I would guess -- I'll assume your math is right.
Q. Well, thank you.
Now, your definition of bullying requires a pattern of conduct before it can be called bullying?
A. Not exactly, because there can be an egregious single

incident, a high-profile incident. It doesn't have to be a pattern. Often it is a pattern, but a single incident can rise to the level of bullying.

Q. (Inaudible)?

MR. GAMBRELL: Wait a minute.

THE COURT REPORTER: Excuse me. Can you please repeat that question?

MR. BARLOW: Yes.

BY MR. BARLOW:

Q. All right. In the definition of bullying you gave early in this deposition, clearly you used the term pattern?

A. I did give that definition, but I'm testifying now, and I've written about this, a single incident can rise to the level of bullying.

Q. All right. But you said that, you know, everybody is entitled to one mistake as well, right?

A. She had her mistake in 2009.

Q. Okay. 2011 September 29th couldn't be a mistake?

A. Certainly, it was a mistake, but it rose to more than a mistake. At that point, the school was in a position to find out more about what was going on, and they failed to act.

Q. It was a pattern after one incident in 2011?

A. If they had done a proper investigation, they might have found out what was -- what other things were going on.

Possibly, the No Crying Club had already been established. We don't know. The point is, they were in a position to find out, and they didn't act.

Q. Nothing came out about the No Crying Club at all until after October 20th, correct?

A. It was the father who mentioned it to the principal, I think, in a letter of October 23rd or 24th. I don't remember the exact date. But it was after the incident in the cafeteria. It did not come to light prior to that time. And it could have come to light, had they done a proper investigation.

Q. Isn't it easy to look at this in hindsight and these three separate incidents that happened over a course of a month and say, Oh, my God, you should have done this after the first one because it got worse on the third one?

A. The policy required the school to investigate and to take action starting with the September 29th incident, and they didn't do it, and that's consistent with the testimony of several people including Karen Lovett.

Q. Well, you could go back and do that with any kind of thing that ever happened in a school where a teacher committed misconduct, and say you could've -- should've, would've, could've sooner, can't you?

A. I don't think this is all about hindsight. I think this

is about a child who's being harmed, and they were in -- the school was in a position to take action to protect that child, and they didn't do it.

Q. They didn't do it ever? Didn't he leave her class? October 20th he was never in her class again, was he?

A. And he continued to suffer for weeks and weeks prior to the removal from her classroom on October 20th.

Q. He left and was in Ms. Shipman's class after October 20th; is that right?

A. I think on October 21st, he started in Ms. Shipman's class.

Q. Okay. And he stopped crying and improved immediately once he was in the new class, didn't he?

A. The evidence indicated that the crying stopped.

Q. All right. In fact, you testified last week that he stopped crying and improved immediately once he was in his new class, didn't you?

A. I don't know that I said he improved immediately. He might have. But he -- The crying stopped.

Q. And he was a happy, normal boy once he was removed from the classroom?

A. The parents indicated the behavioral change, that he did show improvement once he was in Shipman's class.

Q. All right. And no more crying in class for the rest of elementary school, right?

A. I don't recall that there was any episode of crying after the removal from Jan Moody's class.
Q. Okay. I'm going to read you from Page 49 of your deposition last week.
My question was, "Is it your understanding when Kian was moved out of Ms. Moody's class, that he continued to have similar problems for the first grade year?"
Your answer was, "All the indications were his behavior changed for the positive almost immediately, and that he was a happy, normal kid once he was removed from that class."
A. Yeah.
Q. Is that right? Okay. Good. All right.
You've never taught first grade?
A. No, no.
Q. All right.
A. I've had kids, though. I know what it's like.
Q. Is it abnormal for a child to cry in first grade in class?
A. I'm sorry. What?
Q. Would it be abnormal for a child, a first-grader, to cry in class?
A. It would be abnormal for a child in first grade to cry every single day in class; that's abnormal.

Q. Right. But the mere fact of a child crying in class, in first grade, should not be evidence that there's a problem with the student?
A. Well, if a child is crying, you want to provide comfort and find out why the child is crying. And if the child is crying every day, that indicates something really serious is going on, and you want to find out what it is.
Q. Sure. My question was, one or two incidents of crying in first grade would not trigger a thought that something is traumatic to a child, correct?
A. The evidence indicated, including from Jan Moody, is that he was crying every day.
Q. Answer my question, Doctor, please. You can explain your answer afterward.

But the question was, one or two incidents of crying by a first grade student would not in your mind or your opinion trigger a need to do an investigation of why that child is crying?
A. It would trigger a question that needed to be answered.

(Brief interruption)

THE WITNESS: I'm sorry. That's my phone.

I beg your pardon.

So your question was, would one or two incidences of crying in first grade indicate what now?

BY MR. BARLOW:
Q. Indicate a problem that required an investigation?
A. I think you'd want to find out why the child is crying.
Q. Sure. Would the principal need to be called and involved in trying to determine why that child was crying in first grade?
A. Not necessarily for one or two incidents. But if you're talking about daily incidents, and the principal had information later on of daily -- daily crying, and he never talked to the child.
Q. All right. The employees who made the report, there's no indication that they had any confusion about what they were supposed to report and how to report it, was there?
A. I missed the first part of your question, please.
Q. Oh, sorry.

The employees who made the reports to Dr. Holzendorf, there was no indication that they didn't know how or where or what to report, was there?
A. They reported to him according to the pol- -- I think they reported correctly.
Q. Okay. But there's -- The question was, there didn't appear to be any confusion about how they were supposed to report or whether they should report, was there?
A. What they observed was sufficient for them to feel a report was necessary, and they reported correctly.

Q. Right. But part of what you've been retained to do here is to testify that the policy wasn't followed and nobody knew what to do. But certainly, Ms. Garris and Ms. Glover knew how to report and where to report?
A. Yeah, they did report correctly. My problem was with the behavior of Dr. Holzendorf and with the behavior of Karen Lovett; they didn't follow up with an investigation. The report was filed. The investigation is separate. And action that should have been taken is separate.
Q. But you've never talked to either of them, correct?
A. No, I have not.
Q. You haven't had the opportunity to ask them your own questions that you might want to ask them, have you?
A. I've only reviewed the testimony that they have given.
Q. All right. And during a deposition, you only answer the question that you're asked, right?
A. Presumably, yes.
Q. I mean, you don't just volunteer everything you know about a particular subject without a question, do you?
A. Okay.
Q. All right. Okay. Jan Moody has never teached [sic] again, to your knowledge, after November of 2011?
A. Not to my knowledge.
Q. And you've never talked to Jan Moody at all or gotten her

position on any of this?
A. I have not.
MR. BARLOW: All right. I don't have any further questions. Thank you.
REDIRECT EXAMINATION
BY MR. GAMBRELL:
Q. On a redirect, is there some correlation or at least conclusions that you can draw from the research on peer-versus-peer bullying that's relevant to the topic of teacher-on-student bullying?
A. Most -- Actually, most incidences of peer-on-peer bullying do not get reported, do not get detected. The perpetrator acts with impunity, can make and break the rules with impunity. The person who's being targeted is fearful, often doesn't seek help because they're afraid of retaliation. And bystanders who observe it don't often report it because they too are afraid of retaliation. So there are some correlations there.
Q. And I think --
THE COURT REPORTER: Wait one second. It froze.
THE WITNESS: There we go.
MR. BARLOW: Are we back?
MR. GAMBRELL: Yeah, did you miss anything?
MR. BARLOW: No, it's just that my connection

(inaudible) --

(Discussion off the record)

THE VIDEOGRAPHER: The time is 12:03, and we are now off the record.

(A break was had)

THE VIDEOGRAPHER: The time is now 12:04 p.m., and we're on the record.

BY MR. GAMBRELL:

Q. I have some questions for redirect.

Dr. McEvoy, are there some parallels between peer-on-peer bullying that you can use to draw some conclusions about teacher-on-student bullying?

A. Yeah. Most incidences of peer-on-peer bullying go undetected by outsiders, by the adults in the system. The targeting of a victim is done by a perpetrator who does so with impunity. He feels entitled to do it. He or she feels entitled to do it. Bystanders observe the behavior, often don't speak up about it. The person targeted is usually fearful, does not seek help. And the behavior tends to persist and often escalate over time.

Q. Do we have any information that any other student reported Ms. Moody's conduct regarding Dr. Holzendorf -- I mean, regarding bullying to another adult?

A. There was no evidence of any of the students in her class reporting. There was evidence from Ms. Garris, whose

daughter was in Jan Moody's class at an earlier point in time, who indicated that she was really mean, and she used the term evil. And when the other adults were around, she was nice, but as soon as they left, she was evil.

But the other thing I would say is, they had an oppor- -- the school had an opportunity to find out from the students what was going on, and they did not follow up on that opportunity with an investigation.

Q. Now, is it usual or unusual for the bystanders of bullying, whether it be peer-on-peer bullying or teacher on bullying -- teacher-on-student bullying to report conduct they see?

A. They tend not to.

Q. And is there a reason generally given why that is?

A. Well, with student-on-student, they fear retaliation or they could be targeted next. And to some extent, that may be true of colleagues. Especially if it's a senior colleague doing it and a junior colleague is observing, they may feel there'd be some retaliation. Or they don't want to effect the -- have a negative impact on their collegiality. Or they may feel it's not my student, not my business, and it's up to the teacher to run his or her class. So even colleagues who observe it tend not to report it. That's why it's so important that they do

in-service training to talk about this and what the responsibilities for reporting are among colleagues who observe the behavior.

Q. I think Mr. Barlow asked you a question about Mr. Holzendorf's deposition in 2017.

When would the time have been to gather the facts regarding the incidents that he investigated?

A. It should have started on September 29th, followed up on December 10th -- or excuse me -- October 10th, and he didn't do it.

Q. Now -- And I believe he asked you questions about the study that you did.

A. Yes.

Q. When was the NEA standard regarding child safety implemented?

A. That standard has been in place for several decades, I believe, and is still the same standard. That language is still in place.

Q. So the NEA standard of conduct of a teacher toward a student would have existed prior to 2011?

A. Yes.

Q. And I think he asked you about the policy in regarding the range of sanctions.

Did you ever see that any sanction was imposed regarding the September 29th, 2011 incident?

A. There was no sanction according to the testimony.
Q. And what could have -- What could have those sanctions have been?
A. They had an opportunity at that point to possibly suspend her until they did further investigation, or the investigation may have revealed other problematic behaviors that would have been sufficient to terminate her employment. That's -- We don't know what we don't know. And they had the opportunity to know, and they didn't follow up on that opportunity.
Q. Would it have been possible on that September 29th incident to intervene on behalf of Ms. Moody to maybe rehabilitate her?
A. You know, that's actually one of the tragedies here. It's entirely possible that the school, upon further investigation, would have said, Look, there's a number of issues here. We need to give you some time off, or to work with you and to improve your conduct. That was an option the school could have had. And again, it was a lost opportunity because they didn't investigate.
Q. In reviewing the Richland School District policy, I think Mr. Barlow asked you about a pattern.

Does the Richland School District policy regarding bullying require a pattern?
A. No, it does not. A single incident can be sufficient.

Q. Is it unusual for a student to see improvement once they've been removed from their tormenter?
A. You would expect some improvement, although there can well be some long-term effects.
Q. And I think he asked regarding the depositions of Dr. Holzendorf and Dr. Lovett.

Are there questions of Dr. Holzendorf and Dr. Lovett that you would have liked to have been asked?
A. I would have liked to have known why Lovett did not interview Garris and Glover, or interview the students or interview other teachers, or interview Ms. Germann or interview Ms. Barth about the information once it came to light with her. And I would like to know exactly the same questions why Dr. Holzendorf failed to do that when he was informed that there was a problem.

The other thing is, I would like to know why they didn't really talk to Kian Seeger and see what they could have done to help him. This boy was in terrible distress, and nobody was his champion. They had that opportunity, and they failed.

MR. GAMBRELL: Okay. Nothing further.

MR. BARLOW: Just a couple follow-up.

RECROSS-EXAMINATION

BY MR. BARLOW:
Q. Kian Seeger did meet with the school counselor for a

number of times after the fact, didn't he?
A. He did.
Q. All right. And you'd agree that it's easier to call something bullying after a pattern develops rather than on one incident; wouldn't you at least agree with that?
A. I think people can recognize problematic behavior when it happens, and they should report it if they see it. And the events of September 29th, that was the warning sign, and they didn't follow up.
Q. How long did you suffer bullying from your teacher that you talked about earlier in the deposition?
A. It was pretty much that whole year.

MR. BARLOW: Okay. That's all I have.

MR. GAMBRELL: All right.

MR. BARLOW: Thank you.

MR. GAMBRELL: Thanks.

THE VIDEOGRAPHER: The time is now 12:12 p.m., and we are off the record. This concludes the video deposition.

(At 12:12 p.m., witness excused)

CERTIFICATION

I, Natalia Rutkowski, Certified Shorthand Reporter, Registered Professional Reporter, and Notary Public in and for the County of Marquette, certify that this transcript, consisting of 92 pages, is a complete, true, and correct transcript of the videotaped deposition and testimony taken in this case on January 15, 2019.

I also certify that prior to taking this deposition, Dr. Alan McEvoy was duly sworn to tell the truth.

Date: January 21, 2019

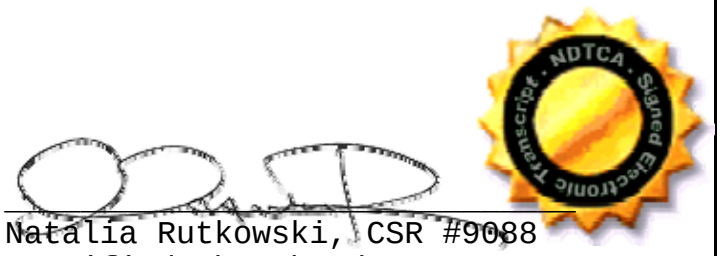

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EXHIBIT 1

Policy JICFAA Harassment, Intimidation or Bullying

Issued 12/06

Purpose: To establish the basic structure for maintaining a safe, positive environment for students and staff that is free from harassment, intimidation or bullying.

The board prohibits acts of harassment, intimidation or bullying of a student by students, staff and third parties that interfere with or disrupt a student's ability to learn and the school's responsibility to educate its students in a safe and orderly environment whether in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises or at another program or function where the school is responsible for the student. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation or bullying.

For purposes of this policy, harassment, intimidation or bullying is defined as a gesture, electronic communication or a written, verbal, physical or sexual act reasonably perceived to have the effect of either of the following.

- harming a student physically or emotionally or damaging a student's property, or placing a student in reasonable fear of personal harm or property damage
- insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school

Any student who feels he/she has been subjected to harassment, intimidation or bullying is encouraged to file a complaint in accordance with procedures established by the superintendent. Complaints will be investigated promptly and thoroughly. All school employees are required to report alleged violations of this policy to the principal or his/her designee. Reports by students or employees may be made anonymously. All other members of the school community, including students, parents/legal guardians, volunteers and visitors, are encouraged to report any act that may be a violation of this policy. The identity of the victim or reporter of bullying or harassment will be protected to the extent allowed by law.

The district prohibits retaliation or reprisal in any form against a student or employee who has filed a complaint or report of harassment, intimidation or bullying. The district also prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying. The appropriate school administrator or his/her designee will determine the consequences and appropriate remedial action for a person who engages in reprisal or retaliation or files a false report after consideration of the nature, severity and circumstances of the act.

The board expects students to conduct themselves in an orderly, courteous, dignified and respectful manner. The board expects students to conduct themselves in keeping with the district's standard for student behavior with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment. Students and employees have a responsibility to know and respect the policies, rules and regulations of the school and district.

The board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff and community members of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community members.

The board believes that the best discipline is self-imposed and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume and accept responsibility for their

behavior and the consequences of their behavior. Staff members who interact with students will apply best practices designed to prevent discipline problems and encourage students' abilities to grow in self-discipline.

Any student or employee who is found to have engaged in the prohibited actions as outlined in this policy will be subject to disciplinary action, up to and including expulsion in the case of a student or termination in the case of an employee. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation, consistent with this policy and administrative rule JICFAA-R.

The superintendent will be responsible for ensuring notice of this policy is provided to students, staff, parents/legal guardians, volunteers and members of the community including its applicability to all areas of the school environment as outlined in this policy.

The superintendent will also ensure that a process is established for discussing the district policy on harassment, intimidation, and bullying with students on at least an annual basis.

(Cf. GBEB, JIC, JICDA)

Adopted 12/12/06

Legal references:

S.C. Code, 1976, as amended:

Section 16-3-510 - Organizations and entities revised (hazing unlawful; definitions).

Section 59-19-90 - General powers and duties of school trustees.

Sections 59-63-210 through 270 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities.

Section 59-63-275 - Student hazing prohibited.

Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.

Section 59-63-110, *et. seq.* - Safe School Climate Act.

State Board of Education Regulations:

R-43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

RICHLAND COUNTY SCHOOL DISTRICT TWO

AR JICFAA-R Harassment, Intimidation or Bullying

Issued 12/06

Ensuring common definition of bullying

Each school in Richland School District Two will educate students and staff (including support staff, bus drivers and contracted staff) annually about the definition of bullying, as defined in JICFAA.

School policy/procedures/program

Each school will implement board policy through the following.

- using the definition provided for bullying behavior
- using an evidence-based program that addresses bullying, ensuring that training on this topic is handled in a focused and intentional way
- specifying school procedures to deal with bullying, gearing these to the developmental level of the students at the school
- including these procedures in the student handbook

The system used to report bullying, developed as a part of the school procedures, will allow for anonymous reports (although formal disciplinary action must not be taken solely on the basis of an anonymous report) and will specify prompt action. Students should receive information about how to recognize bullying (versus "tattling"), how to refuse bullying and how to offer assistance to someone who is being bullied. All persons on staff and students should be familiar with how to report bullying behavior and how to get assistance in dealing with bullying, whether they themselves are being bullied or whether they have observed bullying.

Reports and trained responder

The district board of trustees requires the principal or his/her designee at each school to be responsible for receiving complaints alleging violations of this policy. Each school principal will appoint at least one faculty member to be trained in how to deal with bullying situations involving students. Incidents involving staff will be dealt with promptly by the administrator in charge. All school employees are required to report alleged violations of this policy to the principal or his/her designee. All other members of the school community, including students, parents/legal guardians, volunteers and visitors, are encouraged to report any act that may be a violation of this policy. While submission of a written report is not required, the reporting party may submit a written report; however, oral reports will also be promptly addressed. Reports may be made anonymously, but formal disciplinary action must not be based solely on the basis of an anonymous report. If requested, the identity of the victim will be protected to the extent allowed by law.

Consequences and remedial measures

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Consequences for a student who commits an act of harassment, intimidation or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and must be consistent with the district board of trustee's approved code of student conduct. Remedial measures will be designed to correct the problem behavior, prevent another occurrence of the problem and protect the victim of the act. The consequences and remedial measures may include, but are not limited to, the examples listed below.

Examples of consequences

- admonishment
- temporary removal from the classroom
- deprivation of privileges
- classroom or administrative detention
- referral to disciplinarian
- in-school suspension
- out-of-school suspension
- referral to law enforcement
- expulsion

Examples of remedial measures

Personal

- restitution and restoration
- mediation
- peer support group
- recommendations of a student behavior or ethics council
- corrective instruction or other relevant learning or service experience
- supportive student interventions
- behavioral assessment or evaluation as appropriate
- behavioral management plan, with benchmarks that are closely monitored
- assignment of leadership responsibilities (e.g., hallway or bus monitor)
- involvement of school disciplinarian
- student counseling
- parent conferences
- student treatment
- student therapy

Environmental - (classroom, school building or school district)

- school and community surveys for determining the conditions contributing to harassment, intimidation or bullying
- school culture change
- school climate improvement
- adoption of research-based, systemic bullying prevention programs
- school policy and procedures revisions
- modifications of schedules

- adjustments in hallway traffic
- modifications in student routes or patterns traveling to and from school
- targeted use of monitors (e.g., hallway, cafeteria, bus)
- small or large group presentations for fully addressing the behaviors and the responses to the behaviors
- general professional development programs for certificated and non-certificated staff
- professional development plans for involved staff
- disciplinary action for school staff who contributed to the problem
- supportive institutional interventions
- parent conferences
- family counseling
- involvement of parent-teacher organizations
- involvement of community-based organizations
- development of a general bullying response plan
- recommendations of a student behavior or ethics council
- peer support groups
- law enforcement (e.g., school resource office, juvenile officer) involvement

As with the district's general disciplinary policies, the board confers upon the superintendent or his/her designee the authority to consider extenuating, mitigating or aggravating circumstances which may exist in a particular case of misconduct. Such circumstances should be considered in determining the most appropriate sanction.

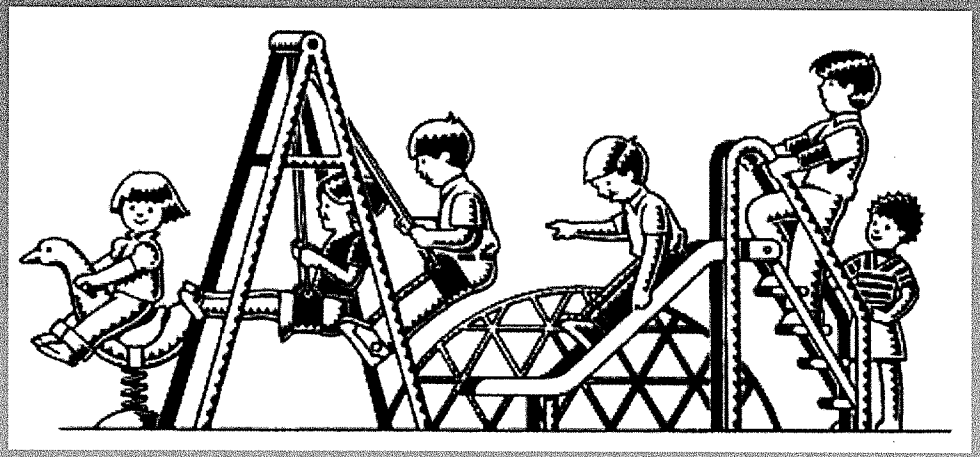
False reports

The board prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying. The consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying may range from positive behavioral interventions, up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation or bullying will be disciplined in accordance with district policies, procedures and contracts. Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation or bullying will be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Issued 12/12/06

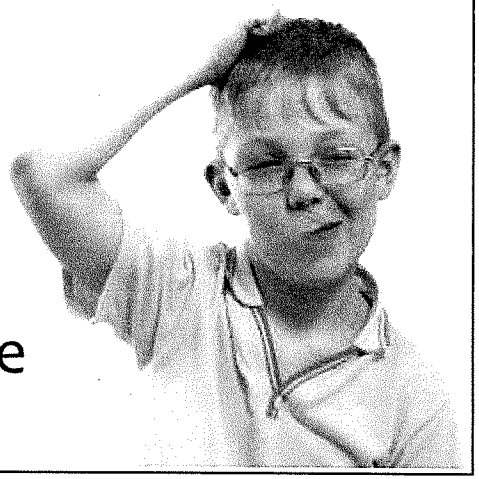
EXHIBIT 2

What You Can Do About Bullying and Other Inappropriate Behaviors



Student Behavior

* Students should be kind
* Students should be respectful
* Students should be caring
* Students should follow the dress code



Bullying

The Richland Two Board of Trustees does not allow **any** form of **bullying.**

Bullying is **unfair** and **one-sided.** It happens when someone keeps **hurting**, **frightening**, **threatening**, or **leaving someone out on purpose.**

Not every bad behavior is bullying. Bullying is behavior that is sufficiently severe, and may often be repeatedly carried out over time.

Types of Bullying

There are many different types of **bullying. Bullying** happens when someone:

* Hurts your **body** or damages your **belongings**
* Hurts your **feelings**
* Hurts your **friendships** or leaves you out on purpose

Bullying Behaviors

* Hurting your body – grabbing, kicking, pinching, hitting, slapping, etc.
* Telling someone you want to hurt them
* Leaving someone out on purpose
* Calling names and teasing
* Telling things that are not true about someone

Other Behaviors That Are Not Okay

* Touching someone in a way that makes them feel sad, weird, upset, or yucky

* Writing words or drawing pictures that could make others feel sad, weird, upset, or yucky

Hands Are

For Helping

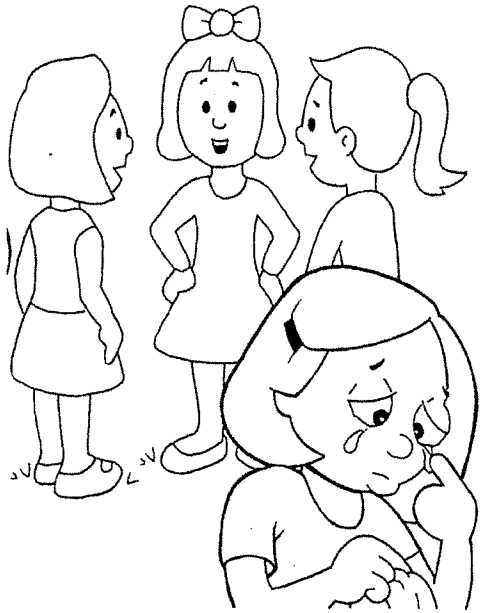
How Much Do You Know?

Is it **bullying** if a bigger student keeps pushing a smaller student down on purpose?

Yes, that could be considered to be bullying.

How Much Do You Know?

Is it **bullying** if a group of students **always** leaves out the new girl during a kickball game, even when she asks to play?



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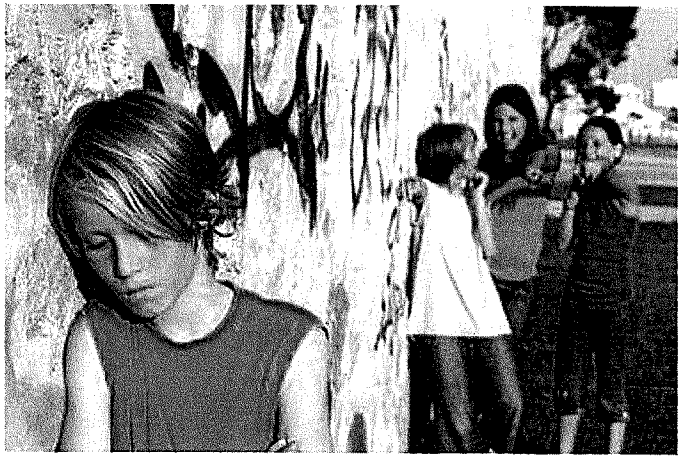
Yes, that could be considered to be bullying.

How Much Do You Know?

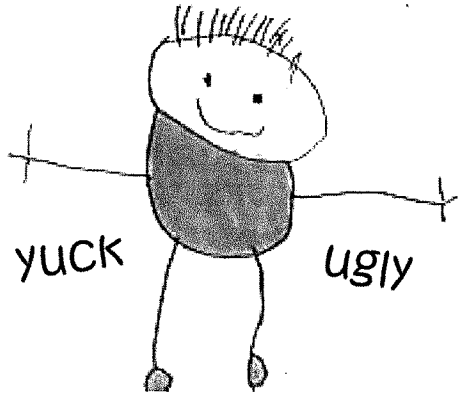
Is it **bullying** if three students keep making fun of Ben's hair and it makes him cry?



Yes, that could be considered to be bullying.

How Much Do You Know?

Is it **bullying** if Emily draws several hurtful pictures of Amy's body and writes mean words on them?



Yes, that could be considered to be bullying.

How Much Do You Know?

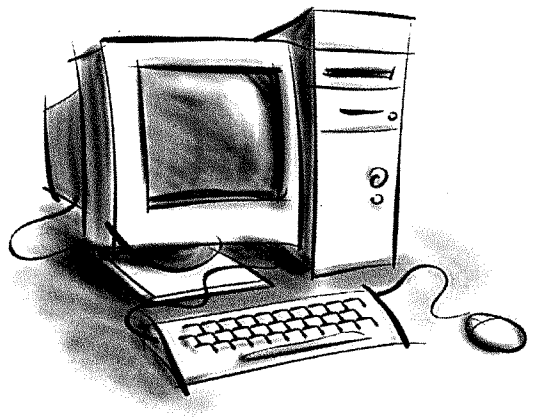
Is it **bullying** if Daniel keeps touching Michael's body in a way that makes Michael feel weird and yucky?

Yes, that could be considered to be bullying.

Cyber-Bullying

Cyber-bullying happens when you send inappropriate words or pictures using the Internet or other electronic devices. Cyber-bulling can involve:

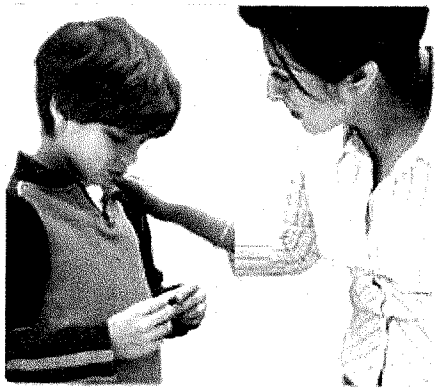
* Email
* Text Messages
* Instant Messages



What To Do

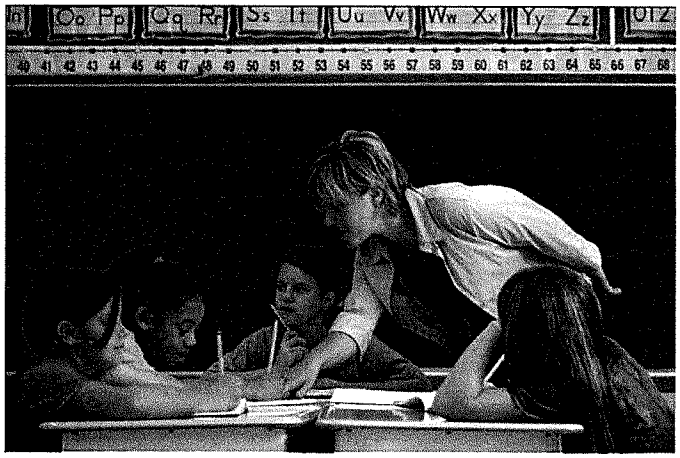
If you see or hear any type of **bullying**, you should report it to the nearest adult at school right away. **Do not wait.**

The adults will keep you safe from the person who was doing the **bullying.**



Richland Two Policy

The board prohibits acts of harassment, intimidation or bullying of a student by other students, staff and third parties that interfere with or disrupt a student's ability to learn and the school's responsibility to educate its students in a safe, orderly environment.



Consequences

The principal will determine appropriate disciplinary action, up to and including **expulsion** in the case of a student. Offenders may also be referred to law enforcement officials.

The district will take all other appropriate steps to correct or rectify the situation, consistent with board policy JICFAA and its administrative rule, which are available online at www.richland2.org, click on *Board of Trustees*, then click on *Policies*.

* **Richland School District Two is committed to providing a safe and caring environment for all students. Please let us know if you have any questions.**

EXHIBIT 3

Jan Moody – North Springs Elementary teacher
J. Germann – NS assistant principal
D. Holzendorf – NS principal

October 18: Ms. Moody met with Dr. H to talk about Kian's continual crying in her room

October 20: lunch incident

October 20 pm: Ms. Seeger reports incident to Dr. H

October 20 pm: Mr. and Mrs. Seeger meet with Dr. H and J. Germann

October 20 pm: Interview with Ms. Wilson, Health room assistant, by J. Germann and Dr. H

October 20 pm: Interview with Ms. Fenwick, custodian, by J. Germann and Dr. H

October 21 am: Interview with Mr. Goines, custodian by Dr. H

October 21 am: Interview with Ms. Moody by K. Lovett, Dr. H

October 21 am: Meeting with Mr. Seeger by Dr. H

October 24: Dr. H receives letter from Mr. Seeger

October 27: email from Mr. Seeger to Dr. H

October 31: K. Lovett and Dr. H review videotape

October 31: K. Lovett phone call to K. Mahoney – requests Dr. H notify SRO of incident

October 31: K. Lovett phone call to Dr. H to request SRO to be contacted

Nov 3 - K. Lovett D. Holzendorf meeting with J. Moody
Nov. 9 - meeting w/ R. Garrick, Jan Moody, D. Holzendorf
K. Lovett

Nov. 4 - Admin leave letter
Nov. 4. J. Moody letter

Nov. 16. J. Moody resignation letter
Settlement agreement

EXHIBIT 4

On September 29, 2011 Mrs. Moody's class was in the media center for Related Arts. When her class was in line waiting to leave, Mrs. Moody yelled extremely loud to [redacted] regarding a book that he had checked out. She said "Oh my gosh, there is no way you can read that book, you will not be able to read word one in that book, so put it back and pick out another one" When this child turned around, he was visibly upset. The book that he had chosen was an "everybody book" that he had picked from the proper area. Since it was a little thicker than the normal everybody books, I believe that it was looked upon as the wrong kind without being looked at. He chose another book and asked me if that choice would be ok. I assured him that it was a good choice and that the other book was a good book too, just not one that Mrs. Moody wanted him to have at that time.

The next day, Mrs. Glover and I spoke with Dr. H regarding this incident.

Susan Garris

EXHIBIT 5

On October 10, 2011 Mrs. Moody's class was in the media center for Related Arts. I was on the opposite side of the media center from where the class was lined up to leave. When Mrs. Moody came in to pick the class up, she made the loud statement to Mrs. Glover " Of course he's good for you, he has cried all day in my class". After the class left, I asked Mrs. Glover which student she was referring to since we had not had a problem with any of the children. Mrs. Glover then told me that Mrs. Moody was referring to Kian Seeger.

Susan Garris

EXHIBIT 6

Incident Report 1

On September 29, 2011 at 2:30pm in the media center, there was an [redacted] first grade that was searching for a library book in the Everybody section of the media center. The young boy chose a book from the table that was above his level. I told the young boy that I would check with his teacher, Mrs. Moody, when she returned to see if he can get books on that level. Not knowing that the boy had already placed the book back on the shelf, he checked out another book. When Mrs. Moody returned to the library, I asked her about the boy and the book he should choose. At first glance at the book in the young boy's hands, Mrs. Mood proceeds to talk in a loud tone saying, "You can't even read the first word on the page, so put the book back." After Mrs. Moody said those words, the young boy placed his head down and he began to sob. After school that day, Mrs. Garris, media assistant, and I talked with Dr. Holzendorf about what occurred in the media center.

Incident Report 2

On October 10, 2011 at 1:45pm in the entrance of the media center, Mrs. Moody said in a loud tone, "Don't give Kian any special treatment or praise. He has been crying non-stop in the classroom all day, and he does not deserve anything." When I turned to look at Kian in line, he had his head down and his eyes were tearing up. Throughout the lesson, I had no problems with Kian. He was highly engaged in the lesson as in every time he comes to the media center.

Tabitha Shea

11/14/11

EXHIBIT 7

To whom it may Concern:

On October 20, 2011. I observed student drop his lunch tray on the Floor in the cafeteria. I assisted him with cleaning the food up off floor. I then told him to go and get another lunch tray, he went back through the serving line and came out with a corn dog. His teacher Ms. Moody approached him very harshly to go and get another tray he began to cry and go back through the serving line again, and he came out with a juice and some other food items on his tray. I observed his teacher (Ms. Moody) grab him very forcefully by his arm and tell him as she was walking with him back to the table "I will give you something to cry for". I feel that no student should ever be treated the way he was treated.

Belinda Jonuska

EXHIBIT 8

October 21, 2011

Information from David Holzendorf:

Jan Moody is first grade teacher. One of her students, Kian Seeger, is the attendance secretary's son (Regina Seeger). For the last 3 to 4 weeks, he has been crying in class a lot. There has been no way to figure out what's happening. They have asked if another child is bothering him, etc. and no luck on his telling them anything. Mom walked him down to class and he didn't want to go to class. He thought he would get into trouble. The day before (Wednesday) he had a pretty good day. Then yesterday (October 20) at lunch he dropped his tray. The Service Solutions employee was there and helped him get a corn dog.

The Service Solutions employee reported: Ms. Moody scolded and yelled at him. He got what he was supposed to and started crying. Ms. Moody met him, and was yelling at him. She grabbed him by the arm, and snatched him to sit down. She told him, "I will give you something to cry about. " He sat by himself. The teacher asked him what he was crying about.

The Service Solutions employee then told Ms. Wilson, the health room assistant, who then told Ms. Seeger. Dr. Holzendorf has moved the child out of the classroom into another class away from Ms. Moody's room. Ms. Moody talked with Ms. Seeger and told her she hoped he was happy. Dr. Holzendorf has reviewed the camera. He could see her talking to the student, putting her hands on her hips, and holding the student by the arm. Dr. H has interviewed the cafeteria worker.

Ms. Moody has a loud voice, she is gruff, very structured, no nonsense teacher – the students comply. She has been at North Springs for a long time. There have not been other parent complaints. (Note from HR file: There is one letter from 2 years' ago in which she checked several girls for soiling their pants).

Mr. Seeger came to school yesterday. He was very upset and wanted Kian moved. He said he was planning to seek legal advice. Dr. H asked him to put his concerns in writing so that he could address them.

EXHIBIT 9

Interview with Jan Moody – David Holzendorf and Karen Lovett present

DH: We have been working with Kian to figure out why he has been crying. I know you have tried lots of different things and have been in contact with the parents. We moved Kian out of your class yesterday after Kian's father expressed a concern about how Kian was treated at lunch. Would you please tell us what happened?

JM: Kian was sitting by himself... he already had his tray. He was putting his tray down and dropped it. The custodian picked up his tray and took him to get another one. I walked over to check on him. He came out of the kitchen with a corn dog and nothing else.

DH: No tray?

JM: Yes, just the corn dog. I said to him, "Baby, what on earth? You gotta have more than a corn dog. Go back and tell them you need your lunch and the tray. Get a corn dog and some milk or juice."

DH: Did he start crying?

JM: Yes, when I asked him, "Kian, why don't you have a tray?" He had milk and a corn dog and when I sent him back he got upset again and started crying. Then he said he wet his pants.

DH: When he came out with the tray and corndog... one person said you were snatching him.

JM: I didn't snatch. I don't snatch children. I led him to his seat. He had been crying all day! The day before, he wanted to go to the office for mom to go home and get him something to eat.

DH: Did you say, "I will give you something to cry about." ?

JM: Not that I recall.

DH: What concerns me and has gotten us to this point... The child was upset, you were upset with him and you put your hands on him.

JM: I told him he had to sit. I have dealt with this all week. I told him, "You gotta sit down, stop crying, and you gotta eat."

DH: Dad has been talking to him and then an outsider who is not familiar with the situation has made a report.

JM: The move was the best for the student, the children and me. I never hurt him. I have wracked my brain to figure out why he has been crying. Was it me? Another student?

DH: This does involve an employee's child. This is confidential concerning the reason for his move. We are not going to discuss the situation with anyone so the only way anyone (here at the school) other than you, me and Dr. Lovett will know is if you share with them. We are asking you to write a statement of your recollection of what happened and bring it to me on Monday. (Ms. Moody agreed and went back to class).

Dr. Holzendorf then stated he had checked on Kian today in the new class. He had an awesome day and hugged the new teacher at the end of the day.

KL: I recommended that Dr. H wait until receiving Mr. Seeger's statement before taking further action. We decided not to put Ms. Moody on administrative leave as all persons who had witnessed the situation had been interviewed by Dr. Holzendorf.

EXHIBIT 10

October 23,2011

Dear Dr. Holzendorf,

I take great pride in being a nurturing teacher and spend a lot of time creating a happy, learning atmosphere for my students. One of my greatest accomplishments of my life has been being a teacher for the last 30 years. I teach students and parents that my class is a safe and positive learning environment. It is an open classroom, where parents are welcome at any time.

The last few weeks have been very frustrating for me. 3 weeks ago Kian Seegar was struggling every morning before entering my classroom. Once he got busy in class, his tears were quickly dried and he went about his day a very happy student. In the last week things began to spiral downhill and the tears continued throughout most of the morning. I talked with his mother numerous mornings trying to figure out what was going on. I continued to nurture him with positive words and made many exceptions for him to do various things in the classroom. I have had to speak to several children privately to encourage them to not say anything negative nor make fun of Kian for his crying. I have had both Mrs. Williams and Mrs. Germann come in and pull him out and try to find out what was going on. On Tuesday of last week, Kian cried all day long and nothing I tried would help him. I asked his mom if we could have a conference with Kian present and try to find out exactly what was making him feel so sad. He continued to tell us he was missing his dad. I spoke with you about how the conference went and expressed my concern that I didn't think we had really settled anything. Wednesday Kian came to class and had a wonderful, happy day. He enjoyed all the activities in workshop and expressed how much fun school had been. Thursday Kian came into class completely out of control. He was sobbing so loud that another teacher even spoke to him. During my conference I had told Kian and his parents that there would have to be a consequence if he continued to disrupt my classroom with the outburst and distracting the other students from learning. At this point, being human and getting very frustrated with the entire situation, I snapped one of his cubes and he began yelling "I want my daddy". The other students were covering their ears saying "please stop crying, I've had enough already", and "please don't sit next to me. " I took Kian aside and encouraged him to go wash his face and get a sip of water. He refused and just continued crying. I asked him if he would like to sit by himself at lunch and try to get himself together. He did and I showed him where to sit....which was at the end of my table. I was seating students, opening milk, juice etc. when I looked up. He had moved 2 tables away and dropped his lunch tray. The custodian swept it up....milk and juice included. She evidentially told him to get a new tray. When he came back all he had was a corndog in his hand, crying and trying to eat. I walked over to him and asked him why he was sitting where he was and where the rest of his lunch was. He wouldn't answer me and at that point I raised my voice and told him to go back and get the rest of his tray. I also told him where I wanted him to sit. He went back to the wrong table and at that point I got up once again from my lunch. I picked up his tray and told him to move. I told him this was nothing to cry over.

I tried to follow all the right procedures and deal with this situation as the caring, loving teacher I am. I hope that Kian will be happy and very successful in his new classroom. As you have asked me not to discuss this matter with anyone, I haven't. I too would like the same courtesy and respect.

Jan Moody

Jan Moody

EXHIBIT 11

Incident: October 20, 2011

Date of Report: October 31, 2011, 1:00pm

Teacher: Jan Moody

Complainant: Jim Seeger (Kian Seeger)

It was brought to my attention on the afternoon of October 20, 2011, through Mrs. Seeger that she wanted, her son, Kian, moved out of Mrs. Moody's class. She stated that it was reported to her that Mrs. Moody had grabbed her son by the arm and made him sit by himself at lunch because he had dropped his lunch tray. She stated that her husband Jim would be coming in to meet with me about the incident.

Mr. Seeger (Jim) stopped by my office later that afternoon (around 2:15) of October 20, 2011 to discuss the incident. Mr. Seeger, Mrs. Seeger, Mrs. Germann, and I were in the meeting. Mr. Seeger made me aware that he had seen a change in his son over the last several weeks at home and at school. Jim stated that Kian felt like he was going to get in trouble if he told him what was wrong. Mr. Seeger explained that Kian has been crying almost every day at school and when he returned home over the last several weeks. Jim explained that Kian did not want to come to school or go to class once he got to school. Jim also explained that they had ruled out any other students bothering him in the class. Jim also stated that they had ruled out that he missed him, his dad, due to being in the military. Mr. Seeger stated that he had not been away for several months now. Jim then told me about the incident where Mrs. Moody is alleged of grabbing Kian by the arm and making him sit by himself in the lunchroom because he dropped his tray. He also stated that it was reported to him that Mrs. Moody said, "I will give you a reason to cry." I also learned during this meeting on October 20, 2011 with Mr. and Mrs. Seeger that Mrs. Latarsha Wilson, our health room assistant, was the one who told Mrs. Seeger about the incident in the lunch room.

During this meeting, I began to reflect on a conversation that Mrs. Moody had with me on the morning of October 18, 2011. Mrs. Moody came by my office and let me know that she was concerned about Kian Seeger. Mrs. Moody stated that he is constantly crying in her class. Mrs. Moody felt like he missed his dad. Mrs. Moody also stated that Kian felt like he was going to get in trouble if he told. Mrs. Moody said that this has been going on for the last three weeks. According to Mrs. Moody, Kian has met with Mrs. Williams, our guidance counselor about the crying.

After hearing the history of what was going on with Kian through our meeting with Mr. and Mrs. Seeger, and my conversation with Mrs. Moody, Mrs. Germann and I decided that it would be in the best interest of Kian to move him to another classroom. We felt like it would give him a fresh start and remove him from whatever it was that was causing him to cry.

After meeting with the Seegers on October 20, 2011, Mrs. Germann and I spoke with Mrs. Latarsha Wilson, our health room assistant, who shared the information about Kian being grabbed by Mrs.

Moody in the cafeteria. Mrs. Wilson informed us that one of the janitors saw the incident. Mrs. Wilson stated that the janitor, Ms. Belinda Fenwick, said that she saw something that she did not expect to see. Mrs. Wilson proceeded to tell us that Belinda said that she saw a student drop his tray, the teacher, "Jumped all over him" because he only had a corn dog when he returned, the teacher "snatched" him and said, "I will give you something to cry about," and sat him by himself. Mrs. Germann and I decided to interview Ms. Fenwick, the janitor.

In our interview on the afternoon of October 20, 2011, Ms. Fenwick stated that she was shocked by what she saw. Mrs. Fenwick stated that a little boy dropped his tray. When the little boy came out, he only had a corn dog in his hand. According to Ms. Fenwick, the teacher was yelling at the little boy to go and get a tray. The little boy returned with a tray with more on it. The little boy was crying. The teacher snatched him and said, "I will give you something to cry for." I asked Ms. Fenwick, how hard did the teacher snatch the little boy? Ms. Fenwick stated that, "pretty hard." Ms. Fenwick said that the teacher sat the little boy by himself and the teacher went to eat. I asked Ms. Fenwick if there were any other adults nearby. She told me that Mr. Goines was there. I asked Ms. Fenwick to give me her statement in writing.

Friday morning, October 21, 2011, I interviewed Mr. Goines about the incident. He did not seem to know what incident I was talking about. I gave him a little more information. He stated that he did see Mrs. Moody have to get on to a little boy. I asked Mr. Goines if he thought that Mrs. Moody was too harsh. He stated that she was doing what she had to do.

On Friday morning around 9:00am, October 21, 2011, I met with Dr. Karen Lovett, Executive Director of Human Resources. I relayed all of the information that I had up until this point and what I planned to do from here. Dr. Lovett agreed that we needed to meet with the teacher and get her side of the story. I asked Mr. Freddie Lawrence, one of the assistant principals, to find coverage for Mrs. Moody. He made a mistake and sent Miss Mary Mac Stewart. I told Miss Stewart to tell Mr. Lawrence that I needed him to find coverage for Mrs. Moody. Mrs. Moody showed up shortly after.

In our interview with Mrs. Moody, I asked her about the incident where Kian had dropped his tray. She stated that he dropped his tray, a custodian helped him clean it up, Kian came out with a corn dog and no tray, Mrs. Moody said she told him that he needed to go back and get a tray, Kian started to cry, when Kian returned with his tray she led him to a table by himself. I asked why she sat him by himself. Mrs. Moody said that he had been crying all day. I asked her if she told him that, "she would give him something to cry about?" Mrs. Moody said that she told him, "This was nothing to cry over." During our interview, Mrs. Moody said that she was frustrated with Kian. She did say that she took Kian by the arm and lead him over to the table. Mrs. Moody also stated that she loved all of her students and would never do anything to harm them.

I told Mrs. Moody that I was concerned that she put her hands on Kian while she was frustrated with him and disciplining him for crying. I reminded her that it is never a good idea to put your hands on a child when you are disciplining him or her or when you are frustrated. I asked Mrs. Moody to write a statement about what happened on October 20, 2011 and submit it to me on Monday.

Later that morning, Mr. Seeger wanted to meet with me. We met in my office. Mr. Seeger shared with me that he wanted to know if there was any past history of Mrs. Moody doing this to other kids. I was not at liberty to share any of Mrs. Moody's past history with Mr. Seeger. He also wanted to know if there was video evidence of the October 20, 2011 incident where Mrs. Moody allegedly grabbed Kian. I explained that there is video evidence (time logged below) and that it does show her taking Kian by the arm, but it is hard to tell how hard. Mr. Seeger said that he was able to talk with Kian more about the situation that night. He said that Kian was different child yesterday when he came home. Mr. Seeger told me that Kian told him that Mrs. Moody told him that she was going to make him cry when she led him over to the table on October 20, 2011. According to Mr. Seeger, Kian asked him if Mrs. Moody was going to get fired for being mean to kids. According to Mr. Seeger, Kian also said that Mrs. Moody told him no more notes to dad. Mr. Seeger shared with me a system that he and Kian had for when Kian got upset in class. It troubled Mr. Seeger that Mrs. Moody would stop Kian from writing notes to his dad (Mr. Seeger). Mr. Seeger also said that Kian told him that Mrs. Moody started a, "No crying club" in her class and that Kian could not be in the club. Mr. Seeger said that Kian had to sit by himself that day.

Mr. Seeger shared with me in the meeting on October 21, 2011, that he was considering seeking legal advice due to the fact that Mrs. Seeger put her hands on his child. Mr. Seeger also stated that he was concerned for other children in the classroom at this point. I asked Mr. Seeger to put his concerns in writing. Once the meeting was over, I notified Dr. Lovett of the latest concerns that dad had brought to my attention. We discussed that we would need to make Mrs. Moody aware of the concerns and once again allow her to respond.

I received both Mr. Seeger's statement (attached) as well as Mrs. Moody's written statement (attached) on Monday morning, October 24, 2011. I received a written statement (attached) from Ms. Fenwick on Tuesday, October 25. However, I was out of the office. I was not scheduled to return until Monday, October 31, 2011 to review her statement.

Mr. Seeger sent me an email (attached) on Thursday, October 27, 2011 at 3:11pm and informed me that he had met with the legal office at Fort Jackson. I notified Mr. Roosevelt Garrick, Chief Human Resources Officer, about the email.

Monday morning, October 31, 2011, I submitted the attached documents to Dr. Lovett and wrote this statement recapping everything that has happened up to this point. I also contacted Charles Earles, Director of Security, to make a copy of the video from October 20, 2011 (11:06am – 11:35am).

<u>Video Time Log:</u> October 20, 2011, camera set 2, camera 4 "cafeteria"

11:06:24 – Mrs. Moody's class enters the cafeteria and begins to sit at the last table to the top right of the screen.

11:14:16 – Mrs. Moody stands at her class' table. Kian is in line to get his lunch.

11:15:01 – Kian drops his tray two tables away from his class table. Ms. Fenwick helps him clean it up. Kian returns to the kitchen.

11:15:39 – Mrs. Moody sits down at teacher table far seat to the right.

11:16:01 – Kian returns from the kitchen without a tray. Kian sits at the wrong table, but in the same seat location as before.

11:16:56 – Mrs. Moody gets up and speaks to Kian at the table.

11:17:30 – Kian gets up and returns to the kitchen.

11:18:12 – Mrs. Moody meets Kian at the end of the table, takes him by the arm, and leads him to the correct table (different seat location). Mrs. Moody subsequently sits down at the teacher table.

11:34:47 – Mrs. Moody meets Kian at the end of the table that he was sitting at as the class leaves the lunch room.

Dr. David Holzendorf
Principal

11/1/2011 - I met w/ Thomas Rueplce, School resource officer. Deputy Rueplce said that it is up to the parents if they want to press charges or have a report filed.

EXHIBIT 12

Jan Moody 11/3/11 meeting with K. Lovett and David Holzendorf

We asked Ms. Moody to respond to several statements that we received since the last time we met with her October 21, 2011. The parent, Mr. Seeger, had provided Dr. H with more insights to Kian's behavior since Kian had been moved to another teacher. We read sections from Mr. Seeger's letter and asked her to respond.

Mr. Seeger wrote, "After coming out with his new tray, Kian proceeded to go and try and sit with his class. He told me Ms Moody grabbed him by the arm and took him to a table to sit alone. He also said that Ms. Moody told him something along the line of "she was going to make him cry."

JM: I asked him if he wanted to sit by himself. He wasn't listening to me. He was going from table to table. The other teachers asked me what is he doing? Why would I make him cry when I was trying to get him to stop crying? I never had any problems before.

Mr. Seeger wrote, "A short time later he told me that Ms. Moody had all of his class on the carpet and that she had started a "no crying club" and he could not be in it. He told me that he had been sitting alone all day. I asked him what he thought about that and he said he was sad.

JM: He was in a seat by himself because the children were fussing about him. I called all the students to Community on the carpet, which is what we learned in HET. I asked the students, "Is there any reason why we should cry at school? We named the reasons, like when we are hurt. Another child said we should start a no crying club. I know better than to make a statement like that.

Mr. Seeger wrote, "He then told me that Ms. Moody had also told him that all notes would go to Ms. Moody and not to dad. This was in obvious reference to a statement I had made during the visit early that week with Ms. Moody. I said that I had made Kian a deal that we could exchange notes during the day and he could let me know with a note or picture how he was feeling."

JM: I told Kian, "I would love for you to write me a note and let <u>me</u> know why you are sad and if I have done something to you."

Dr. H: Mr. Seeger asked me to contact Kian's related arts teachers to find out how he was doing in their classes. When I talked to Ms. Glover, she reported that you had made comments to her about Kian.

JM: It was the day he was so out of control. I asked her how he had been for her. She told me he was fine. I said, "Well, it must be me." [note: this statement was not reported by the media specialist.]

KL: She reported in her statement to Dr. H..."Mrs. Moody said in a loud tone, "Don't give Kian any special treatment or praise. He has been crying non-stop in the classroom all day, and he does not deserve anything." When I turned to look at Kian in line, he had his head down and his eyes were tearing up."

JM: I did say it. He wasn't talking to me. He didn't need to be rewarded for it. I shouldn't have taken it out of my room. I was frustrated with him. I was working hard with him.

DH: The week before, Ms. Glover, the media specialist, and her assistant came to see me very upset about how you had spoken to another student, named xxx.

KL: She wrote a statement, "The young boy chose a book from the table that was above his level. I told the young boy that I would check with his teacher, Mrs. Moody, when she returned to see if he can get the books on that level. Not knowing that the boy had already placed the book back on the shelf, he checked out another book. When Mrs. Moody returned to the library, I asked her about the boy and the book he should choose. At first glance at the book in the young boy's hands, Mrs. Moody proceeds to talk in a loud tone saying, "You can't even read the first work on the page, so put the book back." After Mrs. Moody said those words, the young boy placed his head down and he began to sob."

JM: I was working hard with him and encouraged him to get red tape books and take AR tests with me. He was reading at rock bottom... I don't recall the incident.

JM: I have personal things going on. That's no excuse. I have spent 30 years loving children... do I need an attorney? I have one if I need it.

KL: That is always your prerogative.

JM: Do you want my resignation?

DH: That is not what we are asking for.

KL: Last time we met, we did not have statements from the parent or from the media specialist. Now that these statements have come to light, we will need to continue our investigation so I am placing you on administrative leave with pay.

JM: Should I plan to be out on Monday? What kind of investigation?

DH: Probably. I will need to follow up on statements from the media specialist and the related arts teachers as well as requests that the dad has made.

KL: I will do my best to get an appointment with Mr. Garrick Monday. After reviewing the videotape, we did report the incident to the SRO, as we do in any situation where a teacher has put her hands on a student.

JM: Are you recommending that I be fired?

DH: That is not our decision. Dr. Brochu and Mr. Garrick make those kinds of decisions. I will review my notes with him and he will meet with you.

KL: You will be on administrative leave with pay. You will need to be available during the school day and email your lesson plans to Dr. Holzendorf.

JM: What about Cricketfest Saturday? Why can't I come to that?

KL: No, you won't be able to attend Cricketfest because new information has come to light and you have made public statements to other staff members about your children. It is necessary to continue our investigation.

Dr H: It is to protect the investigation and for your protection as well. It is not punitive; it is to protect you and to protect the investigation.

JM: Will I be out Monday?

KL: Plan for Monday to be out. I will try to schedule an appointment with Mr. Garrick for Monday. I will call you as soon as I know.

Dr. H then accompanied Mrs. Moody back to her classroom to gather her things.

November 4, 2011;

K. Lovett phone call to Ms. Moody: I asked her to email me a written reply to each situation: cafeteria, crying club, media comments about Kian media comments about the other student. She sent the statement to me Friday afternoon.

EXHIBIT 13

Richland School District Two 6831 Brookfield Road Columbia, South Carolina 29206 (803) 787-1910
FAX # (803) 738-7393
www.richland2.org

ADMINISTRATIVE OFFICES

November 4, 2011

Ms. Jan Moody
[redacted]

Dear Ms. Moody:

The purpose of this letter is to confirm that you have been placed on administrative leave, with full pay and benefits, effective November 3, 2011. This administrative leave will continue until such time as you have been notified by me. You will be expected to be available by telephone during regular business hours and will need to provide us with a number where you can be reached. This action is being taken because of allegations that you have acted in an inappropriate manner towards students and made inappropriate remarks to them.

A complete investigation will be conducted by the District into these allegations. We will expect your full cooperation during this investigation. Once our investigation is concluded, you will be notified as to what action will be taken. In the meantime, you are not to return to North Springs Elementary School or any other schools in the District without my prior permission. Additionally, you are not to have any contact with employees, students, or parents associated with North Springs Elementary School, whether initiated by you or by them, until such time as our investigation is completed (including in person, electronic communication, telephone calls, or other communications).

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Karen Lovett

Karen Lovett, EdD
Executive Director of Personnel Services

c: Dr. David Holzendorf
Principal, North Springs Elementary

Mission Statement – Richland School District Two, in partnership with the Columbia Northern community, guarantees each student a quality education by providing appropriate and challenging learning experiences to equip each individual for life-long learning.

EXHIBIT 14

November 4, 2011

Dear Dr. Lovett,

I have prayerfully rethought everything we discussed in our meeting on November3, 2011. Because I am an honest person and have indeed made many mistakes in recent weeks, due to frustrations in many areas of my life, which in no means justifies what I've done or said to hurt innocent children. I will take full responsibility for my actions and accept the consequences due me. The following is my written statement for which you have requested me to write.

~ Cafeteria incident: I did indeed raise my voice to Kian and put my hands on him to move him to the table I asked him to move to numerous times. At this point I had become totally frustrated and should have let someone else handle it. I make a conscious effort NEVER to touch a child and with that said, I reacted without thoroughly thinking.

~ Library incident: I asked Mrs. Glover to please not reward Kian during media because of his classroom disruptions during the day. I realize that it is her classroom and she has the authority to run her classroom without my input. If Kian was engaged in her lesson there was no reason for him not to be rewarded. The incident with [redacted] is totally innocent on my part. When asked if he could check out the "Everybody Book" he wanted....I had already sat down with earlier in the day and showed him a "red" tape book. I asked him prior to going to the media center to pick one he would like to read and we would read it together. When asked if he could check it out, my intentions for what I said were" no it wasn't on his level and he wouldn't be able to read it." I spend a lot of time working with him on an individual basis and I wanted him to be able to read a book and comprehend it so that he would be successful. This is a strategy that I learned to use through Dr. Marcia Mosley's class in which I have written curriculum for her and the district. I believe so strongly in this strategy and use it in order to have successful readers and writers.

~Note to father: As I stated yesterday, when Kian asked if he could write his father a note, I simply said yes he could BUT I wish he would write me one or draw me a picture of what was truly bothering him in our classroom.

~ No Crying Club: The students were seated on the floor for morning meeting. We talked about the many things that make us sad and cause us to cry. As a caring and concerned teacher, I used this time to find a way to help all of my students be happy learners and to create a happy learning environment. This was because several children had put their hands on their ears and told Kian to please stop crying. I asked the students what they thought we should do to make everyone happy in our classroom community, which is another strategy through HET that I have learned to use as well. The students suggested a No Crying Club.

Jan Moody

EXHIBIT 15

Jan Moody 11/09/11

Meeting with Roosevelt Garrick, David Holzendorf, and Karen Lovett

RG: You were placed on administrative leave while we investigated allegations brought to us. This is a routine procedure and in the best interest of both you and the district.

JM: Yes, I am devastated.

RG: I have gotten the results of the investigation and looked through them to determine next steps. I had conversations with Dr. Holzendorf and Dr. Lovett and read statements from the school. The information the Service Solutions employee brought to Dr. Holzendorf, he had no choice but to look into it.

JM: I understand.

RG: I read both of your statements about what happened in the cafeteria. They are slightly different. In the second statement, you wrote, "*have indeed made mistakes in recent weeks, due to frustrations in many areas of my life, which in no means justifies what I've done or said to hurt innocent children.*" Talk to me about that.

JM: The last 5 years of my life I have tried to handle personal matters on my own. I am proud, very personal, and a perfectionist. I have made a mistake. I don't know if this is a way of God saying this time that you need help. I lost my mother last year. My father lost his mind in a 6-weeks' time. My brother came down and got him and took him back to Pennsylvania. I had just come from Pennsylvania. I went to my niece's wedding. I am not making excuses. I should have taken some time off and I didn't. I was fighting so hard every day to get up and go in there.

RG: Can you go back into that class and be effective?

JM: Yes. Last Thursday, God knocked me off my feet, and got my attention. I am so angry and when I get overwhelmed I know I can go to someone. From August to September, he (father) was fine. He started going downhill the first of October. I had just done to the wedding. I pride myself in being kind, compassionate, and never hurt anyone.

RG: Kindness and compassion were not evident in the cafeteria that day.

JM: No sir, it was not.

RG: That is what has brought us to this situation. 10 days before, you talked to Ms. Glover about Kian and asked how he had been for her. At that time you said, "It must be me."

JM: Yes, I said it. He was still crying every day. I asked him why? What could I do? He had never been in trouble.

RG: Did you think about approaching the parents and asking is it you?

JM: I asked Jennifer Germann (assistant principal) and she said they (the parents) have not said one word about that.

Jan Moody 11/09/11

RG: (to Dr. Holzendorf). How has he been since the move?

DH: Kian has been fine. He is a different child. At home he still brings things up, like the no crying club. Dad says on occasion he still gets upset but he (the dad) tries not to bring it up. He is the same in related arts.

JM: Up until the last couple of days, he was fine and did his work. My patience ran thin. I'm humiliated and so remorseful for it.

RG: Dr. Holzendorf focused on and I am going to reiterate. Never touch a child when you are angry or frustrated when disciplining a child.

JM: I know and apologize from the bottom of my heart.

RG: Talk to me about September 29. Another young man in the media center was supposed to be getting the red dot book and he got another one.

JM: I use Marsha Moseley's workshop. I had done AR and Dibels testing. He was so low. I sat him down at the back table and told him, "We are going to the library today and get a red tape book so we can sit here and read it." I lined the class up according to their tape color and they were to get a book to match their color. She (Ms. Glover) asked me if he could read this book. I meant.....I got my master's in reading 2 years' ago.

RG: He dropped his head and cried.

JM: I don't remember him ever crying except the day he soiled his pants.

RG: She (Ms. Glover) said, *"he placed his dead down and he began to sob."* That would indeed tear a person down. You wrote, *"I asked Mrs. Glover to please not reward Kian during media because of his classroom disruptions during the day."* And you said you shouldn't say that.

JM: That was on a very dark, ugly day in my life.

RG: Again, tearing a child down. Are we dealing with the Jan Moody who has many years of success or the Jan Moody who is moving in a negative direction?

JM: At that time, you were clearly dealing with a Jan Moody who needed help. I found someone to help me deal with my grief and with my father. I have since found that resource and you are dealing with the Jan Moody who has spent many years in this district and made herself proud.

RG: Back in May of 2009, there was a situation with young ladies in the hallway. How would you describe your actions in that setting?

JM: Very concerned action. Several parents had said they were appreciative of how I handled it. As a parent of girls, I would be upset if several days in a row my child came home with no underwear.

RG: What would you do differently?

Jan Moody 11/09/11

JM: Call an administrator. I can't send girls home from using an open community bathroom. Just like this, I would walk into his office and say I need some time. I have days.

RG: Would you say the panties situation was bad judgment?

JM: Yes.

RG: The cafeteria.

JM: I am a veteran teacher and I know better. When you and I first started things were different. Things have changed.

DH: Through different incidents, those statements came out as we were expanding our investigation. The media specialist came to me that day, concerned about the tone Ms. Moody used. I didn't put the two situations together until later.

KL: I am concerned about how you are going to handle the situation with your father.

JM: I have learned how to talk to my father. I learned to ask. When dad is in a good way, when he is in a bad way, I will not talk to him. I have grief in my life but there are children in that class who have touched my life. I had a 3 hour conference with one parent. I can be effective in the classroom.

RG: How are you going to handle the situation with Mrs. Seeger and Kian?

JM: I can tell you that with a very compassionate heart, a forgiving heart, I can forgive them. I would ask for their forgiveness, and not hold anything against them. I would act like a 55-year old lady.

RG: This is a personnel issue. We do not discuss anything outside of this room.

JM: You can rest assured that I will not.

RG: You have to be very careful.

JM: Nothing will leave my mouth.

RG: I have several examples of bad judgment. I can recommend you go back in the classroom and I can recommend to the superintendent your termination. Or I can give you the option to resign in lieu of termination.

JM: I would appreciate your allowing me to go back.

RG: I am going to think about our conversation and what I have on paper. I'll have you back in next week.

JM: I wish you could make that decision before Monday.

RG: I will do my best to make it by Friday. Any questions?

Jan Moody 11/09/11

JM: If you would take into consideration, I have learned from this lesson. I have made a big one, an embarrassing one. I will have nothing. I have nothing left from my husband, my father. I got a masters' 2 years ago; I still have student loans to pay. I have 27 years. I am remorseful, sorry and I apologize to you for taking your time.

RG: I will make my decision based on the best interest of the children at North Springs and Richland Two.

EXHIBIT 16

Richland School District Two 6831 Brookfield Road Columbia, South Carolina 29206 (803) 787-1910
FAX # (803) 738-7393
www.richland2.org

ADMINISTRATIVE OFFICES

May 22, 2009

Ms. Jan A. Moody
[redacted]

Dear Ms. Moody:

This letter serves to follow up on the conference that Denise Barth and I had with you on May 14, 2009. During that meeting, we reviewed our concerns about your interactions with some of your school's students on May 13.

As you know, on May 13, it was discovered that a second grade student may have had an "accident" and left her underwear in a girls' bathroom at your school. Upon learning of the issue, you asked the female students in your classroom, and additional students from the classroom of a substitute teacher, to step into the hallway with you. Based on our review of a security camera's videotape, it appears that the students were asked to show you the elastic waistbands of their underwear. It would appear that you were attempting to identify which student had removed this particular article of clothing. During our May 14 meeting, you stated that although you never requested to see the waistbands of the students' underwear, they readily volunteered to show them to you.

Ms. Moody, while we do understand that you may have been concerned that a child would go home without her underclothing, we are troubled by the manner in which this issue was addressed. Given the sensitive nature of your concerns, it would have been far more appropriate for you to refer the matter to a School Nurse, a Guidance Counselor, or one of the administrators at your school. Students should never be asked, or appear to have been asked, to display any portion of their undergarments (even if it is only the waistband) by their classroom teacher, particularly in the presence of other students, at any time. Had you actually identified the student in question, it is likely that she would have been highly embarrassed by your actions. In the future, you must refrain from investigating sensitive issues of this nature, and instead refer the matter to a school administrator for immediate assistance. Finally, it is imperative that you exercise good judgment at all times when you are interacting with our District's students.

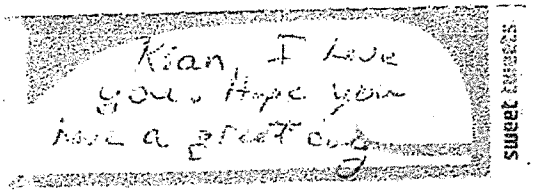
Thank you for your willingness to resolve these concerns. Do not hesitate to contact me at 738-3302 if you have any questions.

Sincerely yours,

Traci L. Batchelder
Human Resources Director

c: Ms. Denise Barth, Principal

EXHIBIT 17



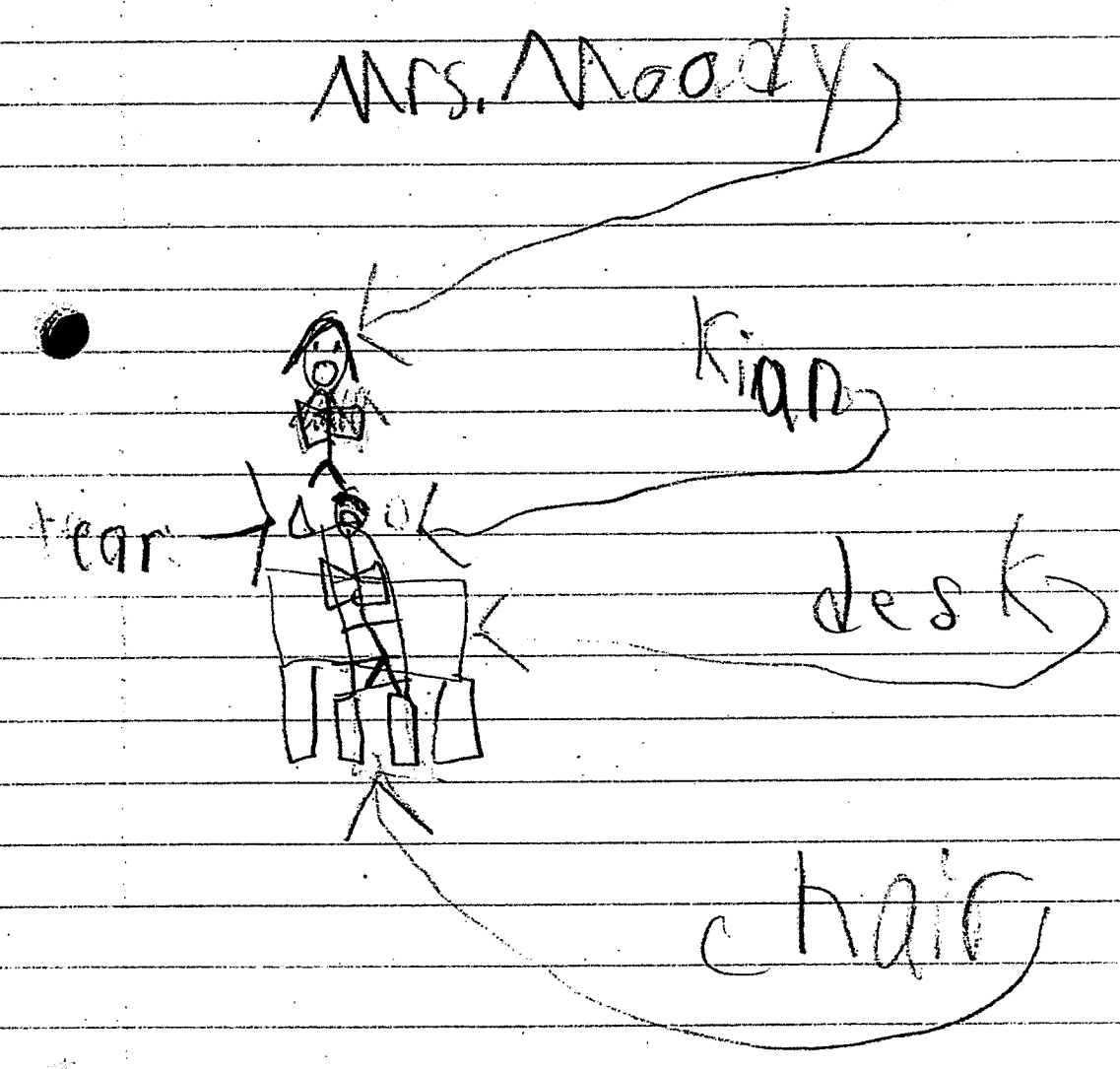
Copy of one of the little notes I put in Kian's lunch when he started crying about not wanting to go to school.

EXHIBIT 18

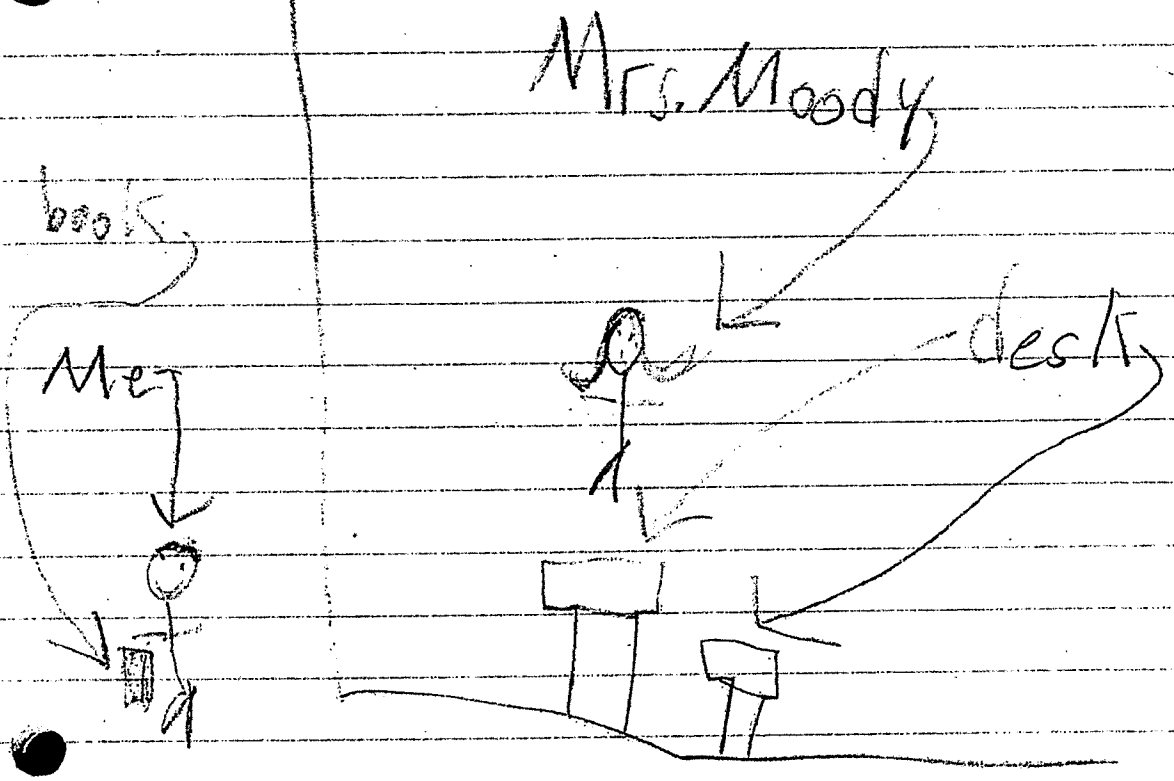
12-10-16

Kian

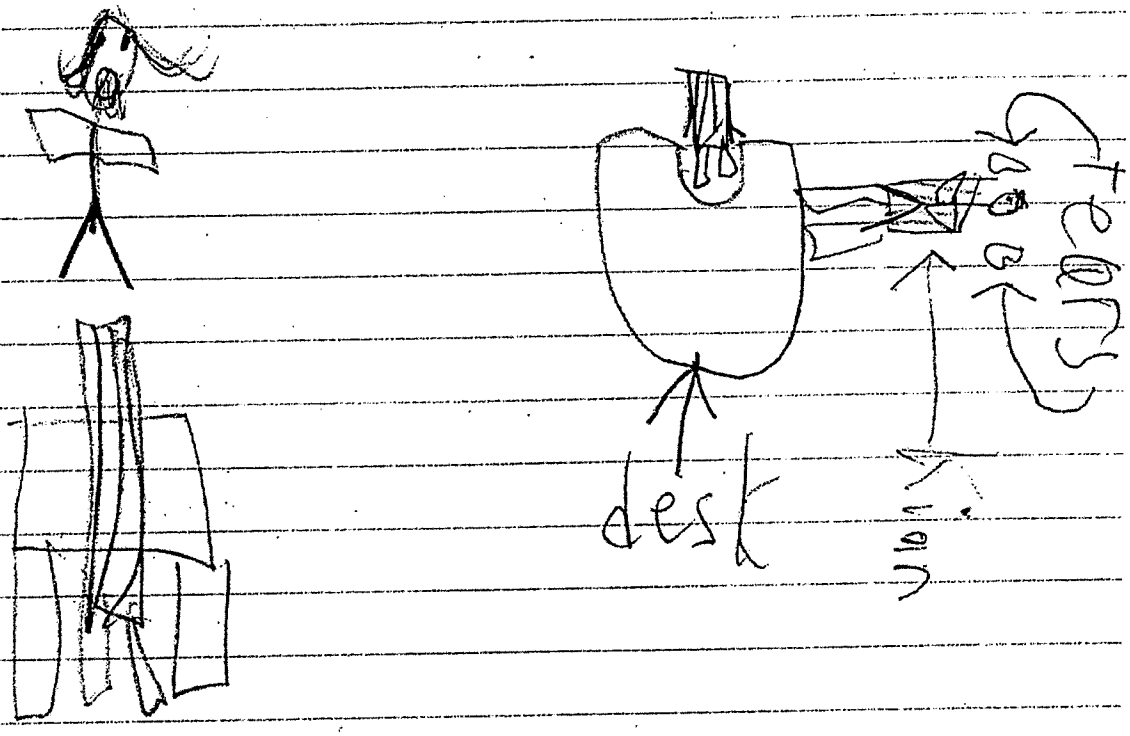
I cried because Mrs. Moody yelled at me.



Mrs. Moody yelled a lot.

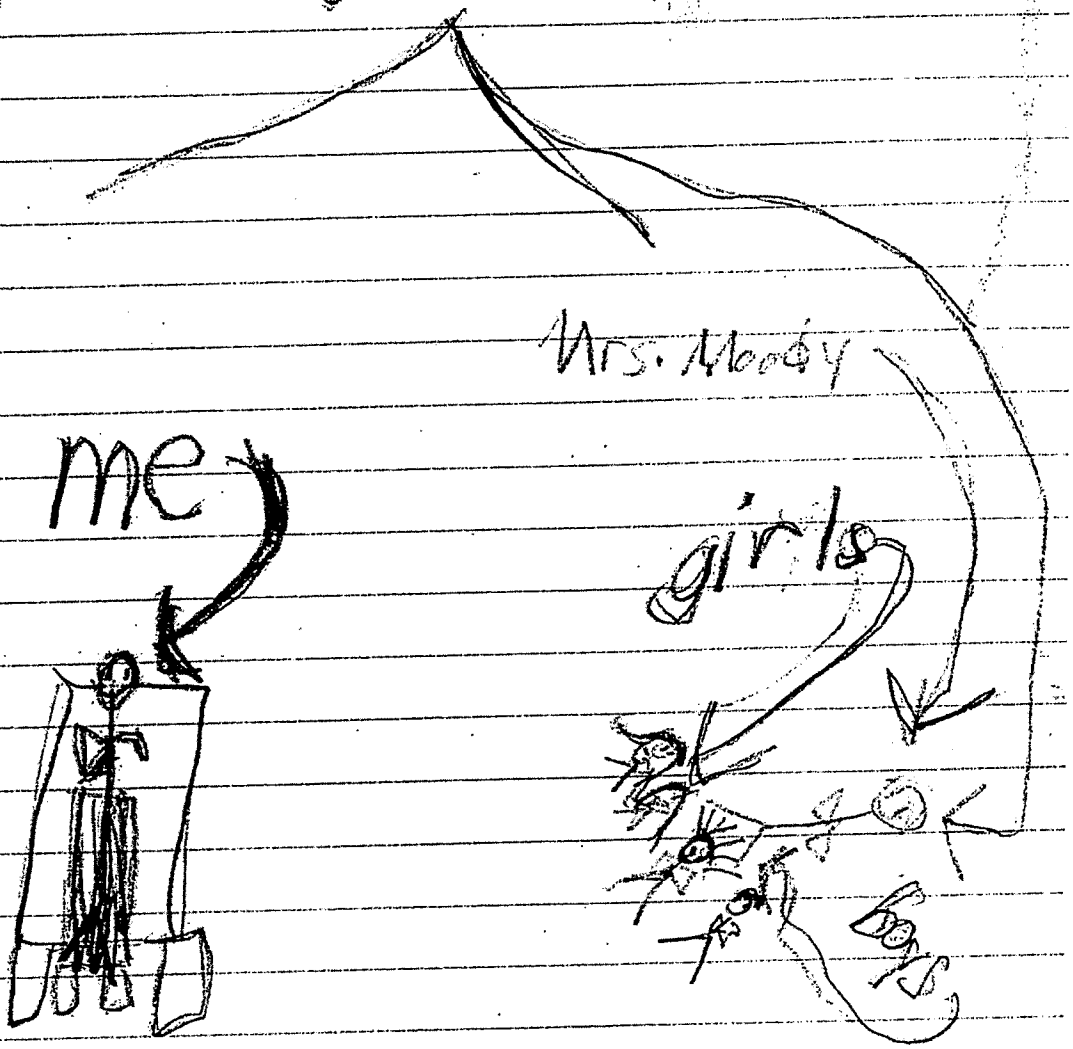


Mrs. Moody



I was sad a lot.

The no crying game



I felt Left out.

EXHIBIT 19

David Holzendorf <dholzend@richland2.org>

My Son Kian

1 message

Seeger, James M MSG RES USA TRADOC USAREC <JAMES.SEEGER@usarec.army.mil>
To: dholzend@richland2.org

Thu, Oct 27, 2011 at 3:11 PM

Dr. Holzendorf,

First, I would like to thank you for meeting with us last week about the issues affecting our son Kian Seeger who is a first grader at North Springs Elementary. Both my wife and I were pleased with the fact that you agreed to move Kian to another class with a different teacher. He has been doing quite well in Mrs. Shipman's class and seems to be returning to his normal self. I am however saddened by the fact that Kian was so scared that he felt he could not tell us what was going on. He told me that he was worried about getting in trouble.

With that being said, I also wanted to let you know that I have indeed met with our Legal Office here on Ft Jackson. During my meeting with Captain Wolrich he advised me to do a few things. The first thing I would like to request is a copy of the video from the cafeteria from the day in question, 20 October. I also would like to know if the custodian did indeed write a statement as to the events she witnessed. If she did, I would like to have a copy of that as well. Captain Wolrich would like for me to be able to bring these items to our next visit.

I also showed Captain Wolrich the letter I had submitted to you along with the weekly teachers report from that week sent home by Ms. Moody. In the letter I asked for information on how Kian had done in Related Arts, the Computer Lab and any other areas he would have been during the school day. If anything new comes to light after meeting with those staff members, I would like to know that as well.

Since we are not sure what options we have at this point, this information will give Captain Wolrich a better grasp of the situation. I find it hard to believe that the happy go lucky boy who was in Ms Lamm's class last year could be so upset this year for no reason. We are simply looking for answers as to what happened while he was in Ms. Moody's class.

I realize you are new to North Springs Elementary and have no prior knowledge of what may or may not have happened in the past. That is why I requested a formal investigation from the School District in my letter to you. It truly is my belief that this is not the first time there have been issues with Ms. Moody. My main concern is obviously with our son's well being. But as a parent, I can't help but wonder if there are more children who have been treated this way.

I truly appreciate your assistance in this matter,

James Seeger

EXHIBIT 20

Dr Holzendorf,

I am writing to you in reference to an incident that occurred on Thursday the 20th of October, 2011 and the events that led up to it. For the past month and a half, our son, Kian Seeger has been very upset and crying everyday at school. The crying would start at home right before he would leave for school and usually continue once he got there. On the 20th, Kian would not stop crying, my wife Gina called me at work to let me know he was still upset. It was at this point that I decided to go to the school and see what was going on. We had tried everything we could think of to get him to stop crying and even spoke to him about whether or not someone was bullying him, he kept telling us no. We tried everything we could and all he kept saying was "he missed me." I have been gone several times on Army trips and we never had an issue like this. A few days prior we even sat down with his teacher, Ms Moody, to try and figure out what it was, and could not get anything out of him. When I arrived at the school, I had Kian come up to the office so that I could talk to him. When he got there, he began to cry upon seeing me. I asked him what was wrong and why he was so upset and did anything specific happen to make him that way. He told me that he dropped his tray in the cafeteria. I asked him what happened next. He told me that one of the custodians came over and helped him clean it up and told him to go get a new tray of food. He went in and came out with only a corndog. Kian told me that Ms Moody came over and told him to go get a tray and the rest of his food. After coming out with his new tray, Kian proceeded to go and try and sit with his class. He told me Ms Moody grabbed him by the arm and took him to a table to sit alone. He also said that Ms Moody told him something along the lines of "she was going to make him cry."

It was at this point that I asked to speak with you and Mrs. German in reference to what had been going on. There was apparently something going on in his class and we needed a solution. We discussed what had happened in the cafeteria and it was decided that it was best to move Kian to a new class. My wife and I requested that he be put in Mrs. Shipman's class, and you agreed. It was also decided that you and Mrs. German would go talk to Ms Moody and Mrs. Shipman to let them know what was going to happen. A short time later, you and Mrs. German returned and let us know Kian's things had been moved to the new classroom. Mrs. German asked if we wanted to all go down to the new classroom together and I said no. I wanted to see how our son reacted without us being with him. Mrs. German came back to get us while Kian stayed in the room with Mrs. Shipman. On the way down to the class, I asked how it went. Mrs. German told us that Kian began to cry when they started down the hall and she asked him why. He said that Ms. Moody was down in the hall. Mrs. German said she told him that it was ok, she was taking him to his new class. Once we arrived in Mrs. Shipman's class, we saw a completely different attitude in Kian. He was happy and talking freely with Mrs. Shipman about all kinds of things. This was the way he was acting at the beginning of the school year. After a brief conversation, we left and I took Kian home.

At home, while doing his homework, Kian surprised me with a question. He asked me if Ms Moody was going to be fired for being so mean to kids. I was shocked at this but told him I did not know what would happen. A short time later he told me that Ms. Moody had all of his class on the carpet and that she had started a "no crying club" and he could not be in it. He told me that he had been sitting alone the whole day in class. I asked him what he thought about that and he said he was sad. He then told

me that Ms Moody had also told him that all notes would go to Ms. Moody and not to dad. This was in obvious reference to a statement I had made during the visit early that week with Ms Moody. I said that I had made Kian a deal that we could exchange notes during the day and he could let me know with a note or picture how he was feeling. I would typically write him a note before I left for work and he was not to read it until he sat down in the hall before class. I told him not to worry about that since he was now in a new class. When I asked him why he did not tell us stuff like this before, he said he was afraid of getting in trouble.

The next day I returned to the school to talk to you about these statements that Kian had made to me. I informed you that I was seeking legal advice to see if we had a case for assault on our son. I felt it was important for you to know and that I did not hold you or the school responsible for Ms Moody's actions. I also asked if there was video from the cafeteria that shows what had happened. You informed me that you could see that Ms Moody did take Kian by the arm and take him to another table. You also let me know that you did speak to the custodian and that she did indeed feel that what Ms Moody had said to Kian was inappropriate. I do feel however that this is not an isolated incident. It is my belief that Ms Moody has acted this way towards other children just by the way she has treated our son and his question about whether she would be fired for being mean to kids. You also brought up the fact that Ms Moody had said that Kian had told her that he had peed his pants. He had made no indication of this to either me or his mother that day. I think he was trying to use any excuse he could to get away from that classroom. There was one other time where he had done that in his pants. My wife told me that he had even let the whole class know and that she had to run home to get him a change of clothes. Upon returning to the school with the clothes, Kian told my wife that he wanted something different to wear. We did not realize at the time that he was trying to avoid going back to class. I also believe that by him saying that he missed me was his way of saying something was wrong.

As I thought about all of this over the weekend one thing kept coming to my mind, how did our son act when he was away from Ms Moody? I would like to know how he was in Related Arts, Computer Lab and all other areas he would have been. I also would like to know if Ms Moody had ever said anything else derogatory to him or about him in those classes. I also cannot imagine how scared Kian must have been to not want to tell us about any of this. When we asked him about bullies at school, it never occurred to us to ask about his teacher. I am including with this letter Kian's last weekly sheet from the teacher, Ms Moody. I believe from the overuse of red ink, especially the word Red in dark ink, there is anger there. I am requesting a formal investigation from the District into Ms Moody's history in the past. If it is indeed an isolated incident, then we are alright with that. However, it is my belief that after staff members are questioned, there will be more instances brought to light.

Sincerely,

James Seeger

James Seeger

EXHIBIT 21

On Monday the 31st of October upon arriving at home from work, my son Kian met me at my truck with his head slightly down. I asked him what was wrong and he said that he did not do all of his homework. I asked him why and he said that he had left a book at school that he needed to do his worksheet. I told him that he would just have to try and get it done before school started the next day. He usually arrives to school about 30 minutes early since my wife has to be there at that time.

On Tuesday, 01 November, I reminded Kian that he needed to get to his class room and ask Mrs. Shipman if he could do the rest of his homework since he forgot the book. I left for work and my wife proceeded to take Kian to school. My wife called me and said that Kian had started to cry once they got there. She asked him why he was crying and he said he did not want to get in trouble for not having his homework done. My wife reassured him that it would be alright. Kian then went to see Mrs. Shipman and she reassured him that it was ok.

Kian has not cried since he was moved out of Ms. Moody's class over a week ago. It is my belief that he still has problems associated with the issues he had while in Ms. Moody's class. We were hoping that he would be able to move on, but at this time we are not sure how long that will take.

11/3/2011
Principle called me today as a follow-up.
Law enforcement was called - School Resource officer Thomas Rupkee to check on things from that stand point.
I was also asked if Kian had said anything else. I told Dr. H. that Kian had said something about Ms Moody saying something about no special treatment for Kian to Ms Glover in front of everyone. ~~Dr. H. confirmed that a similar statement was made by Ms Moody to Ms Glover when Ms Glover was asked about any statements~~ Dr. H had spoken w/ Ms Glover and was informed that Ms Moody had made a statement like that.

EXHIBIT 22

Video viewing 11/4/2011

w/ Pc. Holzendorf

went ~~to~~ ~~wrong~~ wrong table by himself

- Ms Moody stands up when he first come out

Stevade is gesture / movement towards him prior to him arriving at the table. Kiron immediately turns towards another ~~table~~ table. He sits at another table with some other class instead of his.

When he returns ~~w/ food~~ w/ his food he sits at a completely different table, then not again and then to another table

- Legal can come by and view the video

~~All~~ all other classes were asked about his crying. All said he never did. Ms Glover was told not ~~to~~ to give him any special treatment he had been crying all day - Ms Glover

Looked at him and he had his head down and said. Ms Evans did confirm the statement.

asked what/when can I expect to find something out.

what are the district policies on yelling at children and placing hands on them

Custodial worker did do a written statement on the actions that occured on that day.

EXHIBIT 23

Pattern of this behaviour? Did the previous administration know about this? Need for counseling?

Subject: Re: Reply

From: David Holzendorf (dholzend@richland2.org)

To: seegerjames@ymail.com;

Date: Tuesday, November 29, 2011 8:33 AM

Mr. Seeger, I received your e-mail regarding our investigation into Ms. Moody's conduct towards your son in the cafeteria. At the outset, I want to thank you again for bringing your concerns to our attention. I want to assure you that, as part of our investigation, we addressed with Ms. Moody our concerns with her conduct towards your son. As you also know, we moved your son to Ms. Shipman's class immediately.

I am extremely pleased your son enjoys being in Mrs. Shipman's class and that he is having a good experience with her. Ms. Moody has now resigned from her employment with the District. As I am certain you can understand, I am not at liberty to discuss her personal situation with you further other than to confirm that your concerns have been addressed.

We appreciate your support and understanding in this matter. I hope that your son continues to have a good school year. Please let us know if you or your son have any further concerns.

On Wed, Nov 23, 2011 at 4:17 PM, James Seeger <seegerjames@ymail.com> wrote:

Dr. Holzendorf,

Gina has informed me that Ms. Moody resigned her position at the school. I have a few questions in regards to that. The first thing I would like to know is, does that mean that she will never teach again? The second is, was there a pattern found in your investigation of this type of behavior from her to other students in the past? I know that we had previously discussed my desire to know the outcome of the investigation, is the District going to allow for me to have that information? I will be meeting with my Legal Office again next week and any information you can provide would be helpful.

We still have concerns about Kian's well being and his ability to move past this. The other night for example, he told me that he was afraid to tell us what was going on in front of Ms. Moody the day that we had met with her. I asked him what she could have done to make him so scared and he started to tear up. I left it alone and just reinforced the fact that he needed to tell us if anyone was being mean to him from now on. There was evidently something significant, at least in his mind, going on to make him so afraid and sad for so long. The good news is that he really likes being in Mrs. Shipman's class. He even voluntarily takes her things like cupcakes and muffins on his way to class.

We really appreciate your help with this,

Jim Seeger

From: David Holzendorf <dholzend@richland2.org>
To: James Seeger <seegerjames@ymail.com>
Sent: Sunday, November 13, 2011 6:51 PM
Subject: Re: Reply

Mr. Seeger,

EXHIBIT 24

Garvin / Glover [redacted]

• Moody.

Assembly Street parking garage.

Blaylock Ins.
135,000 (706) 782.
657.74 per (109.62) ($8.81) (219.94)
624-85 pay @ once.

CHASE / JP Morgan.
1 800 848 9136.
• Name Change letter?

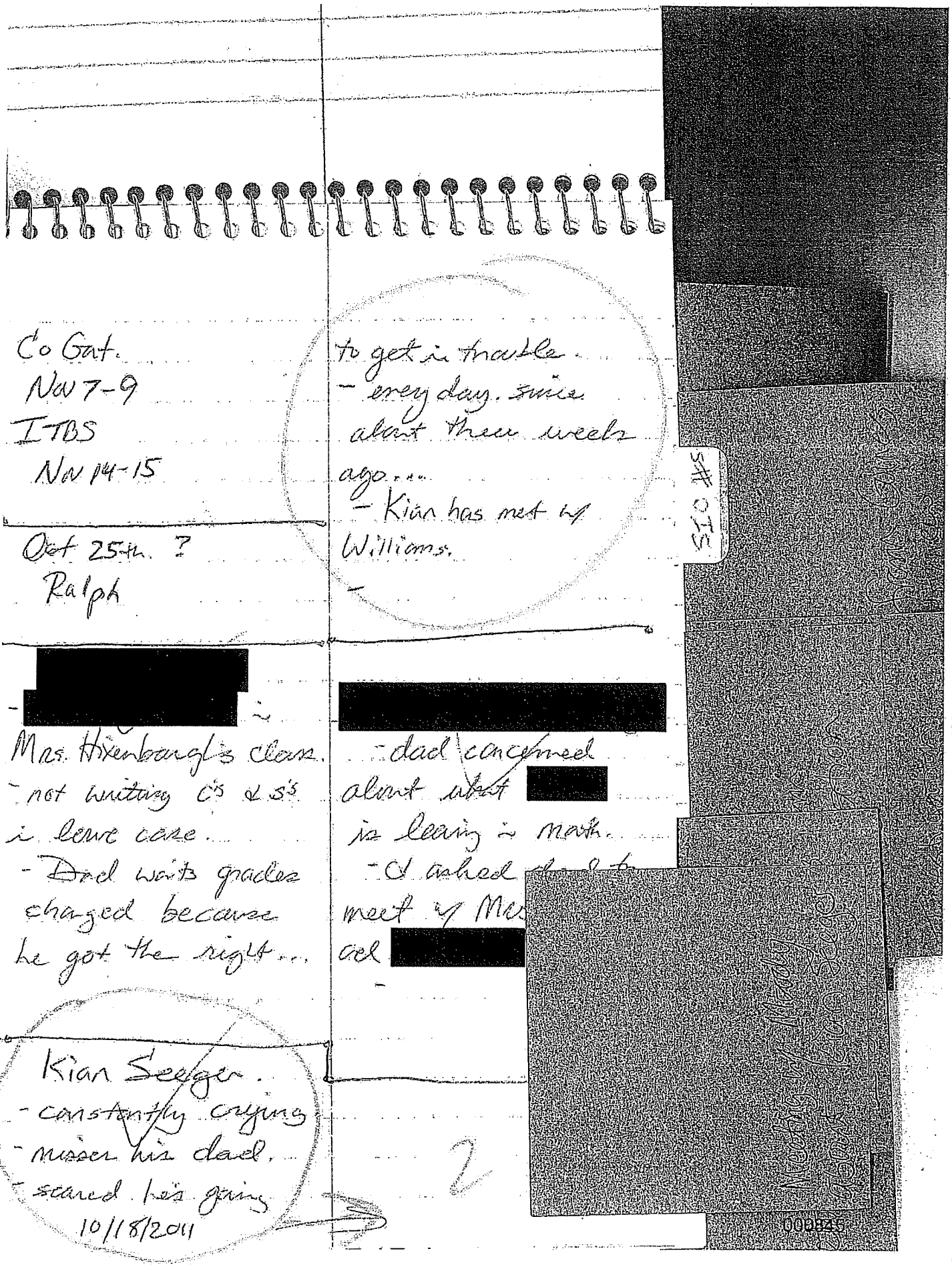
[redacted]
• distractions in the room.
• put back in preschool.
• smaller setting.
• evaluated by physician
• language skill delay
9/30/2011

✓ call [redacted]
— call Fisher
- after school
- Manatee
✓ Meet w/ Fr
✓ Faculty me
— MP.
— SAFE-T.
— Oct 12
- Foster ✓
- Eric.

✓ Anderson - paperwork on Julia Tucker.
✓ Math & Science night
✓ 5th C. Bellotti
— Evet email??
— Meet w/ Linda Williams.
• travel 5 in June.
• getting phone calls quite often. Could not go on
10/3/11

continued...

000844



Co Gat.
Nov 7-9
I-TBS
Nov 14-15

Oct 25th. ?
Ralph

to get in trouble.
- every day. since
about three weeks
ago....
- Kian has met w/
Williams.

[redacted]
Mrs. Hixenbaugh's class.
- not writing C's & S's
i leave care...
- Dad wants grades
changed because
he got the right...

[redacted]
- dad concerned
about that [redacted]
is losing in math.
- I asked [redacted]
meet w/ Mr.
and [redacted]

Kian Seager.
- constantly crying
- misses his dad.
- scared he's going
10/18/2011

2

637

[redacted]

- Penedo too negative.
- Very annoying.
- Wants [redacted] moved!
[redacted]

[redacted]

- Dawson's class.
- not lately.
- called Dad
- wrote letter to Ms. Dawson.
- [redacted]

Kian Seegen
- a change in sin
- He feels like he is going to get trouble.
- Dropped his keys

10/20/2011

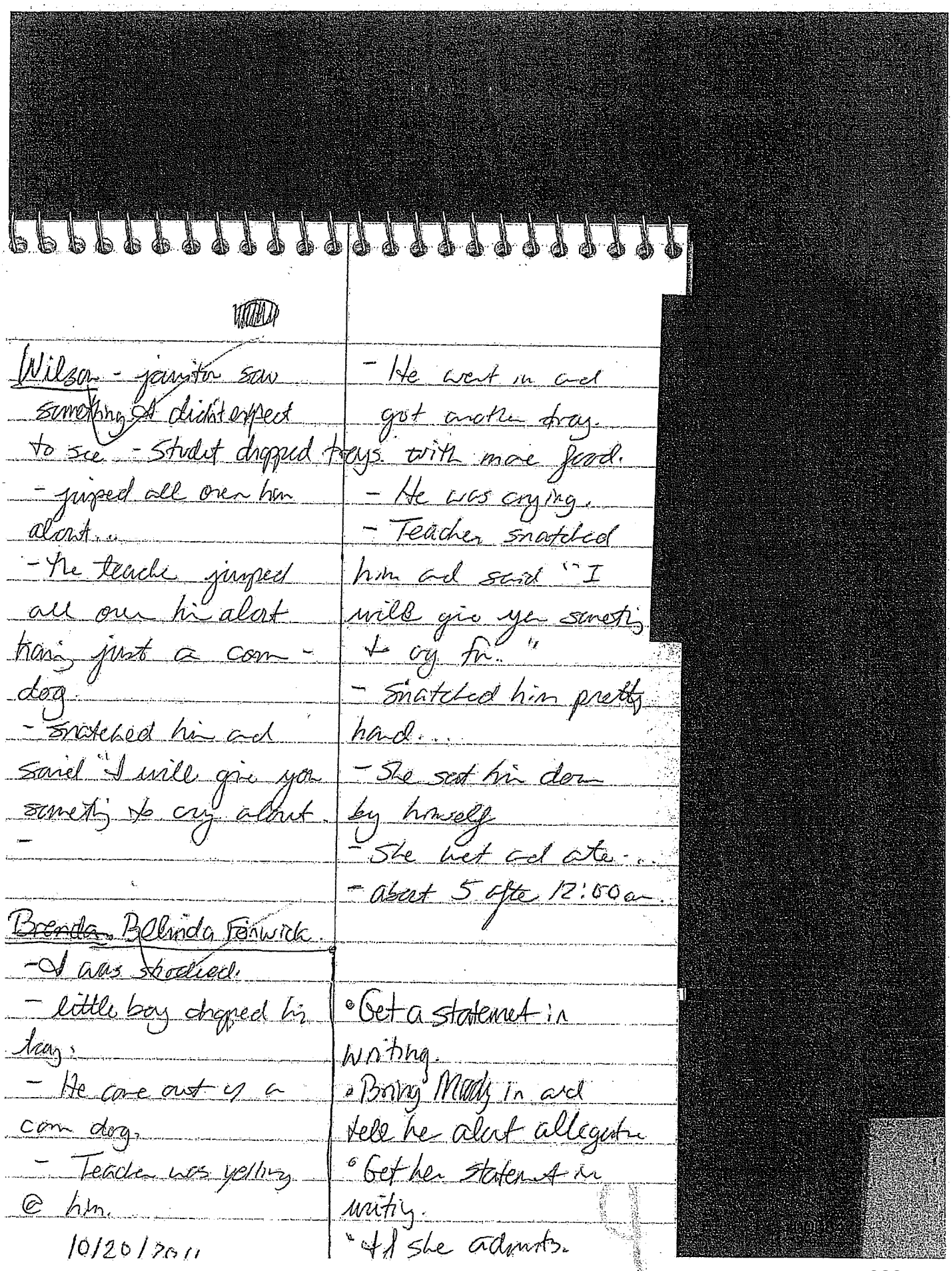
- "Pulled arc to a table to eat by himself.
- Sitting by himself at her desk.
- Shipman

- "I'll give you a reason to cry..."
- Dropped in line.

Hale 16
Shipman 16
Smith 16
Moody 17
Kelly 17

- Moved student Shipman's cla

000846



Wilson - yesterday saw something she didn't expect to see - Student dropped trays with more food. - yelled all over him about... - The teacher yelled all over him about having just a corn-dog. - snatched him and said "I will give you something to cry about."

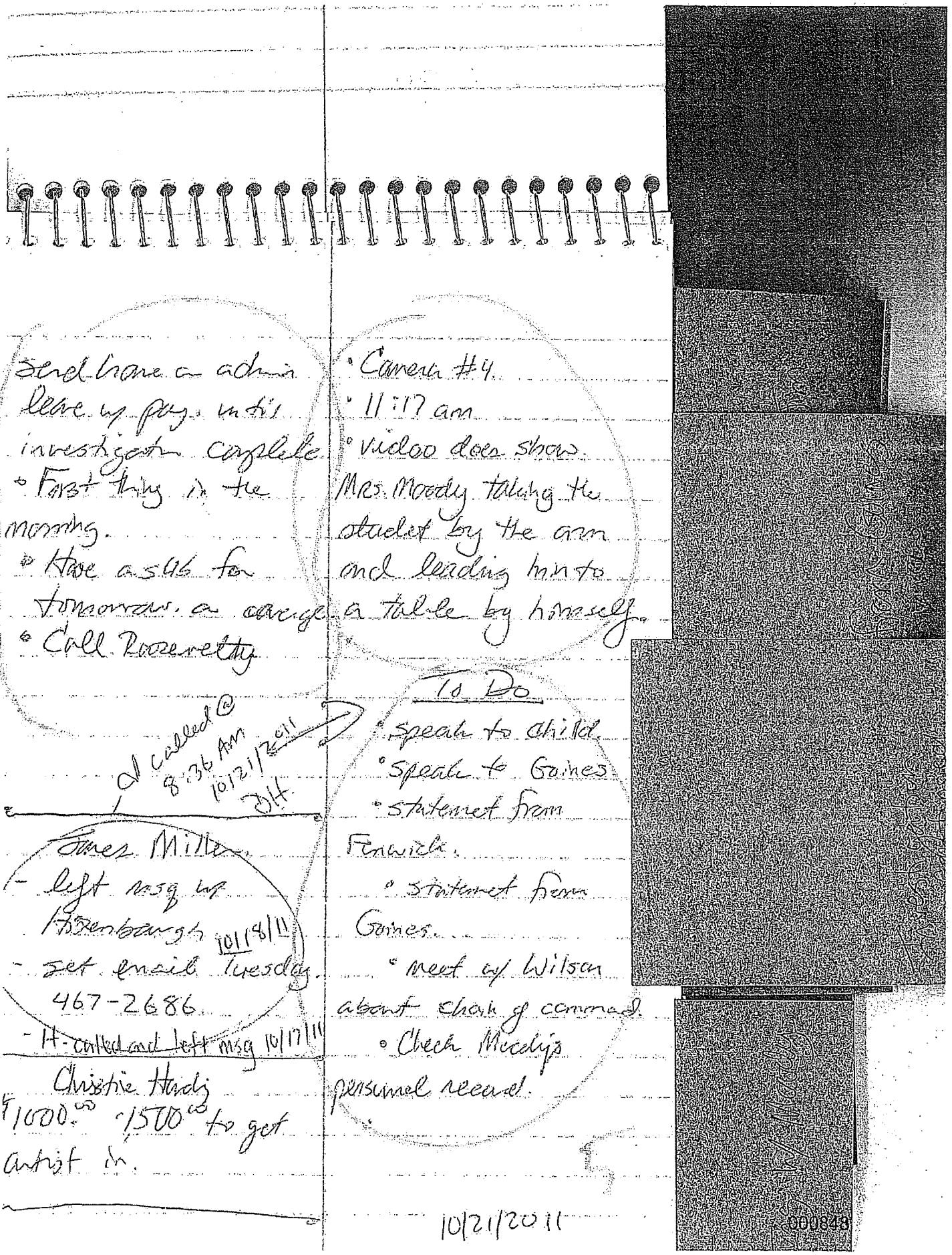
- He went in and got another tray.
- He was crying.
- Teacher snatched him and said "I will give ye something to cry for."
- snatched him pretty hard...
- She sent him down by himself
- She went and ate...
- about 5 after 12:00 a.m.

Brenda Belinda Fenwick.

- I was shocked.
- little boy dropped his tray.
- He came out of a corn dog.
- Teacher was yelling @ him.

- Get a statement in writing.
- Bring Mandy in and tell her about allegation
- Get her statement in writing.
- tell she admits.

10/20/2011



Send home on admin leave w/ pay, until investigation complete
• First thing in the morning.
• Have a sub for tomorrow, a charge
• Call Roseretty

Camera #4
11:17 am
Video does show Mrs. Moody taking the student by the arm and leading him to a table by himself.

To Do
• Speak to child
• Speak to Gaines
• Statement from Fenwick
• Statement from Gaines
• Meet w/ Wilson about chain of command
• Check Moody's personnel record

AI called @ 8:36 AM 10/21/2011 DH

James Miller
- left msg w/ Rosenbaugh 10/18/11
- set email Tuesday 467-2686
- H. called and left msg 10/17/11

Christie Hardy
$1000.00 - $1500.00 to get artist in.

10/21/2011

000843

F. Gomes

- Saw the incident, but did not feel that it was out of the ordinary or overkill
- Doing what she is supposed to do.

- [redacted]
- Count info (paperwork)
- 4:15 - 4:30 today

Mr Moody

- Dropped tray when he was sitting down
- Custodia helped him
- He came out w/ a corn dog.

10/7/2011

- came out w/ no tray or corn dog.
- You gotta go back and get.
- He started to cry when I told him to go back.
- I led him to the table by himself
- He had been crying all day and it was at
- I do not recall telling him "I will give ya snacks, I cry also."
- I was frustrated...

- Letter to [redacted]
- cc: Lavette.

6

[redacted]

Jim Steege
- passed history?
- 573-356-8708
- had to leave work.

Kian said that she was going to make me cry.
- Is video available?
- Y explained what was on the video.
- Kian told dad something about "No more notes to dad?"
- We have a "no crying club and you cannot be in it!"

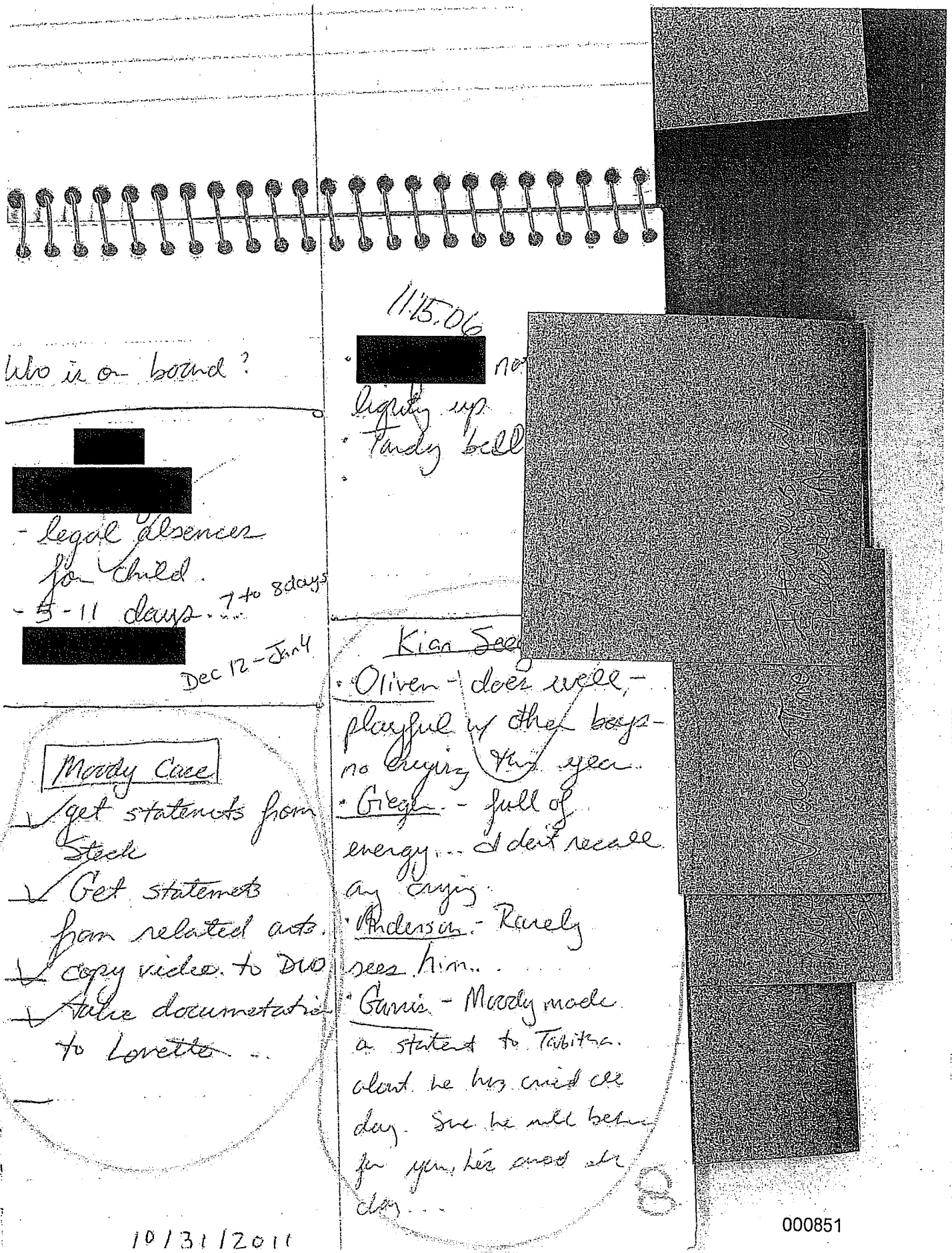
- Mr. Tucker to be spoken while visiting
- Mom needs notified that Tucker is visiting either child.
- If personnel is not available mom or Mr. ... can supervise.
- Derogatory comments made to staff @ NSE.
- Please document behaviors.

[redacted]

- Dad agreed to let [redacted] practice

C's at 5:

000850



Who is on board?

[redacted]

- legal absences for child.
- 5-11 days... 7 to 8 days

[redacted] Dec 12 - Jan 4

11.15.06

- [redacted] na
lighting up
- Tandy ball

Kian Seek

- Oliver - does well, playful w other boys - no crying that I see.
- Gregh - full of energy... I don't recall any crying.
- Anderson - Rarely sees him...
- Gavin - Moody made a statement to Tabitha about he has cried all day. She he will be fine for you, her and all day...

Moody Case

- ✓ get statements from Stock
- ✓ Get statements from related acts.
- ✓ copy video to DVD
- ✓ take documentation to Lorette...

10/31/2011

000851

- log of events.

Video

11:06:24 - Moody's class enters cafeteria.
- Moody's class sitting @ last table far right.
11:14:16 - Moody stands by student table. (+)
11:15:01 - Kian drops his tray ~~3rd~~ two tables from his classes table.
11:15:34 Moody sits (far seat on right) down.
11:16:01 Kian returns by carnedey and sits @ wrong table, but same seat location.
11:16:56 Moody gets up and speaks to Kian.

(+) moves toward

11:17:30 - Kian gets up and returns to line.
11:18:12 - Moody meets Kian @ the end of same table, ~~and~~ takes him by the arm, and leads him to the correct ~~other~~ table. (different seat)
- Moody sits down to eat.
11:34:47 Moody meets Kian @ end of table

- Asked Glover for statement concerning incident in media center.

10/31/2011

Hixenbaugh.
- Fahrim Meitzenheimer cico? to Rehladen

Research Factfair recess and STAR time.

Nov. 16. RZTV video of Magnet program. 9:30

Cricket fest - face painting booth will collect charge for Children's Chance

PTO
• What do you want people to say NSE?
• What do yo
a quality ed
to look like
• www.Our-Educ
com.
•

• Met w/ Thomas Rueplee (SRO). concerning Seege case.
- Rueplee stated that it is up to the parents as to whether or not they wat to press charges.

10/31/2011

11/1/2011

000853

Karen Lavett

- seeing a pattern w/ untimely days
- 8:00 - meet w/ Moody...
- guidance counselor
- Karen wants to talk w/ Denise.
- Have dad come in
- We are conducting an investigation
- Is anything else you want to share
- We have notified law enforcement.
- You can view the tape together w/ me.
- You cannot have a copy of statements.

11/2/2011

- Talk w/ Jennifer.
- email lesson plans
- 466-6574.

Get dates to corporate.

Did

- How are things going?
- Thank you for handling this professionally.
- We are conducting a full investigation
- Thank you for sharing your concerns in writing.
- Has anything come to light or any other concerns?
- Requested a copy of video. You can come and watch it w/ me
- Can't give you any statements, but a district procedures 11/3/2011

SCANNED

will be followed
- includes contact law enforcement (SRO) procedure.
- SRO may contact you.
- We appreciate your support —

751-8784
573-356-8708.
← Seeger →
- Talk to Ms. Lamm.

* Jan Moody placed on administrative leave to complete investigation
- should hear something tomorrow about Monday
- Roosevelt will meet w/ you...

Conversation w/ Dad
- Doing great
- Should we get counseling.
- Started cry; because he didn't have HW done.
- Can council see video too??

- Kian mentioned the incident that happened in media center...

SC ED #6

12

000855

Lorette (Seega)
- At what point, do we get back w/ the parent and w/ what information?
- Can he have copy of stats.

Sue Mellette (622-2787)

Martha Cobb

Martha Moz
- published in 19
- more appropria
4th.
- recommended for
ad op.
- content is difficult ...

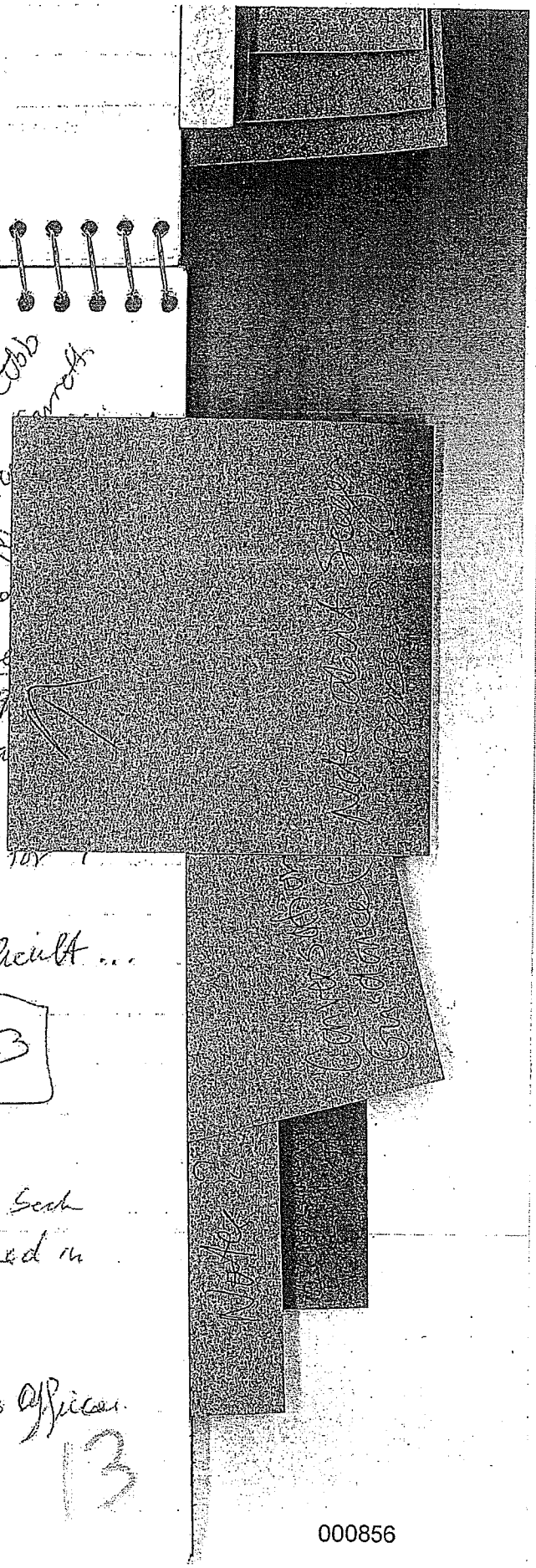
Moreta
609-4923

Sue Mellette. (Screen)
- up rising from the community,
- connect ed. (Wide school)
- There has been a concern about a book that is being read in second grade
- The book is under review, & the meantime, the another book will be chosen for the children to use as a read aloud.. Friday

- The cover of a book that is being read in second.

Chief Academics Officer

13



000856

Song written by Steven Foster.

Kathrine Johnson.
- asked about bride by Andreski.

[redacted]
- Lankford class
- pushed on mi rail
- child hit head
- complaining about ear...

✓ Type up conversation by Dad & Williams

Saturday 11/5/2011

— ask Leveft
- at what point do we get back by Jim?
- Should talk to Lamm?
✓ talk by Williams about Moody's class.
✓ Call M
about
✓ Talk to
check Ander
✓ Call Li
✓ Coordinate da
9:00 am Nikk

Mrs. Williams.
- Mom wanted me to talk to him.
- not wanting to come to school.
- afraid he would get in trouble.

Monday 11/7/2011

000857

did better for a while
- parents came in and said he was sensitive child.
- continue to reassure him when he gets in trouble.
- talked to Mrs. Moody about anxiety ... There are some kids in class that she has to stay on top of ...
- really bad episode Mrs. Conklin talked w/ him.
- Germann talked w/ mom.
- I did ~~stop~~ ask who your teacher was last year...
- Kian's personality did not match Moody's.
- Although Moody can be very stern. Tone could come across as "harsh."

- Mom was
know all
- phone ca
Mrs. Lonl
to let
she had
- pushed
to hand
- Office of suig &
hit Ian in piece
of wood.
- sent to office.
- headache and feeling dizzy.
- got to health room. looked at it and gave

Monday
11/7/2011

000858

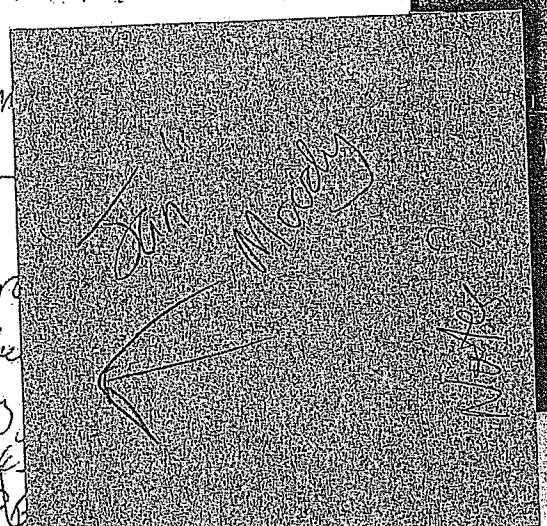
- L needs alert 3-4 subjects HW. per night...
- not focused, not paying attention.
- 10-11 bad days sad faces...
- A says that she is not happy because she does not get to do special activities

"Sharepoint" Website.

Administrative
About us. (NSE Stay).
Ed Vision
Teacher Web sites
Programs.
STEMs
Calendar.
Newsletter.
Staff Directory.
Directions.
Contact Info.

STEM

- Marsha Moseley. - Jan did a great job for her.
- Jan talked to Marsha. to get sympathy...



- Ed
basic
play
Park
- P
- ~~Will in front office~~
- Front Entrance to office. security measures

000859

[redacted]

[redacted]

864-680-0828.

- going to ~~try to~~ get in touch

- Steve attended; hem w/ in a hour.

[redacted]

Check

class

Check

class

Check

class

Check

class

Cases

Moody (Seeger)

[redacted]

call Ms. Hicks ([redacted] mom).

set up meeting by German & Laurence.

SAFE-T write up.

[redacted]

Check ~~observe~~ Ms. Parrish's class

11/8/2011

000860

652

- Trey Lach (Lloyd)

Tonya Washington
- will be a break 12:00 - 12:15.

Randall Sims

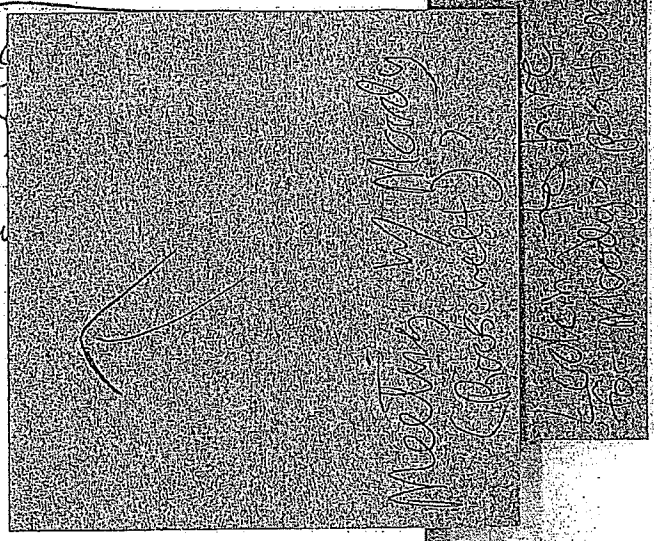
Jan Moody
* opportunity to resign
* payout thru Jan of 2012
* If not, recommend to terminate.
* Have until Monday, Nov.
* Roosevelt will check in to annual leave.

11/11/2011

* Resigned for personal reasons.
- Call each panel and send a letter.

- Jeanie Ward.
  - Mj. Ward @ SVHS.
  - Round Top

- Tw
- Th



18

000861

[redacted]

- Arnn.
- Sass' class
- Arnn says that he is sleeping.
- Arnn took to nurse.
- asthma issue.
- German will follow up w/ Bedlek.
- 12:40 w/ Arnn.

Admn Meeting

- Discipline
  - individual students
  - individual teachers
  - teams
- Moody's position?
  - like to inform Thompson?
- SAFE-T
  - dates
  - conference
- Other pe
  - decisi
  - Arnn
  - Hix
- Calenda

Arnn. - applied for ant position @ Rice Creek.

Hixenbaugh. - told this to Rehbinder too & Germann...
- may be leaving in December!!

11/15/2011

000862

EXHIBIT 25

+RICHLAND COUNTY SCHOOL DISTRICT TWO
C - GENERAL SCHOOL ADMINISTRATION
Policy CA Administration Goals/Priority Objectives

Policy CA Administration Goals/Priority Objectives

Issued 7/03

Purpose: To establish the board's vision for administrative goals and objectives.

The administration of this school system is responsible, within the guidelines established by board policy, for the direction and coordination of students and staff in their efforts to reach educational goals adopted by the board.

The board is devoted to and legally charged with the responsibility for providing an instructional program for the children within the community it serves. The district is organized to accomplish this purpose through an elected board and professional staff members who are employed by the board. The board and the professional staff each have unique responsibilities within this institution.

The board will rely on its chief executive officer, the superintendent of schools, to provide professional administrative leadership. The superintendent is responsible for executing the professional staff responsibilities through the design of an administrative organization that will meet the needs of the school system and most efficiently and effectively use its resources.

All schools will be subject to board policies that are implemented through the superintendent. Within the framework of district policies and regulations, principals will be responsible and accountable for the administration of their respective schools through the implementation of school regulations and procedures.

The function of administration is to plan for, control, coordinate, supervise and direct the district in accordance with the purposes, policies, plans, procedures and programs authorized by the board.

The board expects the administration to specialize in the following.

- processes of decision-making and communication
- planning, organization, implementation and evaluation of educational programs and services
- coordination of various centers of power within the school system and the community so as to enable people to do things together for education that they might never be able to do separately
- demonstration of leadership
- development and maintenance of close working relationships and channels of communication within the school system and community
- prevention of misunderstandings and development of cooperation toward attaining the educational goals adopted by the board

Adopted 10/1/72; Revised 7/1/03

RICHLAND COUNTY SCHOOL DISTRICT TWO

+RICHLAND COUNTY SCHOOL DISTRICT TWO
C - GENERAL SCHOOL ADMINISTRATION
Policy CFA School Principals/Building Administrators

Policy CFA School Principals/Building Administrators

Issued 7/03

Purpose: To establish the basic structure for the administrative operation of the schools.

The principal -- within the limits of the law, board policy and instructions from the superintendent -- is the administrative authority of the assigned school. The principal is responsible for a thorough knowledge of all laws, regulations and instructions governing the position.

The principal will coordinate all administrative and supervisory activities which occur in the building. The principal will be responsible for the coordination of the work of supervisors, custodians, health officers and all others who work in relationship to the school and to the teachers.

The principal will be responsible for the administration of district policies and administrative rules in the assigned school. The principal will be responsible for communicating policies and rules to the building staff.

The principal will keep the superintendent or his/her designee fully advised as to the condition of the school. The principal is responsible for the detailed organization of the school, the assignment of duties of staff members within the school, and the administration of the instructional program.

The principal will handle all complaints from patrons or parents which affect the school, investigate the same, and refer to the central administration all cases which cannot be adjusted satisfactorily.

The principal is responsible for teacher evaluation, student discipline, supervision of custodians and other areas as are set out in board policy.

Prime responsibilities of the principal include the following.

- creating a learning environment that is appropriate for the learners
- assisting teachers in the implementation of an instructional program that is suitable for the learners
- evaluating the effectiveness of the instructional program as its is being implemented in the school
- evaluating the effectiveness of individual staff members
- arranging opportunities for staff members to improve their competencies as facilitators of learning
- managing the local school budget, class and building schedules, and the care of the facility
- communicating the goals, objectives and achievements of the school to the students, parents and staff

Adopted 7/1/03

RICHLAND COUNTY SCHOOL DISTRICT TWO

+RICHLAND COUNTY SCHOOL DISTRICT TWO
G - PERSONNEL
Policy GCQF Discipline, Suspension and Dismissal of Professional Staff

Policy GCQF Discipline, Suspension and Dismissal of Professional Staff

Issued 10/12

Purpose: To establish the basic structure for discipline, suspension and dismissal of professional staff in order to ensure accountability for due process as well as a quality educational program.

It is the responsibility of the school administration to operate the public schools of the district in a manner that will maintain a broad community confidence in and support of the public schools of the district. In the absence of such support, the district cannot maintain a strong, effective public education program.

Induction and annual contract teachers

The dismissal or non-renewal of district certified employees who hold induction or annual contracts will be carried out in accordance with S.C. Code Ann.§ 59-26-40.

Continuing contract teachers

The dismissal or non-renewal of district certified employees who hold continuing contracts will be carried out in accordance with the South Carolina Employment and Dismissal of Teachers Act, S.C. Code Ann. § 59-25-410 *et seq.*

It is the policy of the board to remove from employment any teacher or administrator who fails, or who may be incompetent to give instruction in accordance with the directions of the superintendent or who otherwise manifests an evident unfitness for teaching. Evident unfitness for teaching is manifested by conduct such as, but not limited to, the following.

- persistent neglect of duty
- willful violation of rules, regulations and policies of the board
- drunkenness
- conviction of a violation of the law of this state or the United States
- gross immorality
- dishonesty
- illegal use, sale or possession of drugs or narcotics.

Whenever a principal or other school administrator charged with the supervision of a teacher finds it necessary to reprimand a teacher for a reason that he/she believes may lead to dismissal or cause the teacher not to be re-employed, he/she will generally take the following steps in consultation with the superintendent or his/her designee.

Performance concerns

If the issue involves a performance problem, the principal or designated school administrator will discuss the concern(s) with the teacher and provide the teacher with an opportunity to respond to the concerns. The administrator should, where appropriate, follow up such a conference in writing.

If an informal discussion does not resolve the matter, the principal or designated school administrator will bring the concern(s), in writing, to the attention of the teacher involved and make a reasonable effort to assist the teacher to correct whatever appears to be the cause of potential dismissal or failure to be re-employed. Such efforts may include formally evaluating the teacher, placing the teacher on an improvement plan and/or some

other acceptable means of notice and assistance. Except in those cases warranting immediate suspension and recommendation for termination, the administration should allow reasonable time for improvement.

Misconduct concerns

If the issue involves misconduct, the principal or designated school administrator will immediately confer with the superintendent or his/her designee. The superintendent or his/her designee will advise the principal regarding appropriate actions to take. The superintendent or his/her designee is authorized to place an employee on administrative leave, with pay, while an investigation is conducted.

Disciplinary action, up to and including a recommendation of termination, may be taken against any certified employee who is determined to have engaged in unprofessional or inappropriate conduct towards students, parents or staff members.

Such conduct may include, but is not limited to, violating district policies or procedures; engaging in criminal conduct; engaging in inappropriate conduct of a sexual nature towards other employees or students; harassment, intimidation or bullying; or making inappropriate comments to students. This includes any action or conduct communicated or performed in person, in writing, or electronically through such means as a telephone, cell phone, computer, personal data assistant, social networking or other telecommunication device, and includes text messaging or instant messaging. Disciplinary action, including a recommendation of termination, may also be taken against any employee whose conduct the administration has determined has impaired the employee's ability to be an effective teacher.

Reporting expectations

The board directs the superintendent to report to the State Board of Education the name and certificate number of any certified educator who is dismissed, resigns or is otherwise separated from employment with this district based on allegations of misconduct set forth in State Board of Education Regulation 43-58, including, but not limited to, the following.

- misconduct involving drugs
- sexual misconduct
- the commission of a crime
- immorality
- moral turpitude
- dishonesty
- failure to comply with the provisions of a contract without the written consent of the board
- other conduct that the superintendent reasonably believes would constitute grounds for revocation or suspension of the employee's professional certificate.

Adopted 1/28/75; Revised 8/13/02, 10/23/12

Legal references:

S.C. Code of Laws 1976, as amended:

Section 59-18-1300 - District accountability system.

Section 59-25-150 - State board of education may revoke/suspend certificate for just cause.

Section 59-25-160 - Revocation or suspension of certificate; "just cause" defined.

Section 59-25-410, *et. seq.* - Teacher Employment and Dismissal Act.

Section 59-26-40 - Induction, annual and continuing contracts; termination of employment for annual contract teachers; hearing.

State Board of Education Regulations:

R-43-58 - Disciplinary action on educator certificates.

R-43-58.1 - Reporting terminations of certain district employees.

RICHLAND COUNTY SCHOOL DISTRICT TWO

+RICHLAND COUNTY SCHOOL DISTRICT TWO
G - PERSONNEL
Policy GBEB Staff Conduct

Policy GBEB Staff Conduct

Issued 10/11

Purpose: To define the board's policy guidelines for appropriate staff conduct.

The board reaffirms one of the oldest beliefs in education, which is that one of the best methods of instruction is that of setting a good example.

The board expects the district's employees to strive to set the kind of example for students that will serve them well in their own conduct and behavior and subsequently contribute to an appropriate school atmosphere.

To that end, in dress, conduct and interpersonal relationships, all employees should recognize that they are being continuously observed by students, other employees, parents and community members and that their actions and demeanor may impair their effectiveness as an employee.

The personal life of an employee, including the employee's personal use of non-district issued electronic equipment outside of working hours (such as through social networking sites and personal portrayal on the Internet), will be the concern of and warrant the attention of the board if it impairs the employee's ability to effectively perform his/her job responsibilities or as it violates local, state or federal law or contractual agreements. Unprofessional conduct may subject the employee to disciplinary actions consistent with state law, federal law and/or board policy.

No employee will engage in immoral or criminal conduct or commit or attempt to induce students or others to commit an act or acts of immoral conduct or criminal conduct. If it appears an employee may have violated the law, the district will cooperate with law enforcement agencies.

All employees will maintain a professional relationship with students at all times, both inside and outside of school. No employee may engage in inappropriate conduct of a sexual nature with a student at any time. This includes any action or conduct communicated or performed in person, in writing or electronically through such means as a telephone, cell phone, computer, personal data assistant or other telecommunication device and includes text messaging, instant messaging and social networking.

Employees of the district, while on duty and in the presence of students, will not use profanity, will not use tobacco in any form and will not consume or be under the influence of intoxicating beverages. They will not be involved in drug abuse or drug trafficking.

Violations of this policy will be grounds for placing an employee on administrative leave, with pay, pending an **investigation** and possible recommendation for termination of employment, consistent with district policy and state law.

Arrest of an employee

The board delegates specific authority to the superintendent to take appropriate employment action with regard to an employee who has been arrested, consistent with state law. An employee must notify his/her supervisor immediately if he/she is arrested.

Adopted 9/10/02; Revised 1/27/09, 10/25/11

RICHLAND COUNTY SCHOOL DISTRICT TWO

EXHIBIT 26

Richland School District Two 2011 - 2012 Community Calendar

August						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AUGUST 2011

8-12 All teachers workday/professional development

15 First day of school for students

SEPTEMBER 2011

5 Labor Day

28 Half-day for elementary/middle schools for parent/teacher conferences

OCTOBER 2011

12 Early dismissal for elementary schools

17 End of first nine weeks

18-20 HSAP testing

24 All teachers district inservice

25-28 Report cards issued

NOVEMBER 2011

9 Early dismissal for elementary schools

23-25 Thanksgiving Break

DECEMBER 2011

19-30 Winter Break

JANUARY 2012

2 All teacher workday/professional development

9 End of second nine weeks/semester one

16 Martin Luther King, Jr. Day

17-20 Report cards issued

FEBRUARY 2012

1 Early dismissal for elementary schools

20 Presidents Day (holiday or inclement weather make-up day)

21-24 Mid-winter Break for teachers and students

MARCH 2012

7 Early dismissal for elementary schools

19 All teacher workday/professional development (student holiday or inclement weather make-up day)

20-21 PASS testing

21 End of third nine weeks

26-30 Report cards issued

APRIL 2012

2-6 Spring Break

9 All teacher workday/professional development (student holiday or inclement weather make-up day)

17-19 HSAP testing

MAY 2012

8-10 PASS testing

28 Memorial Day

JUNE 2012

1 Last day of school for students/End of fourth nine weeks/semester two

1 Report cards issued

2 All teacher workday

KEY:
HOLIDAY
STATEWIDE TESTING
TEACHER WORKDAY/PROFESSIONAL DEVELOPMENT/HALF DAY FOR ELEMENTARY AND MIDDLE/EARLY DISMISSAL FOR ELEMENTARY
○ START/FINISH
▭ 15 DAYS

February						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

March						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Approved by Superintendent's Faculty Advisory Council November, 19, 2010. Approved by Richland Two Board of Trustees January 18, 2011. By state law, we must schedule three inclement weather make-up days. If more than three inclement weather make-up days are needed, the Superintendent's Faculty Advisory Council will make recommendations to the Superintendent.

For the latest information on Richland Two schedules, please visit our website at www.richland2.org, watch R2TV on cable channel 12 or call the Office of Community Relations Services and Partnerships at 738-3234.

ALL DATES ARE SUBJECT TO CHANGE.

Revised 6.23.11

STATE OF SOUTH CAROLINA RICHLAND COUNTY K.S.., a minor, by and through his Guardian ad Litem, JAMES SEEGER, Plaintiff, vs. RICHLAND SCHOOL DISTRICT TWO. Defendant.	IN THE COURT OF COMMON PLEAS CASE NO.: 2017-CP-40-00323 **PLAINTIFF'S SECOND SUPPPLEMENTAL ANSWER'S TO DEFENDANT RICHLAND SCHOOL DISTRICT TWO'S FIRST SET OF INTERROGATORIES**

3. For each expert witness you expect to call at the trial of this case, set forth a summary of that expert's anticipated testimony sufficient to inform Defendant of the evidence, information, and documents utilized by such expert in his/her review of this matter, the opinion reached by such expert, and the theory upon which such opinion is based; in responding to this interrogatory, include the following information:

(a) Each expert's name and address;

(b) Each expert's specialty or field of expertise;

(c) Each expert's qualifications and relevant experience;

(d) The subject matter on which the expert is expected to testify;

(e) The substance of the opinions as to which the expert is expected to testify;

(f) A summary of the grounds for each opinion; and

(g) Whether a written or oral report was rendered and, if so, designate which and state the date(s) of each such report.

ANSWER:

Plaintiff designates the following expert witnesses.

Dr. Alan McEvoy
70 David Drive
Marquette, MI 49855
cell: (906) 458-8954
office: (906) 227-1687
home email: alanmcevoy1126@gmail.com
office email: amcevoy@nmu.edu

Dr. McEvoy is expected to offer opinions as to the Defendant's standard of care, breach of that standard of care, Plaintiff's damages, and the causation of Plaintiff's damages.

A copy of Dr. McEvoy's curriculum vitae is attached hereto.

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Columbia, South Carolina
November 6, 2018

Alan W. McEvoy, Ph.D.
70 David Dr.
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amcevoy@nmu.edu

SUMMARY

- Demonstrated excellence in teaching
- Proven track record in publishing books and articles
- Established leadership skills
- Demonstrated ability in training professionals in education and in human services
- Established track record in organizing and directing innovative research
- Experienced at communicating with the media, including national and regional television broadcasts, radio and newspaper interviews

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Education

Ph.D. Western Michigan University, 1975 (Sociology)
M.A. Western Michigan University, 1972 (Sociology)
B.A. Grand Valley State University, 1970 (Sociology)

Current Position

Department Head, Sociology and Anthropology, Northern Michigan University

Teaching Experience

Northern Michigan University, 2010 – present, Professor of Sociology
Wittenberg University, 1976 – 2008, Professor of Sociology. Courses taught: Deviant Behavior, Criminology/Delinquency, Social Problems, Sociology of Education, Patterns of Violence, Introductory Sociology, Stratification, Senior Thesis, and Seminar: School Violence.

Publications: Books

McEvoy, Alan. **Toxic Romance: A Guide for Young Women Involved with the Wrong Men.** (2016). Available as an e-book on Amazon.

McEvoy, Alan and Brookings, Jeff. **If She Is Raped: A Guide for Husbands, Fathers and Male Friends (3rd Edition).** Holmes Beach, FL: Learning Publications, Fall, 2001. (This book generated national media attention, including appearances on ABC 20/20, Oprah Winfrey, NBC Today Show, CNN News, ABC Nightline, radio and newspaper coverage. In addition to this book, I have written and produced a 43 minute instructional video for men to help women recover from sexual assault. **Abridged 5th edition** (2016) available as an e-book on Amazon.

McEvoy, Alan, Rollo, D. and Brookings, J. **If He Is Raped: A Guidebook for Parents, Partners, Spouses, and Friends (2nd Edition).** Holmes Beach, FL: Learning Publications, 2003. (A third edition of this book is in progress.)

McEvoy, Alan and Brookings, Jeff. **Helping Battered Women: A Volunteers Handbook (3rd Edition/booklet).** Holmes Beach, FL: Learning Publication, 2002.

McEvoy, Marcia and McEvoy, Alan. **Preventing Youth Suicide: A Handbook for Educators and Human Service Professionals (2nd Edition).** Holmes Beach, FL: Learning Publications, 2000.

McEvoy, Alan. **When Disaster Strikes: Preparing Schools for Bus Accidents, Murders, Suicides, Tornadoes and Other Community Catastrophes (2nd ed).** Holmes Beach, FL: Learning Publications, 1998.

Brookover, W., Erickson, F. and McEvoy, Alan. **Creating Effective Schools: An In-service Program for Enhancing School Learning Climate and Achievement.** Holmes Beach, FL: Learning Publications, 1996.

McEvoy, Alan and Erickson, Edsel. **Abused Children: The Educator's Guide to Prevention and Intervention.** Holmes Beach, FL: Learning Publications, 1994.

McEvoy, Alan and Erickson, Edsel. **Youth and Exploitation: A Process Leading to Running Away, Violence, Substance Abuse and Suicide.** Holmes Beach, FL: Learning Publications, 1990.

Erickson, E., McEvoy, A. and Collucci, N. **Child Abuse and Neglect: A Guidebook for Educators and Community Leaders.** Holmes Beach, FL: Learning Publications, 1984.

Articles:

Crandell-Williams, Ann and McEvoy, Alan. "Fathers on Parole: Narratives from the Margin." Accepted for publication in the *Journal of Men's Studies*, expected winter or spring 2017.

McEvoy, Alan. "Abuse of Power." *Teaching Tolerance,* September, 2014.

McEvoy, Alan. "Routine Activities Theory Reconsidered: The Case of Inmate Gambling." *Academy of Criminal Justice Sciences Today.* Vol. 48, Issue 1, January 2013.

McEvoy, Alan and Spirgen, Nicole. "Gambling Among Prison Inmates: Patterns and

Implications." *Journal of Gambling Studies.* DOI 10.1007/s10899-011-9245-1. Published online: 02 April, 2011.

McEvoy, Alan and Wells, Kristine. "What the Prison Rape Elimination Act Left Unfinished." *Sexual Assault Report.* Vol. 13, No. 1, October, 2009.

McEvoy, Alan. "Bullying on the Flip Side: Teacher as Perpetrator." *Ohio Association for Gifted Children Review.* Summer, 2008.

Wells, Kristine and McEvoy, Alan. "Enactment of the Prison Rape Elimination Act." *Sexual Assault Report.* Vol. 11, No. 2, December, 2007.

McEvoy, Alan. "Dying in Pieces." *American Journal of Alzheimer's Disease and Other Dementias.* Vol. 22, No. 1, March 2007.

McEvoy, Alan. "Teachers Who Bully Students: Patterns and Policy Implications." Presented in Philadelphia at the Persistently Safe Schools conference in 2005, this article is published on the web as part of the conference proceedings. This article generated national attention as the first study of its kind in the field. I am currently doing follow-up research on this topic, and continue to conduct professional development workshops based on this effort.

McEvoy, A and Welker, R. "Antisocial Behavior, Academic Failure, and School Climate: A Critical Review." *Journal of Emotional and Behavioral Disorders.* (Fall, 2000). This article was reprinted in **Making Schools Safer and Violence Free: Critical Issues, Solutions, and Recommended Practices,** Walker, H. and Epstein, M (Eds.), Austin, TX: Pro-Ed, Inc., 2001.

McEvoy, Alan. "Murder-Suicide by Students." *School Intervention Report.* Spring, 2000.

McEvoy, Alan. "The Relevance of Theory to the Safe Schools Movement." *Education and Urban Society.* Vol. 31, No. 3, May, 1999.

McEvoy, Alan. "The Anti-Rape Movement on Campus: Implications for Service Delivery and Prevention Programming," in **Crisis in Human Services: National and International Issues,** Adams, R., ed., University of Lincolnshire and Humberside, 1997.

McEvoy, Alan. "On Teaching Compassion." *School Intervention Report.* Fall, 1997.

McEvoy, A., Erickson, E., and Randolph, N. "Why the Brutality?" *School Intervention Report.* Vol. 10, No. 4, Summer, 1997.

Cooke, G. and McEvoy, A. "Mothers of Gang Members Give Voice." *High School Magazine.* Vol. 4, No. 3, Summer, 1997.

McEvoy, Alan. "The Importance of Empathy." *Ohio Schools.* March, 1996.

McEvoy, Marcia and McEvoy, Alan. "Assessing Suicide Risk." *School Intervention Report.* Vol. 9, No. 1, Fall, 1995.

McEvoy, Alan. "Confronting Social Problems in Schools." *National Dropout Prevention Newsletter.* Vol. 8, No. 1, Winter, 1995.

Brookings, J., McEvoy, A. and Reed, M. "Sexual Assault Recovery and Male Significant Others: A National Survey of Rape Crisis Center Services." *Families in Society.* Vol. 75, No. 5, May, 1994.

McEvoy, Alan and McEvoy, Marcia. "Youth Suicide: Comprehensive Primary Prevention." *School Intervention Report.* Vol. 7, No. 3, Spring, 1994.

McEvoy, Alan and McEvoy, Marcia. "Understanding When Students Commit Suicide." *School Intervention Report.* Vol. 6, No. 2, December, 1992.

McEvoy, Marcia and McEvoy, Alan. "Creating Peer Assistance Programs." *School Intervention Report.* Vol. 5, No. 5, June, 1992.

McEvoy, Alan. "Understanding Abused Children." *School Intervention Report.* Vol. 5, No. 2, December, 1991.

McEvoy, Alan. "Date Rape Prevention in High School." *School Intervention Report.* Vol. 5, No. 1, October, 1991. (One of my articles appearing in this issue, "Talking About Date Rape to Male Students," was reprinted in the March, 1992 issue of *Educational Digest.*)

McEvoy, Alan. "Students Who Gamble." *School Intervention Report.* Vol. 4, No.5, May, 1991. (This article was reprinted in *Educational Digest,* September, 1991.)

McEvoy, Marcia and McEvoy, Alan. "Reducing Suicide Contagion." *School Intervention Report.* Vol. 4, No. 3, January, 1991.

McEvoy, Alan. "Facing the Gang Crisis." *School Intervention Report.* Vol. 4, No. 2, November, 1990.

McEvoy, Alan. "Homeless Children and Educational Practices." *School Intervention Report.* Vol. 4, No. 1, September, 1990.

McEvoy, Alan. "Children of Alcoholics and Addicts." *School Intervention Report.* Vol. 3, No. 6, July, 1990.

McEvoy, Alan. "Child Abuse Law and School Policy." *Educational and Urban Society.* May, 1990.

Brookings, Jeff and McEvoy, Alan. "Satanism and the Schools." *School Intervention Report.* Vol. 3, No. 5, April, 1990.

McEvoy, Alan. "Confronting Gangs." *School Intervention Report.* Vol. 3, No. 4, February, 1990. (This article was reprinted in *Educational Digest* in October, 1990.)

McEvoy, Alan. "Preparing Schools for Tragedy." *School Intervention Report.* Vol. 3, No. 1, September, 1989.

McEvoy, Alan. "The Tobacco-Free School Movement." *School Intervention Report.* Vol. 2, No. 6, March, 1989.

McEvoy, Alan. "Abused at Home...Besieged at School." *School Intervention Report.* Vol. 2, No. 5, Feb. 1989.

McEvoy, Alan. "Innovations in Suicide Prevention." *School Intervention Report.* Vol. 2, No. 1, September, 1988.

McEvoy, Alan and Brookings, Jeff. "Runaways and the Schools." *School Intervention Report.* Vol. 1, No. 8, June, 1988.

McEvoy, Alan. "Shocking Violence in Schools." *School Intervention Report.* Vol. 1, No. 7, April, 1988.

Brookings, J. and McEvoy, A. "Date Rape and the Role of Schools."_*School Intervention Report.* Vol. 1, No. 6, March, 1988.

McEvoy, Alan. "Schools Seek Solution to Alarming Dropout Problem." *School Intervention Report.* Vol. 1, No. 6, March, 1988.

McEvoy, Alan. "And What About the Kids Who Get Pregnant?" *School Intervention Report.* Vol. 1, No. 4, Jan., 1987.

McEvoy, Alan. "Drug Prevention Programs." *School Intervention Report.* Vol. 1, No. 2, October, 1987.

Brookings, Jeff and McEvoy, Alan. "Suicide and the Schools: What You Should Know." *School Intervention Report.* Vol. 1, No. 1, Sept., 1987.

Erickson, E., Brookover, W., Bilby, R., McEvoy, A., and Johnson, K. "Self-Conceptions and Learning," in **Schools and Society: A Reader in Education and Sociology,** Ballantine, J. ed., Mayfield Publishing Co., 1985.

McEvoy, A., Brookings, J., and Brown, C. "Responses to Battered Women." *Social*

Casework. Vol. 60, Feb., 1983.

McEvoy, Alan and Erickson, Edsel. "Heroes and Villains: A Conceptual Strategy for Assessing Their Influence." *Sociological Focus.* Vol. 14, No. 2, April, 1981.

Conference Presentations Last Five Years

- Felons as Fathers: Narratives from the Margin," presented at the American Association of Behavioral and Social Sciences conference, February 1, 2016, Las Vegas.

- "Neither Here Nor There: Navigating the Challenges Facing Department Chairs and Program Directors," presented at the North Central Sociological Association conference, April, 2015.

- "Navigating the Social Challenges of the Cleft Experience," presented at the American Association of Plastic Surgeons conference in on April 23, 2013, in New Orleans.

- Michigan CUPA-HR Conference, October 4, 2012, Saginaw Valley State University, Saginaw, MI. "Workplace Bullying and Civility in Higher Education." Keynote presentation.

- "Creating a Climate of Campus Collegiality," Co-presentation at the Midwest CUPA-HR Conference, May 7, 2012. Milwaukee, WI.

- "Workplace Bullying in the Nursing Profession: Patterns and Solutions." Day-long workshop for entire nursing faculty at Oakland University, MI, November 3, 2011.

- 26th Michigan Cleft Palate Association Conference, May 6, 2011, Lansing, Michigan. "Bullying, Self-Esteem and Body Image: Reducing the Fear of Stigma." General session presented to entire conference.

- 14th Annual Michigan Rural Health Conference, April 8, 2011, Mt. Pleasant, MI. "Workplace Bullying Among Health Care Providers: Patterns and Consequences." General session presented to entire conference.

- Organized and Co-chaired national conference "Alternatives to Suspension, Expulsion, and Dropping Out of School." February 4-7, 2011, Orlando, FL. (Also did keynote presentation on "Teachers Who Bully Students: Implications for Alternative Education.")

Related Professional Activities:

- Wrote and administered a $30,000 grant from the Michigan State Police to conduct sexual assault prevention education on NMU's campus and for educators in the community, 2015-16.

- Served as an expert witness in a number of civil cases and administrative hearings involving allegations against teachers who bullied students.

- Co-organized the 2011 conference on Alternatives to Expulsion, Suspension, & Droping Out of School, Orlando, Fl.

- From 1991 - 2003, I organized and Chaired the annual **International Conference on Sexual Assault and Harassment on Campus.** I also chaired 5 national conferences on **Gangs, Schools, and Communities (1993-97).**

- I am the former President of the **Safe Schools Coalition**, and also served as Senior Editor of its publication, ***School Intervention Report****, 1987 - 2000.*

- I am a founding member and served (2003 - 2006) on the Board of Directors of the **National Alternative Education Association.** As in previous years, in 2009 I am scheduled to give a plenary address at the annual conference, ***Alternatives to Expulsion, Suspension and Dropping Out of School.***

- I am the 1997 recipient of the Thrasher Award for my work in the area of youth gangs, particularly the national conferences I organized.

- I served on the Advisory Board for formation of the **Hamilton Fish National Institute on School and Community Violence.**

- I served on the advisory board of the **National Rape and Sexual Assault Prevention Project,** a privately funded national rape prevention initiative sponsored by The American College of Obstetricians and Gynecologists. One outcome of this project was the publication of ***Drawing the Line: A Guide to Developing Effective Sexual Assault Prevention Programs for Middle School Students,*** The American College of Obstetricians and Gynecologists, National Rape and Sexual Assault Prevention Project, 2000.

I am regularly asked to speak at national conferences and to conduct workshops for scholars, educators, and human service professionals on bullying in schools and the workplace, with particular emphasis on school and community approaches to prevention and intervention.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHALND COUNTY
Richland County Circuit Court
Jocelyn Newman, Circuit Court Judge

RECEIVED
Jun 30 2020
SC Court of Appeals

Appellate Case No. 2019-000951

K.S., a minor, by and through his Guardian ad Litem, James Seeger……..……Appellants

v.

Richland School District Two……..…….…….Respondent

CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material pursuant to Rule 210(g), South Carolina Appellate Court Rules.

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