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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

Case No. 2020-000950

Dr. Agnes Slayman Appellant

v.

South Carolina Department of Education Respondent.

RECORD ON APPEAL - VOLUME I

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THE STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT
APPEAL FROM THE SOUTH CAROLINA DEPARTMENT OF EDUCATION

Molly Spearman, State Superintendent
South Carolina State Board of Education

Case No.:

Dr. Agnes Slayman,
Appellant,

v.

South Carolina Department of Education,
Respondent.

NOTICE OF APPEAL

Dr. Agnes Slayman, the Appellant, appeals the Order of Public Reprimand issued by the South Carolina State Board of Education on September 10, 2019. A copy of the Order of Public Reprimand is attached hereto.

Dr. Slayman is aggrieved by the Order issued by the State Board of Education. Dr. Slayman has exhausted all administrative remedies prior to this appeal.

Dr. Slayman timely files this Notice of Appeal within thirty days of the Order issuance. The Court has jurisdiction over this appeal pursuant to Section 59-25-260 of the South Carolina Code of Laws, Section 1-23-380(B) of the South Carolina Code of Laws, and Section 1-23-600(E) of the South Carolina Code of Laws.

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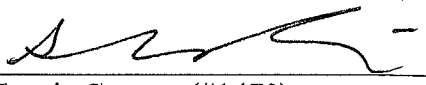
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Pursuant to Section 59-25-260 of the South Carolina Code of Laws, the State Board of Education shall file a certified copy of the record.

The Public Order of Reprimand is in violation of constitutional and statutory provisions, made upon unlawful procedure, affected by other error of law, clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record, and arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. Dr. Slayman asserts that the State Board of Education committed serious errors of law based upon the following grounds:

- I. The Department of Education erred in not dismissing the Complaint when it was filed on October 14, 2015.
- II. The Complaint processing and investigation by the Department of Education violated Dr. Slayman's Due Process rights and State Board Regulations and Procedures.
- III. The Hearing before the State Board of Education violated Dr. Slayman's Due Process rights and State Board Regulations and Procedures.
- IV. The State Board of Education erred when it failed to consider the recommendations of the Hearing Officer that recommended the dismissal of the Complaint against Dr. Slayman.
- V. The State Board of Education erred in issuing the Public Order of Reprimand.

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October 4, 2019

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Agnes M. Slayman
Certificate 134958

ORDER OF PUBLIC REPRIMAND

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 10, 2019. The South Carolina Department of Education (SCDE) notified Dr. Slayman of potential disciplinary action against her teaching certificate and informed her of her right to a hearing via a certified letter dated March 28, 2018. Dr. Slayman timely requested a hearing through her counsel, and such was held, beginning October 3, 2018, with the record being closed November 19, 2018. On April 19, 2019, the SCDE and Dr. Slayman received the hearing officer's report and recommendation. The hearing officer recommended that the action against Dr. Slayman be dismissed. On April 26, 2019, the SCDE submitted its written objections to the hearing officer and counsel for Dr. Slayman. After considering the evidence, testimony, the report and recommendation presented, and objections of the SCDE, the State Board voted to publicly reprimand Dr. Slayman.

FINDINGS OF FACT

This is a disciplinary matter involving unprofessional conduct. It is alleged that Dr. Slayman acted in an unprofessional manner by harassing, intimidating, and creating a hostile work environment for employees while serving as Superintendent of the Chester County School District (District).

The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004). Dr. Slayman holds a valid South Carolina professional educator certificate and has over thirty-two years of experience. She has no prior record of disciplinary action with the State Board. Dr. Slayman was employed with the Chester County School District (District) as the Superintendent beginning in 2013 and ending with her resignation in 2016.

On October 14, 2015, the SCDE received a letter from the District reporting Dr. Slayman's resignation following an investigation into allegations that she threatened subordinates and created a hostile work environment for some employees. The District was made aware of allegations against Dr. Slayman in a grievance submitted by five employees (all cabinet level positions) on September 5, 2015. The District Board of Trustees, in executive session, heard the grievance on September 21, 2015. Dr. Slayman denied all allegations in the grievance hearing before the District Board of Trustees.

Dr. Slayman denied every allegation lodged by the cabinet members at the SCDE hearing as well. Yet, during the hearing, testimony revealed that the board members had considered at least some corrective action against Dr. Slayman in the form of an improvement plan. Dr. Slayman conceded that an improvement plan existed at the time of her resignation, giving credence to the allegations made by cabinet members (For example: The testimony of one cabinet member revealed that she was explicitly threatened by Dr. Slayman in front of her peers. More specifically, this threat occurred during a staff meeting where Dr. Slayman said to her that if she ever spoke directly to the Board again, Dr. Slayman would "slit her throat". The cabinet member further testified that she was shaken by the threat. This testimony was corroborated by the testimony of all of the SCDE's witnesses. Additionally, a second cabinet member provided testimony that corroborated the testimonies of the other SCDE witnesses. Most notable, the cabinet member described one specific instance where he was publically berated by Dr. Slayman in front of other principals in the district. Not only was this testimony corroborated by the other witnesses in this hearing, Dr. Slayman declined to call a single principal, assistant principal or a teacher in her defense, despite naming a multitude individuals as potential witnesses in this case). However, Dr. Slayman ultimately entered into a settlement agreement with the District and resigned her position as Superintendent, effective September 30, 2015. Further, as part of that agreement, Dr. Slayman continued employment as a consultant with the District until June 30, 2016.

After considering the evidence presented at the hearing, the hearing officer's recommendation and report, and the SCDE's objections, the State Board finds that the evidence presented demonstrates that Dr. Slayman engaged in conduct that was inappropriate and unprofessional for a District Superintendent.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (2018); The State Board may, for just cause, issue a public reprimand. S.C. Code Ann. Regs. 43-58 (2018). Just cause includes unprofessional conduct. S.C. Code Ann. §59-25-160. The State Board finds that the evidence presented supports its conclusion that just cause does not exist to suspend or revoke the professional educator certificate of Agnes M. Slayman and that the issuance of a Public Reprimand to Dr. Slayman by the State Board is an appropriate sanction in this matter. The State Board finds that the record outlined above demonstrates that Dr. Slayman engaged in unprofessional conduct.

Now, therefore, it is hereby ordered that a Public Reprimand is issued to Agnes M. Slayman, certificate 134958. The public reprimand of Dr. Slayman, certificate 134958, shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/ Michael Brennan
Michael Brennan, Chair-Elect

Columbia, South Carolina
September 10, 2019

THE STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT
APPEAL FROM THE SOUTH CAROLINA DEPARTMENT OF EDUCATION

Molly Spearman, State Superintendent
South Carolina State Board of Education

Case No.:

Dr. Agnes Slayman,
Appellant,

v.

South Carolina Department of Education,
Respondent.

PROOF OF SERVICE

I certify that I, the undersigned employee of Cromer Babb Porter & Hicks, LLC, caused to have served Appellant's Notice of Appeal on counsel for Respondent by hand delivering a copy and sending via email on October 4, 2019, addressed to the following:

South Carolina State Board of Education
ATTN: Michael Brennan, Chair-Elect
ATTN: Molly Spearman, State Superintendent of Education
ATTN: Cathy Hazelwood, Deputy Superintendent Legal Affairs
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BY: _____

Kate M. Ray, Paralegal

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SC ADMIN LAW COURT

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Dr. Agnes M. Slayman,

Appellant,

vs.

South Carolina Department of Education,

Respondent.

Docket No. 19-ALJ-30-0337-AP

FINAL ORDER

STATEMENT OF THE CASE

This matter is before the Administrative Law Court (ALC or court) pursuant to a Notice of Appeal filed on October 4, 2019, by Dr. Agnes M. Slayman (Appellant). The Appellant challenges the decision of the South Carolina State Board of Education (State Board) to issue an Order of Public Reprimand following a disciplinary action brought by the South Carolina Department of Education (Respondent or Department) for unprofessional conduct. After careful consideration of the parties' briefs, the record, and the applicable law, the State Board's Order of Public Reprimand is affirmed.

BACKGROUND

Dr. Slayman was employed with the Chester County School District (District) as Superintendent from 2012 until September 30, 2015,¹ when she resigned following allegations of unprofessional conduct from members of her senior staff. She holds a valid South Carolina professional educator certificate, #134958, and has over thirty years of experience in the field. Dr. Slayman has no prior history of disciplinary action with the State Board, and, aside from this matter, an accomplished career in education.

In late August 2015, the District School Board (District Board) Chair, Mrs. Denise Lawson, and/or a District Board Member, Dr. Rick Hughes, purportedly became aware of allegations from five cabinet-level employees – Dr. Charles King, Mr. Jeff Gardner, Ms. Shawn Williams, Mrs.

¹ As discussed *infra*, the Appellant continued employment with the District in a consulting capacity until June 30, 2016.

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Anna Stroud, and Mrs. Brooke Clinton – that Dr. Slayman had created a hostile work environment and engaged in unprofessional conduct.²

On August 25, 2015, Mrs. Lawson contacted Dr. Slayman to inform her that “something bad is going on” and to request that she take a few days off work for her own protection.

On August 27, 2015, a special District Board meeting was called in Dr. Slayman’s absence to discuss “employment matters and receive legal advice related to employment matters” from the District’s counsel. As a result of that meeting, the District Board hired Ms. Betty Bagley, an educator and former superintendent, to investigate the complaint. Ms. Bagley was instructed to limit the scope of her investigation to interviewing senior staff members only, as well as Dr. Slayman and her administrative assistant, Ms. Callie McConnell. Thereafter, Ms. Bagley conducted her investigation and compiled her findings in what came to be referred to as the “Bagley Report.”³

On August 31, 2015, Dr. King was named Acting Superintendent, effective August 28, 2015.

On September 3, 2015, Ms. Bagley presented her findings to the District Board during a meeting. Specifically, Ms. Bagley found that: (a) “the staff [] accurately explained and described their work environment”; (b) “[t]he hostile work environment has escalated over the past 2 years”; (c) “the Superintendent has the ability to show different faces to different groups of people in order to manipulate outcomes and serve her own purpose”; (d) “the Superintendent’s ongoing conduct and pattern of comments have possible serious legal ramifications for [the District]” and that grievants were considering legal action; and (e) “the Superintendent has lost the trust and respect of her team to the point that she cannot be an effective leader.”

On or about September 8, 2015, the five grievants submitted a formal written and signed grievance to Ms. Lawson alleging that Dr. Slayman created a hostile work environment, engaged in ethically questionable practices, and made racial and threatening remarks in the workplace.

² It is not clear from the record exactly when or how Mrs. Lawson or Dr. Hughes first became aware of the allegations against Dr. Slayman. Also unclear is the extent of their knowledge of the surrounding circumstances at the time. The formal written and signed grievance addressed to Mrs. Lawson is dated September 8, 2015, after many of these events had already transpired.

³ The Bagley Report was not actually prepared as a written report, in accordance with Ms. Bagley’s instructions from the District Board. Rather, the Bagley Report was a compilation of Ms. Bagley’s written notes from her interviews that later became public.

On September 14, 2015, the District Board voted 6-1 to hear the employment grievance related to Dr. Slayman.

On September 21, 2015, the District Board formally heard the grievance during executive session. Upon exiting executive session, the Board voted 4-3⁴ to obtain additional information concerning the grievance.

Thereafter, the District's counsel and Dr. Slayman drafted an improvement plan for Dr. Slayman, provided she were to return to work, addressing the allegations and providing curative instructions or guidelines.

On September 24, 2015, the District Board voted 4-3 to accept Dr. Slayman's resignation as the District's Superintendent, effective September 30, 2015, and entered into an agreement with the Dr. Slayman.⁵ The terms of that settlement agreement provided for the execution of a satisfactory release and resulted in Dr. Slayman continuing her employment with the District in a consulting capacity until June 30, 2016, with a \$300,000 payment from the District to Dr. Slayman.

On September 30, 2015, the District Board voted unanimously to deny the grievance concerning Dr. Slayman as moot. During the same meeting, the District Board also voted unanimously to employ Dr. V. Keith Callicutt as the District's Interim Superintendent, effective immediately, on an at-will basis.

The events described above were publicized in news reports and in social media posts.

On October 14, 2015, unbeknownst to the District Board, Dr. Callicutt filed a complaint against Dr. Slayman's educator's certificate for the aforementioned allegations. The complaint read as follows:

[T]hat a professional employee of the [District], Dr. Agnes Slayman, certificate number 134958, resigned from her employment with the District, effective September 30, 2015. Because Dr. Slayman's resignation followed an investigation into allegations that her conduct and actions resulted in a hostile work environment for some employees, I am reporting this matter pursuant to State Board Regulation R. 43-58.1.⁶

⁴ This 4-3 vote reflects a divide in the District Board that is relevant to the arguments in this case. In this instance, after Ms. Bagley had presented her findings, District Board members Mrs. Stroman, Mrs. Hensley, Mr. Boyd, and Mrs. James voted in favor of obtaining additional information on the employee grievance, while Dr. Hughes, Dr. Fort, and Ms. Lawson voted against the need to obtain additional information. It is alleged that the latter three District Board members, particularly Dr. Hughes and Ms. Lawson, conspired with and/or aided the grievants in a plot to remove Dr. Slayman from her position.

⁵ Dr. Slayman contends that, had she wished to stay as superintendent, a majority of the District Board would have voted in her favor.

⁶ While the record is replete with references to Dr. Callicutt filing the complaint, the court was unable to locate within

Roughly two and a half years later, on March 28, 2018, Dr. Slayman received notice from the Department that it was investigating allegations that she “engaged in unprofessional conduct by harassing, intimidating, and creating a hostile work environment for employees while employed as the Superintendent of the [District].”⁷

At some point thereafter, Dr. Slayman brought suit against several of the individuals involved in this case, including Dr. King, Dr. Hughes, Dr. Callicutt, Ms. Lawson, and Ms. Bagley.

On October 3, 2018, a five-day hearing began before a hearing officer during which all parties were represented by counsel.⁸ Testifying on behalf of the Department were the following witnesses: Dr. King; Mr. Gardner; Ms. Williams; Ms. Clinton; Ms. Stroud; and Ms. Ligon. Testifying for the Appellant were the following witnesses: Dr. Slayman; Mr. John Stiver; Ms. Sandra Stroman; Mr. James Stroman; Mr. John Agee; Mr. Bill Bundy; Mr. Robert Teal; Mr. Charles Moore; Dr. Jimmy Littlefield; Rev. William Stringfellow; Ms. Maggie James; Ms. Callie McConnell; and Dr. Angela Bain.

The allegations made during the hearing were that Dr. Slayman: (a) was generally terse with and inconsiderate of her subordinates; (b) would become markedly annoyed and/or callous when employees would request either personal or medical leave; (c) threatened physical and/or professional consequences to her employees for various reasons related to job performance; (d) made racially charged comments in the course of her job; (e) engaged in name calling, belittling, vindictive, and otherwise hostile conduct towards her employees; (f) inappropriately shared private personnel information; (f) misrepresented certain information to the District Board; (g) attempted to coerce an employee into providing inaccurate information about a former District student to the student’s college; (h) largely ceased seeking or following the advice of her senior staff in lieu of that of her “breakfast club” members, to the detriment of the students; (i) allowed a personal feud with the Chester County Sheriff to inappropriately control her policymaking to the detriment of the students.

the record a copy of the complaint itself. The original text of the complaint is revealed, however, in a pre-hearing motion submitted by Dr. Slayman, which is contained within the record.

⁷ Dr. Slayman testified that she first became aware that a complaint had been filed with the Department at some point in February by way of a phone call with a Mr. Joel Griggs.

⁸ The fragmented hearing did not end until November 2, 2018, and the record was not finally closed until November 19, 2018.

In response, Dr. Slayman either disputed the allegations or offered further explanation as to why such actions were not inappropriate in context. Dr. Slayman argued that the allegations were the result of a “coup,” which allegedly stemmed from job performance issues, manipulation, and/or personal ties. Specifically, it was alleged that Dr. King was ostensibly upset or vengeful after purportedly being chastised by Dr. Slayman for using a District MiFi in lieu of a cell phone, and was possibly vying for Dr. Slayman’s position as he had aspirations of being a superintendent himself⁹; Mr. Gardner also purportedly had aspirations of being a superintendent, and was previously cautioned by Dr. Slayman for not completing his work in a timely manner; Ms. Stroud purportedly took pay raises, which, despite being approved by the board at the time, were in direct violation of a prior District Board order that her salary be frozen until she obtained certain educational qualifications, and had personal ties to Dr. Hughes and to the Sheriff¹⁰; Ms. Williams purportedly only signed onto the grievance after Mr. Gardner misinformed her that Dr. Slayman had made a racist remark; and Mrs. Clinton purportedly only joined the complaint after reading the Bagley Report and speaking with the other grievants. Furthermore, with respect to the individuals who were not signatories to the grievance but are nevertheless alleged to have played a role in Dr. Slayman’s departure,¹¹ Dr. Hughes was purportedly beholden to the Sheriff by way of his day job as the physician for the local prison, which was under contract with the Sheriff; Ms. Lawson supposedly supported Dr. King’s efforts to become superintendent and conspired with Dr. Hughes against Dr. Slayman during these events; Dr. Fort was allegedly an unwilling or confused participant in removing Dr. Slayman, and was purportedly persuaded by Ms. Lawson to go along with it; and, finally, Ms. Ligon was allegedly involved in an affair with Dr. King.

On April 19, 2019, the hearing officer issued her Report and Recommendation, in which the hearing officer found that “there is insufficient probative evidence to prove the allegations of unprofessional conduct in the nature of workplace harassment and intimidation of employees or on any other basis alleged . . .” and, as such, recommended that Dr. Slayman’s charge of

⁹ There was also discussion of a purported act of misconduct by Dr. King after Dr. Slayman’s departure. However, this information was used to attempt to impeach Dr. King’s credibility at the hearing, rather than as a reason for his involvement in the alleged coup.

¹⁰ Dr. Hughes previously coached her son and served as his emergency contact during that time, and her husband worked with the Sheriff’s department in some capacity.

¹¹ Also implicated in the scheme to remove Dr. Slayman were Ms. Bagley and two attorneys at the District’s former law firm. However, no motive was offered for the alleged involvement of these individuals.

unprofessional conduct be dismissed. This decision appeared to largely turn on a credibility determination, which the hearing officer summarized as follows:

[The testimony of the five grievants] was riddled with statements that were contradicted by the testimony of numerous other witnesses, thereby making the truth and veracity of such highly questionable. Several of these employees were also disgruntled over job performance issues or other issues related to the job, raising further issues of credibility. Tragically, these five individuals put into motion a chain of events that culminated in a media frenzy, marking an end to [Dr.] Slayman's otherwise unblemished education career.

More specifically, in the thirty-page report, the hearing officer found, among other things, that Dr. King, Mr. Gardner, and Ms. Stroud had credibility problems that called into question the veracity of their testimony, whereas Dr. Slayman's witnesses had credibly provided testimony to the contrary.

Thus, in concluding that the evidence did not support any action being taken against Dr. Slayman, the hearing officer stated that:

[Dr.] Slayman's witnesses were all credible and had nothing to gain by their testimony on behalf of [Dr.] Slayman. In contrast, three of the five grievants evidenced substantial credibility concerns. The remaining two were convinced to sign onto the grievance based upon the representations of others. While [Dr.] Slayman admittedly used phrases such as "I'll have to kill you", those phrases were used in the vernacular, were never meant as threats, and would not have been seen as a threat by a reasonable person.

The hearing officer was, however, concerned about one incident involving Ms. Williams that Dr. Slayman admitted to, in which Dr. Slayman stated "I'll have to kill you" or words to that effect. Nevertheless, the hearing officer found that, in that instance, Dr. Slayman "used one of her common phrases in the vernacular" and that Ms. Williams stated that she knew Dr. Slayman did not intend for the phrase to be interpreted literally. Accordingly, the hearing officer opined that the phrase was taken out of context and concluded that it did not rise to the level of unprofessional conduct.

On April 26, 2019, the Department submitted a written objection to the hearing officer's Report and Recommendation, and the findings therein, to the State Board.

On May 29, 2019, the hearing officer submitted a lengthy response to the Department's objections to the State Board.

On September 10, 2019, the State Board held a hearing on Dr. Slayman's charge of unprofessional conduct. That same day, the State Board issued an Order of Public Reprimand to Dr. Slayman. In its order, the State Board found that: (a) while Dr. Slayman categorically denied all accusations, there was evidence that the Board had considered at least some corrective action against Dr. Slayman in the form of an improvement plan; (b) testimony revealed that Dr. Slayman explicitly threatened a cabinet member that she would "slit her throat," which was corroborated by the other witnesses; and (c) there was corroborated testimony by another cabinet member that he was publicly berated by Dr. Slayman in front of his colleagues. Consequently, the State Board found that the evidence demonstrated that Dr. Slayman engaged in conduct that was inappropriate and unprofessional for a District Superintendent. The State Board, however, found that just cause did not exist to revoke or suspend Dr. Slayman's educator certificate, and concluded that the issuance of a public reprimand was the appropriate sanction in this matter.

Thereafter, on October 4, 2019, Dr. Slayman timely filed a Notice of Appeal with this court.

ISSUES ON APPEAL

- I. Did the Department err in not dismissing the complaint against Dr. Slayman when it was filed on October 14, 2015? Was the complaint filed by Dr. Callicutt improper under State Board Regulation 43-58.1?
- II. Did the Department's processing and investigation of the complaint violate Dr. Slayman's due process rights, as well as the State Board's regulations and procedures?
 - a. Did the Department engage in notice and investigation failures, and violate Regulation 43-58.1?
 - b. Should the complaint have been dismissed upon receipt?
 - c. Did the Department improperly seek to limit the testimony of District Board members at the hearing?
- III. Did the hearing before the State Board violate Dr. Slayman's due process rights, as well as State Board regulations and procedures?
 - a. Did the hearing violate the BCAF Procedures for Educator Certification Hearings?
 - b. Are the regulation changes purportedly made by the Department procedurally deficient and violative of the requirements for Adoption, Amendment, and Repeal of Regulations required by the South Carolina State Register and the South Carolina

Code of Regulations?

- IV. Did the State Board err when it failed to consider the hearing officer's recommendation the that complaint against Dr. Slayman be dismissed?
- a. Is the State Board's decision arbitrary and capricious?
 - b. Is the State Board's decision clearly erroneous in view of the substantial evidence?
 - c. Did the State Board err by failing to consider mitigating circumstances surrounding the alleged misconduct?
- V. Did the State Board err in issuing the order of public reprimand?

STANDARD OF REVIEW

The court has jurisdiction over appeals from the State Board of Education, as provided for in Sections 1-23-380(B) and 1-23-600(D) of the South Carolina Code. *See* S.C. Code Ann. § 59-25-260 (2020). In such cases, the court sits in its appellate capacity under the Administrative Procedures Act (APA). *See* S.C. Code Ann. § 1-23-600(D) & (E) (Supp. 2019). Absent alleged irregularities in agency procedure, the scope of the court's review in appellate cases is confined to the record. *See* S.C. Code Ann. § 1-23-380(4) (Supp. 2019); SCALC Rule 36(G).

Section 1-23-380(5) of the South Carolina Code provides the standard of review to be utilized by appellate bodies, including the ALC, when reviewing agency decisions:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Ann. § 1-23-380(5) (Supp. 2019); *see also* S.C. Code Ann. §1-23-600(E) (directing administrative law judges to conduct appellate review in the same manner as prescribed in Section 1-23-380).

“‘Substantial evidence’ is not a mere scintilla of evidence nor the evidence viewed blindly from one side of the case, but is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached”¹² *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 135, 276 S.E.2d 304, 306 (1981) (citation omitted). “The limited substantial evidence standard of review is intended only to assure that the [agency’s] action is properly supported and that, therefore, no abuse of delegated authority occurred.” *Fast Stops, Inc. v. Ingram*, 276 S.C. 593, 595, 281 S.E.2d 118, 119 (1981) (citation omitted).

In applying the substantial evidence rule, the factual findings of the administrative agency are presumed to be correct. See S.C. Code Ann. § 59-25-260 (“The findings of fact by the State Board of Education are final and conclusive.”); *Rodney v. Michelin Tire Corp.*, 320 S.C. 515, 519, 466 S.E.2d 357, 359 (1996) (citing *Kearse v. State Health & Human Servs. Fin. Comm’n*, 318 S.C. 198, 200, 456 S.E.2d 892, 893 (1995)); 73A C.J.S. *Pub. Admin. Law & Procedure* § 497 (2015). A reviewing court is prohibited from substituting its judgment for that of the agency as to the weight of the evidence on questions of fact for which there is room for a difference of intelligent opinion. See *Byerly Hosp. v. S.C. State Health & Human Servs. Fin. Comm’n*, 319 S.C. 225, 229, 460 S.E.2d 383, 386 (1995) (citation omitted). The fact that the record, when considered as a whole, presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency’s findings from being supported by substantial evidence. *Risher v. S.C. Dep’t of Health & Envtl. Control*, 393 S.C. 198, 210, 712 S.E.2d 428, 435 (2011) (citing *Palmetto All., Inc. v. S.C. Pub. Serv. Comm’n*, 282 S.C. 430, 432, 319 S.E.2d 695, 696 (1984)). Thus, the court “will not overturn a finding of fact by an administrative agency ‘unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.’” *Sea Pines Ass’n for Prot. of Wildlife, Inc. v. S.C. Dep’t of Nat. Res.*, 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001) (citation omitted).

The party challenging an agency action on appeal has the burden of proving convincingly that the agency’s decision is not supported by substantial evidence. *Waters v. S.C. Land Res. Conservation Comm’n*, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996) (citation omitted). If substantial evidence exists for an agency decision, the decision may not be disturbed absent a

¹² In this regard, the term “substantial evidence” is a bit of a misnomer; there need not be a “substantial” amount of evidence in order to satisfy the substantial evidence standard.

showing that the action was arbitrary, in excess of the statutory authority, or otherwise unlawful.¹³
See S.C. Ann. § 1-23-380(5).

DISCUSSION

In this educator disciplinary matter, the Appellant cites to five (5) grounds in support of her argument that the State Board erred in issuing its order of public reprimand. In her first assignment of error, Dr. Slayman argues that Dr. Callicutt's complaint to the Department, which set the instant action in motion, was improper because the allegations of misconduct contained therein are not encompassed by Regulation 43-58.1, and because Dr. Callicutt could not have had a reasonable belief that there were grounds for revocation or suspension of Dr. Slayman's certificate. Second, Dr. Slayman opines that the Department violated its own regulation in notifying her of and investigating the complaint, and improperly limited evidence presented at the hearing from Dr. Slayman's witnesses, both of which violated her due process rights. Third, Dr. Slayman argues that the Department improperly failed to adhere to the BCAF Procedures for Educator Certification Hearings, and relied on an invalid regulation change, which deprived her of due process. Fourth, Dr. Slayman contends that the State Board's decision was arbitrary and capricious, and clearly erroneous in view of the evidence as a result of the State Board's failure to consider either the hearing officer's recommendation to dismiss the complaint or relevant mitigating evidence in this case. Finally, Dr. Slayman opines that the State Board erred in issuing an order of public reprimand to her because the discipline is not within the permissible range applicable to public reprimands issued to educators in this State. These arguments are addressed *ad seriatim* below.

Propriety of Dr. Callicutt's Complaint

The parties agree that Regulation 43-58.1 controls this question, though they differ in their reading of the reporting requirements it imposed on Dr. Callicutt. The regulation provides in pertinent part that:

A district superintendent, on behalf of the local board of education, shall report to the Chair of the State Board of Education and the State Superintendent of Education, the name and certificate number of any certified educator who is

¹³ "A decision is arbitrary if it is without a rational basis, is based alone on one's will and not upon any course of reasoning and exercise of judgment, is made at pleasure, without adequate determining principles, or is governed by no fixed rules or standards." *Deese v. S.C. State Bd. of Dentistry*, 286 S.C. 182, 184-85, 332, S.E.2d 539, 541 (Ct. App. 1985).

dismissed, resigns, or is otherwise separated from employment with that district based on allegations of misconduct including, but not limited to, misconduct involving drugs, sexual misconduct, the commission of a crime, immorality, moral turpitude, or dishonesty, that is reasonably believed by the district superintendent to constitute grounds for revocation or suspension of the certificate issued to the educator by the State Board. This report is required notwithstanding any termination agreement to the contrary that the district board of trustees or superintendent may enter into with the educator. The reasons for the educator's termination of employment with the district shall also be provided along with all evidence in the possession of the district relating to the termination.

S.C. Code Ann. Regs. 43-58.1 (2011).

In arguing that Dr. Callicutt's complaint was improper under the regulation, Dr. Slayman contends that: (1) because she was only issued an order of public reprimand, the conduct she was accused of does not fall within the category of misconduct that would result in the suspension or revocation of a certificate, as is envisioned by the plain text of the regulation; and (2) Dr. Callicutt could not have had a reasonable belief that there were grounds for suspension or revocation of her educator's certificate since he was not employed by the District at the time of the alleged conduct, and the District Board neither acted on the Bagley Report, nor found that she engaged in the conduct alleged in the grievance.^{14,15} The court disagrees.

While Dr. Slayman was issued an order of public reprimand as a final consequence of Dr. Callicutt's complaint, the regulation plainly provides that the reporting requirement is based – not on what punishment is ultimately received, or even possible in a given circumstance, but rather that “misconduct” which is “reasonably believed by the district superintendent to constitute grounds for revocation or suspension of the certificate issued to the educator by the State Board.” S.C. Code Ann. Regs. 43-58.1. Moreover, though the regulation provides a non-exhaustive list of illustrations of possible forms of misconduct, the term “misconduct” is not actually defined as it used within Regulation 53-58.1. *See id*; *see also Branch v. City of Myrtle Beach*, 340 S.C. 405,

¹⁴ Though Dr. Slayman notes that the District did contractually agree not to disparage her and that Dr. Callicutt's report violated that contract, she does not argue that Dr. Callicutt was contractually prevented from filing his complaint. To that end, the regulation plainly provides that reporting “is required notwithstanding any termination agreement to the contrary that the district board of trustees or superintendent may enter into with the educator.” S.C. Code Ann. Regs. 43-58.1.

¹⁵ In her brief, Dr. Slayman also alludes to the idea that it was against District Board policy for Dr. Callicutt to submit his complaint without approval from the District Board. To the extent that Dr. Slayman argues that this goes to the validity of the complaint, she cites to no authority stating that a school board's authorization is required prior to complying with Regulation 43-58.1 or, even if it were, that a violation of a district school board policy requires invalidating an otherwise lawful complaint pursuant to that regulation.

409-10, 532 S.E.2d 289, 292 (2000) (citation omitted) (“When faced with an undefined statutory term, the Court must interpret the term in accord with its usual and customary meaning.”); *Lee v. Thermal Eng’g Corp.*, 352 S.C. 81, 91-92, 572 S.E.2d 298, 303 (Ct. App. 2002) (stating that where a word is not defined in a statute, “courts have looked to the usual dictionary meaning to supply its meaning”); *Bruning v. S.C. Dep’t of Health and Envtl. Control*, 418 S.C. 537, 545, 795 S.E.2d 290, 294 (Ct. App. 2016) (citation omitted) (“Regulations are interpreted using the same rules of construction as statutes.”). According to Black’s Law Dictionary, “misconduct” is defined rather broadly as “[a] dereliction of duty; unlawful, dishonest, or improper behavior, esp. by someone in a position of authority or trust.” *Misconduct*, BLACK’S LAW DICTIONARY (11th ed. 2019).

Here, the bases for the complaint were the allegations that Dr. Slayman’s “conduct and actions resulted in a hostile work environment for some employees . . .” (R. at 19.) Even if not unlawful, the allegations raised by the grievants in this case would, by any account, certainly fall within the realm of “improper” behavior, if true. Thus, irrespective of the end result of the complaint, in the absence of any indication that Dr. Callicutt did not genuinely and reasonably believe that facilitating a hostile work environment could constitute grounds for revocation or suspension, the court cannot say that his complaint was improper on that ground.

As for Dr. Slayman’s second argument, nothing in the regulation requires or even suggests that, in order to be properly filed, the complainant must have personal knowledge of the underlying events in their report and/or that the district school board must first act on or find merit in the complaint. Indeed, the Regulation 43-58.1 envisions the precise scenario involved here:

A district superintendent . . . shall report . . . the name and certificate number of any certified educator who is dismissed, resigns, or is otherwise separated from employment with that district based on allegations of misconduct . . . that is reasonably believed by the district superintendent to constitute grounds for revocation or suspension of the certificate issued to the educator by the State Board. This report is required notwithstanding any termination agreement to the contrary that the district board of trustees or superintendent may enter into with the educator.

S.C. Code Ann. Regs. 43-58.1. Thus, mere awareness of allegations of misconduct that are reasonably believed to constitute grounds for suspension or revocation is sufficient for reporting purposes under the regulation; nothing more is required.¹⁶

¹⁶ Interestingly, the regulation does not even contemplate the district’s superintendent’s personal belief in the veracity of the allegations. Under Regulation 43-58.1, if the superintendent believes the allegations could result in suspension or revocation of the educator’s certificate, then reporting is required irrespective of whether the district superintendent

Dr. Callicutt's complaint makes clear that he was aware that Dr. Slayman resigned amid allegations that her "conduct and actions resulted in a hostile work environment for some employees," and that he was "reporting this matter pursuant to State Board Regulation R. 43-58.1." (R. at 19.) Again, without any evidence that Dr. Callicutt did not reasonably or genuinely believe that those allegations could result in suspension or revocation of Dr. Slayman's certificate, this court cannot invalidate an otherwise proper complaint. There is also nothing in the regulation that could be read to suggest that a district school board must first act on or find merit in the allegations prior to a report being made pursuant to it. Given that the regulation notes that reporting is required even in the face of an agreement to the contrary that a district school board may enter into with an educator, and cautions that "[t]he intentional failure of a district superintendent to report the termination of employees as required by this regulation shall be considered an act of unprofessional conduct and may be sufficient cause for revocation of such person's education certificate," any requirement that the district superintendent must seek or receive authorization or acknowledgement from the district board first would seem wholly antithetical to the regulation. *See id.* In view of the foregoing, the court cannot hold that the Department erred in failing to dismiss Dr. Callicutt's complaint.

Due Process & the Department's Actions

In her second assignment of error, Dr. Slayman contends that her due process rights were violated by way of the Department's handling of this action. Specifically, Dr. Slayman argues that: (1) the complaint was filed on October 14, 2015, but she was not notified of any pending action until February of 2018 or notified officially in writing until March 28, 2018; and (2) the Department improperly sought to limit the testimony of District Board members during the hearing.¹⁷ While the court finds the roughly twenty-seven month period between notification the filing of the complaint and the notification of the pending action to be curious, the court is not aware of, and Dr. Slayman cites to no statutes, regulations, or rules of procedure setting forth any mandatory time frames for the processing and/or investigation of a complaint of this nature by the Department. Likewise, Dr. Slayman cites to no authority for the proposition that this apparent

believes the underlying allegations. *See* S.C. Code Ann. Regs. 43-58.1.

¹⁷ Dr. Slayman also argued that her due process rights were violated because the instant complaint is dissimilar to the other types of unprofessional conduct envisioned by the regulation. Because the court found *supra* that the present action is not outside the context of Regulation 43-58.1, the court declines to address the same argument from a due process perspective.

delay violated her due process rights. Instead, she broadly asserts that “almost two and a half years later without written notice of a complaint against her amounted to an egregiously long period of time, thereby prejudicing her substantial rights.” Because this argument is not pursued in any detail whatsoever, the court finds that it is abandoned and, thus, unpreserved for review. See SCALC Rule 37(B)(3) (setting forth the requirement that issues argued in appellate briefs be followed by “a discussion and citation of authority”); *Eaddy v. Smurfit-Stone Container Corp.*, 355 S.C. 154, 164, 584 S.E.2d 390, 396 (Ct. App. 2003) (citation omitted) (“[S]hort, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not preserved for [appellate] review.”).

Even if she had sufficiently preserved this argument, there is no indication that Dr. Slayman suffered any actual prejudice merely as a result of the apparent delay. “[P]roof of a denial of due process in an administrative proceeding requires a showing of substantial prejudice.” *Palmetto All., Inc. v. S.C. Pub. Serv. Comm’n*, 282 S.C. 430, 435, 319 S.E.2d 695, 698 (1984) (citation omitted). Here, the only mention of prejudice is the aforementioned conclusory statement that the “egregiously long” delay prejudiced her substantial rights. Without any explanation and supporting evidence demonstrating how or why the delay substantially prejudiced her, this court is unable to conclude that the mere delay itself prejudiced Dr. Slayman’s substantial rights.

With respect to the Department’s alleged hampering of witness testimony at the hearing, Dr. Slayman opines that counsel for the Department hamstrung several of her witnesses at the hearing, including Mr. & Ms. Stroman, Ms. James, and Rev. Stringfellow. However, Dr. Slayman failed to cite to any point in the transcript where counsel for the Department purportedly “refused to let the [District] Board Members give full disclosure and testimony.” It is also unclear whether these alleged issues were contemporaneously raised and ruled upon by the hearing officer, what the basis of any ruling was, or whether the contents of the allegedly excluded testimony were ever proffered. In any event, the court finds this argument similarly unpreserved for review. See *Eaddy*, 355 S.C. at 164, 584 S.E.2d at 396 (citation omitted); see also *Buist v. Buist*, 410 S.C. 569, 574, 766 S.E.2d 381, 383 (2014) (citation omitted) (“It is well settled that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial court to be preserved.”); *Medlock v. One 1985 Jeep Cherokee VIN 1JCWB7828FT129001*, 322 S.C. 127, 134, 470 S.E.2d 373, 378 (1996) (citation omitted) (“To preserve an issue for appeal, a contemporaneous objection is necessary and specific grounds must be clearly stated.”); *Jamison*

v. *Ford Motor Co.*, 373 S.C. 248, 260, 644 S.E.2d 755, 761 (Ct. App. 2007) (citations omitted) (“The failure to make a proffer of excluded evidence will preclude review on appeal It is well settled that a reviewing court may not consider error claimed in the exclusion of testimony unless the record on appeal shows fairly what the rejected testimony would have been.”). However, even if this argument was preserved, it appears that each witness was allowed to fully testify at the hearing and, aside from standard objections being lodged and handled in a typical format, there is no indication in the roughly fifteen-hundred-page transcript that testimony of Dr. Slayman’s witnesses was ever inappropriately limited by the Department. Nevertheless, the fact that Dr. Slayman failed to even argue resulting prejudice from the purported witness hampering would preclude this court from granting the relief she seeks. See *Palmetto All., Inc.*, 282 S.C. at 435, 319 S.E.2d at 698 (citation omitted).

Due Process & the State Board’s Actions

Next, Dr. Slayman argues that, during the hearing before the State Board, multiple violations of the State Board’s Procedures for Educator Certificate Hearings occurred, which resulted in a “sham” hearing that was fundamentally unfair and violated her due process rights. More specifically, Dr. Slayman contends that the Department erred by: (1) disallowing the hearing officer to present her findings to the State Board, in direct violation of State Board Rule IV(K); and (2) limiting her presentation before the State Board to three minutes, despite such a restriction not being found in any official hearing rules.¹⁸

The “most egregious,” and only alleged written rule violation cited by Dr. Slayman in her brief is of State Board Rule IV(K) of the Procedures for Educator Certificate Hearings, which states that:

Following the hearing, the hearing officer will formulate a written report stating his or her findings of fact and recommended action and will present the report to the Board for consideration. Prior to presenting the report to the Board, the hearing officer must serve the parties with a draft of the report and provide the opportunity for each party to file objections to the report. Once the hearing officer has considered the objections and finalized his or her report, the hearing officer will present the report at the next scheduled board meeting. The hearing officer will make every effort to present the report to the Board within 30 days of the hearing.

¹⁸ Dr. Slayman also argues the purported refusal to let the hearing officer present her report and time limit imposed before the State Board constitute regulation changes by the Department that are “procedurally deficient and violate[] the requirement for Adoption, Amendment, and Repeal of Regulations” in this state. Since, as discussed *infra*, the underlying arguments are without merit, the court declines to rule on this argument.

Notice will be given to both parties of the time, date, and place of the hearing officer's presentation to the Board. Upon consideration of the hearing officer's report and any information submitted by the parties, the Board may order one of the following:

1. permanent revocation;
2. revocation with the right to reapply after three years, subject to a character and fitness review;
3. suspension for a specified period of time;
4. suspension for a specified period of time, upon satisfaction of certain conditions such as drug or alcohol testing, counseling, or treatment; psychiatric testing, counseling, or treatment; or other conditions appropriate to the facts of the case;
5. public reprimand, or
6. dismissal of case.

If the Board's decision is to revoke permanently an educator's certificate, the educator will be prohibited from petitioning any future Board for reapplication. The Office of General Counsel has the authority to deny any such request for reapplication.

See S.C. DEP'T OF EDUC., PROCEDURES FOR EDUCATOR CERTIFICATE HEARINGS 7-8 (2016) (also referred to in this case by its internal code moniker "BCAF") (emphasis added). Dr. Slayman contends that, while the report and recommendation were required to be presented to the State Board, that never occurred in this case. Again, this argument is not preserved for review. The court can find no place in the record where an alleged failure to be presented with the hearing officer's report and recommendation was ever raised with or ruled upon by the State Board. As such, any argument that the State Board erred in failing to have the hearing officer present her report and recommendation is deemed abandoned. *See Buist*, 410 S.C. at 574, 766 S.E.2d at 383 (citation omitted).

Even assuming that this argument had been raised and ruled upon, the court finds no merit for the contention that the hearing officer's report was not presented to or considered by the State Board in this case. Though it does not appear that the hearing officer in this case personally presented her report to the State Board, the record clearly reflects that not only was the hearing officer's thirty-page report and recommendation presented to and considered by the board, but also that the hearing officer presented to the State Board Chair her supplementary eleven-page response to the Department's exceptions to her report. (*See* R. at 4 ["After considering the . . . report and recommendation presented, the State Board voted to publicly reprimand Dr. Slayman."]; 6; 1728 ["State Board members are given a packet of documents from the case one week before the

hearing. The materials include the hearing officer's report and recommendation. The transcript of the hearing, the Department's exceptions, and the Hearing Officer's response to those exceptions are also included"]; 1739.) Thus, any argument that the hearing officer's report and recommendation was not sufficiently presented to the State Board is wholly without support in the record.¹⁹ Moreover, even if the State Board failed to follow its procedure in this instance, Dr. Slayman does not articulate how she was supposedly prejudiced as a result. *See Gardner v. S.C. Dep't of Rev.*, 353 S.C. 1, 14, 577 S.E.2d 190, 197 (2003) (citation omitted) ("As a general rule, a party must establish prejudice as the result of another's failure to follow mandatory statutory procedure.")

As for her second argument, Dr. Slayman opines that she was improperly restricted to just three minutes before the State Board, despite there being no official rule setting forth such a limitation. Once again, the court finds this argument unpreserved. While the court acknowledges that counsel for the Department did notify counsel for Dr. Slayman that there was a three-minute allotment at the State Board hearing, which does not appear in the official Procedures for Educator Certificate Hearings, it seems that, rather than challenging that limitation, counsel for Dr. Slayman merely accepted it as fact. (*See* R. at 1730 ["Thank you I intend to make a brief address to the State Board on Dr. Slayman's behalf."]; 1729 ["I want to plan my 3 minutes the most efficiently"].) Thus, this argument is also deemed abandoned. However, even assuming it was sufficiently preserved, it is axiomatic that, while a meaningful hearing must occur at some stage of an administrative proceeding, "[a] party is not entitled to a hearing at each stage of agency review" *McIntyre v. Sec. Comm'r of S.C.*, 425 S.C. 439, 445, 823 S.E.2d 193, 196 (Ct. App. 2018) (citing *Ross v. Med. Univ. of S.C.*, 328 S.C. 51, 68–69, 492 S.E.2d 62, 71–72 (1997)). Here, Dr. Slayman acknowledges that she received a "thorough and impartial" hearing before the hearing officer. (Appellant's Br. 15 n.10.) Dr. Slayman was, therefore, plainly afforded notice and an opportunity to be heard in a meaningful way before the hearing officer. Moreover, the court notes that Department counsel's directive appears to be in keeping with spirit of the statutory procedures for hearings before the State Board, which states that the hearing "*shall* be as summary and as simple as reasonably may be" *See* S.C. Ann. § 59-25-200 (2020) (emphasis added).

¹⁹ To the extent Dr. Slayman argues that the State Board erred in not accepting the hearing officer's recommendation, the court flatly rejects such an argument as being wholly inconsistent with State Board's procedures. State Board Rule IV(K) requires only that the State Board consider the hearing officer's report, which it plainly did in this case.

Consequently, Dr. Slayman has not demonstrated that this apparent limitation at the State Board hearing stage deprived her of due process. In any event, aside from merely asserting that these alleged failures “prejudiced her substantial rights,” Dr. Slayman offers no authority or evidence to support her conclusory claim that she was prejudiced by this action. Thus, this court is without authority to grant the relief she seeks. *See Palmetto All., Inc.*, 282 S.C. at 435, 319 S.E.2d at 698 (citation omitted); *Gardner*, 353 S.C. at 14, 577 S.E.2d at 197 (citation omitted).

Consideration of the Report & Recommendation

In her fourth assignment of error, Dr. Slayman contends that, because the State Board heard only brief remarks during its hearing, whereas the hearing officer held a full and lengthy hearing, the State Board erred in not following her recommendation. More specifically, Dr. Slayman contends that: (1) the State Board arbitrarily and capriciously disregarded the hearing officer’s recommendation; (2) the State Board’s decision is clearly erroneous in view of the substantial evidence presented at the hearing; and (3) the State Board erred in failing to consider mitigating circumstances surrounding the incident. Because the crux of Dr. Slayman’s arbitrary and capricious argument appears to hinge on the purported evidentiary and witness credibility issues from the hearing, the court will treat this as part of her substantial evidence argument.

Substantial Evidence

Turning to whether the State Board’s decision is supported by substantial evidence in the record, Dr. Slayman zealously argues that the State Board’s decision is against the weight of the evidence presented at the hearing and unsupported by substantial evidence in the record. The court disagrees.

Crucially, in analyzing whether substantial evidence supports the State Board’s decision, it matters not whether the record contains evidence to the contrary, or even whether the weight of evidence in the record is to the contrary. Rather, as stated *supra*, substantial evidence is simply “evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion that the administrative agency reached” *Lark*, 276 S.C. at 135, 276 S.E.2d at 306 (citation omitted). Thus, the fact that reasonable minds could disagree over the conclusions drawn from that evidence does not preclude a finding that such conclusions are supported by substantial evidence. *Risher*, 393 S.C. at 210, 712 S.E.2d at 435 (citation omitted).

Here, while the court acknowledges that there is testimony in the record that would tend to show Dr. Slayman's innocence and while reasonable minds could – and did – disagree over the conclusions drawn from that evidence, the State Board's decision is supported by substantial evidence in the record. In reaching its conclusion that Dr. Slayman engaged in conduct that was inappropriate and unprofessional for a District Superintendent, the State Board found that: (a) Dr. Slayman explicitly threatened a cabinet member (Ms. Williams) that she would "slit her throat"; (b) Dr. Slayman publicly berated another cabinet member (Dr. King) in front of his colleagues; and (c) the District Board had considered some corrective action against Dr. Slayman in the form of an improvement plan.

To that end, during the hearing, Dr. King testified that: "she got in my face, finger in my nose, very loud and boisterously chiding and chastising me for that, not knowing and not having it arranged and not – that the board member was upset. And she did this in front of pretty much the whole cadre of principals." (R. at 91:6-12.) This instance was independently corroborated by Mr. Gardner. (R. at 246:19-23.) Moreover, Ms. Williams testified that Dr. Slayman "said to me in front of my colleagues that I – she would slit my throat if I ever spoke to the board members again. And that was in front of all of . . . all the cabinet members." (R. at 314:14-24; *see also* 315:23-25; 316:14-22.) This account was corroborated by Dr. King, Mr. Gardner, Ms. Clinton, and Ms. Stroud. (R. at 112:10-20; 128:14-129:3; 261:3-8; 378:8-22; 456:22-457:3; 458:20-25.) Finally, both Ms. James and Dr. Slayman acknowledged that, prior to Dr. Slayman's resignation, the District's attorneys and Dr. Slayman had worked on some form of an improvement plan or set of expectations for Dr. Slayman if she were to return to her position as superintendent. (R. at 1032:21-25; 1033:17-21; 1423:5-1424:25; 1427:21.) Thus, there is substantial evidence in the record to support the State Board's findings and conclusion as a whole that Dr. Slayman engaged in inappropriate and unprofessional conduct.

It is noteworthy that the record contains evidence of other instances of apparent misconduct that further bolster the State Board's determination. These include, *inter alia*, racially insensitive remarks and the testimony of Ms. Ligon, who was not one of the initial grievants and for whom no concrete motive was established for her to take part in this purported elaborate conspiracy,²⁰

²⁰ By the court's count, no less than thirteen individuals are alleged by Dr. Slayman to have been involved in this conspiracy: Dr. King, Mr. Gardener, Ms. Stroud, Ms. Williams, Ms. Clinton, Dr. Hughes, Ms. Lawson, Dr. Fort, Ms. Ligon, Ms. Bagley, two attorneys with the District's former law firm, and the Chester County Sheriff. Additionally, Dr. Slayman's briefs to this court attempt to also implicate counsel for the Department and the Department itself in

detailing an independent hostile interaction during which Dr. Slayman attempted to unduly coerce her into providing false information about a former District student to the student's college for the benefit of the student. (See, e.g., R. at 240:20-241:4; 242:15-21; 243:5-13; 524:7-525:21.) Although Dr. Slayman presented evidence against each grievant in an attempt to refute these claims and establish a personal motive for her removal or other witness credibility issues, there was ample evidence that the State Board could have weighed against her defense, which was well within its province to do. See *Wilder v. Blue Ribbon Taxicab Corp.*, 396 S.C. 139, 147, 719 S.E.2d 703, 707 (Ct. App. 2011) (citation omitted) (“[T]he credibility and weight to be accorded evidence is solely for the fact finder to determine.”).

Mitigating Evidence

Furthermore, Dr. Slayman argues that the State Board erred in not considering mitigating evidence, namely evidence of her professional accomplishments, benefits to the District that occurred under her leadership, and positive District Board evaluations. However, Dr. Slayman fails to cite to any place in the record indicating that this issue was ever raised or ruled upon by the State Board. Moreover, Dr. Slayman cites to no authority stating that failure to consider such evidence is reversible error, to any evidence indicating that the State Board failed to meaningfully consider the mitigating evidence in the record before it, or, if so, to anything that could establish prejudice. See *Gardner*, 353 S.C. at 14, 577 S.E.2d at 197 (citation omitted). Thus, this argument is not preserved for review. See *Buist*, 410 S.C. at 574, 766 S.E.2d at 383 (citation omitted); *Eaddy*, 355 S.C. at 164, 584 S.E.2d at 396 (citation omitted). Nevertheless, even if it had been preserved, in the absence of anything demonstrating that the State Board neglected to even consider such evidence in the record, this argument is without merit since the trier of fact is free to assign weight to evidence as it deems appropriate. See *Wilder*, 396 S.C. at 147, 719 S.E.2d at 707 (citation omitted).

Propriety of Issuing an Order of Public Reprimand

this scheme. (See Appellant's Br. 19 [“This bares question to (Department Counsel)'s intent in not following procedure as an effort to influence the State Board's decision prior to the State Board receiving the Hearing Officer's Final Report.”]; 24 n.12 [“Betty Bagley, the author of the Bagley Report, was an employee of the SCDE when the Bagley Report was written. Bagley has a long-standing relationship with the SCDE. Again, this connection draws into question the SCDE's motive for zealously pursuing Dr. Slayman for these false allegations made by the grievants, as publicized by Bagley in her document known as the Bagley Report. As shown by (Department Counsel)'s questions supporting the credibility of Bagley during his cross examination of Dr. Slayman's witness, Charles Moore.”].)

Finally, Dr. Slayman contends that the State Board's directive to report the disciplinary action to National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse is in violation of State Board Rule IV(M) of the Procedures for Educator Certificate Hearings, which states that NASDTEC Clearinghouse must only be notified when an educator's certificate is suspended, revoked, or surrendered; whereas, for a public reprimand, only South Carolina School Districts are required to be notified.

Yet, the court finds nothing in the record that this issue was raised before or ruled upon by the State Board. Therefore, the court must conclude, once again, that this argument has not been preserved for review. *See Buist*, 410 S.C. at 574, 766 S.E.2d at 383 (citation omitted).

Nevertheless, even if this issue had not been abandoned, State Board Rule IV(M) states only that:

The Office of Educator Certification will send notice of the suspension, revocation, or surrender of an educator certificate to all South Carolina school districts and the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse.

The Office of Educator Certification will send notice of a public reprimand to all South Carolina school districts.

See S.C. DEP'T OF EDUC., PROCEDURES FOR EDUCATOR CERTIFICATE HEARINGS 8 (2016). Contrary to Dr. Slayman's assertions, while this rule does not specifically direct notification to NASDTEC Clearinghouse in the event of a public reprimand, it does not preclude it. In any event, "[p]olicy or guidance issued by an agency other than in a regulation does not have the force or effect of law." S.C. Ann. § 1-23-10(4) (2005). Thus, Dr. Slayman has not demonstrated any error in the State Board's decision to notify NASDTEC Clearinghouse. Moreover, even if an error had been shown, Dr. Slayman does not even allege prejudice from this action. *See Palmetto All., Inc.*, 282 S.C. at 435, 319 S.E.2d at 698 (citation omitted); *Gardner*, 353 S.C. at 14, 577 S.E.2d at 197 (citation omitted).

CONCLUSION

In view of the foregoing, the court finds that Dr. Slayman has not met her burden of establishing a procedural deficiency, due process violation, statutory or regulatory violation, or lack of substantial evidence in this case. Moreover, even if Dr. Slayman had demonstrated an error in this case, there is insufficient proof of prejudice to warrant granting the relief she seeks.

Therefore, since the State Board's Order of Public Reprimand is not affected by a reversible error, its decision must stand.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the State Board's Order of Public Reprimand is **AFFIRMED**.

AND IT IS SO ORDERED.

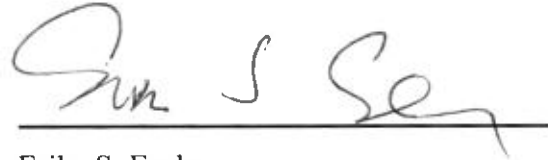
June 3, 2020
Columbia, South Carolina



S. Phillip Lenski
Administrative Law Judge

CERTIFICATE OF SERVICE

I, Erika S. Easler, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

A handwritten signature in black ink, appearing to read "Erika S. Easler", written over a horizontal line.

Erika S. Easler
Judicial Law Clerk

June 3, 2020
Columbia, South Carolina

FILED

JUN 03 2020

ADMIN. LAW COURT

THE STATE OF SOUTH CAROLINA
In the Administrative Law Court

APPEAL FROM THE SOUTH CAROLINA DEPARTMENT OF
EDUCATION

Docket No. 19-ALJ-30-0337-AP

Dr. Agnes Slayman,

Appellant,

v.

South Carolina Department
of Education,

Respondent.

RECORD ON APPEAL

Volume I

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Attorney for Respondent

RECEIVED

OCT 28 2019

CROMER SAND PORTER
& HICKS, LLC

0030

FILED

OCT 28 2019

SC ADMIN LAW COURT

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BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the
Disciplinary Action of the
Educator Certificate of
Agnes M. Slayman
Certificate 134958

ORDER OF PUBLIC REPRIMAND

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on September 10, 2019. The South Carolina Department of Education (SCDE) notified Dr. Slayman of potential disciplinary action against her teaching certificate and informed her of her right to a hearing via a certified letter dated March 28, 2018. Dr. Slayman timely requested a hearing through her counsel, and such was held, beginning October 3, 2018, with the record being closed November 19, 2018. On April 19, 2019, the SCDE and Dr. Slayman received the hearing officer's report and recommendation. The hearing officer recommended that the action against Dr. Slayman be dismissed. On April 26, 2019, the SCDE submitted its written objections to the hearing officer and counsel for Dr. Slayman. After considering the evidence, testimony, the report and recommendation presented, and objections of the SCDE, the State Board voted to publicly reprimand Dr. Slayman.

FINDINGS OF FACT

This is a disciplinary matter involving unprofessional conduct. It is alleged that Dr. Slayman acted in an unprofessional manner by harassing, intimidating, and creating a hostile work environment for employees while serving as Superintendent of the Chester County School District (District).

The State Board has jurisdiction in this matter, pursuant to S.C. Code Ann. § 59-25-150 (2004). Dr. Slayman holds a valid South Carolina professional educator certificate and has over thirty-two years of experience. She has no prior record of disciplinary action with the State Board. Dr. Slayman was employed with the Chester County School District (District) as the Superintendent beginning in 2013 and ending with her resignation in 2016.

On October 14, 2015, the SCDE received a letter from the District reporting Dr. Slayman's resignation following an investigation into allegations that she threatened subordinates and created a hostile work environment for some employees. The District was made aware of allegations against Dr. Slayman in a grievance submitted by five employees (all cabinet level positions) on September 5, 2015. The District Board of Trustees, in executive session, heard the grievance on September 21, 2015. Dr. Slayman denied all allegations in the grievance hearing before the District Board of Trustees.

Dr. Slayman denied every allegation lodged by the cabinet members at the SCDE hearing as well. Yet, during the hearing, testimony revealed that the board members had considered at least some corrective action against Dr. Slayman in the form of an improvement plan. Dr. Slayman conceded that an improvement plan existed at the time of her resignation, giving credence to the allegations made by cabinet members (For example: The testimony of one cabinet member revealed that she was explicitly threatened by Dr. Slayman in front of her peers. More specifically, this threat occurred during a staff meeting where Dr. Slayman said to her that if she ever spoke directly to the Board again, Dr. Slayman would "slit her throat". The cabinet member further testified that she was shaken by the threat. This testimony was corroborated by the testimony of all of the SCDE's witnesses. Additionally, a second cabinet member provided testimony that corroborated the testimonies of the other SCDE witnesses. Most notable, the cabinet member described one specific instance where he was publically berated by Dr. Slayman in front of other principals in the district. Not only was this testimony corroborated by the other witnesses in this hearing, Dr. Slayman declined to call a single principal, assistant principal or a teacher in her defense, despite naming a multitude individuals as potential witnesses in this case). However, Dr. Slayman ultimately entered into a settlement agreement with the District and resigned her position as Superintendent, effective September 30, 2015. Further, as part of that agreement, Dr. Slayman continued employment as a consultant with the District until June 30, 2016.

Agnes M. Slayman, Certificate 134958
Order of Public Reprimand
September 8, 2019
Page 3 10 VHG

After considering the evidence presented at the hearing, the hearing officer's recommendation and report, and the SCDE's objections, the State Board finds that the evidence presented demonstrates that Dr. Slayman engaged in conduct that was inappropriate and unprofessional for a District Superintendent.

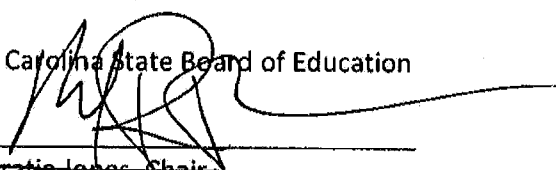
CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. §59-25-150 (2018); The State Board may, for just cause, issue a public reprimand. S.C. Code Ann. Regs. 43-58 (2018). Just cause includes unprofessional conduct. S.C. Code Ann. §59-25-160. The State Board finds that the evidence presented supports its conclusion that just cause does not exist to suspend or revoke the professional educator certificate of Agnes M. Slayman and that the issuance of a Public Reprimand to Dr. Slayman by the State Board is an appropriate sanction in this matter. The State Board finds that the record outlined above demonstrates that Dr. Slayman engaged in unprofessional conduct.

Now, therefore, it is hereby ordered that a Public Reprimand is issued to Agnes M. Slayman, certificate 134958. The public reprimand of Dr. Slayman, certificate 134958, shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of this order.

AND IT IS SO ORDERED.

South Carolina State Board of Education


Del-Gratia Jones, Chair

Columbia, South Carolina
September 10, 2019

STATE OF SOUTH CAROLINA
BOARD OF EDUCATION

In the Matter of Dr. Agnes Slayman	)	
	)	ORDER ON MOTION TO DISMISS
Educator Certificate #134958	)	COMPLAINT AND MOTION TO STAY
	)	HEARING
_____	)	

This matter is before the South Carolina Board of Education ("Board") based upon Dr. Slayman's ("Slayman") appeal of the South Carolina Department of Education's ("SCDE") proposed disciplinary action against her teaching certificate resulting from alleged unprofessional conduct undertaken by her during her tenure as Superintendent of the Chester County School District.

This matter is properly before the South Carolina Board of Education ("State Board") pursuant to S.C. Code Ann. §§59-5-60(5) (2004), 59-25-150 (2004) and 59-25-160 (2004). It was referred to a hearing officer pursuant to S.C. Code Ann. §59-5-70(B) (2004).

On August 16, 2018, Slayman filed a response to the complaint filed by the Chester County School District, a Motion to Dismiss Complaint and a Motion to Stay Hearing. On August 23, 2018, SCDE filed a Memorandum in Opposition to Respondent's Motion to Dismiss Complaint and Motion to Stay Hearing. The motions are addressed herein. It should be noted that the Order on these motions is based solely on the facts presented in Slayman's Response and Motions as well as SCDE's Memorandum in Opposition to those motions. It should also be noted that while Slayman's response and motions reference numerous documents, those documents were not attached to the response and motions and the hearing officer is not otherwise in possession of those documents and has no knowledge of such documents.

I. Motion To Dismiss

Slayman asserts that the complaint against her should be dismissed based upon the following: (A) Chester County allegedly violated its contract with Slayman by filing a complaint with SCDE; and (B) SCDE allegedly violated Slayman's Due Process rights as well as

State Board Regulations and Procedures in the processing of the complaint against her. Each assertion is examined below.

A. Chester County's Alleged Violation of Contract in Filing Complaint with SCDE

Slayman alleges that she entered into a contract with the District whereby the District agreed not to publicly disparage Slayman. She further alleges that the District's action in filing a complaint with SCDE regarding her termination of employment violated this contractual provision.

It should first be noted that the violation of any contractual provision between Slayman and the District is a matter exclusively between the parties to the contract. As such, it is beyond the scope of this disciplinary proceeding.

Additionally, a district superintendent is required by S. C. Code Ann. Regs. 43-58.1 to report the termination, whether by resignation or dismissal, of any employee involving allegations of misconduct which could reasonably constitute grounds for revocation or suspension of a teaching certificate. By admission of Slayman, she resigned amid allegations that "her conduct and actions resulted in a hostile work environment for some employees". (See Respondent Dr. Slayman's Response and Motion to Dismiss Complaint and Motion to Stay Hearing, page 1, 2nd paragraph) Per S.C. Code Ann. § 59-25-160(4) (2004), "just cause" for revocation or suspension of a teaching certificate is, *inter alia*, unprofessional conduct. Although "unprofessional conduct" is undefined in the South Carolina code, it is generally held to include conduct that is unbecoming to a member of the profession in good standing. 67B Am. Jur.2d Schools §240. Depending upon the circumstances and severity of the hostile work environment, such could reasonably be deemed unprofessional conduct.

By the terms of Regulation 43-58.1, the duty of the superintendent and the District to report this matter transcends any termination agreement to the contrary. Notably, this regulation also provides significant sanctions to the District and to the Superintendent for failure to comply. Regulation 43-58.1 reads as follows:

A district superintendent, on behalf of the local board of education, shall report to the Chair of the State Board of Education and the State Superintendent of

Education, the name and certificate number of any certified educator who is dismissed, resigns, or is otherwise separated from employment with that district based on allegations of misconduct including, but not limited to, misconduct involving drugs, sexual misconduct, the commission of a crime, immorality, moral turpitude, or dishonesty, that is reasonably believed by the district superintendent to constitute grounds for revocation or suspension of the certificate issued to the educator by the State Board. This report is required notwithstanding any termination agreement to the contrary that the district board of trustees or superintendent may enter into with the educator. The reasons for the educator's termination of employment with the district shall also be provided along with all evidence in the possession of the district relating to the termination.

The intentional failure of a district board of trustees to instruct the district superintendent to report the termination of school employees as required by this regulation shall be considered by the State Department as an accreditation deficiency pursuant to R43-130 and, upon approval of the State Board of Education, all district schools will be placed on an accreditation status of probation.

The intentional failure of a district superintendent to report the termination of employees as required by this regulation shall be considered an act of unprofessional conduct and may be sufficient cause for revocation of such person's education certificate pursuant to Section 59-25-160, Code of Laws of South Carolina, 1976.

Pending the issuance of a Final Order revoking or suspending a certificate by the State Board in a proceeding pursuant to Section 59-25-260, Code of Laws of South Carolina, 1976, no preliminary information gathered by the State Department of Education concerning misconduct reasonably believed to constitute grounds for revocation or suspension of a certificate, including the name and certificate number of the certified educator, shall be disclosed to any third party.

The matter of whether Dr. Callicutt had authority from the Chester County School Board is not a matter properly before SCDE or the State Board of Education. However, even if he did not have authority from the School Board, Dr. Callicutt could have made the report in his individual capacity. Pursuant to State Board of Education Rule BCAF, Procedures for Educator Certification Hearings, SCDE may learn of possible grounds for suspension or revocation of a teacher's certificate from a variety of different sources. One way listed therein is "a written complaint from any individual regarding conduct that is reasonably believed to constitute grounds for revocation or suspension of a certificate...". See Rule BCAF at §IV(A)(4). Thus,

Slayman's argument regarding the impropriety of Dr. Callicutt making the complaint to SCDE has no merit.

Based upon the above, Slayman's Motion to Dismiss on the basis of any violation of her termination agreement is hereby denied.

B. SCDE's Alleged Violation of Slayman's Due Process Rights and State Board Regulations and Procedures

Slayman alleges that her due process rights have been violated as a result of the following actions: (1) Slayman was not timely notified that a complaint was filed against her or the basis for that complaint until two and a half years after the complaint was filed; (2) the complaint was disclosed to the public in violation of Regulation 43-58.1; (3) the unprofessional conduct complained of remains unsubstantiated, unproven, and not the subject of findings made by the Chester County School Board; (4) the complaint is significantly out of context to other types of claims of unprofessional conduct that SCDE has pursued as grounds to revoke or suspend a certificate; (5) Dr. Callicutt was not required to file the complaint with SCDE pursuant to Regulation 43-58.1; (6) SCDE's statement that Slayman should have known about the investigation pursuant to the January 14, 2016 newspaper article is proof that SCDE failed to notify Slayman in accordance with Rule BCAF.

1. Timely Notification Of Complaint

Slayman alleges that the complaint against her was filed with SCDE on October 14, 2015. She further alleges that SCDE did not notify her of the complaint until February 2018 and did not provide official written notice of the basis for the complaint until March 28, 2018. Thus, SCDE waited two and half years to notify her of the complaint.

There are no state laws or State Board of Education rules restricting the amount of time that SCDE has in which to investigate a complaint and determine whether to pursue action. Pursuant to State Board of Education Rule BCAF, SCDE's duty to notify the educator begins once a determination is made to pursue action against the educator, not during the period the matter is being investigated. At that point, SCDE must notify the educator of the pending action

and his/her right to a hearing. During the period that SCDE was investigating the complaint against Slayman, Slayman's educator certificate was renewed and she admittedly continued to work for the District as a consultant/adviser. Thus, Slayman has not been harmed. Nor has she been denied any of her due process rights in that she was notified of her right to a hearing and she requested such. A hearing has been scheduled for October 3, 2018. Notably, Slayman has alleged no specific harm as a result of the time taken to investigate this matter. The Motion to Dismiss on this basis is denied.

2. Disclosure To The Public

On January 14, 2016, a newspaper article stated that Slayman was being investigated by SCDE. Slayman now alleges that there was communication from SCDE in violation of Regulation 43-58.1 which ultimately led to the newspaper article, although she does not allege that disclosure to the media was made by SCDE. Slayman provides no evidence that any such communication was made by SCDE. Thus, this is a matter of speculation on her part. Accordingly, the Motion to Dismiss on this basis is denied.

3. The Alleged Unprofessional Conduct Is Unsubstantiated And Unproven

Slayman alleges that the unprofessional conduct has not been substantiated or proven. She further alleges that the Chester County School Board has made no findings of wrongdoing and the majority of the school board continue to support her. Per Slayman, the complaint filed with SCDE was the unilateral, slanderous action of Dr. Callicutt and should not be used as a basis to pursue a claim of unprofessional conduct.

There is no authority restricting SCDE to the determinations made by local school boards regarding alleged educator misconduct. In fact, State Board of Education Rule BCAF authorizes SCDE to conduct its own investigation which it has done in this case. On the basis of that investigation, it has elected to pursue action against Slayman's educator certificate. Pursuant to Slayman's due process rights, an independent hearing officer will hear evidence from both parties and make a recommendation to the State Board of Education with regard to whether

Slayman should be disciplined. At this juncture in the proceedings, there is no evidence currently before the hearing officer with regard to the specific actions of Slayman. Further, the information provided in Slayman's response and motions is largely information that is not pertinent to whether the alleged conduct occurred. Such a determination is more properly made after taking into account the testimony of witnesses and the production of evidence by both parties. Accordingly, Slayman's Motion to Dismiss on this basis is denied.

4. The Complaint Is Unlike Other Claims In Which SCDE Has Pursued Action Against An Educator.

Slayman alleges that this disciplinary action should be dismissed in that SCDE does not normally pursue claims such as this one against educators. It is the duty of SCDE to pursue all claims that could reasonably be deemed to constitute unprofessional conduct. As discussed above, the creation of a hostile environment could be deemed unprofessional conduct depending upon the circumstances and severity of the conduct. Slayman's motion to dismiss on this basis is hereby denied.

5. Dr. Callicut Was Not Required To File The Complaint.

This has previously been alleged in Section I. A. above. The Motion to Dismiss is hereby denied for the same reasons as explained above.

6. SCDE's Statement That Slayman Should Have Known About The Investigation Pursuant To The January 14, 2016 Newspaper Article Is Proof That SCDE Failed To Notify Slayman In Accordance With Rule BCAF.

Slayman alleges that a statement made by SCDE to the effect that Slayman should have been aware of the investigation as a result of the newspaper article on January 14, 2016 is proof that Slayman's due process rights were violated in that SCDE did not notify her until March 2018. Slayman's assertion conflates the difference between SCDE's investigation and SCDE's decision to pursue an action against an educator. While SCDE may have been conducting its investigation at the time the newspaper article was written, there is no evidence that it had made

a decision to pursue an action against Slayman at that time. As stated previously in this Order, Rule BCAAF only requires notification once a decision to pursue an action against an educator is made. As such, it would have been improper for SCDE to address the issue of Slayman's certification on the basis of an incomplete investigation. Slayman's Motion to Dismiss on this basis is denied.

II. Motion To Stay Hearing

Slayman requests that her hearing before the State Board of Education be stayed in that she has filed a civil action against the Chester County School District and certain other individuals. She alleges that the facts of the SCDE investigation and the facts of the civil lawsuit are significantly intertwined. As such, she alleges that justice would be served by staying the disciplinary hearing pending resolution of the civil matter.

Although some facts may overlap in the two actions, Slayman has presented no evidence and no cogent reasons as to why judicial economy would be served by a stay of the SCDE action. In fact, there is no reference to the nature of the actions filed in civil court or the issues involved. Slayman's response and motions provide no reasonable basis upon which to grant a stay of the SCDE action. As such, her motion is hereby denied.

III. Conclusion

Slayman's Motion to Dismiss and Motion to Stay Hearing are denied for the reasons stated above.

AND IT IS SO ORDERED.


Malane S. Pike
Hearing Officer

Columbia, South Carolina
September 11, 2018

From: [Malane Pike](#)
To: Shannon@cbphlaw.com
Cc: [Winburn, Scott](#); [Moore, Tracy](#)
Subject: Re: [Untrusted E-mail] Stivers Memo
Date: Tuesday, October 9, 2018 2:41:21 PM

Everyone:

If Ms. Polvi intends to recall Mr. Stivers, we can have Mr. Stiver's to authenticate his memo and introduce it at that time. Until that time, I am hereby sustaining Mr. Winburn's objection.

Thanks,
Malane Pike

On Mon, Oct 8, 2018 at 5:08 PM Shannon Polvi <Shannon@cbphlaw.com> wrote:

Dear Ms. Pike,

Mr. Stiver called me this morning and said he wanted to follow up on his testimony based on his review of his days worked and things he thought of afterwards. I told him that he should send the information to all of us and that you would likely want him to place any additional clarifying information on the record with the court reporter.

Based on scheduling, it looks like we'll probably be able to call him after his return from abroad.

Sincerely,

Shannon

Shannon Polvi

CROMER BABB PORTER & HICKS, LLC

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telephone (803) 799-9530 and delete the message immediately. Thank you.

From: Winburn, Scott <SWinburn@ed.sc.gov>

Sent: Monday, October 08, 2018 3:14 PM

To: Malane Pike <pikemal@gmail.com>; Shannon Polvi <Shannon@CBPHlaw.com>; Moore, Tracy <tmoore@ed.sc.gov>

Subject: RE: [Untrusted E-mail] Stivers Memo

Ms. Pike,

I have concerns about a witness providing a written rebuttal or clarification to their own testimony after the witnesses has been excused. I was not aware Dr. Stiver intended to submit the memo. While, the SCDE aims to provide you with the information you need to make your decision, the statement is not subject to cross-examination and I suggest it provides more than a technical clarification. As such, I must object.

Thank you.

Scott

From: Malane Pike <pikemal@gmail.com>

Sent: Monday, October 8, 2018 1:36 PM

To: shannon@cbphlaw.com; Winburn, Scott <SWinburn@ed.sc.gov>; Moore, Tracy <tmoore@ed.sc.gov>

Subject: [Untrusted E-mail] Stivers Memo

Mr. Winburn and Ms. Polvi,

I have not opened Mr. Stiver's memo because I was not certain if Ms. Polvi had the opportunity to view it before it was sent to me. Please advise if there are any

objections to the document.

Thanks,

Malane Pike

--

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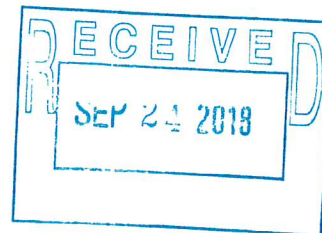
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MALANE S. PIKE

Attorney at Law

Post Office Box 729 White Rock, South Carolina 29177 (803) 622-1493



September 20, 2018

Shannon Polvi, Esquire
Cromer Babb Porter & Hicks, LLC
PO Box 11675
Columbia, SC 29211

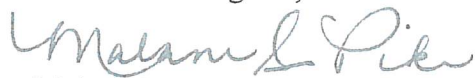
RE: In the Matter of Agnes M. Slayman

Dear Ms. Polvi:

Enclosed please find the signed subpoena for Eugene Boyd as requested. Please note that you are responsible for service of same.

Per my email yesterday, I have granted Mr. Winburn's Motion to Quash the subpoena of Wendy Cartledge on the grounds that the testimony of Mrs. Cartledge in this matter would require that she violate the attorney-client privilege.

With kindest regards,


Malane S. Pike

Enclosure

cc: Scott Winburn, Esquire

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
In the Matter of)
)
Agnes M. Slayman,)
Educator Certificate 134958)
)
Respondent)
_____)

**BEFORE THE SOUTH CAROLINA
STATE BOARD OF EDUCATION**

SUBPOENA

TO: EUGENE BOYD, 996 HOLMES ROAD, CHESTER, SC 29706

Pursuant to S.C. Code Ann. § 59-25-210 (2004) of the Code of Laws of South Carolina 1976, as amended, you are hereby required to appear, and testify before the South Carolina State Board of Education appointed hearing officer on Wednesday, October 3, 2018 at 10:30 a.m., at the South Carolina Department of Education, located at 1429 Senate Street, Columbia, South Carolina 29223, in Conference Room 806.

All investigations and proceedings of the South Carolina State Board of Education in this matter are confidential pursuant to S.C. Code Regs. 43-58.1 (2011).

**STATE OF SOUTH CAROLINA
BOARD OF EDUCATION**

By: Malane S. Pike
Malane S. Pike, Hearing Officer

Columbia, South Carolina

September 20, 2018

STATE OF SOUTH CAROLINA

Chester County School District,

Complainant,

v.

Dr. Agnes Slayman,

Respondent.

SOUTH CAROLINA
DEPARTMENT OF EDUCATION

CERTIFICATE NO. 134958

**RESPONDENT DR. SLAYMAN'S
RESPONSE AND MOTION TO DISMISS
COMPLAINT
AND MOTION TO STAY HEARING**

The Respondent in the above captioned matter, Dr. Agnes Slayman, hereby responds to the allegations contained in a complaint issued by the Chester County School District on October 14, 2015 with a full and complete denial of any violation of S.C. Code Ann. Section 59-25-160 and herein requests the South Carolina Department of Education dismiss the complaint pending against Dr. Slayman.

ALLEGATION: VIOLATION OF S.C. CODE ANN SECTION 59-25-160

Chester County School District filed a complaint against Dr. Slayman's educator's certificate on October 14, 2015. Dr. V. Keith Callicutt, the Interim Superintendent, submitted the complaint on Chester County School District's behalf. The content of the allegation is as follows: "[T]hat a professional employee of Chester County School District, Dr. Agnes Slayman, certificate number 134958, resigned from her employment with the District, effective September 30, 2015. Because Dr. Slayman's resignation followed an investigation into allegations that her conduct and actions resulted in a hostile work environment for some employees, I am reporting this matter pursuant to State Board Regulation R. 43-58.1."

Dr. Slayman was not notified by the South Carolina Department of Education until February 15, 2018. The notification letter actually informing Dr. Slayman of the allegations against her is dated March 28, 2018. It states, "This letter is to notify you that the South Carolina State Board of Education (State Board) will meet to make a determination regarding possible disciplinary action of your South Carolina educator certificate 134958 based on the provisions of S.C. Code Ann Section 59-25-160 (2016), unprofessional conduct. The State Board will review the allegations that you engaged in unprofessional conduct by harassing, intimidating, and creating a hostile work environment for employees while employed as the Superintendent of the Chester County School District."

RESPONSE TO ALLEGATION:

- I. Respondent specifically denies any unprofessional conduct warranting a finding of a violation of S.C. Code Ann. Section 59-25-160 or State Board Regulation R. 43-58.1.**

Conclusion:

A grievance alleging "a hostile work environment, implications of ethical violations, and racial and threatening remarks by Dr. Agnes Slayman" was filed by Dr. Charles King, then Associate Superintendent of Instruction, Mr. Jeff Gardner, then Associate Superintendent of Operations, Ms. Shawn Williams, then Executive Director of Human Resources, Brook Clinton, Director of Public Relations, and Mrs. Anna Stroud, then Executive Director of Finance, on September 8, 2015. The allegations are false and Dr. Slayman zealously denies such false accusations. Dr. Slayman specifically craves reference to her rebuttal response dated February 16, 2018, previously filed with the South Carolina Department of Education.¹ The four signatories on the grievance filed against Dr. Slayman engaged in a concerted and planned effort,

¹ Dr. Slayman submitted a seven-page response letter and accompanying supporting documentation which totals 122 pages.

with the assistance of a minority of the Chester County School Board and the District's legal counsel, to oust Dr. Slayman from her position as Superintendent.

Facts Supporting Conclusion:

1. Dr. Slayman is the former Superintendent for the Chester County School District serving from January 1, 2012 through September 30, 2015.
2. On April 20, 2015, Richard P. Hughes, a Chester County School Board Member, recused himself from School District and security contractual matters. The Chester County School Board voted unanimously 5-0 to employ a security firm – Defender Services for the 2015-2016 school year. Gene Boyd, another Chester County School Board Member, was absent from the Chester County School Board meeting. Mr. Hughes had earlier stated several times that he “needed to work one more year but that he was afraid if he voted to employ a security group that he would lose his job”, because of his contract with the detention center, which was under the control of the county sheriff.
3. In September 2015, Mr. Hughes sold his house in Chester and had been commuting from Black Mountain, North Carolina since the summer.
4. On August 10, 2015, a regularly scheduled Chester County School Board meeting took place. Dr. Slayman was in attendance.
5. Dr. Slayman's yearly evaluation was supposed to occur during that School Board meeting. However, it was postponed until the September meeting. No one from the public attended the August meeting.
6. On August 25, 2015, Denise C. Lawson, the Chester County School Board Chair, called Dr. Slayman and she stated, “something bad is going on”. Dr. Slayman asked for more information. Ms. Lawson said she did not know.

7. Ms. Lawson added, "For your protection, I need you to go take vacation or personal leave beginning August 26, 2015. You have not had any time off anyway, get Rob to take you to the beach. You should be able to return to work by Friday (August 28, 2015). This will give me time to find out exactly what is going on. You have to trust me Agnes, I am trying to protect you."
8. Dr. Slayman was frantic with worry about what was unknowingly going on with her employment. At that time, Dr. Slayman was unaware that Ms. Lawson was one of the people trying to oust her from the Superintendent position.
9. There was never a School Board meeting held before Dr. Slayman was asked by Ms. Lawson to "take vacation". The action was unilaterally taken by Ms. Lawson.
10. Chester County School District Policy BB, Board Legal Status, establishes the legal foundation for Chester County School Board operations. The legally constituted governing body of the school district is the Board of Trustees of Chester County School District. The Chester County School Board is composed of seven members, each of whom is elected for a four-year term. State law has provided that each school district will be under the management and control of its board of trustees. The School Board's powers are derived from the state constitution and acts of the General Assembly. Consequently, the Chester County School Board may perform only those acts for which some authority exists. This authority may be expressly stated or implied either in state law or in rules and regulations of the South Carolina Board of Education. All powers of the Chester County School Board lie in its action as a body. Chester County School Board members acting as individuals have no authority over personnel or school affairs except when such authority

is specifically delegated to a member of the board. Ms. Lawson had no such delegated authority with regard to her instruction to Dr. Slayman to "take vacation".

11. Upon information and belief, after Ms. Lawson called Dr. Slayman, she called other Chester County School Board Members by telephone and announced to them that she had placed Dr. Slayman on leave and that she could not discuss it with them. There was no Chester County School Board action taken as a body to place Dr. Slayman on leave.
12. A special Chester County School Board meeting was called for 5 PM on August 27, 2015 to discuss an employment matter and receive legal advice with attorneys Allison Hanna and Bic Halligan of the then law firm of Childs & Halligan. Ms. Lawson did not identify to the Chester County School Board members the employee involved nor did she provide any details prior to the meeting. Dr. Slayman was not at this meeting.
13. Upon information and belief, the meeting was held and there was discussion of accusations against Dr. Slayman. There was a clear disconnect with a few Chester County School Board members focused on ousting Dr. Slayman from her job and the remaining Chester County School Board Members were caught by surprise and were left out of the loop of the targeted efforts to ruin Dr. Slayman's career that was taking place before and after the special School Board meeting.
14. Upon information and belief, Mr. Hughes and Ms. Lawson and the District's attorney(s) met among themselves and held meeting(s) with employees disgruntled with Dr. Slayman, without the rest of the Board present, prior to the special called School Board meeting. Such actions were in violation of Chester County School Board Policy BBAA, which establishes the Chester County School Board member authority and responsibilities. Policy BBAA states, "[b]ecause all powers of the board of trustees lie in

its action as a group, individual board members exercise their authority over district affairs only as they vote to take action at a legal meeting of the board.” Policy BBAA further states, “The board and its members will deal with administrative services through the superintendent and will not give orders to any subordinates of the superintendent either publicly or privately, but may make suggestions and recommendations.”

15. Upon information and belief, Ms. Lawson and Mr. Hughes had met and conspired with others prior to the special Chester County School Board meeting was called for 5 PM on August 27, 2015. Such actions violate Chester County School Board Policy BC that established School Board member conduct. Policy BC specifically requires School Board members to abstain from individual counsel and action, to work harmoniously with other School Board members without trying either to dominate the School Board, and to vote and act in the School Board meetings impartially for the good of the Chester County School District. Such actions further undermine Chester County School Board Policy BDD outlining the School Board and Superintendent relationship. Policy BDD again reinforces that the Chester County School Board must “function only as a board rather than as individuals” and the Chester County School Board must “communicate with staff members through the superintendent” and “deal always in an ethical, honest, straightforward, open-and-above-board manner with the superintendent and the community.”
16. In the meeting, Dr. Slayman was publicly accused with reports including false information, which they knew were unfounded, charging Dr. Slayman with violation of civil rights, threatening EEOC action and suggesting that Dr. Slayman was guilty of bullying and threatening conduct. Chester County School Board members said the accusations did not meet the requirements for an EEOC complaint and the attorneys

reluctantly agreed. The same allegations later appeared in the grievance that was later filed by Dr. King, Mr. Gardner, Ms. Williams, Mrs. Clinton, and Mrs. Stroud on September 8, 2015 that alleged "a hostile work environment, implications of ethical violations, and racial and threatening remarks by Dr. Agnes Slayman".

17. The special School Board meeting on August 27, 2015 resulted in the Chester County School District agreeing to hire Betty Bagley as an "investigator" at the suggestion of Ms. Lawson and others. Thereby, it appears that the Chester County School Board may have considered Ms. Bagley a "Board Consultant" within the meaning of Chester County School Board Policy BPH. If Ms. Bagley was a "Board Consultant", the following excerpt from Policy BDH would apply, **"consultants will have no authority over the work of the employees of the district. They will act only as advisors in the field in which they are qualified to offer assistance. The board will have final approval of all suggestions made by such consultants."**

18. Later that evening at 6:20 PM, Ms. Lawson called Dr. Slayman and asked if she could come by Dr. Slayman's personal residence. Ms. Lawson did so, and she was accompanied by another member of the Chester County School Board.

19. They told Dr. Slayman not to resign and that she did not have to worry about termination. Ms. Lawson stated she knew there was a situation at the end of "last week" and falsely stated that she did not know who was involved at this point nor did she know the specific allegations being raised by the individual(s).

20. Ms. Lawson stated that the Chester County School Board wanted to inform Dr. Slayman of the process that would be used, and that Ms. Bagley would interview senior staff and,

if necessary, building principals. Ms. Lawson also said that Dr. Slayman did not have to worry about termination.

21. Ms. Lawson stated that everyone on the Chester County School Board knew that Dr. Slayman "made folks mad" because she disciplined people. Ms. Lawson then gave Dr. Slayman false assurances that the Chester County School District would keep the issue quiet and protect Dr. Slayman and that was the reason why the Chester County School Board did not convene in open session and vote to put her on administrative leave and that Dr. Slayman "would just be taking vacation".

22. Ms. Lawson told Dr. Slayman that she would be absent from Friday, August 28, 2015 through September 2, 2015 and that everyone would be told that Dr. Slayman was on vacation until the Chester County School Board met on September 3, 2015.

23. Ms. Lawson said the investigation would not begin until August 31, 2015 and that Dr. Slayman would be interviewed by Ms. Bagley on September 1, 2015 (she would later postpone this date to September 2, 2015 because Ms. Bagley was teaching a class).

24. Ms. Lawson asked Dr. Slayman not to contact Chester County School District employees. Dr. Slayman told Ms. Lawson that she opposed that because she felt that she was being punished. Dr. Slayman was the Superintendent, therefore to not contact District employees would prevent Dr. Slayman from performing her job.

25. On September 2, 2015, Dr. Slayman was interviewed by Ms. Bagley.

26. On September 3, 2015, a Chester County School Board meeting was held. Ms. Bagley reported her investigation findings to the Chester County School Board.

27. As reported to Dr. Slayman by Chester County School Board members, Ms. Bagley was described by the Chester County School District as a special agent to Childs and Halligan, the law firm representing the District.
28. Ms. Bagley had a hand-written report ("the Bagley Report") that was not supposed to be written up since it was supposedly "work product" within the attorney's office that would not be disseminated. It was also stated that the Bagley Report would not be transcribed and should not be released to anyone and that it would remain confidential.
29. The Bagley Report was erroneous and full of false statements concerning Dr. Slayman as to her violating rules and policies, bullying and threatening employees, and otherwise being incompetent to hold the position of Superintendent.
30. Ms. Bagley had preconceived opinions adverse to Dr. Slayman that were blatantly evident from her interview with Dr. Slayman. During that interview Ms. Bagley told Dr. Slayman that she did not deserve to be a superintendent and that she never should have been made Superintendent. Even during the interview, Ms. Bagley asked Dr. Slayman if she would resign her position of Superintendent before the investigation was even concluded and when she had no authority to make any such suggestion to Dr. Slayman. Ms. Bagley relayed that to multiple people within in the course and scope of her investigation for the District.
31. The allegations in the Bagley Report and statements made by Ms. Bagley were knowingly false and made with the intent to defame and destroy Dr. Slayman and her reputation. The Bagley Report was selective and did not interview witnesses who would have disputed the false and inaccurate statements given by others and it was designed and

perpetrated with an agenda to make a predetermined finding that Dr. Slayman should be removed as Superintendent.

32. Upon information and belief, several Chester County School Board members rejected the contents of the Bagley Report and the information within it, which is based upon unsworn hearsay and not believed.

33. The meeting resulted in the Chester County School Board members instructing that Dr. Slayman be returned to her job because a majority of the Chester County School Board supported Dr. Slayman and rejected the Bagley Report.

34. After the School Board meeting, Ms. Lawson and Mrs. Stroman went to Dr. Slayman's house and discussed Dr. Slayman's return date, which was later decided to be September 7, 2015. Ms. Lawson announced that certain employees reported that they were working in a hostile work environment, but she refused to identify the persons who made the allegations.

35. Dr. Slayman returned to work for one day, but thereafter Ms. Lawson told Dr. Slayman not to attend the Chester County School Board meeting on September 8, 2015. This information was not shared with other Chester County School Board members.

36. Upon information and belief, the Chester County School Board unanimously reached a consensus to allow Dr. Slayman to return to work with an improvement plan and apologies to certain employees.

37. Dr. Slayman learned that Mr. Hughes was carrying on his efforts to try to terminate Dr. Slayman and was seeking support from others.

38. On September 8, 2015, Mrs. James and Mr. Boyd were absent from the Chester County School Board meeting. Upon information and belief, Ms. Lawson immediately adjourned

the meeting after calling the meeting to order. The meeting ended with no action being taken.

39. Ms. Lawson called Dr. Slayman around 5:30 PM on September 8, 2015 and told her that she opened and closed the meeting because "she just received a grievance" from five staff members via an email sent to her. Ms. Lawson instructed Dr. Slayman to remain on leave until a Chester County School Board meeting was held and the grievance was heard. Ms. Lawson never intended for Dr. Slayman to return to her role as the District's Superintendent.

40. Dr. Slayman was later informed that the disgruntled employees had been holding meetings among themselves and had been trying to coerce other employees to bring false allegations against Dr. Slayman to the Chester County School Board in a targeted effort to create a "laundry list" of grievances against Dr. Slayman despite their lack of merit.

41. These individuals approached several employees attempting to have them participate in the grievance and several employees refused.

42. Thereafter, employees who would not participate in the grievance against Dr. Slayman were "punished" by these individuals by being ostracized for not participating in this group effort to oust Dr. Slayman that was supported by Ms. Lawson and Mr. Hughes and the District's attorneys.

43. Upon information and belief, either Dr. King or Mr. Hughes released false information to others that Dr. Slayman was not on vacation but was away because of a pending grievance and was facing an open hearing before the Chester County School Board, which would hopefully occur before a "packed house"; all in violation of what had been stated to Dr. Slayman by Ms. Lawson.

44. On September 14, 2015, the grievance was presented to the special called Chester County School Board by the attorneys, even though the grievance did not follow the proper grievance process as prescribed by Board policy GBK and Administrative Rule GBK-R and GBK-E Staff Concerns/Complaints/Grievances Grievance Form. "The purpose of the procedure is to keep these proceedings as informal and confidential as may be appropriate at all levels of procedure". An employee who wishes to file a grievance must complete the prescribed grievance form and present it to his/her direct supervisor within 10 days following either the event giving rise to the grievance or the time when the employee reasonably should have gained knowledge of its occurrence. Should the employee believe that resolution of the grievance requires a decision beyond the supervisor's level or area of authority, the employee will so state such belief upon submitting the grievance form".

45. Chester County School Board members and Dr. Slayman were never presented with the written documents that were provided as exhibits to the State Department of Education. Chester County School Board members and Dr. Slayman never received any documentation regarding specific allegations by each of the individuals and were only presented the "Bagley Report" written by Betty Bagley. The individuals filing the grievance jointly signed a single sheet of paper, with four using the same ink pen. Within that document they requested a closed-door meeting with the Chester County School Board as a group and requested that Dr. Slayman not be present for the meeting. This procedure is not in accordance with the process and procedures prescribed in Administrative Rule GBK-R Complaints and Grievances which states, "An employee who wishes to file a grievance must complete the prescribed grievance form and present

it to his/her direct supervisor within 10 days following either the event giving rise to the grievance or the time when the employee reasonable should have gained knowledge of its occurrence.

46. Upon information and belief, a statement was given to the Chester County School Board without detailing the allegations of a jointly filed hostile work environment complaint against Dr. Slayman.
47. Upon information and belief, the grievance hearing was held for the employees in a private session on September 21, 2015. This was the first time that Dr. Slayman was formally aware of any grievance.
48. The Chester County School Board took the following action, "no decision made; obtain additional information". This was a 4-3 vote concerning the employee grievance.
49. Multiple Chester County School Board members thereafter advised Ms. Lawson, Mr. Hughes and Dr. Fort that the grievance process was not being properly followed.
50. Throughout these circumstances, Dr. Slayman denied the creation or existence of any hostile work environment. Yet, it was clear that multiple representatives acting on behalf of the District were making a conscious effort to oust Dr. Slayman from her position.
51. The Chester County School Board was divided in its perspectives about Dr. Slayman and there were differing views of the validity of the complaint lodged against her.
52. Based upon the continued efforts to oust Dr. Slayman, including actions by a minority of the Chester County School Board, Dr. Slayman felt she had no choice but to resign. On September 24, 2015, Dr. Slayman met with the Chester County School Board and tendered her resignation.

53. The Chester County School Board voted 4-3 to accept Dr. Slayman's request to be released from her contract as Superintendent of Chester County School District, even though Dr. Slayman had the votes to remain Superintendent had she not resigned.
54. Upon information and belief, the District's attorneys, with the full support of the minority of the School Board members who had been acting to remove Dr. Slayman from her position, told the School Board members that when Dr. Slayman met with them they were not allowed to speak to her.
55. The Chester County School District and Dr. Slayman engaged in negotiations, through their legal counsel to formalize a contractual agreement between Dr. Slayman and the District.
56. By motion approved at the Chester County School Board meeting on September 24, 2015, the Chester County School Board approved the contractual agreement resolving the dispute between the District and Dr. Slayman, and the Chester County School Board authorized Ms. Lawson to sign the contractual agreement on behalf of the Board and the District.
57. The contractual agreement between the District and Dr. Slayman was fully executed on September 30, 2015. Ms. Lawson, as the Board Chairperson, was the signatory binding the District to the contract signed by Ms. Lawson and Dr. Slayman on September 30, 2015.
58. On September 30, 2015, the Chester County School Board voted to find the grievance "moot", although, the majority of the Board wanted to find "no merit".
59. That same night, on September 30, 2015, the Chester County School Board voted to hire the Dr. Callicutt as Interim Superintendent.

60. Around October 5, 2015, Dr. Callicutt began his duties as Interim Superintendent.
61. It was agreed by all members of the Chester County School Board and its attorneys, as well as with Dr. Slayman and her attorney, that the Bagley Report was not to be released to the public and was to remain confidential.
62. Notwithstanding such agreement, at the School Board meeting on September 24, 2015, at the specific direction of Mr. Hughes and others, the Bagley Report was released to the media and all of the allegations which were agreed upon to remain confidential were exposed to public scrutiny and resulted in extreme and severe damage to Dr. Slayman.
63. On October 14, 2015, Dr. Callicutt, in his capacity as the Interim Superintendent of the District, in violation of the contractual agreement and knowing the falsity of the Bagley Report and that the Board did not take action thereon, nevertheless filed a report with the South Carolina Department of Education about Dr. Slayman; thereby, endangering Dr. Slayman's certification and in violation of the contract between Dr. Slayman and the District.
64. In the contractual agreement between the Chester County School District and Dr. Slayman that was produced by the District to the South Carolina Department of Education, paragraph eight provides that the Chester County School District will instruct the Chester County School Board and the administrators not to publicly disparage Dr. Slayman. In violation of that contract, Dr. Slayman continues to be publicly disparaged.
65. On November 16, 2015, on a Motion by Mrs. Stroman, seconded by Mrs. James, the Chester County School Board voted 4-3 to terminate the attorney-client relationship with Childs & Halligan, P.A., request Childs & Halligan to complete work on any pending matters, and interview other law firms with expertise in education law beginning in

January 2016; if an emergency should arise in the interim, Childs & Halligan would be contacted. Mrs. Stroman, Mrs. James, Mrs. Hensley, and Mr. Boyd voted in favor of the Motion. Dr. Fort and Mr. Hughes and Ms. Lawson opposed the Motion.

66. On December 15, 2016, a special meeting was called by Dr. Callicutt where he stated he wanted to conduct a superintendent search. Seemingly on a fishing expedition for the Chester County School Board's feelings about Dr. Slayman, Dr. Callicutt asked the Chester County School Board, if Dr. Slayman applied would they consider her application. Dr. Callicutt was approved by Board vote to conduct the search, but he then abruptly resigned.

67. Dr. Callicutt and Ms. Lawson, along with others, were secretly plotting to bring in Dr. King as the Interim Superintendent of the Chester County School District, and Ms. Lawson, along with Mr. Hughes, had approached a Chester County School Board member offering him an incentive to vote for Dr. King, which he would not accept.

68. On January 11, 2016, the Chester News and Reporter reported that Dr. Callicutt announced that he would resign at the end of January 2016 – or sooner, if the Chester County School Board found a replacement.

69. At the Chester County School Board Meeting on January 25, 2016, on a motion by Mrs. Hensley, seconded by Mrs. James, the Chester County School Board voted unanimously (7-0) to go into executive session. The Chester County School Board entered executive session at 7:05 p.m. to hear personnel recommendations (for information only) and contractual matter concerning legal firm presentations by Morton & Gettys Attorneys at Law; Boykin, Davis & Smiley, LLC; and Duff, White & Turner, LLC – all for consideration to be the Chester County School District's new legal counsel.

70. On a motion by Mrs. Hensley, seconded by Mrs. James, the Chester County School Board voted unanimously (7-0) to return to open session.
71. Upon returning to open session, the Chester County School Board took the following action: Mrs. Stroman made a motion, seconded by Mrs. Hensley, to hire Duff, White & Turner, LLC as the Chester County School District's attorneys. The reason for the Chester County School Board's decision was that Andrea White, one of the partners, had been selected as the primary attorney with which the Chester County School Board would do business. David Duff, who was a member of that firm, had previously been a member of a firm with Ken Childs but was no longer associated with Mr. Childs or his new law firm. It was never intended that anyone other than Andrea White be the primary person with whom the Chester County School Board dealt.
72. Mr. Hughes offered a substitute motion, seconded by Ms. Lawson, to rehire Childs & Halligan, PA. The substitute motion failed by a 3-4 vote. Mr. Hughes and Ms. Lawson and Dr. Fort voted in favor of the motion. Mrs. Hensley, Mrs. James, Mrs. Stroman and Mr. Boyd opposed the motion.
73. The main motion to hire Duff, White & Turner, LLC passed with a 4-2-1 vote. Mrs. Stroman, Mrs. Hensley, Mrs. James and Mr. Boyd voted in favor of the motion. Mr. Hughes and Ms. Lawson opposed, and Dr. Fort abstained.
74. Sometime thereafter, Ken Childs separated from the firm of Childs & Halligan, and sometime after that he approached David Duff and the two went into legal practice together under the firm of Duff & Childs. Andrea White formed her own firm, White & Story, and continued to represent the Chester County School District under the previous agreement.

75. Also at the Board Meeting on January 25, 2016, Mr. Hughes made a motion, seconded by Mr. Lawson, not to consider any former superintendents for hire. Mrs. Stroman offered a substitute motion to table the main motion. The substitute motion died for lack of a second. The main motion, which was not to consider any former superintendents for hire, passed with a 4-0-3 vote. Mr. Hughes, Ms. Lawson, Dr. Fort, and Mr. Boyd voted in favor of the motion. Mrs. Hensley, Mrs. James, and Mrs. Stroman abstained. During this meeting, Mr. Hughes verbally made negative remarks regarding Dr. Slayman and again violated the contractual agreement between Chester County School District and Dr. Slayman which was signed on September 30, 2015.

76. That Chester County School Board meeting was Dr. Callicutt's last meeting, and he stayed as Interim Superintendent until the end of January 2016.

II. By filing the Complaint, the Chester County School District violated its contract with Dr. Slayman.

After the grievance was filed by the five complainants against Dr. Slayman and after the Bagley Report was discussed with the Chester County School District on September 8, 2015, the Chester County School Board unanimously reached a consensus to allow Dr. Slayman to return to work. Thereby, the Chester County School Board did not act on the Bagley Report and the false allegations about Dr. Slayman memorialized therein were not adopted by the Chester County School District. Furthermore, on September 30, 2015, the Chester County School Board voted to find the grievance "moot" and the majority of the Board wanted to find "no merit".

Also, on September 30, 2015, the Chester County School District and Dr. Slayman entered into a binding contract. Thereafter, the Chester County School District violated that contract. The pertinent part of Term 8 to this issue is "the District will instruct the Board and administrators not to publicly disparage Dr. Slayman..." and Term 10 states, "the parties

recognize that the promises and covenants contained herein are made in consideration of the mutually agreed separation of Dr. Slayman's employment and are in no way an admission of wrongdoing by either party."

Dr. Slayman was not fired. Dr. Slayman was not found by the Chester County School Board body to have engaged in the conduct alleged in the grievance, and the Chester County School District contractually agreed to that on September 30, 2015. Yet, a mere two weeks later, on October 14, 2015, the Chester County School District intentionally acted expressly contradictory to its contractual and factual findings by falsely alleging that Dr. Slayman had engaged in conduct in requiring a report per State Board Regulation R. 43-58.1. The filing of the report was a willful and voluntary report intended to harm Dr. Slayman and the report was filed in direct violation of the contractual agreement executed by Dr. Slayman and the District on September 30, 2015.

Furthermore, any merit, though there is none, to the complaint filed by Chester County School District is undermined by the fact that Chester County School District continued to employ Dr. Slayman through June 30, 2016. Term 2 of the contract between Chester County School District and Dr. Slayman, that was executed on September 30, 2015, states that "...through June 30, 2016, Dr. Dr. Slayman will remain employed with the District solely as a consultant/advisor and will provide reasonable assistance to the Board of Trustees ("Board") and the District administration." Dr. Slayman did indeed continue to provide periodic services to the Chester County School District during that time. If there was merit to the claims or enough concern about unprofessional conduct to warrant a complaint to the South Carolina Department of Education, the Chester County School District would not have continued to employ Dr. Slayman for an additional nine months after the complaint it filed against her.

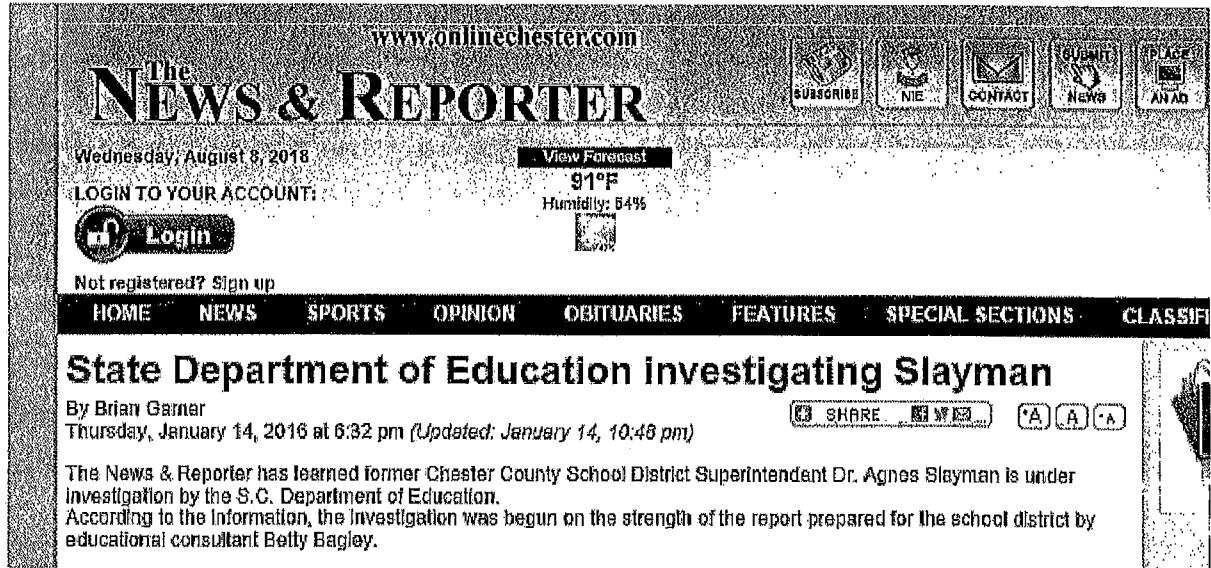
III. The Complaint processing by the South Carolina Department of Education violates Dr. Slayman's Due Process rights and State Board Regulations and Procedures.

There are several procedural and statutory rights concerns that source from complaint still pending against Dr. Slayman. Dr. Slayman's substantial rights have been prejudiced. The actions taken thus far are in violation of constitutional and statutory provisions, made upon unlawful procedure, affected by other error of law, clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record, and arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

First and foremost, the complaint was filed by Chester County School District on October 14, 2015 without the knowledge and approval of a majority of the Chester County School Board. Even Board Chair Denise Lawson is quoted in the January 14, 2016 newspaper article as stating she was "not aware of any investigation on Slayman by the state Department of Education". Dr. Slayman was not notified by the South Carolina Department of Education about the complaint until February 2018 and official written notice of the complaint was not given to Dr. Slayman until March 28, 2018. Almost two and a half years passed before Dr. Slayman was given written notice of a complaint against her. That is an egregiously long period of time.

Seemingly, there has been communication in violation of State Board Regulation R. 43-58.1 which states that "no preliminary information gathered by the State Department of Education concerning misconduct reasonably believed to constitute grounds for revocation or suspension of a certificate, including the name and certificate number of the certified educator, shall be disclosed to any third party." Thus, even if the South Carolina Department of Education had reasonable belief that Dr. Slayman engaged in unprofessional misconduct for revocation or suspension of her certificate (which it did not), there should have been no mention of it. Yet, as

depicted in the screenshot herewith included, the investigation of Dr. Slayman was occurring as of January 14, 2016 and seemingly it was disclosed to the media (the News & Reporter) by individuals employed or affiliated with the Chester County School District; yet, Dr. Slayman was not even notified about it until 2018.



Thereby, Dr. Slayman was deprived of due process as she was not timely notified of a complaint, she was not timely notified of an investigation, the investigation was disclosed to the public,² and the notification stating the basis for even why Dr. Slayman was being investigated was not provided to her until March 28, 2018. All of these concerns amount to a basis to dismiss the complaint against Dr. Slayman.

Secondly, the unprofessional conduct alleged against Dr. Slayman remains unsubstantiated, unproven, and no findings were made by the Chester County School Board. It is abundantly evident from the record that a minority of the Chester County School Board, in concert with other individuals, were seeking to end Dr. Slayman's employment with the Chester County School District. But they did not take action to end Dr. Slayman's employment. The

² Dr. Slayman believes that such disclosure to the media sourced from individuals affiliated with Chester County School District, not from the South Carolina Department of Education.

majority of the Chester County School Board continued to support Dr. Slayman and the unilateral action by Dr. Callicutt to then later file a complaint about Dr. Slayman based on slanderous, unproven, and unsubstantiated claims is not a basis for the South Carolina Department of Education to pursue a claim of unprofessional conduct more than two years later.

Thirdly, this complaint is significantly out of context to other types of claims of unprofessional conduct that the South Carolina Department of Education has pursued as grounds to revoke or suspend a certificate. The types of unprofessional conduct warranting this type of scrutiny include allegations of fraud, physical harm, stealing money, sex with students, and other types of egregious unprofessional conduct. The untrue allegations source from five grievants who were disgruntled employees seeking to punish their Superintendent for her efforts to hold them accountable. It is exceedingly rare for the South Carolina Department of Education to revoke a superintendent's license and this particular investigation seems highly unusual.

Fourthly, in the October 14, 2015 complaint letter, Dr. Callicutt stated the report was filed pursuant to State Board Regulation R. 43-58.1; however, State Board Regulation R. 43-58.1 does not require the filing of a report with the S.C. Department of Education on the facts at issue. The first section of State Board Regulation R. 43-58.1 states:

A district superintendent, on behalf of the local board of education, shall report to the Chair of the State Board of Education and the State Superintendent of Education, the name and certificate number of any certified educator who is dismissed, resigns, or is otherwise separated from employment with that district based on allegations of misconduct including, but not limited to, misconduct involving drugs, sexual misconduct, the commission of a crime, immorality, moral turpitude, or dishonesty, that is reasonably believed by the district superintendent to constitute grounds for revocation or suspension of the certificate issued to the educator by the State Board. This report is required notwithstanding any termination agreement to the contrary that the district board of trustees or superintendent may enter into with the educator. The reasons for the educator's termination of employment with the district shall also be provided along with all evidence in the possession of the district relating to the termination.

The regulation states that the "district superintendent...shall report...the certified educator who is dismissed, resigns, or is otherwise separated from employment with that district based on allegations of misconduct..." Dr. Slayman was not dismissed. Dr. Slayman was not separated from employment. Dr. Slayman voluntarily resigned from employment. Dr. Slayman did not resign because of allegations of misconduct.

Seemingly, there is an argument being made by Dr. Callicutt/the District that the phrase, "This report is required notwithstanding any termination agreement to the contrary that the district board of trustees or superintendent may enter into with the educator." somehow substantiates a requirement that the Chester County School District had to report Dr. Slayman to the South Carolina Department of Education. Whereas, the opposite is true. The Chester County School Board never found that Dr. Slayman was engaged in misconduct. The South Carolina Department of Education need only review the Chester County School Board minutes to confirm that no vote was ever made to that effect. Dr. Slayman was never asked to resign by the Chester County School Board. Such an action would require a Board vote. No such vote took place. Dr. Slayman resigned, freely and willingly of her own volition and for Dr. Callicutt, acting on behalf of the Chester County School Board. To purport otherwise, after entering into a contract that no fault was found on the part of Dr. Slayman, undercuts the validity of the complaint pending against Dr. Slayman.

State Department of Education Code BCAF Procedures for Educator Certification Hearings, State Board Rule IV. Initiation of Certificate Action Procedures C. Notice of Pending Action and Right to a Hearing states, "If the Certification Review Committee (CRC) determines that sufficient evidence exists, the director of the Office of Educator Certification will notify the educator of the pending action and his or her right to a hearing before an appointed hearing

officer, as provided by S.C. Code Ann 59-5-70 (2004) and S.C. Code Ann. 59-25-170 (2004).” Dr. Slayman’s due process rights were violated as the State Department of Education’s most recent communication stated that Dr. Slayman should have known she was under investigation because of the January 14, 2016 newspaper article. Dr. Slayman applied and was granted a renewal on her Educator License on August 28, 2017; a year and a half after the newspaper article. If there were any question regarding her certification status, this should have been addressed at that time.

For these violations of Dr. Slayman’s procedural and substantive due process rights, herein summarized, the South Carolina Department of Education should immediately dismiss the complaint against Dr. Slayman.

IV. If the Motion to Dismiss is denied, Respondent moves to have the hearing stayed until the resolution of Case # 2018-CP-12-00350.

Dr. Slayman has filed a civil lawsuit against the Chester County School District and Charles W. King, III, Betty Bagley, Keith Callicutt, Richard P. Hughes and Denise C. Lawson, in their individual capacities. The case number is 2018-CP-12-00350. The facts of the lawsuit and the facts of the investigation are significantly intertwined. In the interests of justice, Dr. Slayman requests that the hearing in this matter, presently scheduled for October 3, 2018, be stayed pending resolution of the civil lawsuit. The South Carolina Department of Education waited almost two and a half years to inform Dr. Slayman of an investigation of her and of the complaint lodged against her; therefore, it is also a reasonable request by Dr. Slayman considering that there were no timing concerns, on the part of the South Carolina Department of Education, thus far in the pendency of the complaint against Dr. Slayman.

WHEREFORE, for the foregoing reasons, Respondent Dr. Agnes Slayman, after responding to the complaint with a full and complete denial of unprofessional conduct in

violation of S.C. Code Ann. Section 59-25-160, respectfully moves to dismiss this matter. In the alternative, if the Motion to Dismiss is denied, Respondent moves to have the hearing stayed until the resolution of Case # 2018-CP-12-00350.

CROMER, BABB, PORTER, HICKS, LLC

BY: 

J. Lewis Cromer (SC Bar #1470)
Shannon Polvi (SC Bar #101837)
1418 Laurel Street, Suite A (29201)
Post Office Box 11675
Columbia, South Carolina 29211
Phone 803-799-9530
Fax 803-799-9533
Attorneys for Respondent

August 16, 2018
Columbia, South Carolina

STATE OF SOUTH CAROLINA	)	SOUTH CAROLINA DEPARTMENT OF
	)	EDUCATION
	)	
In the matter of the Educator Certificate	)	
	)	
of	)	
	)	MEMORANDUM IN OPPOSITION TO
Agnes M. Slayman, Ph.D.	)	RESPONDENT'S MOTION TO DISMISS
	)	COMPLAINT AND MOTION TO STAY
	)	HEARING
<u>Certificate No. 134958</u>	)	

The South Carolina Department of Education (SCDE), moves the Presiding Hearing Officer to deny Respondent Dr. Agnes Slayman's Motion to Dismiss Complaint and Motion to Stay Hearing. The SCDE respectfully submits the following Memorandum in Opposition of Respondent's Motion to Dismiss.

I. Allegations of Respondent's misconduct were properly reported to the SCDE, and if proved, warrant action against Respondent's certificate.

The allegations of unprofessional conduct by Respondent were properly reported to the SCDE. Respondent is well aware of the requirement that allegations of unprofessional conduct be reported by the district to the SCDE. This requirement is irrespective of any contractual agreement meant to shield employment matters from public view. S.C. Code Ann. Regs. 43-58.1 (2017). The SCDE has the authority to investigate individuals holding a South Carolina educator certificate when the SCDE is informed of possible unprofessional conduct. If the SCDE learned of the Respondent's alleged misconduct in a news article (or by any other means for that matter), the SCDE could still investigate the matter regardless of whether it was officially reported by the district in the normal course. Ultimately, the facts and circumstances surrounding Respondent's employment dispute are largely irrelevant to the pending matter. If anything, these extraneous circumstances described in detail by the Respondent display a need for investigation by the SCDE due to the fact that the

district board failed to adjudicate the merits of the claim, which the Respondent plainly concedes. Def.'s Mot. Dismiss ¶ 75.

II. Respondent has failed to avail herself of the due process provided by the SCDE. Respondent's due process rights have not been violated.

Respondent is correct in stating that written notice of a potential action was first provided to her March 28, 2018. However, the SCDE discussed the matter of the investigation with counsel for the Respondent in 2016. Furthermore, based on the Respondent's own motion, she acknowledges she knew or should have known the matter was being investigated by the SCDE in 2016. Res.'s Mot. Dismiss pg. 21. Respondent concedes that the investigation was known to the general public, which would include the Respondent herself.

The Respondent seeks delay of this case. Yet, she alleges violation of due process *because of delay* after she decided not to avail herself to the fair hearing process offered by the SCDE. Following the notice letter, which was sent to Respondent's counsel, the Respondent rebuffed the SCDE's efforts to schedule this matter for a hearing, citing vacation plans throughout the summer.¹ Respondent then decided to file a lawsuit against multiple potential witnesses in this matter. While the timing of the lawsuit is suspicious since it coincides with the SCDE's efforts to schedule the hearing of the certificate matter, the Respondent should be estopped from seeking relief contained in her motion since *Respondent* asked to postpone the hearing prior to filing the lawsuit and prior to filing this motion. Furthermore, it is unclear how the Respondent can argue that the educator certificate matter is unwarranted because the underlying issues were resolved at the district level, while at the same time alleging in circuit court that the district has caused her significant damages. All the while, Respondent possesses a settlement agreement with the district.

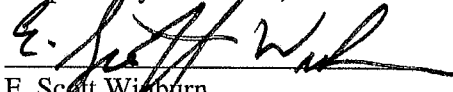
¹ Email correspondence dated May 31, 2018, with the Presiding Hearing Officer and Respondent's Attorney, confirms that Respondent declined the offer made by the SCDE to schedule the matter for a hearing in the summer, and requested dates in the fall.

The SCDE recommends both parties prepare pre-hearing statements in order to more succinctly outline relevant allegations. Pre-hearing statements are meant to provide the litigants with additional notice of anticipated testimony and proposed witnesses. Here, the Respondent suggests that she has been deprived of due process, and yet she is not willing to let the process work. She is not even willing to exchange pre-hearing statements. Respondent claims the Bagley Report is erroneous, and that she doesn't have all the facts. Conceivably, the pre-hearing statements that must be exchanged prior to the hearing in this matter will provide just the kind of verification the Respondent is seeking. Presumably, she will discover that many of the witnesses whose statements are contained in the Bagley Report will be willing to testify. In that case, Respondent will learn that the SCDE has no intention of presenting the Bagley Report as evidence, but that multiple witnesses are prepared to testify about their professional interactions with Respondent. Only the Respondent and the witnesses know the truth. Once presented with the outline of the hearing contained in the pre-hearing statements, the Respondent can decide whether it is in her best interest to go forward without objection. Thus, not only should Respondent's motion be denied on the merits, it should be denied because the motion is premature.

Conclusion

Allegations of Respondent's misconduct are serious. These allegations were properly reported to the SCDE by the district. The SCDE simply cannot disregard reports of an educator's unprofessional conduct based on the disposition of the matter at the district level. Furthermore, the Respondent has failed to avail herself of the due process offered by the SCDE. Instead, the Respondent filed a lawsuit. For the foregoing reasons, the SCDE asks the Presiding Hearing Officer to deny the motion to dismiss complaint and motion to stay hearing.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "E. Scott Winburn", written over a horizontal line.

E. Scott Winburn
Deputy General Counsel
Division of Legal Affairs
South Carolina Department of Education
1429 Senate Street
Columbia, SC 29021
803-734-0070

Columbia, South Carolina
August 23, 2018

From: [Winburn, Scott](#)
To: [Malane Pike](#); shannon@cbphlaw.com; [Moore, Tracy](#)
Subject: RE: [Untrusted E-mail] Stivers Memo
Date: Monday, October 8, 2018 3:14:09 PM

Ms. Pike,

I have concerns about a witness providing a written rebuttal or clarification to their own testimony after the witnesses has been excused. I was not aware Dr. Stiver intended to submit the memo. While, the SCDE aims to provide you with the information you need to make your decision, the statement is not subject to cross-examination and I suggest it provides more than a technical clarification. As such, I must object.

Thank you.
Scott

From: Malane Pike <pikemal@gmail.com>
Sent: Monday, October 8, 2018 1:36 PM
To: shannon@cbphlaw.com; Winburn, Scott <SWinburn@ed.sc.gov>; Moore, Tracy <tmoores@ed.sc.gov>
Subject: [Untrusted E-mail] Stivers Memo

Mr. Winburn and Ms. Polvi,
I have not opened Mr. Stiver's memo because I was not certain if Ms. Polvi had the opportunity to view it before it was sent to me. Please advise if there are any objections to the document.

Thanks,
Malane Pike

--

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BEYOND ORIGINAL ADDRESSEE(S) AND ORIGINAL COPIED RECIPIENT(S).

Memo

To: Shannon Polvi
Ms. Pike
Mr. Winburn
From: John M. Stiver
Date: October 8, 2018
Re: Chester County School District Versus Dr. Agnes Slaymen

This morning I talked to Shannon Polvi about providing clarification concerning days I worked in the district and additional testimony after referring to my notes. She suggested I provide you with this information.

- I was licensed in North Carolina and South Carolina as a teacher, middle school principal, high school principal and superintendent.
- My contract for Chester County School district was for 146 days from July 2013 to June 2014. After referring to my calendar of work for the district, I was out of the District Office approximately 25 full days for deployment and training. Since the schools are close to the District Office, most visits to the schools were for 2 to 4 hours at a time and back to the office.
- Of the three days a week that I was there, I met with either Dr. King or Mr. Gardner at the start of each work day and ate lunch with Dr. King and Mr. Gardner at least once a week. As testified, the only concern shared with me was the number of times Dr. Slayman called them to her office.
- I never heard any comments that related to a hostile work environment from Dr. King, Mr. Gardner, and Mrs. Stroud.
- I have been an administrator for approximately 30 years and served as a technology consultant for five years. In my roles as a technology consultant and administrator, one my tasks was to evaluate personnel. From my observations; Dr. King, Mr. Gardner, and Mrs. Stroud had difficulty managing their assigned responsibilities.

As of today, I will be out of the country until October 22. I can be available after October 22 to respond to any additional questions you may have.

C | B | P | H

CROMER BABB PORTER & HICKS, LLC

Attorneys and Counselors at Law

J. Lewis Cromer * Julius W. Babb, IV * J. Paul Porter * Ryan K. Hicks
Shannon M. Polvi * Samantha E. Albrecht * Elizabeth M. Bowen

September 14, 2018

Via U.S. Mail and E-Mail

Malane S. Pike, Esquire

P.O. Box 729

White Rock, SC 29177

pikemal@gmail.com

Re: Chester County School District v. Agnes Slayman
Certificate No.: 134958
Hearing date: October 3, 2018 at 10:30 a.m.

Dear Ms. Pike:

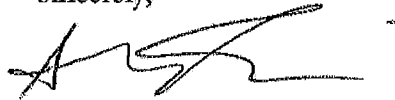
In regard to the above-referenced hearing and in accordance with State Board Rule H, we request subpoenas to be issued to the individuals listed below:

1. Wendy Cartledge
2. Linda Short

By copy of this letter, I am informing Scott Winburn of my request.

With kind regards, I am

Sincerely,



Shannon Polvi

SP/kmr

Enclosures

Cc: Scott Winburn, Esquire
J. Lewis Cromer, Esquire
Client

From: [Winburn, Scott](#)
To: [Kate Ray](#); [Malane Pike](#)
Cc: [Shannon Polvi](#); [Lewis Cromer](#); [Jeana Jenkins](#); [Moore, Tracy](#); [Brakmann, Sara](#); [Nilges, Katie](#)
Subject: RE: Agnes Slayman
Date: Tuesday, September 18, 2018 12:18:56 PM

Ms. Pike,

The SCDE is happy to brief this issue or discuss it via conference call if necessary. Rather than a formal Motion to Quash, I hope this email will suffice since the subpoena has not technically been issued.

The SCDE stands by its objection. Ms. Cartledge cannot testify regarding this case or the handling of other matters. The SCDE must maintain confidentiality of its investigative process. The only conceivable reason Dr. Slayman is seeking Ms. Cartledge's testimony is to reassert her claim that her due process rights have been violated. Madam Hearing Officer has already denied Dr. Slayman's motion that her due process rights have been violated, which make it the law of the case.

Furthermore, compelling Ms. Cartledge to testify would violate Rule 45(c)(3)(A)(iii) of the South Carolina Rules of Civil Procedure as the testimony sought would require "the disclosure of privileged or otherwise protected matter and no exception or waiver applies." As additional grounds for the SCDE's objection, the following comment is instructive, which is provided in the SC Rules of Professional Conduct under Rule 1.6. Confidentiality of Information:

"The principle of client-lawyer confidentiality is given effect by related bodies of law: attorney-client privilege, work product doctrine, and the rule of confidentiality. The attorney-client privilege and work product doctrine apply in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The confidentiality rule applies not only to matters communicated in confidence by the client but also to all information relating to representation, whatever its source. A lawyer may not disclose such information except as authorized or required by law." (emphasis added).

Thanks,
Scott

From: Kate Ray <Kate@cbphlaw.com>
Sent: Tuesday, September 18, 2018 9:22 AM
To: Malane Pike <pikemal@gmail.com>
Cc: Shannon Polvi <Shannon@CBPHlaw.com>; Lewis Cromer <Lewis@CBPHLaw.com>; Jeana Jenkins <Jeana@CBPHlaw.com>; Winburn, Scott <SWinburn@ed.sc.gov>
Subject: RE: Agnes Slayman

Ms. Pike,

Please see the below message from Mr. Cromer.

Dear Ms. Pike,

We understand that Ms. Cartledge served as attorney for SCDE and have no interest in asking her about any internal discussions which may be covered by the attorney-client privilege. We wish to subpoena her as a fact witness and one very familiar with SCDE's procedure in the past in handling similar matters. Mr. Winburn can object to any questions relating to attorney-client privilege if and when Ms. Cartledge is called as a witness and ask questions that might be subject to the same.

Please issue the subpoena as soon as possible.

J. Lewis Cromer

Kate M. Ray

Litigation Paralegal to J. Paul Porter, Shannon M. Polvi, and Elizabeth M. Bowen

CROMER BABB PORTER & HICKS, LLC

1418 Laurel St., Suite A (29201) | P.O. Box 11675 | Columbia, SC 29211

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From: Winburn, Scott <SWinburn@ed.sc.gov>

Sent: Monday, September 17, 2018 5:20 PM

To: Kate Ray <Kate@cbphlaw.com>; Malane Pike <pikemal@gmail.com>

Cc: Shannon Polvi <Shannon@CBPHlaw.com>; Lewis Cromer <Lewis@CBPHLaw.com>; Jeana Jenkins <Jeana@CBPHlaw.com>

Subject: RE: Agnes Slayman

Ms. Pike,

The SCDE objects to the subpoena for Ms. Cartledge since she served as attorney for the SCDE, and internal discussions about certificate matters is covered by privilege.

Scott

From: Kate Ray <Kate@cbphlaw.com>

Sent: Monday, September 17, 2018 4:36 PM

To: Malane Pike <pikemal@gmail.com>

Cc: Shannon Polvi <Shannon@CBPHlaw.com>; Winburn, Scott <SWinburn@ed.sc.gov>; Lewis Cromer <Lewis@CBPHLaw.com>; Jeana Jenkins <Jeana@CBPHlaw.com>

Subject: RE: Agnes Slayman

Ms. Pike,

I apologize for any confusion. Mr. Cromer and Ms. Polvi no longer wish to have a subpoena issued for Linda Short, and instead wish to have one issued for Eugene Boyd. We will be happy to send a letter informing Mr. Winburn of our subpoena requests should copying him on this email not be sufficient. In addition, we will identify our witnesses in her pre-hearing statement.

Please let me know if you have any questions or concerns.

Thanking you,

Kate M. Ray

Litigation Paralegal to J. Paul Porter, Shannon M. Polvi, and Elizabeth M. Bowen
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From: Malane Pike <pikemal@gmail.com>

Sent: Monday, September 17, 2018 3:29 PM

To: Kate Ray <kate@cbphlaw.com>

Cc: Shannon Polvi <Shannon@CBPHlaw.com>; Winburn, Scott <SWinburn@ed.sc.gov>; Lewis Cromer <Lewis@CBPHLaw.com>; Jeana Jenkins <Jeana@CBPHlaw.com>

Subject: Re: Agnes Slayman

Ms. Ray,

Eugene Boyd is not one of the names listed in your letter. Has Mr. Winburn been informed of this name?

Malane Pike

On Mon, Sep 17, 2018 at 2:58 PM Kate Ray <kate@cbphlaw.com> wrote:

Ms. Pike,

Please see the attached subpoenas for Wendy Cartledge and Eugene Boyd which are attached for

your signature.

Thank you.

Kindest regards,

Kate M. Ray

Litigation Paralegal to J. Paul Porter, Shannon M. Polvi, and Elizabeth M. Bowen

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From: Malane Pike <pikemal@gmail.com>

Sent: Sunday, September 16, 2018 12:38 PM

To: Kate Ray <kate@cbphlaw.com>

Cc: Shannon Polvi <Shannon@CBPHlaw.com>; Winburn, Scott <SWinburn@ed.sc.gov>; Lewis Cromer <Lewis@CBPHLaw.com>; Jeana Jenkins <Jeana@CBPHlaw.com>

Subject: Re: Agnes Slayman

Please prepare the forms and forward them to me for signature. Please be advised that you are responsible for service of the subpoenas.

Thanks,
Malane Pike

On Fri, Sep 14, 2018 at 2:26 PM Kate Ray <kate@cbphlaw.com> wrote:

Good afternoon,

Please see the attached letter from Shannon Polvi regarding the above matter, a hard copy of which has been placed in today's mail.

Thank you and have a safe weekend.

Kindest regards,

Kate M. Ray

Litigation Paralegal to J. Paul Porter, Shannon M. Polvi, and Elizabeth M. Bowen

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STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

In the Matter of:)
)
Dr. Agnes M. Slayman,)
Educator Certificate No.)
134958)
)
)
-----)

ADMINISTRATIVE HEARING

Wednesday, October 3, 2018
10:17 a.m. - 7:20 p.m.

Thursday, October 4, 2018
1:18 p.m. - 7:56 p.m.

Friday, October 12, 2018
9:26 a.m. - 3:30 p.m.

Thursday, November 1, 2018
9:28 a.m. - 5:21 p.m.

Friday, November 2, 2018
2:13 p.m. - 9:12 p.m.

The Administrative Hearing before the State of South Carolina Department of Education was held at the South Carolina Department of Education, 1429 Senate Street, Columbia, South Carolina, on the 3rd, 4th and 12th days of October, and the 1st and 2nd days of November 2018, before Cortney N. Glover, Court Reporter and Notary Public in and for the State of South Carolina.



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APPEARANCES**HEARING OFFICER:**

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Post Office Box 729
White Rock, South Carolina 29177

Scott Winburn, Esquire

South Carolina Department of Education
1429 Senate Street
Columbia, South Carolina 29209
Attorney for the South Carolina Department
Of Education

Shannon Polvi, Esquire

Cromer, Babb, Porter & Hicks, LLC
1418 Laurel Street
Columbia, South Carolina 29201
Attorney for Dr. Agnes Slayman

Also Present:**Katie Nilges**

South Carolina Department of Education

Tracy Moore

Paralegal - South Carolina Department of Education

J. Alexander Sherard, Esquire

Attorney for Chester County School District

Holly Hadden, Esquire

South Carolina Department of Education

Sara Brakmann

Law Clerk - South Carolina Department of Education

Ken Puett

Information Security Officer - South Carolina
Department of Education

Taylor Yamal

Intern - South Carolina Department of Education



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MR. MOORE:

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Ms. Polvi.	DIRECT EXAMINATION.	835
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DR. BAIN:

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DAY FIVE - NOVEMBER 2, 2018**MR. STIVER (VIA TELEPHONE):**

Ms. Polvi. . . . REDIRECT EXAMINATION. . . . 1137
 Mr. Winburn. . . . RECROSS-EXAMINATION. . . . 1140
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CLOSING ARGUMENTS:

Mr. Winburn 1409
 Ms. Polvi 1411
 Certificate. 1419

EXHIBITS

(Petitioner's Exhibit Numbers 1 through 13 and Respondent's Exhibit Numbers 1 through 25 were marked prior to the start of the hearing and introduced as follows:)

Petitioner's Exhibit Number 8. 10,32,33
 (September 8, 2015, Letter Re:
 Official Grievance)
Petitioner's Exhibit Number 11. 10,388,410
 (Handwritten Notes of Ms. Stroud)
Petitioner's Exhibit Number 12. 10,170,210
 (Mr. Gardner's Notes of Grievance and
 Security Info.)
Petitioner's Exhibit Number 13. 10,68,1135
 (Mr. King's Notes)
Petitioner's Exhibit Number 14. 10,580
 (September 3, 2015, Repot Prepared for
 School Board)
Petitioner's Exhibit Number 15. 10,1351
 (January 8, 2016, E-Mail Re:
 Clinton Information)



Respondent's Exhibit Number 1.	10,280,1136
(Numbered List)	
Respondent's Exhibit Number 2.	10,1297,1299
(Rebuttal Information)	
Respondent's Exhibit Number 3.	10,556,558
(School Board Meeting Notes)	
Respondent's Exhibit Number 4.	10,1148,1151
(Accomplishments of Dr. Agnes Slayman)	
Respondent's Exhibit Number 5.	10,1148,1150
(Public Statement)	
Respondent's Exhibit Number 6.	10,886,887
(August 10, 2014, Memo)	
Respondent's Exhibit Number 7.	10,884,887
(Evaluation Documents)	
Respondent's Exhibit Number 8.	10,84
(Letter of Agreement)	
Respondent's Exhibit Number 9.	10,1167
(Scheduling of Meeting with Ms. Bagley)	
Respondent's Exhibit Number 10.	10,556,567,566
(News & Reporter Article)	
Respondent's Exhibit Number 12.	10,565,566
(News Article)	
Respondent's Exhibit Number 13.	10,888,889
(October 1, 2014, Public Statement)	
Respondent's Exhibit Number 14.	10,890,891
(Professional Employee Agreement)	
Respondent's Exhibit Number 15.	10,569,570
(News & Reporter Article)	
Respondent's Exhibit Number 16.	10,254,1136
(Boss' Day Letter and Card)	
Respondent's Exhibit Number 17.	10,1158,1159
(2016 Application for Superintendent of the Year)	
Respondent's Exhibit Number 18.	10,888,889
(Public Statement)	
Respondent's Exhibit Number 19.	10,143,1294
(Letter from the Pembertons to Ms. Ligon)	
Respondent's Exhibit Number 20.	10,568,569
(Herald News Article)	
Respondent's Exhibit Number 21.	10,1145,1146
(Resume of Dr. Slayman)	
Respondent's Exhibit Number 22.	10,1135
(Redacted Notes of Ms. James)	
Respondent's Exhibit Number 23.	10,558
(Redacted Notes of Ms. Stroman)	
Respondent's Exhibit Number 24.	10,1151,1158
(Recognition and Awards of Dr. Slayman)	
Respondent's Exhibit Number 25.	10,1295,1296
(Three Reference Letters)	



Respondent's Exhibit Number 26 1012,1136
 (Hand-drawn Diagram of District Office)
Respondent's Exhibit Number 27 1203,1207
 (August 18, 2015, Letter to Sheriff Underwood)
Respondent's Exhibit Number 28 1203,1207
 (August 18, 2015, Letter Regarding School Alarms)
Respondent's Exhibit Number 29 1203,1207
 (August 18, 2015, Letter Regarding School Alarms)
Respondent's Exhibit Number 30 1203,1207
 (Customer Activity Alarm System Report)
Respondent's Exhibit Number 31 1203,1207
 (August 18, 2015, E-Mail Re: Alarm Calls)
Respondent's Exhibit Number 32 1135,1207
 (Statement Regarding Alarm Notification)

STIPULATIONS

It is stipulated and agreed that this hearing is being taken pursuant to the Administrative Procedures Act and the South Carolina Rules of Civil Procedure.



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DAY ONE - WEDNESDAY, OCTOBER 3, 2018

(Petitioner's Exhibits 1 through 13 and Respondent's Exhibits 1 through 25 were marked prior to the start of the hearing.)

CALL TO ORDER:

HEARING OFFICER: All right. We're on the record.

This is the case of in the matter of Agnes -- Dr. Agnes Slayman, South Carolina Educator Certificate Number 134958. Before us today we have Mr. Scott Winburn, respecting the South Carolina Department of Education. And we have Ms. Shannon Polvi representing Dr. Slayman. We will begin this morning with brief opening statements.

Mr. Winburn, would you like to begin?

MR. WINBURN: Sure. Thank you, Ms. Pike.

MS. POLVI: My apologies. As a quick thing I had mentioned on the record that I wanted to put on the record that we're reinstating our motion to dismiss that we had filed on August 16th, 2018. I understand you had already made a ruling on it ---

HEARING OFFICER: Yes.

MS. POLVI: --- but for procedural, you know, appeal purposes. Hopefully not necessary, but if so,



1 I do want to reinstate it on the record.

2 **HEARING OFFICER:** Certainly. And for the record, I
3 previously denied that -- both motions that
4 were made. It was a motion to dismiss and a
5 motion to stay. And obviously I denied the
6 motion to stay or we wouldn't be here. So all
7 right. Anything else prior to us getting
8 started?

9 (No audible response.)

10 **HEARING OFFICER:** All right. Mr. Winburn?

11 **OPENING STATEMENT BY MR. WINBURN:**

12 **MR. WINBURN:** Thank you, Ms. Pike. Just briefly,
13 this matter comes before you out of Chester
14 County School District, and it is in
15 connection, relates to a grievance filed by, I
16 believe, five employees, all of whom are --
17 plan to testify as part of this hearing.
18 This matter was reported to the Department by
19 Mr. Keith Callicutt -- I'm not sure I have
20 it -- pursuant to State regulation related to
21 the allegations of unprofessional conduct. And
22 essentially this -- I anticipate this hearing
23 will follow what was a closed grievance process
24 before the Chester County School Board. I'm
25 not privy to what was discussed during that



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1 grievance, but I anticipate that the witnesses
2 in this case will testify about what they
3 perceive to be a very hostile work environment
4 created by Dr. Slayman. And they will provide
5 details to the hearing officer in that
6 connection.

7 I would like to say, you know, it is not the
8 Department's intention to embarrass Dr. Slayman
9 in any way whatsoever. It's not our intention
10 to impact negatively on her career. It is,
11 however, our duty under state law and
12 regulations and by the duties imposed by -- on
13 us as the Department by the State Board of
14 Education to review allegations of
15 unprofessional conduct. And frankly, the
16 allegations in this case are significant, and
17 those are allegations that we just can't look
18 away from.

19 The -- this matter does arise out of facts
20 that -- does arise from facts and circumstances
21 from sometime ago in 2015. And be that as it
22 may, I anticipate this the testimony of the
23 witnesses will be sufficient in detail to
24 provide the hearing officer adequate
25 information to -- upon which to make a ruling.



1 HEARING OFFICER: Okay. Thank you. Ms. Polvi?

2 OPENING STATEMENT BY MS. POLVI:

3 MS. POLVI: Thank you. Appreciate your time and
4 attention throughout this hearing, and I hope
5 that through the witnesses that you will hear,
6 that Dr. Slayman's reputation has been
7 excellent throughout her educational background
8 in the field. She's been a leader, and this is
9 the first such accusation that she's ever had
10 in her extensive career.

11 It's key to consider the five witnesses who
12 have brought these complaints. And I ask you,
13 Ms. Pike, as you consider this information, the
14 testimony that you're gonna hear from these
15 witnesses, as well as the witnesses we're
16 calling, to question the motives of why these
17 individuals complained.

18 Note the connection of five people,
19 administrative leaders directly reporting to
20 Dr. Slayman, all just miraculously making a
21 complaint at the same time, all somehow
22 alleging a hostile work environment. It's
23 extremely suspect, and I think there's a word
24 for it. It's called "mutiny."

25 Is that every superintendent in this case has



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1 a darn difficult job is that a superintendent
2 is in a "damned if you do, damned if you don't"
3 job. Every decision they make is going to be
4 questioned. Every decision that they do --
5 they that think is best for the staff, for the
6 schools, for the most importantly, the
7 children, are gonna be questioned. And you'll
8 see the motives from these five individuals.
9 And from the statements that they provided,
10 every single one of them connects their
11 concerns to money.

12 Each of them feared for their jobs in different
13 contexts. The first witness that you'll hear
14 from, Charles King, will testify. And if he
15 doesn't, it's gonna be different from the
16 statements that he's already written, saying
17 that had he wanted to be a superintendent. And
18 somehow he perceived that either he was gonna
19 get Dr. Slayman's job directly or that somehow
20 she impeded his ability to become a
21 superintendent, despite the fact that he's one
22 of the people who'd worked with her the longest
23 and several school districts, not only Chester
24 County School Board -- or School District. He
25 himself was one of the individuals who wrote a



1 recommendation in order for Dr. Slayman to even
2 be promoted to that position when she applied.
3 And then when you look at Mr. Gardener,
4 Ms. Williams, and Ms. Clinton, and Ms. Stroud,
5 each of them had been brought concerns about
6 things that they needed to do to effectively,
7 you know, promote their job and, for instance,
8 with regard to Ms. Williams, who is an HR --
9 who was the chief HR officer. The board had
10 even instructed Dr. Slayman about concerns that
11 they had about her. And Dr. Slayman was the
12 one defending Ms. Williams. But yet you'll
13 hear from the connection of this testimony that
14 behind the backs of Ms. Williams, Ms. Stroud,
15 and Ms. Clinton, Mr. Gardner and Mr. King were
16 posturing to demote them, become their
17 supervisors, and only they report to
18 Dr. Slayman.

19 All of these types of motives tie into why all
20 of a sudden is a hostile work environment being
21 alleged when none of the principals are
22 alleging that, none of the other staff in terms
23 of people that had interacted with Dr. Slayman.
24 And you'll here from several board members and
25 the other individuals who know and worked with

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1 Dr. Slayman during this time period that she
2 did not subject her staff to a hostile work
3 environment. I don't think anybody would be
4 able to say that Dr. Slayman's perfect because
5 no superintendent is perfect. But the
6 allegations that are described here as being so
7 out -- far outside the realm of acceptable in
8 any work environment is inflammatory, directly
9 false in several of the accusations, or several
10 things that are taken out of context.
11 One of the things that's, you know,
12 repetitively put I saw in the statements from
13 the individuals who will be called to testify
14 is somehow, you know, the threats that
15 Dr. Slayman was gonna kill them. God forbid,
16 if someone genuinely thought that they were
17 physically threatened, do you think they would
18 not have called the police department, reported
19 these actions? But no. What they do is they
20 wait, and they all draft up laundry-list
21 complaints that they submit to Betty Bagley,
22 largely solicited by two particular school
23 board members who no longer wanted Dr. Slayman
24 to be in her role, yet the majority of the
25 school board and then later in an entire vote



1 of the entire body agreed that she should
2 continue to do her job. At no point did the
3 Chester County School Board take any action to
4 remove Dr. Slayman.

5 What Dr. Slayman did is voluntary resign. And
6 put in her shoes, think of five individuals who
7 she later didn't -- at the time, didn't even
8 know who's complained about her. All she knows
9 is there's a grievance, later to find out that
10 the five people who are complaining about her
11 are the people she most closely worked with and
12 trusted. But yet you'll hear from her
13 secretary, who is one of the individuals we're
14 calling who worked also very closely with
15 Dr. Slayman, that she didn't subject people to
16 a hostile work environment and that they,
17 meaning the five individuals who complained
18 about her when Ms. Callie McConnell, the
19 secretary, wouldn't agree to file this
20 grievance with them, then they ostracized her.
21 It was a concerted and, I think, accurately
22 described as a mutiny of individuals who
23 directly reported to Dr. Slayman who planned
24 and conspired to remove her from this position.
25 I mean, it's clear from the record this didn't



1 just materialize in some type of legitimate
2 way. It's highly concerning the effort that
3 they went to to sabotage her career. And
4 Dr. Slayman voluntarily decided to leave when
5 that's the type of work environment that she's
6 having.

7 If anybody was in a hostile work environment,
8 it Dr. Slayman. Her health declined, she
9 physically was so stressed we wasn't even able
10 to sleep at night. She was crying to her
11 husband on a daily basis. I've spoken to her
12 husband. I know that -- how much it was
13 affecting Dr. Slayman at the time. So to say
14 that Dr. Callicutt had a reason, the interim
15 superintendent immediately after Dr. Slayman to
16 report this, is entirely a misreading of the
17 regulation. He was manipulated in order to
18 submit a complaint that wasn't legitimate and
19 faulty from the beginning in terms of the
20 grievance process.

21 So I think you'll be able to hear quite a bit
22 about the motives of the five individuals. And
23 I'm not trying to paint any of these five
24 people as the worst people on the planet
25 either, but what you have to see is that they



1 each played on the fears of the other. As I
2 mean, this is just, oh -- and you'll see from
3 the writings, oh, we talked about -- talked
4 with each other. She's just making it worse
5 and worse. I mean, it's clear, they're just
6 cyclically this whole August, September time
7 frame as all this grievance is accelerating and
8 ultimately filed, it's clear they're talking on
9 a daily basis on how -- let's find a way to get
10 rid of Dr. Slayman. Let's make a complaint.
11 Because Ms. Williams thinks that Dr. Slayman's
12 somehow interfering with her HR job because the
13 board didn't want Ms. Williams to then report
14 to them anymore because of what they described
15 to Dr. Slayman as condescending demeanor
16 towards the board. Dr. Slayman's the one who
17 defended and even kept Ms. Williams in the job
18 in the first place.
19 Next one, with Mr. King, Mr. King most
20 definitely and if -- and he should testify to
21 this effect -- he has wanted to be a
22 superintendent. And he somehow perceived
23 Dr. Slayman as being a barrier to it when the
24 exact opposite is true. She zealously tried to
25 support his application to a superintendent



1 position in Florence 2 at the time.

2 With Ms. Clinton, she was the public

3 information officer for the District, important

4 to note that she herself was trying to

5 essentially plant herself into leadership over

6 other departments, and Dr. Slayman was trying

7 to streamline her role so she was actually

8 performing a public information officer

9 position. But she felt her job was threatened.

10 And then when we get -- refer to Ms. Stroud,

11 the finance director -- if, again, they

12 accurately testified, which you'll hear from

13 Dr. Slayman, is that both Mr. Gardner and

14 Mr. King repeatedly reported to Dr. Slayman

15 that she wasn't doing her job and was so faulty

16 that she needed to be removed from her

17 position. And they -- yet then they play on

18 Ms. Stroud's fears and paint Dr. Slayman as the

19 one trying to get Ms. Stroud fired.

20 And then with regard to Jeff Gardner, he and

21 Mr. King are largely at the source of trying to

22 advance their own career, but yet you'll hear

23 from Charles King, if he testifies accurately,

24 they he we went to Dr. Slayman about Jeff

25 Gardner several times, again, saying that



1 Dr. Gardner -- or excuse me -- Mr. Gardner had
2 had several complaints from his supervisees.
3 And we'll be able to identify specific people.
4 And then, again, playing off each other,
5 somehow Jeff Gardner, thinking his job is
6 threatened, and then ultimately and you'll see
7 he's not currently not even in that role
8 anymore.
9 So there's a lot of interplay. And I'm
10 covering a lot of information. It's a little
11 overwhelming. But each piece is a puzzle. And
12 it's so important for you to take into account
13 the procedural aspect of even how this occurred
14 is that we're gonna reinstate from the motion
15 is that from a due process standpoint, this
16 complaint has just sat for years. And
17 Dr. Slayman wasn't even notified about it.
18 And there's a lot of interpolitics involved in
19 Chester. I mean, it is a small community. And
20 I've had multiple matters up there, and it has
21 been a repetitive pattern of the removal of
22 superintendents from that district. Any
23 superintendent who goes there is faced with, in
24 my opinion, one of the hardest jobs as a
25 superintendent in the state. It is -- no job



1 is easy as a superintendent. That's one of the
2 hardest. And I think anybody who'd been in
3 Dr. Slayman's shoes at the time would have been
4 faced with a difficult, difficult job. And all
5 of senior staff under her directly undermining
6 each other trying to find ways to motivate each
7 other to circumvent her all at the same time.
8 So I don't want to wax too long. I think you
9 know the testimony will speak for itself
10 through the process, and I appreciate your time
11 and attention.

12 **HEARING OFFICER:** All right. Mr. Winburn, are you
13 ready to call your first witness?

14 **MR. WINBURN:** I am.

15 **HEARING OFFICER:** Who would that be?

16 **MR. WINBURN:** Charles King.

17 **HEARING OFFICER:** Charles King. Okay. Dr. Charles
18 king.

19 **DR. CHARLES W. KING, II,** having been duly sworn,
20 testifies as follows:

21 **DR. KING - DIRECT EXAMINATION BY MR. WINBURN:**

22 Q: Dr. King, you will you please state your name
23 for the record?

24 A: Yes. My name is Charles Wesley King, II.

25 Q: And can you give us kind a brief recitation of



1 your credentials?

2 A: Yes, sir. I have a bachelors and masters
3 degree from the University of South Carolina,
4 a doctorate from Nova Southeastern University.
5 I served Marine Corps before I became an
6 educator. From that point, I was a middle and
7 high school teacher of Kershaw County. I then
8 became a high school assistant principal. And
9 then a middle school -- no. Excuse me -- an
10 elementary principal then a middle school
11 principal. After that time, I left education
12 for about six or seven years to open a private
13 business, during which time I got elected to
14 the Kershaw County School Board as a trustee.
15 At the -- my next step was to work in Chester
16 County as the associate superintendent for
17 curriculum and instruction. I did that for
18 four years, and then I acquired the position of
19 principal at Midway Elementary School in
20 Kershaw County, which is where I currently
21 serve.

22 Q: And you're not -- no longer on the school
23 board; is that fair to say?

24 A: That is true. And when I was in Chester,
25 however, I did get re-elected to the school



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1 board as well as and served in that capacity
2 until I obtained the principalship Midway, at
3 which time I had to resign as a school board
4 member due to conflict.

5 Q: And can you just tell me what the four years as
6 associate superintendent for instruction, was
7 that with Chester?

8 A: Yes. That's correct.

9 Q: Okay. And what four years -- what span of time
10 was that?

11 A: July 1 of 2012. My contract ended June 30th of
12 2016.

13 Q: So after 2016, is that when you became a
14 principal in Kershaw?

15 A: That's correct.

16 Q: Okay. So if I may, and so the span of time in
17 Kershaw was the four years 2012 between -- from
18 2012 to 2016, who did you work -- who was the
19 superintendent during that time.

20 A: In Chester?

21 Q: Yes.

22 A: Dr. Slayman.

23 Q: And I left you a piece of paper on there. I'm
24 gonna ask you -- I think the hearing officer
25 would certainly like to hear what, you know,



1 what your interaction was day to day -- and I'm
2 gonna ask you that. But first if you don't
3 mind, if you can draw a little diagram of where
4 your office was ---

5 A: Okay.

6 Q: --- in relation to Dr. Slayman's?

7 A: Okay.

8 Q: I'm assuming y'all were in the same office
9 complex for that whole period of time?

10 A: That's correct.

11 Q: Okay.

12 A (Witness complies.)

13 Q: Feel free to narrate it. It doesn't have to be
14 perfect.

15 A: Okay. Okay. As you can see -- I know it may
16 be hard to see -- but if you're looking at an
17 aerial footprint of the building, the building
18 was basically a square. The -- for lack of a
19 better term, I guess we had a executive wing or
20 senior staff wing was on the -- would be the
21 upper left quadrant. Dr. Slayman's office was
22 in the that corner unit and you -- there was an
23 entry -- an outside exit door that we used, the
24 senior staff used, to come in. So you could
25 either take an immediate left into



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1 Dr. Slayman's office, and if you went about, I
2 don't know, not even ten feet, you would take
3 a right. And my office was immediately on the
4 right so ...

5 Q: Okay. So kind of catty-cornered from
6 Dr. Slayman's?

7 A: One turn, maybe ten feet down the hall.

8 Q: Okay. And you mentioned senior staff. Who
9 would have comprised as senior staff at the
10 Chester County School District?

11 A: The folks Dr. Slayman delegated for that would
12 have been me in my role as associate
13 superintendent for curriculum and instruction.
14 When I got hired, the associate superintendent
15 for operations was Colonel Blair Turner,
16 retired Colonel Blair Turner, who served in
17 that capacity one year until he passed away due
18 to illness, at which time Jeff Gardner obtained
19 the position. And he's then served the
20 remaining time as associate superintendent for
21 operations.

22 Anna Stroud was a member of senior staff. she
23 was the direct of finance. Shawn Clinkscales,
24 now Shawn Williams, was the director of HR.
25 And Brooke Clinton, who was our public



1 relations officer also sat in on the
2 cabinet-level meetings. And then as needed
3 from time to time, the director of special
4 services, Jeannie Ligon would sit in. It was
5 not often but usually only when Dr. Slayman's
6 agenda had something relevant to her capacity.

7 Q: Okay. And in that office complex, the diagram
8 that you created, who else had an office in
9 that vicinity?

10 A: Brooke's -- Ms. Clinton's office was right --
11 literally right outside of Dr. Slayman's back
12 entrance door ---

13 Q: Okay.

14 A: --- near that outside exit. I mean, literally.
15 I mean, their walls touched each other. I
16 was -- and then Dr. Slayman's secretary was on
17 the other side.

18 Q: And what is her -- what was her name?

19 A: Callie McConnell.

20 Q: Okay.

21 A: And then my office was the next closest in
22 proximity. Then Mr. Gardner was adjacent to me
23 on the other side. And then on the far wing,
24 which would be the lower left quadrant was Anna
25 Stroud's office, the finance. And then on the



1 other side of the building was where Shawn
2 Williams was located, HR.

3 Q: Okay.

4 A: 'Cause it had its own suite, so to speak.

5 Q: Okay. So the HR was not really in your
6 suite ---

7 A: Correct.

8 Q: --- would that be fair to say?

9 A: Correct.

10 Q: All right. But Anna Stroud, Jeff Gardner,
11 Callie McConnell, and Brooke Clinton all had
12 offices in your suite?

13 A: In that -- on that side ---

14 Q: On that side.

15 A: --- and in that wing, yes, sir.

16 Q: Okay. Can you just describe generally -- I'm
17 sorry. Strike that.

18 Did y'all have weekly meetings, standing -- you
19 know, standing meetings every other week? How
20 would you describe your -- that -- you're
21 interaction in that regard with Dr. Slayman?

22 A: I would say there was a senior cabinet meeting
23 pretty much on a weekly basis. Generally,
24 first thing in the morning, which we would kind
25 of would be a roundtable discussion and each



1 person's capacity to outline who they have on
2 tap, what's -- what issues we may be contending
3 with, what may be imminently coming up, and
4 also to apprise Dr. Slayman with anything she
5 needed to be in the loop of.

6 And then there were voluminous, I guess,
7 not-scheduled interactions with Dr. Slayman on
8 a day-to-day basis. Sometimes 20 times a day.

9 Q: I'm sorry. 20 times a day?

10 A: Yeah. We -- and it was primarily Jeff and I.
11 We -- Ms. Callie would come around, and her
12 term was, you've been summoned. So we would --
13 he and I would stop what we're doing and go to
14 Dr. Slayman's office. Sometimes a lot.

15 Q: And what -- can you give us the flavor of the
16 type of issues that you would be, in your
17 words, summoned for?

18 A: I would say that it was a variation. Sometimes
19 it would be what I consider very relevant, if
20 she had received some information from a board
21 member that needed to be tended to. She kept
22 very, very -- in very close contact with the
23 board members. Any concerns they would raise,
24 we'd have to deal with immediately, which was
25 certainly understandable.



1 As time progressed, sometimes Mr. Gardner and
2 I -- or I guess I could just speak for
3 myself -- sometimes I would leave and not
4 really even know why I was summoned.

5 Q: Okay. Would that be -- would Ms. McConnell be
6 the way that you would be called in to her
7 office? Did she come get you?

8 A: I would say probably 80, 90 percent of time, it
9 would be her. Sometimes it would be Brooke.

10 Q: Okay.

11 A: Sometimes Dr. Slayman herself. And then there
12 were times Dr. Slayman would come in the door,
13 and she would call out to see we were in to
14 come to her office.

15 Q: Now, what do you mean call out? Like, how
16 would you describe that?

17 A: Jeff, Charles, are you here? Because we were,
18 she didn't have to yell necessarily. We was --
19 we were close enough where we could hear.

20 Q: All right.

21 A: And our secretaries were right across from our
22 office doors. So if we didn't hear it, they
23 certainly would.

24 Q: Okay. So who were your secretaries,
25 assistants?



1 A: My direct secretary -- there were three
2 appropriated in my department. Two worked on
3 the other side of the building in the -- I
4 guess we called the instruction suite. But my
5 secretary was Leslie Jacobs.

6 Q: Okay.

7 A: To my knowledge, she still serves in that
8 capacity. And, oh, my gosh, Mr. Gardner's
9 secretary was Ann Sanders, who retired. And
10 then I'm embarrassed to say I cannot remember
11 the girl who replaced her.

12 Q: Okay. So they too had offices in that suite?

13 A: It was more like a cubicle.

14 Q: Okay. But they were ---

15 A: An open office, so to speak.

16 Q: Right. All right. So they would have been
17 privy to the interactions between you and
18 Dr. Slayman and Dr. Slayman and the other staff
19 members in that office?

20 A: Right. The times we were summoned, so to
21 speak.

22 Q: Right.

23 A: And then also our demeanors when we would go in
24 and when we would leave.

25 Q: Okay. All right. Would Dr. Slayman ever call



1 you on the phone to call you into her office?

2 A: Yes.

3 Q: Okay. I'm gonna hand you what's been marked as
4 Petitioner's Exhibit Number 8. Can you
5 identify that for the record?

6 **(Petitioner's Exhibit Number 8 was introduced into**
7 **the record at this time.)**

8 A: Yes. This was a letter of agreement presented
9 to the school board chairperson respectfully
10 requesting a closed-door meeting with the board
11 due to some grievances that we had levied and
12 also to express our concerns about the
13 environment in which we were working at that
14 time.

15 Q: Okay. And what's ---

16 A: And it -- I'm sorry. It was signed by all of
17 the cabinet members I mentioned earlier, with
18 the exception of Jean Ligon.

19 Q: Okay. And Jean Ligon's name is not -- does not
20 appear on this grievance?

21 A: This is correct.

22 Q: All right. And what's the date on it?

23 A: September 8th, 2015.

24 **MR. WINBURN:** All right. I'd like to enter that
25 into evidence. Any objection?



1 MS. POLVI: No. He's laid the foundation as his
2 signature, so no objection.

3 HEARING OFFICER: So entered.

4 (Petitioner's Exhibit Number 8 was admitted into
5 evidence.)

6 Q: The -- at that point on September --
7 September 8th, 2015, how long had you worked
8 for Dr. Slayman?

9 A: That -- at that time, that would have been
10 three years and three or four months, I guess.
11 40 months or so.

12 Q: Can you describe for the hearing officer,
13 provide some reasons why -- or was there a
14 particular reason why this letter was issued or
15 signed September 8th, 2015? Is there a
16 particular event?

17 A: Well, I can't make it a singular event. It was
18 more like a compilation or a culmination of
19 events, so to speak.

20 When I started in July of 2012, Dr. Slayman had
21 some pretty explicit directives for me, which,
22 you know, in my mind, were -- I agreed with in
23 terms of reorganizing the instructional
24 department, shifting some positions,
25 reformulating some federal moneys that the



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1 district received, that kind of stuff. So that
2 first year or so was pretty much spent with me
3 doing that and then leading the district
4 through its first advance set accreditation
5 process.

6 But as time went on, I guess to rehash why this
7 ultimately happened, Dr. Slayman, after, I
8 would say, a year or so of my working with her,
9 started having breakfast with a group of mostly
10 older gentlemen out near Highway -- or
11 Interstate 77. And it kind of started to be a
12 little bit strained at that point. And her
13 words, directly even in senior staff and more
14 so with me and Jeff, would be, well, this is
15 what my breakfast group told us we need to be
16 doing, how we need to process this. You do
17 know that they're supporting the then sheriff,
18 who's name was Richard Smith, and he's got a
19 challenger who's a retired SLED agent. We
20 don't want that guy to be sheriff. And the
21 county administrator, who I understand would
22 eat breakfast with them sometimes, his name was
23 Carlisle Roddey, had opposition of the county
24 administrative position in Chester as an
25 elected one. She would say, we don't want that



1 guy either.

2 And then at -- in my mind, the whole tone of
3 the district became very strained and political
4 in nature in terms of how we operated day to
5 day. The mannerisms that Dr. Slayman exhibited
6 to me kind of morphed. I've known Dr. Slayman
7 for a very long time, since the late, mid, late
8 '90s. And admittedly, our relationship had
9 little bit roller coastery the whole time. But
10 I felt like, in my opinion, I saw a change in
11 her temperament, her demeanor, the way that she
12 treated people. It would sometimes be very
13 harsh in my opinion, sometimes without just
14 cause.

15 Even me, a prime example was -- I don't
16 remember the exact day it was. It may have
17 been my second year. At the beginning of
18 school or prebeginning of school, one of the
19 board members expressed some angst that she did
20 not know who her grandchild's teacher would be
21 for the school year and Dr. Slayman approached
22 me about it in a hostile manner and asked me
23 what's going on. And I said, well, they hadn't
24 released the names yet. Are all the elementary
25 schools releasing the names at the same time?



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1 And I'm like I honestly don't know. And I
2 said, at any rate, it wouldn't be legal for us
3 to give that information to the grandparent
4 'cause she's not custodial. Well, we had a --
5 an administrator's retreat out at a conference
6 center by the interstate that day, and she got
7 in my face, finger in my nose, very loud and
8 boisterously chiding and chastising me for
9 that, not knowing and not having it arranged
10 and not -- that the board member was upset.
11 And she did this in front of pretty much the
12 whole cadre of principals.

13 Q: And where was this meeting held?

14 A: It's -- god, I don't know what the official
15 name of it is. It used to be a car dealership
16 right there on I-77 and Highway 9. They
17 converted it to a very nice conference center,
18 and it's the Olde English Consortium, its home
19 base for that region.

20 Q: So when this -- when you had this exchange with
21 Dr. Slayman, was it -- you described the issue,
22 and then her reaction, was that at the same
23 time, or was those two separate instances?

24 A: It was in a short span of time. And come to
25 find out later, it was the chair's



1 granddaughter, Denise Lawson at the time. She
2 told me later she -- I wasn't even upset.

3 Q: Was Denise Lawson present to witness that?

4 A: She did not.

5 Q: Okay.

6 A: But she knew later that Dr. Slayman had really
7 blistered me over that incident, and she was
8 apologetic for it.

9 Q: Who was apologetic?

10 A: Ms. Lawson.

11 Q: Okay.

12 A: And she said it wasn't that big of a deal to
13 her, but it evidently was to Dr. Slayman
14 because she -- I mean, I don't mind telling
15 you. I've been, you know -- I've had a Marine
16 Corps drill instructor in my face ---

17 Q: Right.

18 A: --- for three months. I've never been whipped
19 down like that before in front of a bunch of
20 people, especially my colleagues.

21 Q: About how many folks were in the room at the
22 time?

23 A: It was kind of outside of the meeting room, and
24 I would say at least four or five of the
25 principals witnessed it directly. And they



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1 came to me later and apologized, saying they
2 were sorry I -- that they had to witness that.

3 Q: Did Dr. Slayman ever apologize to you for that
4 incident?

5 A: She did not.

6 Q: Okay. Moving back just a little bit. Now,
7 this breakfast group that you mentioned, do you
8 know or did you observe how often she would
9 meet with this breakfast group?

10 A: It would be, I would say, at least three or
11 four times a week in the mornings. I went once
12 as an invitation of Dr. Slayman. I never went
13 back. But it was comprised of -- I actually
14 don't know who all it was. I do know that the
15 county coroner was a part of that group most of
16 the time. Sometimes the then county
17 administrator was some of the time. I didn't
18 know who the rest of them were.

19 Q: Okay.

20 A: Other than, you know, she would ingest or --
21 well, sometimes not even in a humorous manner,
22 refer to them as her legal advisors, her
23 breakfast club, her confidants. That's ...

24 Q: And when she would relay to you or to others --
25 sorry. Strike that.



1 Let me ask you it this way: Is there -- you
2 think there's anything wrong with Dr. Slayman
3 getting advice from other folks in the
4 community?

5 A: I don't. As a -- being a relative newcomer
6 into the district, you know, I guess initially
7 I thought it was a -- you know, getting to know
8 people and making connections, which is what a
9 superintendent's supposed to do.
10 But as it progressed, I wish I could give
11 specific instances. But Dr. Slayman, I know
12 for a fact, that she would share information
13 that was not appropriate with that group and
14 make decisions for the district based on what
15 they said we ought to do.

16 **MS. POLVI:** And I object to the form -- line of this
17 testimony and ask that it be stricken because
18 he's testified that he was only present at one,
19 and everything he's testifying to is hearsay
20 and speculation about something he's not
21 present at, as his own testimony just
22 indicated.

23 **MR. WINBURN:** That's fine. You know, I want -- I
24 wanted to know -- I'm getting -- my next
25 question may answer the -- may help answer

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1 question anyway so ...

2 **HEARING OFFICER:** I'm striking that line of
3 questioning.

4 Q: How often, in your experience with Dr. Slayman,
5 did you provide advice as part of her senior
6 staff? She didn't take it?

7 A: My advice?

8 Q: Yes.

9 A: Sometimes she did.

10 Q: All right.

11 A: I mean, certainly I would have to bring,
12 especially if it was related to budget or
13 personnel, which I dealt with integrally, you
14 know, it was incumbent upon me to bring that to
15 her. And she would ask me what I thought, and
16 she'd tell me what she thought.

17 Q: But she expressed to you, based on your
18 testimony previously, that she was relying, at
19 least in some degree, on this advice, as she
20 called it, by her advisors. And when --
21 advisors, she wasn't referring to her senior
22 staff?

23 A: That is correct.

24 Q: All right.

25 A: She -- it even got to the point where there was



1 an allegation by one of her breakfast group
2 that the sheriff may or may not be having an
3 affair with someone employed in a sponsorship
4 capacity at Chester High School.

5 Q: Okay.

6 A: At which time, she directed me, Jeff,
7 Ms. Williams -- I think it was just the three
8 of us. We literally had -- and I expressed
9 that I was not comfortable doing this, but you
10 didn't say no to Dr. Slayman. She had made her
11 mind up. We were directed to go to Chester
12 High School, interview every cheerleader on the
13 Chester High School cheerleading squad without
14 parental consent and inquire as to whether or
15 not they ever saw this sponsor with the
16 sheriff, around the sheriff; did they ever know
17 that this sponsor took calls from the sheriff;
18 did this sponsor have a, like a TracFone where
19 she could correspond with the sheriff, or did
20 the sheriff have a TracFone by which this
21 sponsor could call the sheriff. And then we
22 had to ask them did we know if they ever met
23 together while they were on -- away at games or
24 other cheerleading events.

25 Q: So let me get this straight. A sponsor, what



1 does that mean?

2 A: It's basically the cheerleading coach.

3 Q: Okay. But not necessarily an employee of the

4 district? Is this a volunteer?

5 A: Well, it's just a -- it's stipend position.

6 Q: Okay.

7 A: Yes. And we were told even before we went, I

8 want her gone.

9 Q: Who told you that?

10 A: Dr. Slayman. We were told either to get her to

11 resign, which would be the best way to go or to

12 fire her. But even before we ---

13 Q: On what basis were you provided to the --

14 you -- was there any basis? Had she -- are you

15 aware of any infractions that she committed?

16 A: In reviewing my notes over the last week or so

17 that I kept, and as a result of the inquiry

18 that was conducted by Betty Bagley, Dr. Slayman

19 said to me, and I quote, I got the guy now.

20 He's screwed. Talking about the sheriff.

21 Q: And what's the sheriff's name? Did he win

22 election?

23 A: He did.

24 Q: All right. What's his name?

25 A: He beat the incumbent, who was Dr. Slayman's



1 friend. His name is Alex Underwood.

2 Q: All right. Is Mr. Underwood African American,
3 is he white?

4 A: He is African American.

5 Q: All right. The -- how many cheerleaders do you
6 think you interviewed?

7 A: Personally, I -- at least four or five.

8 Q: Okay. Where did these interviews take place,
9 on the track, outside?

10 A: We met with them in a -- not a suite of
11 offices. You know how the library has those
12 side offices? That's where we pulled them in
13 individually.

14 Q: And is it your testimony that you were
15 instructed by a superintendent to ask them
16 questions related to their coach's interactions
17 with the sheriff?

18 A: That is correct.

19 Q: All right. And was the stipend sponsor or
20 coach ultimately fired?

21 A: She resigned.

22 Q: She resigned?

23 A: She did. Well, we basically told her to resign
24 or be fired. That's what we were told to tell
25 her.



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1 Q: All right. So is it your testimony you were
2 following the instructions of your supervisor,
3 Dr. Slayman?

4 A: That is correct.

5 Q: Now on the subject of the sheriff, are you
6 aware of any reason for -- strike that.

7 What are you -- what can you tell the hearing
8 officer about the relationship or the saga
9 between the sheriff and the superintendent?

10 A: It started out when he did beat the incumbent.
11 He met with the group of principals kind of as
12 an introductory measure and also go over some
13 of his protocols as to how he would be entering
14 schools. And he would like to do security
15 checks, maybe have active-shooter drills, that
16 kind of stuff. A couple of the principals
17 expressed some concern, you know, about
18 somebody just popping in, 'cause he alluded to
19 he would kind of do surprise visits and check
20 for open doors, not the main entrance kind of
21 stuff, and people would be plain clothed and
22 all this kind of thing, which he did. That
23 raised the eye of Dr. Slayman. She did not
24 like that. And in my opinion, it began a very
25 confrontational relationship with the sheriff,



1 who -- you know, I worked -- the sheriff in
2 Kershaw County's a good friend of mine. I have
3 a lot of friends in law enforcement, and all of
4 the ones I know only have the safety of the
5 public in their best interest. And I thought
6 he did. And I wasn't adverse to him finding
7 weaknesses. Dr. Slayman did not want him
8 finding weaknesses in the way of school
9 security or safety.

10 Q: Right. Do you recall any specific statements
11 she made to you or in your presence that
12 related to, let's say, the sheriff showing up
13 unannounced?

14 A: Well, ultimately, she told Jeff and myself that
15 she did not want him in our buildings. And he
16 was made privy that he was not wanted in our
17 buildings, which put -- the principal of
18 Louisville High, for example, conversed with me
19 one day and expressed concern. What am I
20 supposed to do if I have an incident at my
21 school? The sheriff is my -- he's my 9-1-1.

22 Q: 'Cause he doesn't have the city -- the chief of
23 police?

24 A: Right. It's more rural.

25 Q: Right.



1 A: And there was a lot of anxiety about how we
2 were supposed to encounter with the sheriff,
3 how we were told not to talk to him, not to
4 contact him. She brought in someone she knew
5 who originally was from Kershaw County who was
6 an officer, an upper officer with the Highway
7 Patrol. Said she would rather have Highway
8 Patrol to respond to any emergency calls. And
9 ultimately, we couldn't even have the sheriff
10 in the buildings to do a lesson on law
11 enforcement or county government or anything
12 like that. He was not welcome at all, and
13 Dr. Slayman said that he was not welcome at
14 all.

15 Q: And he -- okay. She, Dr. Slayman, said those
16 words, "he's not welcome"?

17 A: That's correct.

18 Q: All right.

19 A: My comment to her was -- and I remember this
20 conversation that she and I had. She had --
21 she was very angry one day. I don't know what
22 time of day it was, about the sheriff and she
23 didn't want him in our buildings and she would
24 win. She said, I will beat him. I will come
25 out on top. You know, I'm the most powerful



1 person in this district. And I said it not so
2 much in a joking way. I said, but you do
3 realize he's elected. And then I jokingly
4 said, and he carries a gun legally. I said,
5 you can't win against the sheriff. The only
6 person who can arrest the sheriff is the county
7 coroner, and that's not gonna happen. He's
8 gonna have to do something very egregious for
9 that to happen. And but she would not let up
10 on the sheriff. It was ongoing. And that's
11 how the whole privatizing of the school
12 security started morphing.

13 Q: Okay. I was gonna ask you that. In general,
14 how were the schools secured? Did you have
15 SROs throughout in every school? What was the
16 lay of the land in that respect?

17 A: There were SROs at the high schools. And in my
18 opinion, I thought they did a very effective
19 job. They were, for the most part, born and
20 reared in Chester County and had very deep
21 connections so -- which helped with knowing
22 about the kids, where they came from, what they
23 were facing in their neighborhoods.

24 Q: Now, were these SROs on loan from the police
25 department? Are they individuals that were



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1 hired as SROs? How did that work?

2 A: The process is generally -- and I was not made
3 privy to this. But I know in Kershaw County --
4 I don't know if Chester is like this -- it was
5 basically a budgetary split. The district
6 funded some; the local government funded some.

7 Q: Okay.

8 A: It was basically half and half.

9 Q: So they weren't -- you know, and I'm a little
10 bit iffy on it too. I understand sometimes
11 they are on loan from a department. You know,
12 the City of Columbia has an SRO in a school.
13 But what I understand is you're saying these
14 individual SROs were at the high school and
15 where else?

16 A: I know that they -- there were some who visited
17 the middle and elementaries, but I don't know
18 that they were based there full time.

19 Q: Okay.

20 A: That was more on Mr. Gardner's end of the
21 spectrum as far as that. He ---

22 Q: Okay.

23 A: He was kind of over that as operations.

24 Q: Okay.

25 A: I was just in a lot of those meetings with



1 Dr. Slayman and him.

2 Q: All right. Do you have any other recollection
3 of, you know, the request from the sheriff's
4 department to provide training, provide --
5 professional development, anything like that
6 where they were denied access?

7 A: Dr. Slayman had no interaction with him no
8 matter what. Mr. Gardner and I would see him
9 when we would be out and about at district
10 affairs and at lunch. And his stance was that
11 he was always willing to help. He would help
12 in any capacity. He would work with the
13 district in my manner needed to keep the kids
14 safe.

15 Q: And what's your understanding of what
16 transpired with regard to the privatizing the
17 SROs?

18 A: So ultimately -- I guess you'd call it a
19 screening of a couple of security companies
20 were conducted concurrent with hiring a
21 district chief of security, who was currently
22 the chief of the then chief of police at
23 Chester County. We then ultimately selected an
24 entity -- I guess they're still around. They
25 were called Defender Security -- to provide



1 security officers, not resource officers,
2 who -- they did not have arrest powers -- to
3 serve as resource officers or security officers
4 in the schools. Gosh, so much runs through my
5 head about that whole time span.

6 That -- also during that part, we were --
7 Mr. Gardner and I were generally responsible
8 for interviewing the chief of security, which
9 was a very awkward process because Dr. Slayman
10 would not divulge to us whether or not this
11 person would be a district employee, as you
12 know, which comes with fringe and benefits like
13 any other State employee, or if the person
14 would be a Defender Security company employee.
15 And we would get asked that. We'd probably
16 interview eight or ten people. And they would
17 ask that question. We'd have to tell them I
18 don't know. And so well, I can't -- I don't
19 know if I'm interested if I don't know who I'm
20 working for or what the salary will be. I do
21 know that the salary was posted at 38,000.

22 Q: Right.

23 A: That was a public posting. Dr. Slayman steered
24 us to hire -- his first name's Andre. I cannot
25 remember his last name -- who was the then



1 police chief of Chester -- or police chief of
2 the City of Chester to be the district's
3 security chief. And at that time in a meeting
4 with me, Jeff, and Ms. Williams, Dr. Slayman
5 directed Ms. Williams to gross up the chief's
6 salary to upper 60s so that his draw would be
7 38K. Because that's the only way he said he
8 would come in to serve in that capacity. And
9 Dr. Slayman divulged to me and Mr. Gardner.
10 She did not apprise the board of that. Whether
11 she did or not, I can only tell you what she
12 said at that time.

13 Q: And this person that you've just described was
14 going to be the head of security; is that
15 correct?

16 A: Chief of security.

17 Q: Chief of security.

18 A: Which ultimately his role was then to serve as
19 the oversight person for the security guards
20 who were then placed in the school facilities.

21 Q: Okay. Give me one second.

22 A: The interesting thing is we had a luncheon as
23 kind of the grand announcement of the replacing
24 the school resource officers, the certified law
25 enforcement officers with these security folks.



1 Held it in the cafeteria of Louisville High
2 School, and there were at least four or five of
3 the security officers present. Because
4 Defender had not had time to hire the ones who
5 would be serving in Chester's facilities,
6 Dr. Slayman directed them to just bring in some
7 security officers you have, that you already
8 have employed, whether they're gonna work here
9 or not. I only think one he -- I only think
10 one of them was ever intended to be placed in
11 our facilities in Chester. And the board was
12 told, here they are. These are our security
13 officers. But they were not.

14 Q: So is it your -- is the -- who called that
15 meeting? Did the board request such a meeting?

16 A: Dr. Slayman, to her credit, was very good about
17 publicizing what she deemed, and usually was,
18 positive movements or positive initiatives that
19 we were undergoing.

20 Q: Right.

21 A: So she arranged for this luncheon to be held at
22 Louisville High School.

23 Q: And were board members present at that
24 luncheon?

25 A: I know at least three were. I recall three.



1 Reverend Stringfellow, Ms. James, and
2 Ms. Lawson.

3 Q: So is it your testimony that these employees of
4 Defender were just stand-ins?

5 A: That is correct.

6 Q: Was it ever said at that meeting that these are
7 your SROs? Or how was that ---

8 A: It was said at that meeting, these are your
9 security officers, yes, as if they were going
10 to be the ones -- ours.

11 Q: As if those are the ones that'll be protecting
12 the kids?

13 A: Right.

14 Q: They will be in your schools?

15 A: Right. But it turns out they were, as you said
16 and as I'll say, stand-ins for Defender. They
17 worked elsewhere. One of them worked at a
18 nuclear plant. One of them worked in
19 Greenville that did mostly like concert
20 security and event security, that kind of
21 stuff.

22 Q: Just if you remember, describe for me, did they
23 ask these gentlemen -- or ladies and gentlemen
24 to stand up, or did they, you know, raise their
25 hands? How did they present them to the



1 public? How were these ---

2 A: They did stand up, and they had on the attire,
3 like a logo shirt, if I recall correctly.

4 Q: And who made this announcement? Who introduced
5 them; do you know who?

6 A: I do not.

7 Q: Now, you described an incident a minute ago
8 where Dr. Slayman berated you in public. Do
9 you remember any other occasions where she did
10 something similar to you in a public setting?

11 A: Well, she would get antagonistic toward me in
12 front of principals. It was usually one or
13 two. I probably have specific examples in my
14 notes.

15 Q: You can refer to your notes, if you like.

16 A: And on several occasions she, you know, use a
17 slang term, she'd blister me pretty good. And
18 I'd be like, oh, my gosh. You know, what did
19 I do? And then the people in the office would
20 leave, and then she would summon me back and
21 then say, now, I had to get on you like that in
22 front of them to let them know who the boss is.
23 I know you really didn't screw up. I know you
24 really didn't make the mistake, but I have to
25 get the lay of the land straight.



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1 Q: All right. So ---

2 A: Not -- those weren't her words, but that was
3 the gist of what she would say to me.

4 Q: How often did that occur where she berated you
5 in public or in front of other coworkers,
6 colleagues over the -- let's say 2013 to 2015?

7 A: With me, maybe four or five times.

8 Q: Okay. And like I said, you're free to refer to
9 your notes if you can -- if you'd like to.
10 Now, these notes you're referring to, did you
11 create them recently, or what would you
12 describe you're looking at?

13 A: I had these notes archived -- well, actually,
14 I had multiple sets of notes archived from my
15 time in Chester, especially when things really
16 started -- when I was made aware that
17 Ms. Bagley was gonna come in to do, I guess,
18 you'd call an investigation. I'm not sure what
19 you would call that.

20 Q: All right.

21 A: I had just as a point of reference for me, and
22 I am my own worst critic, so I always keep
23 notes, either it be from Dr. Slayman or
24 another. I worked for eight superintendents.
25 I've always kept notes as to what I could do to



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1 be better and instances that I've been involved
2 in.

3 I can tell you when -- even about the security
4 matter when all the principals were summoned to
5 meet in -- I think it was that same Chester
6 High media center office. Two of them told me
7 after that meeting that -- this is
8 Dr. Slayman -- laid down the law that there
9 would never been any negative commentary with
10 regarding the security officers. This is
11 opposed to SRO -- that the principals weren't
12 allowed to speak about the security officers.
13 They were asked by community members or the
14 media, and she told them -- Tammy Graham said
15 this to me and Wendell Sumter said this to me.
16 They walked out and said she'd just threatened
17 to kill us if we said anything.

18 Q: Okay. Did you ever hear her use those words?

19 MS. POLVI: Just a quick objection of the form of --
20 I would seek to strike that, as it's hearsay,
21 that neither -- he's asserting that -- it's an
22 out-of-court statement asserted for the truth
23 of the matter asserted, and it's not statements
24 that he himself made.

25 HEARING OFFICER: I agree. It is hearsay, and I'm



1 striking it.

2 Q: Did you ever hear her say things like or the
3 words "I will kill him" or ...

4 A: I've heard -- I mean, do you want me to use ---

5 Q: Sure. Use it all.

6 A: --- profanity?

7 Q: Yes, absolutely.

8 A: Okay.

9 Q: Whatever you remember.

10 A: Referring to a school board member, Rick
11 Hughes, I will kill that son of a bitch; to
12 Shawn Williams, I will rip your throat out; to
13 Jeff Gardner, I will cut your knees out from
14 under you if you do this again. That's when --
15 and I would say mostly the last year that I was
16 there and Dr. Slayman was there, that's when
17 things really just started escalating. The
18 aggressive manner, the threatening remarks to
19 the point where the day she made the threat to
20 Ms. Williams that she would rip her throat out.
21 And it was -- I vividly remember Ms. Williams
22 had had some sort of event and had invited
23 board members to join in. It might have been
24 the recruitment fair. I don't recall. And in
25 a board meeting, Ms. Williams publicly thanked



1 the board members who were able to attend. And
2 Dr. Slayman took that as a slam on the ones who
3 were not able to attend, and evidently one of
4 them said something about it 'cause that's what
5 she said in the cabinet meeting that next day.
6 Ms. Williams, obviously, was very offended.
7 Dr. Slayman called me in not long after and
8 said she got upset and I said, yeah, she sure
9 did. You think she's gonna do anything? I
10 said I don't know. I said -- she's said, well,
11 you know I say that kind of stuff. And I
12 said -- I remember my direct statement was you
13 know you're -- I don't want to say diminutive
14 in a negative way but diminutive in size or
15 stature. I said, Agnes, you know, when you say
16 it to us, I say, well, I don't -- it hurts but,
17 you know, you're not a big woman. I don't
18 think you would do that. I said, but if it
19 were ever written on paper, it makes you look
20 seven feet tall wielding an axe.
21 But it didn't stop. And it was a very regular
22 occurrence. The he is screwed; I'll kill him;
23 I'm gon' get him; this will be the end of her.
24 A principal and a -- or a vice principal and a
25 teacher wrote a character reference letter



1 personally, not in a professional capacity, for
2 a former student of theirs who was going
3 through a trial, a felony trial. And
4 Dr. Slayman found out about it, and she called
5 them ignorant and said if you ever do anything
6 like that again, I will fire you. And they
7 walked out perplexed. Well, we didn't do
8 anything in our professional role. What was
9 the problem?

10 But it was always interactions like that, and
11 it got to the point where we would walk out of
12 cabinet meetings. Or if it was just me and
13 Jeff or just me or Jeff would come out and go
14 like, oh, my gosh, she's killing us. I mean,
15 the -- kind of the joke he and I had to kind of
16 give some levity, when we would get summoned,
17 the carpet had a green stripe and we would just
18 say, oh, my god. Walking the mile. Walking
19 the green mile, because it was a green carpet.
20 Because we never knew what was coming next.
21 And so it just progressed to the point where
22 Jeff's like, man, I got to do something. He
23 was undergoing counseling at the time. I'm
24 sure he can provide that directly. He apprized
25 me that he was starting to have to take blood



1 pressure medicine. And he came out of her
2 office one day, and he was just like this
3 (demonstrating). He was a basket case.

4 Q: And just for the record, you observed him
5 shaking?

6 A: I did.

7 Q: After he met with Dr. Slayman?

8 A: Directly from her office, he came to my office
9 to vent. And he -- I saw Brooke get like this.
10 You know, Dr. Slayman made a statement in front
11 of us -- I know it was me and Brooke -- that
12 our PR department sucked, quote/unquote.

13 Q: And Brooke was in charge of the PR department?

14 A: She was the PR department.

15 Q: Right.

16 A: And ---

17 Q: What did you observe, if anything, of
18 Ms. Clinton at that time? Can you describe it
19 for the record?

20 A: Well, I walked into our office to console her
21 'cause she was -- she started crying. 'Cause,
22 I mean, she worked as hard as any of us to do
23 whatever Dr. Slayman said we needed to do.

24 Q: All right. How long have you known
25 Ms. Clinton, just the amount of time that you



1 worked there ---

2 A: Correct.

3 Q: --- in Chester? And how about Mr. Gardner?
4 How long have you known him?

5 A: When I started in Chester, he was principal of
6 Chester High, so I knew him in that
7 relationship. I was never the supervisor of
8 the principals, just the folks in my department
9 and the DO. Dr. Slayman was adamant that she
10 was the go-to for the principals, which
11 obviously was fine. But, again, after Colonel
12 Turner passed away, Mr. Gardner applied for and
13 ultimately was hired as the other associate
14 superintendent. So from I guess mid-2013 to
15 now I've known him ---

16 Q: Okay.

17 A: --- personally.

18 Q: How do you know about the blood pressure
19 medicine?

20 A: He told me directly he started having to take
21 blood pressure medicine.

22 Q: Do you remember if he -- strike that.
23 Did you observe other occasions where he was
24 upset as it related to an interaction with
25 Dr. Slayman?



1 A: I did. His -- even his own secretary would
2 come into my office, which is kind of
3 catty-cornered across from her open office and
4 say, you might want to go in and talk to
5 Mr. Gardner. He's upset. And I don't mind
6 telling you that the most remarkable thing --
7 and, you know, I worked in high-stress
8 environments. Again, I worked for five
9 principals, eight superintendents. I know what
10 stress is. I have no problem with stress when
11 it's due stress, meaning if it's a reasonable
12 reason to have stress. But we would walk out
13 of that office sometimes like, oh, my god, that
14 makes no sense. Here we go again. Mr. Roddy
15 said to do this, or her breakfast club said to
16 do that.

17 And I would be in a meeting -- when I was
18 leading advanced ed, I had arranged for -- we
19 had one underroof building down the hill from
20 the district office that accommodated three
21 separate elementary schools known as Chester
22 Park. I had arranged to meet with those
23 principals and some of their staff, upper level
24 staff about advanced ed. It was a meeting I'd
25 had scheduled for a couple of weeks. And I got



1 a call from Dr. Slayman saying I need to see
2 you in my office. I said, well, I've just
3 started this meeting. No. I need to see you
4 now. I've had this meeting on -- I'm the one
5 leading the meeting. Just call it quits. Stop
6 it.

7 So I went back up the hill, and it was only to
8 hear her chide and derail the sheriff. Had
9 nothing to do with school business. And that
10 was just an ongoing phenomenon.

11 Q: Any other observations that you want to share
12 about Mr. Gardner, how he looked, how he acted?

13 A: I mean, there was a visible change in him. You
14 know, my bachelors degree's in physiology. I
15 owned a health club. I know what people's
16 physical appearance looks like. He was at a
17 breaking point. And he is the one -- I say
18 this in open forum, I guess, that said, if we
19 do something, I'm gonna die. It's killing me.

20 Q: Are you aware of any other -- and we can ask
21 him, of course -- but were you aware of any
22 other outside factors in Mr. Gardner's life
23 that he could have been attributing his I'm
24 gonna die statement to?

25 A: He led an active lifestyle. A hobby craftsman,



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1 wood, very solid marriage. I had remained not
2 distant friends. We've gotten together maybe
3 once a quarter since I left Chester. So I'd
4 become friends with his wife. Very model
5 couple, so to speak. They'd been married so
6 long. Two sons and a daughter, got grandkids.
7 No, I don't -- I did not ever see any or hear
8 of any external influences other than the work
9 environment that caused him to ...

10 Q: And you worked with him five days a week,
11 eight, nine hours a day; is that fair to say?

12 A: That is correct. Usually we do -- probably
13 three days out of the week, we'd go to lunch
14 together. The other two days, we would go work
15 out at the Y together. I got him into that to
16 try help him blow off some steam, to be honest
17 with you.

18 Q: The incident with the volunteer stipend
19 cheerleading coach that was fired, do you
20 remember any other instances where you were
21 told to go fire someone, or do you remember
22 other occasions where Dr. Slayman threatened
23 people with their jobs?

24 A: It was so commonplace. I remember the director
25 of the alternative school left a door up one



1 afternoon, so it was unsecured. Dr. Slayman,
2 I don't know how she found out about it, but
3 her words to me when she called me was, I want
4 you to go down there and rip Danny's head off.

5 Q: And who was Danny?

6 A: Danny Scruggs was the direct or principal of
7 the alternative program. We had ---

8 Q: Why was she mad at Danny?

9 A: Pardon me?

10 Q: Why was she mad at Danny?

11 A: 'Cause she found out he left the door unsecured
12 and it was supposed to been locked.

13 Q: They don't have an SRO?

14 A: That's interesting. It was a part of -- it was
15 housed in the Chester Middle School complex.
16 And there was an SRO on site there.

17 Q: Okay. So did you go rip Danny's head off?

18 A: I did not. I went and told him that
19 Dr. Slayman was upset he left the door open.
20 I have never threatened anyone in an aggressive
21 manner or with their job, especially if it
22 wasn't something egregious enough to do that
23 for.

24 We had a situation where a coach's son who was
25 trying to finish college did not take his



1 requisite foreign language courses. Turns out
2 when he was in high school, he had a 504 plan.
3 And if he had acted responsibly and utilized
4 that through his college experience, he could
5 have been exempted. Dr. Slayman called the
6 director of special services in, Jeannie Ligon,
7 to inquire about that. And she -- I won't say
8 coerce. She basically said I need for you to
9 change the document to show that he got the
10 services at Louisville.

11 And Jenny said, I'm not gonna do that. That
12 would be altering a legal document, a federal
13 document. And Dr. Slayman kept trying to
14 persuade her, and it got a little more forceful
15 to the point where Ms. Ligon said, do I need to
16 call my attorney? I'm not going to do that.
17 Dr. Slayman dismissed her and told her go.

18 Q: This occurred in Dr. Slayman's office?

19 A: It did. And I was present. And Dr. Slayman
20 asked me if I thought -- if she thought -- if
21 I thought she ought to fire Ms. Ligon for not
22 doing what she asked her to do.

23 Q: And what did you tell her?

24 A: I said I wouldn't change it. It's a federal
25 document. It's a legal document. That would



1 be illegal to change that document, especially
2 something that was already in place.

3 Q: So ---

4 A: Been in place.

5 Q: --- this student was graduating from college
6 or -- and did not, as I understand your
7 testimony, student had not completed his -- or
8 her requirements -- his requirements for
9 graduation?

10 A: Correct.

11 Q: So the -- is it fair to say that the parents
12 were under the gun to try to -- or the student
13 to try to correct the record, so to speak ---

14 A: Right.

15 Q: --- so that he could graduate?

16 A: Right.

17 Q: That's your understanding?

18 A: That is correct.

19 Q: Okay. Was anyone else in the room besides
20 Ms. Ligon?

21 A: No, sir.

22 Q: You, Ms. Ligon, and Dr. Slayman?

23 A: That is correct.

24 Q: All right. Can you just give me just one
25 second?



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1 MR. WINBURN: We're off the record.

2 (Off the record)

3 MR. WINBURN: Dr. King, I just have a few more
4 questions. I'm gonna hand you Petitioner's
5 Exhibit 13. It's been premarked for
6 identification.

7 (Petitioner's Exhibit Number 13 was introduced into
8 the record at this time.)

9 Q: Can you tell me what you are looking at or what
10 that appears to be?

11 A: These were my -- the first thing were my
12 initial notes from back late summer of 2015.

13 Q: Okay. Are those the ones that are handwritten
14 King on top of it?

15 A: That is correct.

16 Q: All right. And as you continue, there is a
17 typewritten Dr. Charles King section that
18 begins, my primary concerns I have witnessed?

19 A: Right.

20 Q: Okay. Follow -- and that ends with what
21 appears to be sort of a typewritten signature
22 Dr. Charles King; is that correct?

23 A: That is correct.

24 Q: All right. So I wanted to ask you a couple of
25 questions based on this exhibit. Under the



1 "primary concerns I have witnessed" section?

2 A: Yes, sir.

3 Q: In the middle of the page, it appears that you
4 had included in bold that and quote, I, in
5 parentheses, Slayman, end parentheses, lied to
6 the board and told them that you were in on all
7 the interviews, end quote?

8 A: Yes.

9 Q: What does that relate to?

10 A: That goes back to interviewing the new chief of
11 security for the school district. There were
12 some -- as it began to evolve into a more
13 lengthy process than we thought, there was --
14 sometimes I was not able to be in the
15 interviews. Dr. Slayman told the board -- or
16 she told us she told the board that she said we
17 were -- that the both of us were in all of the
18 interviews, and she directly said, I will --
19 she used the I lied to the board and told them
20 you were in on all the interviews. She said
21 that to me and Mr. Gardner.

22 Q: And why was that?

23 A: She also informed the board that the security
24 officer would have arrest powers, and they did
25 not.



1 Q: So Defender SROs -- contract SROs do not have
2 arrest powers?

3 A: They did not at that time.

4 Q: All right.

5 A: Correct.

6 Q: Does that mean -- so what does that mean? Does
7 that mean they would have to call for backup?

8 A: Presumably the call would still -- if there was
9 a severe incident, physical incident or
10 whatever, they'd still have to call law
11 enforcement to come take this student away.

12 Q: So ---

13 A: Or whomever away.

14 Q: So in the rural schools, would that mean the
15 sheriff's office?

16 A: That would mean the sheriff's office. But,
17 again, she had attempted to develop a rapport
18 with the Highway Patrol so that they would
19 respond instead.

20 Q: Do you know if that was ever established
21 that -- well, and it won't be the sheriff; it
22 would be the Highway Patrol state troopers?

23 A: I do not know if there was ever an incident
24 where they were called. I know one principal,
25 naming Dr. Jim Knox was principal then of



1 Louisville High School said he was gonna call
2 the sheriff anyway. Said, I'm gon' do whatever
3 I need to do to keep my kids safe. But to the
4 credit of the principals, they were, I guess,
5 fortunate we didn't have any incidents to where
6 anyone had to be called.

7 Q: All right.

8 A: As I recall. But she did say to me there was
9 an article about the luncheon, the presentation
10 event we had for the new security officers, and
11 I was quoted, as I said in my notes, I was
12 asked, you know, what's the primary purpose?
13 And I said, of course, to keep our kids safe.
14 And Dr. Slayman's direct comment to me was,
15 well, you're in deep now. If we go down over
16 this, you go down too, meaning her and Jeff.

17 Q: Okay. All right.

18 A: And that's not the only time she said that to
19 me.

20 Q: That you were in deep and going -- if you're
21 gonna -- if I'm going down, you're going down
22 with me: Is that a statement she would make
23 often?

24 A: The day that she was placed on administrative
25 leave as a result of the grievance, she called



1 me. I think that was that evening at home.
2 She sounded upset or distraught. And I'll
3 never forget. I was on my bike trainer
4 exercising. First thing she said was, I'm
5 not -- it was told not to call anyone. I'm
6 calling you anyway. Do you know -- and she
7 kept inquiring as to who I though initiated the
8 grievance, asking me for names. And then she
9 said to me then, you know if I go down, you're
10 gonna go down with me.

11 Q: Right.

12 A: And I was -- I had been told at that point not
13 to relay any information to her.

14 Q: So in other words, don't tell her who all
15 signed that grievance that we've entered into
16 evidence already?

17 A: That is correct.

18 Q: All right. Did you have any other
19 communications with her after that point, after
20 that phone call?

21 A: Well, she came back for a number of days, maybe
22 a week. And obviously in the course of the
23 normal conducting of business, had to have some
24 dialogue with her about some issues we were
25 contending with. One I remember -- I want to



1 say one had to do with a class ranking matter,
2 a student where they -- like, salutatorian and
3 valedictorian kind of thing and ---

4 Q: Right.

5 A: She met with me and one of my instructional
6 staff in the foyer of her office, which is
7 where Ms. Callie McConnell was located, not in
8 her office. But that's really the only
9 interaction that I had with her that week she
10 was back.

11 Q: And moving down a little bit to the hostile
12 workplace section of your notes, as I
13 understand your testimony -- this is what we're
14 looking at (indicating). I think you had
15 already testified as to these quotes that
16 you've got listed: To Ms. Williams, quote,
17 I'll rip your throat out; to Mr. Gardner,
18 quote, I'll cut your knees out from under you.
19 That was stupid; To Ms. Clinton, you screwed up
20 my speech. This could cost you your job. I
21 don't think you've testified to that one yet.
22 But all -- are those three quotes, are those
23 accurate?

24 A: They are.

25 Q: And you heard her say that? This is not an



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1 occasion where someone told you this is what
2 she said?

3 A: I heard those quotes directly.

4 Q: All right. The bottom of the next page that
5 begins in bold, she threatened me when a word,
6 the word "itinerary," was misspelled. Can you
7 tell me about that?

8 A: That was a presentation or some information I
9 was directed to present to the school board.
10 And one of the board members, who was a former
11 principal at that time, and Dr. Slayman
12 informed me that I had inadvertently misspelled
13 the word "itinerary." Unfortunately, spell
14 check didn't catch it, obviously. But anyway,
15 it was misspelled on a school board agenda, and
16 she directly said -- she -- very angrily, if
17 you want to keep your job, this kind of thing
18 will never happen again. And she quoted -- the
19 quote I remember her saying I'd get crucified
20 if it ever happened again.

21 Q: That conversation, do you remember where it
22 took place?

23 A: In her office.

24 Q: Okay. Do you remember if the door was open or
25 closed?



1 A: I don't recall.

2 Q: Did you oftentimes -- when you were summoned in
3 her office, did you close the door behind you,
4 or was it ---

5 A: Almost always.

6 Q: Okay.

7 A: Almost always. She asked me to close the door.

8 Q: Okay. Now, moving on, there's another page
9 that's indicates superintendent expectations
10 September 2015. Is that in your exhibit?

11 MS. POLVI: Let me pause there.

12 (Off the record.)

13 Q: Dr. King, were you aware of any improvement
14 plan that was issued or proposed to -- do you
15 have any personal knowledge of an improvement
16 plan issued or proposed to Dr. Slayman?

17 A: The document that you all just referred to, I
18 was told by the school board chair that
19 Dr. Slayman would be provided and worked with
20 on developing an improvement plan. And I was
21 provided a copy of this document. That's about
22 all I can say ---

23 Q: All right.

24 A: --- about it.

25 Q: Do you remember -- do you know how you came in



1 possession of this document?

2 A: I was provided it by a board member.

3 Q: All right. Do you remember which board member

4 it was?

5 A: I do not recall.

6 Q: All right.

7 A: I can give you one of two names who it may have

8 been, but I don't recall.

9 Q: That's okay. As I mentioned earlier, it's

10 no -- I'll deal with that. Did you author the

11 Betty Bagley report?

12 A: I did not author that report. I was privy to

13 a witness of most of what's in the report, but

14 I did not author it.

15 Q: All right. Were you interviewed ---

16 A: I was.

17 Q: --- by Betty Bagley?

18 A: I was the very last one interviewed.

19 Q: Were you -- how long did that interview take?

20 Or where was it?

21 A: It took place in the conference room in the --

22 kind of the executive suite corner of the

23 building. And probably an hour and a half.

24 Q: Okay. And are you familiar with the report?

25 A: Very much so; yes.



1 Q: Did anybody else sit in with you and Betty
2 Bagley, or it was just the two of you?

3 A: It was just the two of us.

4 Q: All right. And I understand there's an
5 objection to it being entered. But if I may
6 ask you a couple of questions -- although I
7 think you've already testified to some of
8 it ---

9 MS. POLVI: And, again I would say, without it being
10 entered, he should not be able to refer to it
11 to answer questions that you're about to ask.

12 MR. WINBURN: That's fine. I'm just looking at it.
13 Oh, what's that? Oh, you don't want him to
14 look at it?

15 MS. POLVI: Right.

16 MR. WINBURN: That's fine. I -- I'll ---

17 MS. POLVI: If you'll just flip it over for me?
18 Thanks.

19 Q: Yeah. You can look at your notes though that
20 we've already talked about. So a couple of
21 other little topics I want to ask you about,
22 and then I will let you go and you can answer
23 any questions Ms. Polvi may have of you. Do
24 you have -- were there any occasions where you
25 were reprimanded in any way for taking time off



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1 or away from the district?

2 A: I won't say that I was ever reprimanded. The
3 most I can say about that is there was a -- it
4 was such an issue to request time off that most
5 of us did not. I won't even say most of us.
6 I did not. I always had leave days left over
7 at the end of the school year. However, there
8 were times when I -- that led to that that made
9 me not ask for time off.
10 For example, in late 2012, my oldest brother
11 passed away. Dr. Slayman obviously was
12 notified. When I finally spoke with her, she
13 asked me how many days I was gonna need for
14 that. And when I told her, she said, are you
15 sure you're gonna need to be out that long?
16 The only sympathy I got from her was she knows
17 one of my other brothers pretty well. She's
18 had a working relationship with him before.
19 She asked if it was him. And I said no, it was
20 my oldest brother. Oh, well, how long are you
21 gonna need to be out? And then I told her, I
22 said, well, you know, it's three days. She
23 said, do you really need to be out that long?
24 And I said, well, my sister-in-law is -- does
25 not know my brother's military history. I need



1 to go into the funeral home. I had go give a
2 whole bunch of reasons. Then a spade of bad in
3 my life there. My brother's son, about two
4 months later was killed in an automobile
5 accident.

6 Q: The same brother that ---

7 A: The same brother. And then I called
8 Dr. Slayman about that, and then she said,
9 you're not gonna need to take time off for
10 that, are you? And I said, well, actually, I
11 am. I'm a pallbearer. But just one day. That
12 kind of question. Yes.

13 And then about two months later after that, my
14 brother's wife, my nephew's mother died in an
15 accident. And I had to take a day off from
16 that, but I only took one day.

17 Q: Did you ever -- do you recall any specific
18 discussions with Dr. Slayman about the death of
19 your former mother -- sister-in-law?

20 A: Well, I knew by that point because, you know,
21 I also lost two very dear friends during that
22 time. I did not request time off to go to the
23 funerals because it -- just blatantly speaking,
24 it was not worth the hassle and the
25 disparagement I felt like I'd receive if I did.



1 So when I called her about my sister-in-law, I
2 just immediately said I will only need one day
3 for the funeral.

4 Q: All right.

5 A: And the -- when I would take time off, I mean,
6 she -- I had -- my wife and I went on an
7 anniversary trip. The airplane had mechanical
8 issues coming back. I had to take an extra
9 day. Dr. Slayman got angry about that.
10 Wouldn't speak me for a week.

11 Q: Any issues between -- that you observed
12 regarding, well, remarks concerning race?

13 A: Not anything blatantly toward anyone. She
14 would use the words "black" ---

15 Q: Uh-huh.

16 A: --- you know, like I'm -- you know, but not
17 anything blatantly racist that I would say.

18 Q: And do you recall -- switching gears again, do
19 you recall any incidents related to
20 transportation, bus drivers that you'd had to
21 deal where?

22 A: I did deal with that. That was Mr. Gardner's
23 arena.

24 Q: Okay. Give me one second. Is there anything
25 else that you think -- would you like to -- any



1 other examples. Strike that.

2 Any other examples like hostile work
3 environment that you haven't discussed today
4 that you believe would benefit Ms. Pike's
5 deliberations in this case?

6 A: The only thing I can say is it was -- you know,
7 there was always an air of unease, stress that
8 I felt was undue. I mean, the district
9 generally ran pretty smoothly, I thought. Most
10 of things came up were political in nature.
11 Just a couple of other things to recount, when
12 Colonel Turner -- or Mr. Turner passed away --
13 I may have said it earlier. I don't remember.
14 Oh, I was crying. I had gotten close to the
15 guy. He's a very, very fine man. And I'm
16 sitting in Dr. Slayman's office about three or
17 four hours after we heard the news, and she
18 looked at me and said, I wonder who we're gon'
19 get to replace him. You know, who -- do you
20 have anybody in mind? Like, oh, my gosh, he
21 just died like hours ago.

22 We had a principal who's mother had a lengthy
23 bout with cancer, and Dr. Slayman expressed to
24 me and Mr. Gardner on multiple occasions, oh,
25 my god, he's out again. He's out with his mom



1 again. And then when she died, I came back
2 from the funeral. She said, well, at least he
3 won't need any more time off after this.

4 And then I recall a meeting that I was in on
5 with her and Mr. Gardner, and Dr. Slayman asked
6 for a -- all the principals to come in, which
7 happened fairly frequently. She would pull the
8 principals out of the building for, I mean,
9 just one item. In my mind, I can't even recall
10 any of them because they were nonincidental to
11 me. And a couple of the principals bucked a
12 little bit, so, you know, we need to be here.
13 It's during -- I can't remember if it was at
14 the beginning of school or it was something
15 going on. And Dr. Slayman looked at me and
16 Mr. Gardner and said, Jeff, just make it
17 3:30 on Friday. That'll fix them.

18 Q: I'm sorry. Make what 3:30?

19 A: Make the meeting -- instead of calling it
20 today, which was like a Thursday at 11:00, let
21 it be -- just make it 3:30 tomorrow afternoon
22 on Friday. We'll fix them. They'll come when
23 I want to after that. But I guess going into
24 this -- and, you know, when I say all that, so
25 we did do some good things in Chester. We had



1 a one-to-one technology initiative,
2 apprenticeship program, the reformulation of
3 Title I, lots of good things going on but I
4 felt always were overshadowed by just minute
5 her rambling, harassments, threatening
6 environment. Just a hostile place to work.

7 Q: And these behaviors that you described, you
8 know, was it in line with what you have
9 experienced throughout your career of other
10 educators? This type of behavior, have you
11 ever experienced it before?

12 A: Not as an educator; no. Not even close. Not
13 even close.

14 Q: Okay. If you were offered a job to work with
15 Dr. Slayman again, would you do it?

16 A: My wife and I have had that discussion, and I
17 have said I wouldn't do it, no matter what the
18 incentive, what the pay. No. Absolutely no.

19 Q: That's all I have. Thank you.

20 **DR. KING - CROSS-EXAMINATION BY MS. POLVI:**

21 Q: Dr. King, I have -- it's my opportunity to ask
22 you some questions. Let's start with ---

23 **MS. POLVI:** If we can get out Exhibit 8? Thank you.

24 Q: Dr. King, I've handed you what ---

25 **HEARING OFFICER:** Give me just a minute and let me



1 catch up with you. Hold on just a second.

2 MS. POLVI: Of course.

3 HEARING OFFICER: I'm sorry. We're on Exhibit ---

4 MS. POLVI: 8.

5 HEARING OFFICER: 8. Okay. I'm up with you. Go
6 ahead.

7 (Respondent's Exhibit Number 8 was introduced into
8 the record at this time.)

9 Q: Dr. King, you have a two-page document before
10 you. It's been premarked as Respondent's
11 Exhibit 8. It's a document dated August 30th,
12 2011. It appears to be your signature on the
13 second page. Is that, indeed, your signature?

14 A: Appears to be so; yes, ma'am.

15 Q: And is this a document that you drafted?

16 A: Yes, ma'am.

17 MS. POLVI: I'd like to enter it into evidence.

18 MR. WINBURN: No objection.

19 HEARING OFFICER: Okay. So entered.

20 (Respondent's Exhibit Number 8 was admitted into
21 evidence.)

22 Q: This document is a recommendation letter that
23 you provided to the Chester County School
24 District in support of Dr. Slayman's
25 application to become superintendent, is it



1 not?

2 A: Uh-huh.

3 Q: I'm sorry. You have to be verbal for our court
4 reporter.

5 A: Yes. I'm sorry. Yes, ma'am.

6 Q: And in here you describe that you had worked
7 what you'd state here as worked closely with
8 her, meaning Dr. Slayman, for approximately 11
9 years as you both worked in the Kershaw County
10 School District; is that accurate?

11 A: That is correct.

12 Q: And that Dr. Slayman had supervised you on
13 multiple levels when you were assistant
14 principal?

15 A: Just one -- well, one tenure. One year.

16 Q: And a time frame when you were a principal in
17 Kershaw County School District?

18 A: I -- you know, I don't know if she was my
19 supervisor or not, to be honest with you. I
20 don't know what the work structure was, but she
21 was an associate assistant superintendent, and
22 I was a principal.

23 Q: And based on those 11 years of working closely
24 together, you described to her as being --
25 distinguishing herself at every level in the



1 educational field, right?

2 A: Absolutely.

3 Q: And that she was highly regarded by employees
4 at all levels of the Kershaw County School
5 District and by parents and community members;
6 is that accurate?

7 A: Based on my experience, initially were high;
8 yes, ma'am.

9 Q: And you strongly recommend her -- Dr. Slayman
10 for the position of superintendent, did you
11 not?

12 A: I did.

13 Q: So based on your testimony today in the
14 seven-page document that we see that you
15 produced to Betty Bagley and thereafter has
16 resulted in it being given to the Department of
17 Education, paints a very different picture of
18 Dr. Slayman; isn't that true?

19 A: Yes, it does.

20 Q: And so with regard to the statements that you
21 included in your recommendation letter, you
22 felt that she was an excellent person for the
23 job in the first place, right?

24 A: I did.

25 Q: And that ultimately you obtained the position



1 with the Chester County School District at the
2 strong recommendation of Dr. Slayman, did you
3 not?

4 A: Correct.

5 Q: And you would not have become an associate
6 superintendent but for Dr. Slayman's support?

7 A: Not in Chester County, I would not have.

8 Q: And prior to you obtaining that associate
9 superintendent of curriculum position in
10 Chester County School District, you had never
11 obtained a role at that level in your career
12 thus far?

13 A: Not other than being a school board trustee.

14 Q: And Dr. Slayman was the person who initiated
15 hiring you with Chester County School District,
16 correct?

17 A: I actually don't know the answer to that. I
18 know that I was contacted by Dr. Slayman that
19 the position was going to be coming available,
20 and I was encouraged to apply. And I did so,
21 and it was a panel interview, which I'm sure
22 Dr. Slayman had the final say regarding that.

23 Q: And at the time, you had taken a sabbatical of
24 sorts from the education field and owned a gym?

25 A: That is correct. Except I worked as a -- an



1 adjunct professor for a university, and I also
2 was on the school board in Kershaw County, so
3 I kind of held on to my education experience
4 during the time I owned my gym.

5 Q: And you were aware at the time that you were
6 hired that the board wanted your hire in order
7 to help bring order to what they described as
8 a contentious district office? You were told
9 that when you were hired, correct?

10 A: I don't know if the word "contentious" was
11 used, but Dr. Slayman did say there were some
12 issues that needed to be resolved.

13 Q: And that you were hiring -- was sought to help
14 do reorganization, not necessarily fire people
15 but to try to reorganize and promote a better
16 functioning district office?

17 A: That is the charge I was given at the time I
18 got hired.

19 Q: And you're aware of that during the time frame
20 you were associate superintendent under
21 Dr. Slayman's leadership that she engaged in
22 succession planning with the school board; is
23 that right?

24 A: Meaning?

25 Q: Succession planning for leadership.



1 A: Yes.

2 Q: Are you aware of her supporting your further
3 development as potential superintendent in the
4 future?

5 A: Not aware of that.

6 Q: And Dr. Slayman did, indeed, support your
7 development, didn't she?

8 A: Come -- you'd have to put that in more
9 contextual form. In what manner, by my work
10 experience, or what I was doing in my job role
11 or?

12 Q: Were you obtaining the associate superintendent
13 position in the first place?

14 A: True.

15 Q: So in your statement, you -- or actually let's
16 talk about testimony earlier. You described
17 talking with Dr. Slayman frequently on a
18 day-to-day basis. I think you described it as
19 summons. Either you did or Dr. Winburn did.
20 Wouldn't it be fair to say that you, as
21 associate superintendent, should be working
22 closely with your superintendent?

23 A: I do. Yes.

24 Q: And that with you working on the administrative
25 staff with Dr. Slayman, you were the person who



1 she had known the longest of all the other
2 staff?

3 A: That is correct.

4 Q: She'd known you for almost 30 years at that
5 point?

6 A: How long?

7 Q: Almost 30 years. You said -- you described
8 from the '90s, I believe.

9 A: 1997, to be specific.

10 Q: It's a little under, go ahead and give or take
11 between -- a little over 25 years; that would
12 be accurate?

13 A: I'd say that would be 20 years. 20 years,
14 right?

15 Q: Well, yeah, 20. You're right. Better on the
16 math there than me at the moment. But 20
17 years?

18 A: Right.

19 Q: And she had worked closely with you as senior
20 staff longer than any other administrator on
21 the senior staff?

22 A: Not in Chester. I mean, Mr. Turner was there
23 preceding me. So she'd worked with him longer
24 as senior staff.

25 Q: What was ---



1 A: And Ms. Stroud and Ms. Williams, they were all
2 there before me.

3 Q: Well, with regard to the length of time that
4 y'all had worked together in total?

5 A: Oh, yeah.

6 Q: You indicated, I think, maybe in total about 15
7 years?

8 A: I don't even think they knew her before she
9 came to Chester, but I certainly did.

10 Q: You wrote a statement that describes -- and I
11 quote from one of the documents that you were
12 questioned about, an overwhelming environment
13 of anxiety, unease, and tension that is
14 lingering and ever present. Is that something
15 that you drafted?

16 A: It is.

17 Q: And just two weeks prior to you submitting your
18 grievance and accusing Dr. Slayman of
19 subjecting you to a hostile work environment,
20 you asked Dr. Slayman to take a vacation at her
21 home, didn't you?

22 A: I honestly do not recall that. I don't know
23 why I would have said that. I don't know. I
24 don't remember.

25 Q: You're aware of Dr. Slayman having a beach



1 house?

2 A: As -- to my recollection, she had two beach
3 condos.

4 Q: And that you had previously asked to use her
5 condo for a vacation?

6 A: I have never used her condo for a vacation. I
7 have accompanied her and her husband. I know
8 my brother did. But I don't recall ever asking
9 her to use her place.

10 Q: Well, with regard to what she's indicated to me
11 that you did ask just shortly before you filed
12 this hostile work environment complaint and
13 that she had told you, indeed, she would let
14 you use the condo.

15 **MR. WINBURN:** Objection. Witness -- the lawyer's
16 testifying.

17 If you could just rephrase the question?

18 **HEARING OFFICER:** Please rephrase the question.

19 **MR. WINBURN:** Dr. Slayman hasn't testified yet.

20 Q: It's accurate that Dr. Slayman told you at some
21 point you could use her condo for vacation?

22 A: To answer the question succinctly, I never
23 recall requesting it. But there were frequent
24 times when she would say, y'all know y'all are
25 always welcome to use one of any condos if it's



1 available, because they did rent them out.

2 Q: And you're -- from that testimony, you're
3 saying that's the same person that was yelling
4 at you and somehow intimidating you?

5 A: It is.

6 Q: And you and Dr. Slayman and both of your
7 spouses went to dinner together during this
8 time frame, right?

9 A: We went to dinner intermittently probably the
10 whole time I was in Chester when my wife
11 would -- very rarely, she would come up. I
12 rented a house there so I wouldn't have to
13 drive back late after work some days. And
14 there was occasion that we would go out to eat.

15 Q: And there were times that you attended -- you
16 and Dr. Slayman attended professional
17 conferences with both of your spouses present
18 and you would engage in social activities as
19 well; is that right?

20 A: That was before my tenure in Chester, the times
21 that we were at concurrent -- at conferences.
22 As soon as board members showed up, I would be
23 dismissed.

24 Q: Well, based on going to dinner, getting
25 together, utilizing a vacation home and a



1 friendship that had lasted for, give or take,
2 15 to 20 years, would it surprise you that
3 Dr. Slayman was shocked to find out that you
4 had filed a hostile work environment complaint
5 against her?

6 A: I could see where she would be shocked; yes.

7 Q: Because you had never brought any of those
8 concerns to her attention before, had you?

9 A: The only thing I've said to her before was she
10 would ask me, did I come across too strong?
11 Should I not have said that? There were
12 multiple times when I would say, yeah, you
13 shouldn't have. Or like the incident when she
14 threatened to rip Ms. Williams' throat out. I
15 told her, as I stated earlier, coming from you
16 directly, I wouldn't be necessarily thinking
17 you were going to attack me physically, but if
18 it ever came up in a court of law, it would
19 look bad. That was be -- that was my statement
20 to her.

21 Q: And what you described earlier in your
22 testimony when Mr. Winburn was asking you is
23 that even at the time you knew that statements
24 that, whether they occurred or not, were being
25 taken out of context as they're put in writing;



1 is that right?

2 A: You'll have to explain to me what you mean by
3 that.

4 Q: I think you said that you didn't think
5 Dr. Slayman would actually be threatening to
6 kill somebody; isn't that accurate?

7 A: No. What I said was I didn't think she would
8 actively act on killing someone. So I
9 cautioned her in saying that.

10 Q: And you want to be superintendent, don't you?

11 A: Not at this point in my career; no, ma'am.

12 Q: But you have previously expressed intent to
13 become a superintendent; is that accurate?

14 A: I would say that would have been probably
15 before I left Chester, yes.

16 Q: And when you filed this grievance on
17 September 8th, 2015, you thought, as the second
18 in command of the district, that you would
19 become an interim superintendent, didn't you?

20 A: Absolutely not. I had no idea of that
21 whatsoever.

22 Q: On page 4 of your complaint -- and feel free to
23 refresh your recollection -- you say, I like to
24 think that I'm ready to be a superintendent and
25 will have any own district one day. That fear



1 I have -- excuse me. The fear I have -- have
2 it at that -- well, it's a little confusing
3 phraseology. I might have a typo. But the
4 fear I have is that she won't let me leave or
5 will block me from leaving.

6 **HEARING OFFICER:** What ---

7 Q: Is that testimony that you provided in -- and
8 I'll give you time to look at it on page 4.

9 **HEARING OFFICER:** What exhibit is this?

10 **MS. POLVI:** That's Exhibit 13 from the agency's
11 submittal.

12 A: I'm not seeing it. I'm sorry.

13 **MR. WINBURN:** Number 4 at the top that I circled.
14 It has the handwritten King on the top of it.

15 **MS. POLVI:** Oh, okay.

16 **MR. WINBURN:** Number 4.

17 A: Okay. Got you. What -- I'm sorry. Did you
18 ask a question?

19 Q: You made that statement within your complaint
20 of a hostile work environment with regard to
21 Dr. Slayman, did you not?

22 A: I did.

23 Q: And you've applied for multiple superintendent
24 positions, correct?

25 A: I have.



1 Q: One of those is where Keith Callicutt was doing
2 a search in February of 2015?

3 A: He was doing a search?

4 Q: With regard to Florence 2 School District?

5 A: I was not aware that he was doing the search.
6 I only had dialogue directly with the chair of
7 that school board then. I do not recall his
8 name.

9 Q: And you applied for the superintendent position
10 in Florence 2?

11 A: Florence 2?

12 Q: That's correct.

13 A: I did.

14 Q: And you did not receive the job; is that
15 accurate?

16 A: That's the one that Callicutt was at?

17 Q: Correct.

18 A: Yeah. I was a finalist. That's correct.

19 Q: And you blamed Dr. Slayman for you not getting
20 the job?

21 A: I won't say I explicitly blamed her, but I felt
22 like she intervened 'cause she kept -- she told
23 me that she was having dialogue with that
24 chairperson about some initiatives they were
25 doing there, which I did not think that was



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1 appropriate.

2 Q: Were you aware of Dr. Slayman actually
3 supporting your application?

4 A: I was not.

5 Q: Were you aware of her discussions with the
6 Chester County School Board how to plan your
7 replacement, assuming that you were gonna get
8 that job?

9 A: I did not know that.

10 Q: Wouldn't that show her good faith belief that
11 you would get hired?

12 **MR. WINBURN:** Objection. Facts not in evidence.

13 **HEARING OFFICER:** Please rephrase your question.

14 Q: If you had known that Dr. Slayman was
15 supporting your efforts to find alternative
16 employment as a superintendent, would you have
17 still filed this hostile work environment
18 complaint?

19 A: I would say I would have, considering all the
20 incidents and the culminating events that kept
21 just piling up.

22 Q: In Florence 2, which you'd indicated you were
23 finalist for the superintendent position, ended
24 up promoting someone from within, didn't they?

25 A: To my knowledge, it was an existing staff



1 member, yes.

2 Q: Let's talk about connections with regard to
3 Keith Callicutt. He was the person who you
4 believed would help you get the job in Florence
5 2, right?

6 A: I did not know Dr. Callicutt during that time.
7 I only -- the first time I ever met
8 Dr. Callicutt was when he met me at the door
9 for me to let him into Chester office when he
10 was serving as interim.

11 Q: And he's the person that ended up becoming the
12 interim superintendent for Chester County
13 School District after Dr. Slayman, correct?

14 A: I was acting superintendent for a very short
15 time, but he was named as interim. That is
16 correct.

17 Q: And did you want to continue acting as
18 superintendent?

19 A: I did not. I never expressed that to anyone.
20 I actually thought that by virtue of this
21 grievance, it would quell any chance I would
22 ever have anyway, but I did not want to be
23 superintendent there. There were times when
24 Dr. Slayman had applied in other places. She
25 said, you know you'll get this job. And I



1 said, well, if it happens, it happens. But
2 that was preceding this.

3 Q: And Keith Callicutt submits a complaint to the
4 Department of Education in October of 2015.
5 Were you involved with that complaint filing?

6 A: I was not involved with that. I did not know
7 he was doing that.

8 Q: Did he asking about any of your knowledge with
9 regard to the accusations?

10 A: He asked all senior staff what -- not -- I
11 won't say explicitly what had happened but what
12 had caused Dr. Slayman to be gone.

13 Q: How did you respond?

14 A: I don't ever lie. I told him the truth. I
15 said there were some issues internally. There
16 were some allegations of hostile work
17 environment and threatening remarks, and the
18 board dealt with it.

19 Q: Were you present when the other individuals,
20 the senior staff that you're referring to, had
21 the conversation with Keith Callicutt about
22 Dr. Slayman?

23 A: I do not recall honestly. I mean, he held
24 senior cabinet meetings just like Dr. Slayman
25 did, like most superintendents do. I won't



1 deny there may have been discussions among us
2 as to what we could do to make things better to
3 improve morale, but I don't recall ever any --
4 Dr. Callicutt, if you know him personally,
5 never, never have heard him speak a derogatory
6 word about anyone.

7 Q: With regard to your complaint, your references
8 throughout it, show that you were motivated by
9 a perception that Dr. Slayman was holding you
10 back with your career; would you agree?

11 A: I felt that way to an extent; yes.

12 Q: And in your statement on page 4 as well, and I
13 quote parts of it. It says, at that point, she
14 stated that if I would stick with her, she
15 would get my money right by summer 2015.
16 Obviously this has not happened. So your
17 complaint comes right after a time frame you
18 thought you were gonna get a pay raise?

19 A: She stated to me when I did not get the
20 Florence job. She actually said it before I
21 knew I did not get the Florence job that I'll
22 be happy for you if you get it. But if you
23 don't, just know that we're gonna make your
24 money right. She said that from the time I was
25 hired that my salary would be elevated to



1 what's more appropriate for someone in my
2 capacity.

3 Q: And what was your salary at this time frame of
4 summer 2015?

5 A: I'd probably say low 90s.

6 Q: And earlier in your testimony, you talked about
7 when you were involved, you and Mr. Gardner
8 were involved with the responsibility of
9 interviewing the selection of the chief of
10 security. Do you recall that?

11 A: I do.

12 Q: And you said it was alarming to you -- along
13 some lines similar to that -- that the pay
14 wasn't already allocated for when you were
15 interviewing. When you've interviewed other
16 people, isn't it fair to say that salaries
17 aren't set at times when interviews are
18 occurring?

19 A: Well, actually the pay was set. It was posted
20 at 38,000. It was. What was perplexing to me
21 was that we were not given the leeway to tell
22 the candidates if they were district employees
23 or Defender employees. And at least two of
24 those candidates said, well, I don't know if
25 I'd get the job or not, but I'd need to know



1 that 'cause it makes a difference. Defender
2 paid no benefits.

3 Q: And when we consider that you're the associate
4 superintendent of curriculum, it wouldn't be
5 your job to set the pay of a chief of security;
6 is that right?

7 A: That is correct.

8 Q: It would be the school board, Dr. Slayman, and
9 the finance director?

10 A: That is correct. Probably not even the finance
11 director. I guess that role would be to just
12 say it -- is the money there to allocate. It
13 would be superintendent and the board.

14 Q: And this pay ultimately ended up, I think you
15 described, as being in the 60s still
16 significantly lower than your salary. Why
17 would that salary alarm you for someone who's
18 in a chief type of position within the
19 district?

20 A: The salary level itself wasn't what was
21 alarming. What was alarming was that the base
22 pay was cited in the posting at \$38,000. When
23 the person got hired that Dr. Slayman wanted to
24 be hired, Ms. Williams was directed in front of
25 me and Mr. Gardner to up his salary to the 60s



1 so that he would draw \$38,000 a year. The base
2 salary in the posting was 38,000, which means
3 he would probably have drawn in the low 30s,
4 upper 20s.

5 Q: I know you've indicated ---

6 A: He said he would not take the job for that.

7 Q: And as you indicate again, this is a job
8 posting for inquiry purposes -- the salary's
9 not set 'til someone's hired; isn't that
10 accurate?

11 A: In my mind, if I hire a teacher and the salary
12 said at \$32,742 in the posting, that's what
13 they get hired for. It's based on their
14 tenure, their level of experience, and degree
15 level.

16 Q: And I'm not gonna have us go too long around
17 this circle, but fair to say it was not your
18 decision to make pay decisions about chief of
19 security?

20 A: That is correct.

21 Q: In your statements written as well as testimony
22 that you provided today, you blame Dr. Slayman
23 for fractured community relations with the
24 sheriff's office; is that accurate?

25 A: Yes.



1 Q: Did that prompt your support -- of the
2 sheriff's office prompt your hostile work
3 environment complaint?

4 A: My support of the sheriff's department?

5 Q: Yes.

6 A: I never showed any -- I don't know what you
7 mean by support. Like, did I contribute to his
8 campaign? I mean, I've always been a supporter
9 of law enforcement. I was perplexed as to how
10 we could block the sheriff of the county from
11 coming into our schools to help keep our kids
12 safe.

13 Q: And there was nothing every submitted in
14 writing to the sheriff's office telling them
15 that they couldn't come to schools; isn't that
16 accurate?

17 A: I have no knowledge of that. To my knowledge,
18 no. I don't know.

19 Q: And you testified already during your testimony
20 earlier that principals had already brought the
21 concerns to you and to Dr. Slayman that they
22 were concerned that sheriff's office employees
23 were showing up unannounced at schools; isn't
24 that accurate?

25 A: Yeah. They were upset because sheriff's



1 department employees were coming in finding
2 doors unlocked in the back of the school, on
3 the side of the school, and that kind of stuff.
4 And they -- and the sheriff expressed you need
5 some -- to revamp your protocols regarding
6 locking your schools down and keeping external
7 doors confined to the main entranceway.

8 Q: And you testified quite a bit about Defender
9 and the security company that was hired to take
10 over school security for Chester County School
11 District. That's a board decision; isn't it?

12 A: The ultimate contract of that, you mean?

13 Q: Yes.

14 A: Yes.

15 Q: And the board voted as a body to change
16 security from the sheriff's office to Defender;
17 is that right?

18 A: That is correct.

19 Q: And that you and every other person who works
20 for the school district is responsible for
21 following through with the decisions of the
22 board?

23 A: That is correct. And we did.

24 Q: And when Defender was placed into security,
25 isn't it accurate that they have placed a



1 security officer at every school, whereas when
2 the sheriff's office only had a security
3 officer at the high schools; isn't that
4 accurate?

5 A: I'm gonna have to say when Defender was hired,
6 to my knowledge, they did place someone at
7 every school. I can't honestly recall if a
8 sheriff's person was at just high schools.
9 They may have also have been at middle schools,
10 and I think they were at middle schools but not
11 at elementary. But that's -- I mean, I'm old.
12 My memories fade some, so I don't quite recall.

13 Q: And with regard to testimony about, I think,
14 what's been described as a breakfast club --
15 and I'll just use the same terminology for ease
16 of questioning -- you went to the breakfast
17 club on an occasion, right?

18 A: One time.

19 Q: And Dr. Slayman had welcomed you to be present
20 at other times if you wanted to?

21 A: Yeah. She'd say you ought to come to breakfast
22 sometime.

23 Q: And that's the same person that you're saying
24 subjected you to a hostile work environment?

25 A: I think that Dr. Slayman's interest for me



1 being there was to get me more in the loop with
2 what those guys were directing her to do. And
3 I did not like the agenda. So that's why I did
4 not go.

5 Q: And from one breakfast, you ascertained that
6 these individuals who had breakfast with
7 Dr. Slayman were somehow directing everything
8 that's happening in the school district?

9 A: That one breakfast, when I would hear these
10 gentlemen say that black boy running for
11 sheriff, that was enough for me. I don't have
12 that in me to tolerate that. The other times
13 Dr. Slayman would come back to the office and
14 tell me and Mr. Gardner what her advisors told
15 her we needed to be doing.

16 Q: And with the reference to race that you just
17 made, who are you testifying as who you're
18 saying said that?

19 A: One of the members of her breakfast club.

20 Q: Who?

21 A: I don't know -- I did not know their names.

22 Q: Were you present?

23 A: I knew two of them. I heard one of them say
24 that, yes.

25 Q: But it wasn't Dr. Slayman that made any type of



1 statement like that?

2 A: I never heard her say that at the breakfast
3 that day.

4 Q: And Chester is a relatively small community; is
5 that accurate?

6 A: If I recall, it had about 6,000 kids, 11
7 schools, I think, maybe 12.

8 Q: And civic activities, education, fire
9 department, police department are frequently
10 interconnected because of the size of the
11 community; is that right?

12 A: Best case scenario, yes.

13 Q: I want to ask you about testimony that you gave
14 about time off. Dr. Slayman never denied any
15 time off request you ever submitted; is that
16 accurate?

17 A: That is true.

18 Q: And she, at no time, instructed you that you
19 had to come back to work at any time when you
20 were off?

21 A: She did not. Her exclamation to me and
22 Mr. Gardner, to both of us together was that if
23 she ever called us and we did not answer, 24
24 hours a day, seven days a week, 365 days a
25 year, we are to call her back within five



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1 minutes. That was our charge.

2 Q: And as second in command to the school
3 district, aren't you, if Dr. Slayman's not
4 available, the person responsible for the
5 entire school district? Wouldn't you need to
6 be on call?

7 A: I would say when I'm on my personal leave time
8 or at my brother's funeral or some semblance
9 thereof, there has to be some exclusions from
10 that. Especially if she's in district or -- I
11 have no problem being responsible. Never have
12 had that. But there are times when you've got
13 to get away. But I never did not refute her
14 direct, but I always called her back. And I do
15 understand the importance of being in the role
16 I was in. Took it very seriously.

17 Q: And I am sorry for your brother's, loss and I
18 have to follow up about his passing with regard
19 because you brought it as something ---

20 A: It's okay.

21 Q: --- connected to this case. Is -- isn't it
22 accurate that Dr. Slayman expressed her
23 condolences to you?

24 A: When I talked to her the first time after my
25 brother died, she asked if it was my other



1 brother, who she was friends with. And I said
2 no. And she said, oh, okay. She never told me
3 she was sorry my brother died. She did come to
4 the visitation.

5 Q: And that was gonna be my next question is: She
6 came to the funeral, didn't she?

7 A: I don't recall if she came to the funeral or
8 not. I know she came to visitation.

9 Q: And that's nothing she had to do?

10 A: And she may have. I don't know. I don't
11 remember.

12 Q: That's something she didn't have to do? She
13 chose of her own volition to come to pay
14 respects; is that accurate?

15 A: If she was there for that, yes, I would suspect
16 you are right.

17 Q: Now, I want to ask you some questions about the
18 senior leadership within the district. The
19 grievance that we see marked as the Agency's
20 Exhibit 8, it's the one that you were asked
21 about earlier in your testimony, and there's
22 signatures of you, Jeff Gardner, Ms. Williams,
23 Ms. Stroud, and Ms. Clinton. Those are five of
24 the six senior staff, I think you testified to
25 that effect?



1 A: I would again say that I don't know that
2 Ms. Ligon was referred to as senior staff. She
3 was obviously essential staff, but she wasn't
4 considered a part of the superintendent's
5 cabinet.

6 Q: And if you'll look at the -- I think it might
7 still be handy in front of you -- but looking
8 at the grievance document ...

9 A: Yeah. I got it.

10 Q: You're name is the first one listed.

11 A: Uh-huh.

12 Q: Did you draft this document?

13 A: We talked and drafted it together.

14 Q: So the five of you met together and typed this
15 document together?

16 A: Each of us said, you know, are we gonna do
17 this. Nobody wanted to do it, then like we're
18 gonna die if we don't. So we all came together
19 at some point in time and -- after hours, just
20 saying we've got to do something or we're
21 gonna -- we're not gonna survive this
22 environment. I don't recall -- I mean, that --
23 honestly speaking, that looks like my verbiage.

24 Q: And with your name being listed, my assumption
25 was that you were the person that typed it up



1 and the first to sign in terms of the order.
2 But is that your recollection that you were the
3 individual to type it up?

4 A: Maybe. I don't remember directly. I remember
5 us talking.

6 Q: And I note that your signature is in different
7 ink from that of the other four signatures.
8 Did you sign this document when the other four
9 individuals were present or at some other time?

10 A: As I recall, we signed it all at the same time.
11 But back in that time, this is my pen
12 (indicating). I only used this pen for about
13 25 years, so that's why it would be black ink.
14 I have no reasons to know why the others are in
15 blue unless they all had the same pen or passed
16 around the same pen.

17 Q: And who told you what the process was for
18 filing the grievance?

19 A: I did not -- never received any advice for
20 that.

21 Q: And the document ---

22 A: And well, let me reflect back. I think any
23 educator would know that if you have an issue
24 with a supervisor, then you send your concerns
25 to the person over you -- over that person,



1 rather. So for this group, it would be the
2 board. For me as a principal, it would be, I
3 assume, the board as well.

4 Q: And date on this indicates it's September 8th,
5 2015. And to -- the person to whom it is
6 addressed is Denise Lawson, the board chair.
7 Had you talked to Denise Lawson about this
8 before this dated document?

9 A: No, ma'am.

10 Q: So how did it get into the hands of Ms. Lawson?

11 A: I honestly don't recall. I don't remember. I
12 do not know. By virtue of having her private
13 address, it may -- it might may have been
14 mailed. I don't remember.

15 Q: So after you signed this document, what
16 happened next?

17 A: Ultimately, it was received by Ms. Lawson and
18 certainly created a stir, as we understand. We
19 had an opportunity at some point later -- I
20 don't recall the date -- where Childs &
21 Halligan were charged with, I guess, providing
22 oversight to the grievance process. We met
23 with -- there was a -- there is a room in the
24 Chester district office. It's a tiered -- kind
25 of like a lecture hall that was for staff



1 development, and we were brought in and lined
2 up across the bottom. And the board members
3 were on the second tier looking down at us.
4 And at that point, we had requested and
5 received assistance from the SCEA who appointed
6 Mr. Al Nichols representing attorney for us,
7 and he was present. And we were -- at that
8 point, the board questioned us about what all
9 this was about, why it arose this way, and
10 that's kind of how it evolved. Ultimately,
11 Dr. Slayman was put on leave as a result of the
12 grievance in process.

13 Q: And how do you know that she was put on leave?

14 A: Because she didn't come to work. And she
15 called me that night. When I was on my bike
16 trainer, as I said earlier, to tell me she'd
17 been put on leave. She prefaced it by saying,
18 I'm not supposed to be talking to anybody. Do
19 you know why -- did you know I was put on
20 leave? Do you know who did it?

21 It wasn't a long conversation. I was very
22 short. I don't mind. I was not rude. But at
23 that point, I was told not to have any dialogue
24 with her either at that point.

25 Q: And wasn't the context of the call related to



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1 her calling you as a friend, that she never
2 even thought that you could have been the --
3 one of these people who's complaining about a
4 hostile work environment?

5 A: I don't know what her temperament was via
6 telephone. I don't know.

7 Q: Didn't she ask you what you thought she should
8 do?

9 A: I don't remember if she -- if she did, I would
10 have told her just let the process work out.

11 Q: So let's talk about this time frame that leads
12 up to this complaint. You were trying to
13 actively advance your career at that time,
14 right?

15 A: At some point, I hoped that would happen; yes.

16 Q: And you had told Dr. Slayman that you were
17 doing the majority of Jeff Gardner's job,
18 right?

19 A: I never said that. I did the majority of Blair
20 Turner's job because he was out sick for most
21 of the year before he passed away.

22 Q: And you had told Dr. Slayman that you were
23 doing the majority of the supervision that Jeff
24 Gardner should be doing?

25 A: I don't ever recall saying that.



1 Q: You told Dr. Slayman that Bobby Roddey, Tressa
2 Harrington, and the principals preferred to
3 report to you rather to Jeff Gardner?

4 A: I don't ever recall saying that.

5 Q: You told Dr. Slayman that you were dealing with
6 all the attendance issues of the employees
7 under Jeff Gardner?

8 A: I don't recall saying that, nor do I recall any
9 attendance issues for those reporting to Jeff.

10 Q: And you told Dr. Slayman that you should be put
11 over Jeff Gardner, Brooke Clinton, Anna Stroud,
12 and Shawn Williams, didn't you?

13 A: I never said that. Dr. Slayman did say at some
14 point she planned to reorganize the structure
15 of the organizational chart. And she alluded
16 probably for the last year she was there that
17 she wanted to relegate from her or delegate to
18 me some of the responsibilities for principal
19 oversight. In other words, they would report
20 to me and her instead of just her. But I never
21 said I should be in charge of everybody.

22 Q: So is it ---

23 A: And I kind of was anyway.

24 Q: So it is your testimony that you did not
25 propose a restructuring where only you and the



1 secretarial staff would report directly to
2 Dr. Slayman and all of the other senior
3 leadership would be under your supervision?

4 A: I never said that. I don't know why I would
5 say that. I had enough to do already. I
6 always felt like -- and the stress we dealt
7 with, I mean, it's a high-stress job. We're
8 talking about the education of over 6,000 kids.
9 That was enough on my plate.

10 Q: And if such a restructuring occurred, it would
11 mean that essentially IT, finance, HR, and the
12 public information office would have been under
13 your leadership, a demotion for them?

14 A: I don't think that she would have ever allowed
15 the PR office to be under me. She liked having
16 that under her. There was always talk back and
17 forth as the district evolved with the
18 one-to-one initiative. There was a line
19 between me and Mr. Gardner. He was kind of
20 known as the hardware side of the IT director
21 reporting to him. I was kind of known as the
22 software side, but the IT director reported to
23 me because I was over a voluminous amount of
24 electronic learning programs that you may be
25 familiar with or at least know what I'm talking



1 about. But there was often talk of -- that
2 Mr. Rollins, who was the IT director, should
3 either be under Jeff or me so he didn't have to
4 go back and forth between the two to get
5 decisions made. And he ultimately ended up
6 reporting to Mr. Gardner.

7 Q: Earlier in your testimony during the direct
8 examination, you referred to that -- the people
9 most frequently in Dr. Slayman's office were
10 you and Jeff Gardner. Do you recall that?

11 A: Yes.

12 Q: Do you recall that during some of those times,
13 you and Jeff Gardner also proposed jointly a
14 restructuring to divide additional leadership
15 again to have HR, finance, and the PIO spread
16 between under both of your leaderships?

17 A: The only recollection I have was talking about
18 IT and that it was creating a tenuous situation
19 for the IT director who's very astute, very
20 knowledgeable. But he came to me and Jeff
21 together and said, I really need just one
22 go-to, one person, rather than having to --
23 because it was so intermingled. You got to
24 where you couldn't separate the two. The
25 hardware versus software side. We did approach



1 her about that.

2 Q: You approached Dr. Slayman proposing the
3 supervise Shawn Williams?

4 A: I don't ever recall doing that.

5 Q: And you approached Dr. Slayman proposing to
6 supervise Anna Stroud?

7 A: I don't ever recall doing that. And know -- I
8 don't know that I would have proposed that
9 because I knew that that would not happen
10 anyway.

11 Q: And you approached Dr. Slayman proposing to
12 supervise Brooke Clinton?

13 A: Never would have done that either. It didn't
14 make sense.

15 Q: You say it doesn't make sense, but yet it would
16 advance you as being the second -- further
17 second in command within the district or the
18 other senior staff would report to you, thus
19 increasing your position, and other peoples
20 would essentially be a demotion.

21 A: Well, I guess what I mean by I don't -- I
22 didn't think that would ever happen, I didn't
23 never -- I would never have thought that
24 Dr. Slayman would have relinquished that to me
25 anyway if I had -- even if I had wanted.



1 Q: And did you tell Shawn Williams that
2 Dr. Slayman was seeking to somehow eliminate
3 her from her job?

4 A: There were more times than I could count when
5 I would just be in dialogue with Dr. Slayman
6 directly, and I recounted this in my notes at
7 some point, you know, did I make a mistake
8 hiring Jeff? Do we need to try and find a way
9 to get rid of Jeff? After Ms. Williams got
10 upset about Dr. Slayman's threat, it was a
11 constant, I don't think Shawn's doing her job.
12 Should we get rid of her? It was -- that was
13 just ongoing. It was commonplace.

14 Q: And you told Shawn Williams that Dr. Slayman
15 was trying to fire her?

16 A: I never said that to Shawn Williams.

17 Q: You told Shawn Williams her job was at risk?

18 A: I probably would have said to Shawn, as a
19 member of the senior cabinet, you better -- you
20 know, you better mind your Ps and Qs. I don't
21 ever -- I don't recall ever telling her her job
22 was in jeopardy or that she was going to get
23 fired.

24 Q: And you told Anna Stroud that her job was at
25 risk?



1 A: I never told Anna that. I was never close to
2 Anna to tell her something like that. But
3 Dr. Slayman often said she was gonna get rid of
4 Anna. Anna's out. Maggie James hates Anna.
5 We need to get rid of Anna. And to Anna's
6 credit, she always had unqualified audits. Her
7 books were always in order. I thought she was
8 a good bookkeeper. She was -- her -- my
9 biggest complaint with her was that she'd
10 sometimes take a while to get information from
11 her or deadline information 'til the last
12 minute, but she was always very adept at her
13 job, in my opinion.

14 Q: You complained to Dr. Slayman that Anna Stroud
15 wasn't qualified for her job?

16 A: I never said that. Dr. Slayman told me that.
17 Evidently, I don't know if Ms. Stroud even had
18 a degree. She was certainly -- if she had a
19 degree, she was not a CPA. Dr. Slayman
20 expressed often to me she'd rather have a CPA
21 or somebody with better credentials to serve in
22 that role.

23 Q: And you informed Anna Stroud that that's what
24 you believe Dr. Slayman was saying about her?

25 A: I did not have to say that to Anna. She



1 already knew it.

2 Q: But you had discussions to that effect with
3 Anna Stroud?

4 A: I did not. Not that.

5 Q: How do you know she knew it?

6 A: She told me.

7 Q: So you had conversations with her about it?

8 A: She told me that. I -- well, you asked me if
9 I told her that. I did not. She told me that.

10 Q: And with regard to Brooke Clinton, you had
11 conversations with Brooke Clinton about how her
12 job was somehow threatened?

13 A: I didn't have to have that conversation.
14 She -- Dr. Slayman openly threatened her
15 position. If I did anything, I consoled her,
16 because I thought she did an outstanding job.

17 Q: And with regard to Jeff Gardner, you and Jeff
18 Gardner had conversations about how somehow
19 Dr. Slayman was gunning for his job too?

20 A: He expressed to me on multiple occasions she
21 thought he was walking a gangplank. He always
22 felt that he was targeted.

23 Q: So let's put this all in context for the time
24 frame. So we look at your complaints are
25 September 8th, 2015. You still had a job and



1 had not been written up by Dr. Slayman, right?

2 A: Not to my knowledge. I had not been written
3 up.

4 Q: And Mr. Gardner still had his job as of this
5 date that you signed the documents together,
6 right?

7 A: Uh-huh. That is correct. I'm sorry. Yes.

8 Q: And Ms. Williams still had her job?

9 A: Yes.

10 Q: And Ms. Stroud still had her job?

11 A: Yes.

12 Q: And Ms. Clinton still had her job?

13 A: Yes. Notably, I should add, we were all trying
14 to get out of there. We'd had enough. And
15 interestingly enough, none of us are there any
16 longer.

17 Q: And all of you were there as of the time
18 Dr. Slayman left her job?

19 A: That is correct.

20 Q: And you, Jeff Gardner, Shawn Williams, Anna
21 Stroud, and Brooke Clinton were all motivated by
22 fears that somehow your jobs were in danger
23 when you filed your hostile work environment
24 complaint?

25 A: I wouldn't necessarily say it was that. I



1 mean, I -- you know, I -- obviously, I got
2 berated, belittled. You know, I like to think
3 I have a thick skin. I've been in politics.
4 I've been in the military. I served under a
5 lot of people. Our inclination was that the
6 district morale was very, very low. I had
7 principals who confided in me that they felt
8 like they could never do right; nothing they
9 ever did was good.

10 And because of the workplace and the way we
11 felt, that was the driver. It -- I don't -- I
12 never thought about my job being in jeopardy.
13 I feel like I'm a protector. That's my nature
14 as a human being as my personal matrix. My
15 looking out for the best interest of others was
16 what I strived to do, and I still do that. I
17 felt like the district was in disarray,
18 demoralized, and that people had had enough of
19 that behavior.

20 Q: And that's what prompted you to lead to get a
21 group of people together to file a complaint
22 against Dr. Slayman?

23 A: I never led that process. I was not the lead
24 of that process.

25 Q: Then who was?



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1 **THE WITNESS:** Is that okay for me to answer that
2 question?

3 **MR. WINBURN:** Sure.

4 A: It was Mr. Gardner.

5 Q: Okay. And what did he -- Mr. Gardner say to
6 you that prompted you to believe that?

7 A: And say to me in what? What do you mean?

8 Q: To lead the effort to get complaints against
9 Dr. Slayman.

10 A: Well, after day after day, week after week,
11 month after month, his health declined. He
12 said, man, we got to do something. She's
13 killing all of us. And I said I can't dispute
14 that. I mean, at that point, I had developed
15 stomach ulcers. At that point, he was seeking
16 medical treatment. At that point, Ms. Stroud
17 was undergoing medical treatment. I feel like
18 the driver with Mr. Gardner was he was at a
19 breaking point and he recognized that we were
20 all at a breaking point.

21 We're at the threshold of not knowing -- none
22 of us could do right. There was always a
23 constant air of what's coming next. What she's
24 gonna get mad at somebody about next? And I
25 ultimately agreed. I don't mind telling you,



1 I was the holdout. Because I knew from where
2 I sat, if I were involved in this, knowing that
3 I would love to have an advancement in my
4 career at some point in time, that by signing
5 my name on this, I would be done, that either
6 the Chester job or a lesser job would be
7 terminal for me.

8 Q: When we look at this document, September 5th,
9 2018, start of the school year, not a
10 single ---

11 A: Which document, ma'am?

12 Q: Looking at your grievance signed by you,
13 Gardner, Williams ---

14 A: I've got the eighth on this one.

15 Q: --- Stroud and Clinton.

16 A: The 8th. Did you say the 5th?

17 Q: September 8th, 2015.

18 A: Okay.

19 Q: This document (indicating). We're looking at
20 the beginning of a school year. Not one of you
21 discussed with Dr. Slayman any of this before
22 filing a complaint trying to get her fired;
23 isn't that true?

24 A: Other than me saying to her when she would ask
25 me, did I come off too strong? Should I not



1 have said that? I think she was unsuspecting
2 of what was coming; yes.

3 Q: If you felt you were such a united front, why
4 wouldn't you just sit down as a group and talk
5 to Dr. Slayman about it, say, hey, we have
6 concerns. Let's try to work on them.

7 A: If you had worked for her and knew the tone and
8 the demeanor she had developed over time, you
9 would not have done it either. We all agreed
10 it would not help.

11 Q: And when you filed this grievance, what was
12 your motive? What were you seeking to get from
13 this grievance process?

14 A: You know, honestly speaking, I don't know that
15 that was ever considered. I don't know what
16 the next step was. I don't know. I don't --
17 I can't say it was to get her fired or to get
18 her some training or to revamp the system. I
19 don't know what the motive was. The motive was
20 is that we were breaking. And the district was
21 breaking, and we couldn't move forward, and we
22 were stifled, and we needed help.

23 Q: And the result was, less than a month later,
24 Dr. Slayman's no longer in the job and you're
25 acting superintendent, right?



1 A: It was made known to me by Ms. Lawson that my
2 role was temporary until they could find an
3 interim. But, yes, you are right.

4 Q: So just prior to this ---

5 A: And may I add -- may I?

6 Q: Sure.

7 A: She also told me that the only reason I was
8 named as interim was because I was the only one
9 in that building with a superintendent
10 certification. So I was technically, by virtue
11 of qualification, so to speak, I was the only
12 one -- I don't know if it's legal. Do you have
13 to legally be licensed as a superintendent to
14 be one? I don't know. But she told me that.

15 Q: And when we look at this time frame of -- on
16 the Exhibit 8, September 8th, 2015, just prior
17 to that, Dr. Slayman had come to you with
18 concerns, didn't she?

19 A: I don't recall. You'll have to be more
20 explicit.

21 Q: Sure. Dr. Slayman was concerned that you were
22 wrongfully getting free Internet through the
23 district. She had told you that, didn't she?

24 A: That I was getting Internet through the
25 district?



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1 Q: Yes.

2 A: I was not.

3 Q: Did she express concerns to you that you were
4 using the Mi-Fi system that you should not be
5 using?

6 A: She never expressed concern about that. I
7 borrowed a Mi-Fi that was not being used.

8 Q: So ---

9 A: And that was in lieu of -- which was okay with
10 her. I did not have a district cell phone, so
11 the agreement was prior to that, the Mi-Fi,
12 which was less than a cell phone would have
13 been was my cell phone, so to speak, so that I
14 would have access to Internet when I was
15 staying at the house I rented in Chester so
16 that I could do work in the evenings.

17 Q: So yes or no: Did not Dr. Slayman, at the end
18 of the summer 2015, confront you about
19 wrongfully using the Mi-Fi system?

20 **MR. WINBURN:** Asked and answered.

21 A: I don't recall that. And I think I would
22 recall that if that had happened.

23 Q: And you admitted to her that you were using it
24 at the rental house?

25 A: If she inquired about the Mi-Fi device? I



1 would have had no reason not to admit it. She
2 already knew it.

3 Q: And Dr. Slayman told you that it was not
4 appropriate for the district to be paying for
5 you to receive Internet access for personal
6 gain?

7 A: I don't recall ever recall her saying that to
8 me.

9 Q: And Dr. Slayman informed you that she had
10 reported those concerns to the school board?

11 A: Absolutely not.

12 Q: And you lodged this complaint ---

13 A: Absolutely not.

14 Q: And that you filed this complaint against her?

15 A: Absolutely not. That's asinine. I don't -- I
16 would have not have done that anyway. I'm --
17 I was always astute about that kind of stuff.

18 Q: So are you aware of Anna Stroud reporting to
19 Dr. Slayman that you were having an affair with
20 one of subordinates?

21 A: Say that again now?

22 Q: Are you aware of Anna Stroud reporting to
23 Dr. Slayman that you were having an ---

24 **MR. WINBURN:** I'm going to object. What foundation?

25 **MS. POLVI:** This is most definitely relevant.



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1 **HEARING OFFICER:** Ask the question and we'll see.
2 Let's get her get it out.

3 Q: Are you aware of Anna Stroud, one of the other
4 complainants in this document, reporting to
5 Dr. Slayman that you were having an affair with
6 a subordinate?

7 A: It was never ---

8 **HEARING OFFICER:** Wait.

9 **THE WITNESS:** I'm sorry.

10 **HEARING OFFICER:** Tell me how this is relevant to
11 this case?

12 **MS. POLVI:** Most definitely. Is that individual,
13 this witness, Dr. King and the individual to
14 whom is allegedly involved with this affair,
15 Kelly Lunsford-Thomas, were both just recently
16 reprimanded by the Department of Education
17 for ---

18 **MR. WINBURN:** That's not true.

19 **MS. POLVI:** --- for their actions. And it most
20 definitely goes to credibility of the witness.

21 **MR. WINBURN:** It is not true.

22 **MS. POLVI:** It's a public reprimand.

23 **MR. WINBURN:** And I'm an officer of the court. I'm
24 telling you that's not true. He was not
25 reprimanded.



1 MS. POLVI: I'm happy to -- we can take a pause and
2 I -- it's on the public record.

3 MR. WINBURN: Okay. We could -- if you'd like to.

4 HEARING OFFICER: Let's go off the record for just a
5 moment.

6 (Off the record.)

7 HEARING OFFICER: I'm gonna allow the question and
8 let him answer it, and then we'll go from
9 there.
10 All right.

11 Q: Are you aware of Anna Stroud reporting to
12 Dr. Slayman that you were having an affair with
13 one of your subordinates, specifically Kelly
14 Lunsford-Thomas.

15 A: I can tell you I am aware that Ms. Stroud
16 brought a concern to Dr. Slayman, and I know
17 exactly what you're talking about. And it was
18 not in 2015. In the late winter, early spring
19 of 2013, I still owned my gym. I owned it as
20 I worked with Chester for a short while. I
21 took a -- an airline trip to Columbus, Ohio, to
22 the Arnold Classic. It's a second tier --
23 second only to Mr. Olympia. And a client of
24 mine was a competitor.
25 My wife came up that evening to stay at the



1 house I was renting so that she could transport
2 me to the airport. That next day, which was
3 when I took -- my wife took me to the airport,
4 Ms. Lunsford-Thomas, unbeknownst to me, called
5 in sick 'cause she knew I would not be there.
6 I do not recall or I don't know right now who
7 she called to tell she was gonna be out sick.
8 But I was made -- when I came back from my
9 trip, Dr. Slayman called me into her office and
10 said, this trip you went on, how did you get
11 there? Well, I flew. No. Who took you to the
12 airport? And I said my wife. Wendy? I'm
13 like, yeah, my wife. And she said, well, Anna
14 said that she thought Kelly might have taken
15 you 'cause Kelly was off. And I said
16 absolutely no, ma'am. My wife took me to the
17 airport. That's the extent of knowledge I had
18 about that. And, again, that was in early
19 2013.

20 Q: Well, based on that testimony, it seems that
21 you do agree that Dr. Slayman questioned you
22 about concerns that Anna Stroud had brought to
23 her attention?

24 A: I -- in those terms, yes.

25 Q: And after ---



1 A: I mean, why would Kelly have driven me to the
2 airport? I don't know.

3 Q: And after Dr. Slayman brought those concerns to
4 your attention, later there's accusations that
5 Kelly Lunsford-Thomas used your log-in in order
6 to falsify certain certificate documentation;
7 is that accurate?

8 A: I forwarded a link to her. It did not have any
9 log-in or password information but, yes.

10 Q: She used your log-in to indicate that she'd
11 completed coursework to be an administrator and
12 completion of a degree from a university when
13 she had not?

14 A: She used a link that I forwarded to her. It
15 did not have a log-in. And it was forwarded to
16 her under the auspices of her checking her
17 status. I never had knowledge of her modifying
18 records.

19 Q: And Kelly Lunsford-Thomas had also completed a
20 suicide prevention course required by State
21 department regulations in your name, didn't
22 she?

23 A: A suicide prevention course?

24 Q: Yes.

25 A: I don't recall that.



1 Q: Are you say that she did not?

2 A: I'm saying I don't know one way -- I don't
3 recall one way or the other. Would that be
4 something that the State department requires or
5 a -- I don't know if it was a course she wanted
6 to take or I don't know. I have no
7 recollection of that.

8 Q: For your coursework that you're required. Is
9 it, you as an associate superintendent, to keep
10 your different certifications by a principal at
11 your current position, you have to do
12 periodically ---

13 A: Yeah, like Erin's Law, that kind of stuff?

14 Q: Right.

15 A: If she had to do it, I guess she did. I don't
16 recall.

17 Q: And she did it for you?

18 A: Did it for me?

19 Q: Yes.

20 A: I don't recall that.

21 Q: Are you saying that didn't occur?

22 A: I'm saying I don't recall.

23 **MR. WINBURN:** I object. Ms. Pike, I don't -- I have
24 no idea what all that has to do with the price
25 of tea in China. If you want to call



1 Ms. Lunsford-Thomas, you can call her. But
2 you've got to list her as a witness.

3 **MS. POLVI:** She's not one of the complainants in
4 this case; he is.

5 **MR. WINBURN:** Neither is 16 of your witness.

6 **Q:** They have direct rebuttal information. And,
7 again, I mean, if we were gonna go on that in
8 terms of the -- none of my ---

9 **HEARING OFFICER:** All right.

10 **MS. POLVI:** --- other witnesses have even been
11 called yet. This is directly related ---

12 **MR. WINBURN:** Exactly.

13 **MS. POLVI:** --- to his credibility.

14 **MR. WINBURN:** And it presupposes facts in -- not in
15 evidence.

16 **HEARING OFFICER:** I'm confused about how this course
17 that Ms. Kelly Lunsford-Thomas took is
18 pertinent to this. I'm not going there with
19 you.

20 **MS. POLVI:** The complaint was that she performed a
21 test for him in his name. But I'm happy to
22 move on to another object.

23 **HEARING OFFICER:** All right. Let's move on.

24 **Q:** Another key aspect with regard to character
25 testimony -- and, again, these are



1 uncomfortable subjects, but it's necessary to
2 determine what personal motives are involved in
3 terms of reporting these complaints and
4 testimony -- is are you aware of Principal Knox
5 reporting to Dr. Slayman that you had an affair
6 with Jeannie Ligon?

7 A: Oh, my gosh. No. That's preposterous. I have
8 no knowledge of that. I don't even know how in
9 the world that could even come up as a subject.

10 Q: Do you deny having an affair with Jeannie
11 Ligon?

12 A: Yeah. I've never had an affair on my wife with
13 anyone. Goodness gracious.

14 Q: Are you aware of Dr. Slayman informing
15 Principal Jim Knox that she needed proof and
16 wouldn't substantiate those allegations against
17 you unless she were to investigate?

18 A: I never knew ---

19 **MR. WINBURN:** Objection.

20 A: --- he made that allegation, so how would I
21 know that. I wish I had. Because like you
22 said, that goes against my reputation.

23 Q: With regard to the hostile work environment
24 complaint that you've lodged, were you aware of
25 Dr. Slayman going to bat for you to the board



1 saying that you were doing a good job in your
2 role?

3 A: Like in -- for a certain -- I know that I got
4 a recognition for leading the district through
5 its first ever accreditation process. I don't
6 know who may have instigated for that to
7 happen. She may have. I don't know.

8 Q: Earlier in your testimony you referred to
9 frustration that Dr. Slayman would take
10 recommendations from individuals described as a
11 breakfast club group. Do you have any reason
12 to believe that she wasn't still listening to
13 the advice that you and other individuals were
14 giving as well?

15 A: I have nothing. No evidence to prove one way
16 or the other of that. I know I would come to
17 her with ideas of initiatives and some things
18 I would hear when I would go to state-level
19 meetings and some others. She was always
20 receptive to that kind of thing to making
21 things, on the instruction side, better.

22 Q: And with regard to your testimony related to
23 the interviewing about some accusations
24 regarding the cheerleading coach, you performed
25 those interviews, right?



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1 A: I was a part of the group who did do that; yes.
2 Q: And if there was anything wrong with doing
3 those interviews, you would have had a
4 responsibility to not perform them, right?
5 A: That's a case where you did not say no to
6 Dr. Slayman.
7 Q: And you didn't say no, did you?
8 A: I did not, no.
9 Q: Is that Dr. Slayman wasn't even involved with
10 any questioning, was she?
11 A: She directed us to do the questioning, and she
12 told us what to ask.
13 Q: And you did as requested?
14 A: She's my supervisor.
15 Q: And at no time did you bring prior to this
16 grievance September 8, 2015, bring any concern
17 to the school board for Chester County School
18 District about any of the instructions
19 Dr. Slayman had given you, had you?
20 A: She forbade us to talk to any board members.
21 As a matter of fact, in board meetings, she
22 told us we are not to smile; she told us we
23 were not to whisper to each other; and she told
24 us not to make eye contact with the board
25 members. And I listened. I'm her subordinate.



1 What am I supposed to do?

2 Q: So it's your testimony that during board
3 meeting you would just sit down and look at
4 your lap throughout the whole board meeting?

5 A: Not my lap. We were allowed to have our device
6 in front of us. I mean, we were to pay
7 attention, but we were to be -- basically sit
8 there and not make eye contact with board
9 members -- only certainly, which is protocol,
10 speak unless spoken but not to whisper to each
11 other and definitely not to smile and make any
12 lighthearted humor. I mean, even if something
13 humorous was said by a board member, we were
14 not to smile.

15 Q: So is it your testimony that you didn't
16 actually even talk to school board members
17 ever?

18 A: Not unless they asked me a question directly
19 when I was presenting in school board meetings,
20 which I did quite frequently, or she directed
21 me to. There were times when I recalled
22 Mr. Stroman had a question one time. I don't
23 even remember what it was about. And she had
24 him contact me directly and gave me
25 authorization to talk to him. But it was only



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1 until the grievance was filed that we -- that
2 I had direct dialogue with school board members
3 other than to speak and be courteous.

4 Q: In your testimony you described that you've
5 written up the four-page document and the
6 three-page document both, which you supplied to
7 Betty Bagley, correct? The documents that are
8 before you, Exhibit 13?

9 A: I know I reviewed all of that information with
10 her. I don't recall if I gave her a copy of it
11 or not. I may have.

12 Q: And I believe -- I wrote down at the time --
13 you testified that you have multiple sets of
14 notes archived. How many more multiple sets of
15 notes about Dr. Slayman do you have archived?

16 A: I have my anecdotal notes. I made some at the
17 point of occurrence, some in reflection. I
18 have newspaper articles and other documentation
19 that were subsequent to her resignation from
20 Chester.

21 Q: And as we see from the notes and I believe from
22 your testimony, you didn't sit down on one
23 occasion and write notes; this was a
24 compilation of many days that you wrote things,
25 right?



1 A: Correct.

2 Q: So you were waiting to compile enough
3 information to try to get Dr. Slayman fired,
4 didn't you?

5 A: No. What happened was Ms. Bagley, when she
6 came in to do her inquiry, she asked us to
7 reflect and make notes. And I did. Some of
8 the more egregious things that were of -- had
9 a legal intonation, just like the one with
10 Ms. Ligon being directed to modify the 504
11 document, I did keep a note of that because I
12 didn't want it to come back and haunt me in any
13 way, shape, or form.

14 Q: So let's talk about that 504 document.

15 MS. POLVI: I'm wrapping up soon. Then we can go to
16 lunch.

17 HEARING OFFICER: What exhibit are we on?

18 MS. POLVI: It's 19.

19 (Respondent's Exhibit Number 19 was introduced into
20 the record at this time.)

21 MR. WINBURN: I'm gonna to object to it. I believe
22 it's to Dr. Slayman from Rusty and Jackie
23 P[REDACTED].

24 MS. POLVI: I can bring it in later with Ms. Ligon
25 and Dr. Slayman if necessary, but this document



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1 is referring to what he's testifying about.

2 **MR. WINBURN:** It's hearsay.

3 **HEARING OFFICER:** I don't think that Dr. King can
4 testify to this. He didn't write this
5 document.

6 **MS. POLVI:** Okay. I'll hold off and ask the other
7 individuals.

8 Q: Accurate to say that Dr. Slayman specifically
9 instructed Ms. Ligon to follow the law with
10 regards to it, right?

11 A: To follow the law?

12 Q: Yes.

13 A: Not to my recollection, no, ma'am. She asked
14 Dr. Slayman to modify a document that was, for
15 lack of a better term, already archived. It
16 was an older document. And as I recall, the --
17 what was in question was the student who was
18 the son of that -- the folks you just referred
19 you -- and I've never seen that document,
20 whatever it is you're referring to there. And
21 I've never seen the child's 504 either.

22 I was brought in to have this dialogue with
23 Dr. -- as kind of as a sidebar with Dr. Slayman
24 and Ms. Ligon. What transpired was Dr. Slayman
25 basically tried to push Ms. Ligon to modify the



1 document to show that the child received
2 services so that later in college he would be
3 exempt from foreign language requirements. And
4 Ms. Ligon said no, I'm not gonna change a
5 document that's -- it's already been written.
6 That would be illegal. And Dr. Slayman said,
7 well, you need to do this for him. Otherwise,
8 he's not gonna graduate. And Ms. Ligon
9 obviously felt pressed to the point where she
10 said I'm not gonna change it. Do I need to
11 involve my attorney with this? At which time,
12 Dr. Slayman told her we're done.

13 Q: Didn't Dr. Slayman, prior to that statement
14 that you're testifying to, didn't Dr. Slayman
15 specifically say that everything needed to have
16 I's dotted and Ts crossed to follow the law?

17 A: I don't recall her saying that.

18 Q: I just have a few more questions. You
19 testified to the fact that the board chair,
20 Ms. Lawson, give you the superintendent
21 expectations document. When did Ms. Lawson
22 give you that document?

23 A: I would suspect when or not long after they
24 were written.

25 Q: And you testified that you'd seen the Betty



1 Bagley report before. When did you see it?

2 A: Wow, I don't remember. It would have been
3 after -- obviously after it was written.

4 Q: Before or after the end of Dr. Slayman's
5 employment?

6 A: I would say it would had to been after. I
7 don't even know how I had it, to be honest with
8 you.

9 Q: And you have a copy in your possession?

10 A: I have one right here, yes (indicating).

11 Q: And what other documents did you -- we'll just
12 go kind of in order that you had in terms of --
13 that refreshed your recollection for preparing
14 for today.

15 A: The Bagley report was probably first and
16 foremost. As I said earlier, I was a -- I bore
17 witness to a lot of what was in that, that
18 document -- or what is in document. And what's
19 in it, based on the information I presented to
20 Ms. Bagley, the part I witnessed or was made
21 privy of was from my other notes I had compiled
22 prior to meeting with Ms. Bagley. Because her
23 charge to us, the people she was going to
24 interview was, I need for you to compile some
25 notes, recollections, anything you have in the



1 past that you have to support the investigation
2 one way or the other.

3 Q: And indicative of the information therein, did
4 Ms. Bagley even ever ask you about any positive
5 informing about Dr. Slayman during any time in
6 your interview?

7 A: I don't remember. I don't know. I mean, I
8 have no qualm saying that I've always
9 considered Dr. Slayman to be very bright, very
10 innovative. But somewhere along the way,
11 something changed.

12 Q: When you submitted this grievance, did you
13 intend for it to be given to the Department of
14 Education to have some type of harm given to
15 Dr. Slayman's certificate?

16 A: I actually did not know that was the a part of
17 protocol. I'd never had reason or been in a
18 position to send something to the State
19 department in any role I had had. I never knew
20 that that was something that was going to
21 happen.

22 Q: And do you assert that any harm should be taken
23 towards Dr. Slayman's certificate?

24 A: Meaning, like in my personal opinion do I think
25 there should be some punitive measure?



1 Q: Yes.

2 A: I do.

3 Q: And what do you believe that to be?

4 A: I guess you'd have to outline what it could be
5 for me to be able to answer that.

6 Q: Well, these are your allegations that the
7 Department of Education is basing their
8 investigation upon.

9 A: Well, I know ---

10 **MR. WINBURN:** I'm objecting. He's ---

11 **THE WITNESS:** I'm sorry.

12 **MR. WINBURN:** My objection is that this is a matter
13 for the hearing officer to decide, and you're
14 asking what the hearing officer should do. I
15 don't know that he's aware of what the options
16 are.

17 **HEARING OFFICER:** I agree. Move on to your next
18 question.

19 **MS. POLVI:** And actually, if we could just take a
20 real quick, brief break ---

21 **HEARING OFFICER:** Sure.

22 **MS. POLVI:** I want to touch base with Dr. Slayman.
23 Then I'll wrap up.

24 **HEARING OFFICER:** Sure. Let's go off the record.

25 (A break was taken.)



1 **HEARING OFFICER:** All right. We're back on.

2 Q: So Dr. King, I have before me the suspension
3 document of Kelly Lunsford-Thomas that's dated
4 June 12th, 2018, signed by Sharon Wall, Ed.D,
5 chair of the South Carolina State Board of
6 Education. Within the document it states --
7 I'm just gonna read the pertinent part, the
8 paragraph I want to ask you about,
9 Lunsford-Thomas holds a valid South Carolina
10 educator certificate and was employed by the
11 district as a data instructional specialist in
12 January of 2013 -- I apologize. I had marbles
13 in my mouth -- in January of 2013.

14 She began a two-year course of study with WGU,
15 which with other requirements, would allow her
16 to qualify to be an assistant principal or a
17 principal. That last part of the program
18 required a practicum. This practicum was to be
19 completed by December 2015. Lunsford-Thomas
20 had only completed approximately 10 percent of
21 that practicum by this date. In order to
22 finish the practicum in a timely manner,
23 Lunsford-Thomas falsified a log of activities,
24 none of which were actually done by
25 Lunsford-Thomas. Her supervisor knowingly



1 signed the false log of activities and
2 forwarded her the links for her to log in under
3 his name and complete the observations and
4 evaluations that were his responsibility to
5 complete.

6 Additionally, Lunsford-Thomas logged in as her
7 supervisor and transmitted the falsified
8 observations and evaluations to WGU with the
9 knowledge and consent of her supervisor.

10 Are you not, indeed, that supervisor?

11 A: I am. But that's based on her testimony, and
12 I was never offered an opportunity to give my
13 perspective in her hearing. So I do refute
14 that I intentionally did any of that to advance
15 her. I did sign off on a log, but she had a
16 voluminous amount of paperwork that validated
17 that. How it did not get entered
18 electronically, I have no knowledge of that.
19 I forwarded her the link solely and expressly
20 for the reason she requested to check her
21 status to see how far along she was and how
22 much more she needed and during that time was
23 the tumultuous debacle that they we were going
24 though. And I honestly didn't give it a second
25 thought. I had way more on my plate trying to



1 keep the district going in between being acting
2 and an interim. And then Dr. Callicutt left,
3 and then there was -- I was acting for a short
4 span again, at which time Dr. Bain was
5 announced as interim. I -- honestly speaking,
6 I did not get that priority. And regarding her
7 case, I was never asked to give my perspective
8 or testimony with that.

9 Q: And the Department of Education's order states
10 in April 2016 a falsified log of events were
11 discovered and Lunsford-Thomas was confronted.
12 She admitted to the falsification and advised
13 the district of the collusion of her supervisor
14 in the falsification of the observations and
15 evaluations. Were you aware of her saying that
16 you colluded with her?

17 MR. WINBURN: I object. This is a trial within
18 trial.

19 MS. POLVI: Again, credibility. This is vital to
20 have on the record.

21 HEARING OFFICER: It does go to credibility. I will
22 agree to that. Go ahead.

23 A: I was never -- I was aware that her accusation
24 was to implicate me. But, again, I was never
25 offered the opportunity to refute that or



1 provide testimony on my own behalf.

2 Q: And the last sentence I'm gonna ask you about
3 says, both Lunsford-Thomas and her supervisor
4 resigned their positions thereafter. Did your
5 resignation have to do with this event?

6 A: The resignation had to do with me getting out
7 of Chester and as a part of that event; yes.
8 It was time for me to go. I already had jobs
9 lined up.

10 MS. POLVI: Those are all my questions.

11 MR. WINBURN: I got a few.

12 **DR. KING - REDIRECT EXAMINATION BY MR. WINBURN:**

13 Q: Okay. The letter of recommendation you wrote
14 in 2011, Exhibit 8, was that before or after
15 you heard Dr. Slayman say, I will rip your
16 throat out?

17 A: Long before.

18 Q: Was it before or after I'll -- that you heard
19 Dr. Slayman say, I'll cut your knees out from
20 under you; that was stupid?

21 A: Years before.

22 Q: Was I before or after you heard her say, and I
23 quote, you screwed up my speech; this could
24 cost you your job?

25 A: Long before.



1 Q: All right. And I believe you were asked
2 whether -- you indicated that you believed
3 Dr. Slayman was holding you back in your
4 career. I believe you answered -- what do you
5 recall your answer to be?

6 A: I felt like there was an impedance.

7 Q: All right. Do you think that Dr. Slayman
8 giving you the instruction to not speak, not
9 smile, not whisper, so on -- and I'm
10 paraphrasing -- with regard to the board, is
11 that an example of how she was holding you
12 back?

13 A: I think it was. It was an example of how
14 controlling she was.

15 Q: All right.

16 A: And oppression.

17 Q: You were asked a couple of questions also.
18 Sorry. Strike that.

19 And I believe your testimony earlier, she
20 instructs you not to communicate with the
21 board. Did she tell you not to communicate
22 with other groups, entities?

23 A: I honestly don't recall. I know we weren't
24 supposed to have any dialogue with the sheriff
25 in, you know, an official capacity. You know,



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1 we had to speak to the man when we would see
2 him out and about, ball games and that kind of
3 stuff to be courteous.

4 **MR. WINBURN:** All right. That's all I have.

5 **DR. KING - EXAMINATION BY THE HEARING OFFICER:**

6 **HEARING OFFICER:** Okay. I have a few questions for
7 you. I want to go back to these superintendent
8 expectations, and I believe you testified that
9 Ms. Lawson give you that document. Can you
10 explain to me why Ms. Lawson would have given
11 you that document with respect to
12 superintendent expectations?

13 A: The only thing I could probably offer to that
14 was that short span of time I was interim
15 and ---

16 **HEARING OFFICER:** Was this ---

17 A: Ma'am?

18 **HEARING OFFICER:** Was this given to you after
19 Dr. Slayman had left?

20 A: Yes.

21 **HEARING OFFICER:** Okay.

22 A: Yes, ma'am.

23 **HEARING OFFICER:** Do you know whose determination it
24 was to employ Betty Bagley to do this
25 investigation?



1 A: I don't know directly. I have my assumption is
2 that it would have to have -- what my
3 understanding was that the board directed the
4 school board attorneys at that time to handle
5 that process.

6 **HEARING OFFICER:** Okay.

7 A: So I don't know how Ms. Bagley was chosen.

8 **HEARING OFFICER:** Was Ms. Bagley an employee of
9 Chester County or Chester School District at
10 that time?

11 A: No, ma'am. And the only interaction I had ever
12 with her, I went to a seminar or a session in
13 Greenville, and she was presenting on
14 transforming schools, school transformation.
15 And I was just in the audience. That's the
16 only time I'd ever even heard of her. But she
17 was not a Chester employee.

18 **HEARING OFFICER:** So she was making a presentation
19 to ---

20 A: A bunch of educators at that conference; yes,
21 ma'am.

22 **HEARING OFFICER:** And ---

23 A: That was probably a year before that.

24 **HEARING OFFICER:** It pertained to -- what was her
25 presentation pertaining to?



1 A: She does a lot with working with school
2 leaders. I think she did some contract work in
3 the -- with the State department as well. Very
4 well renowned in that arena. But it was part
5 of the support of the profile of South Carolina
6 graduate school transformation. How to better
7 your organization or your schools. Again, it
8 was -- gosh, it was probably a hundred people
9 in the audience easily.

10 **HEARING OFFICER:** Okay.

11 A: And I did not meet her personally that day
12 either.

13 **HEARING OFFICER:** Okay. And you may not have
14 knowledge of this, so please feel free to tell
15 me that you don't have knowledge. Do you have
16 knowledge if she talked to all of these people
17 that signed the Petitioner's Exhibit 8, which
18 was the grievance?

19 A: I believe that she did. But I don't -- I
20 never -- that was kind of kept very private,
21 because it was conducted in the district
22 office. So there was -- as acting
23 superintendent during that time, I know I was
24 dispatched to go to collect at least one or two
25 people, but I can't say that she interviewed



1 everyone. I -- because I did not see them in
2 there.

3 **HEARING OFFICER:** Were those people that you were
4 asked to dispatch, were those people people
5 that were listed on this grievance?

6 A: Yes, ma'am.

7 **HEARING OFFICER:** Okay. Do you know, from your own
8 knowledge, whether or not she spoke to other
9 people other than the people that were on this
10 list, on this document?

11 A: I guess I put a little bit of an addendum. I
12 do -- did know later that all of were folks on
13 the grievance were spoken to by Ms. Bagley
14 because they told me. The only other one I
15 think she talked to are two others. I'm pretty
16 sure she talked with Dr. Slayman herself, as
17 it's indicated in that report, and Jeannie
18 Ligon. I believe she talked with Ms. Ligon as
19 well. But I do not know if there were others.

20 **HEARING OFFICER:** Okay. All right. Do you, from
21 your own knowledge, have any idea how long this
22 investigation took?

23 A: I know she was there at least two days, but I
24 don't recall after that. I don't know if she
25 had followed with the board or the school board



1 attorneys. I don't know any of that. But the
2 investigation itself was the better part of two
3 days.

4 **HEARING OFFICER:** So that I understand this
5 completely, when you came to work for Chester,
6 that was in 2012?

7 A: Correct.

8 **HEARING OFFICER:** Okay. And Dr. Slayman was already
9 there at that time? As a matter of fact she
10 was recruited you for that position?

11 A: Recruited me to apply. Yes, ma'am.

12 **HEARING OFFICER:** To apply. Okay. All right. So
13 has this contentious relationship existed
14 throughout your tenure at Chester with
15 Dr. Slayman, or was it just the past couple
16 years? What kind of time frame are we talking?

17 A: The first year, as I recounted earlier, I kind
18 of -- everything was in such a state of flux in
19 terms of moving forward and recalibrating the
20 district, so to speak, ramping up for advanced
21 Ed. In my recollection, it really escalated,
22 the behaviors that I've mentioned, from
23 probably 2014 through 2015 'til when
24 Dr. Slayman left. And especially the last year
25 of her tenure there.



1 **HEARING OFFICER:** And that last year would have been
2 2015 ---

3 A: 15.

4 **HEARING OFFICER:** --- right?

5 A: Yes.

6 **HEARING OFFICER:** Okay. And help me in terms of
7 time line. How long had Dr. Slayman been the
8 Chester County superintendent prior to the time
9 you got there?

10 A: She left Kershaw County at the end of 2011 and
11 was hired, as I understand, January of 2012.

12 **HEARING OFFICER:** Okay.

13 A: And I came on board in July 1 of 2012, six
14 months, seven months.

15 **HEARING OFFICER:** Okay. Is there any reason that
16 you could see why these behaviors escalated in
17 2014 and 2015? Were there any specific
18 pressures that you were under during that
19 period of time?

20 A: From me -- you're asking me why I thought maybe
21 why her behavior's escalating?

22 **HEARING OFFICER:** Were there any particular pressures
23 that were on you and her during that period --
24 that specific period of time?

25 A: Again, just from my perspective, you know,



1 Dr. Slayman's always been a high-pressured
2 person. You know, that's not necessarily a
3 negative aspect or trait. I saw things, again
4 in my opinion, get more politicized and more
5 divisive in that arena. We couldn't have any
6 relationship with the county administrator.
7 That was always contentious. The issue with
8 the sheriff got worse and worse over time. And
9 just Mr. Gardner -- and I'm sure he could
10 attest to this as well -- we felt a lot of
11 times that her breakfast group were the ones
12 running the district. It's like they called
13 the shots. Whatever they requested
14 Dr. Slayman, that's where it went. It was the
15 chief of -- fire chief out that way, some
16 others, the county coroner.
17 Again, they -- and I saw one of them one day.
18 I don't mind telling you it was the county
19 coroner. I didn't know him very personally.
20 I knew him as an acquaintance. I said, how are
21 you doing -- gosh -- Tinker -- Mr. Tinker. And
22 he says, I'm doing all right. How are you
23 doing? He said I'm good. He said, man, I tell
24 you, we get a kick out of getting Agnes all
25 riled up. I bet she gives y'all heck when she



1 comes back to the district office. I'm like,
2 yes, sir, she -- actually, she does.
3 And he laughed it off, and we kind of went our
4 separate ways. But I just felt like there were
5 some relationships that probably shouldn't be a
6 part of school district operations that were
7 impeding our momentum.

8 **HEARING OFFICER:** When you worked for Dr. Slayman in
9 Kershaw, did you have any evidence of this?

10 A: That's very interesting. I worked for
11 Dr. Slayman for one year as her assistant
12 principal at a high school.

13 **HEARING OFFICER:** She was principal?

14 A: She was principal. I was her single assistant
15 principal. And when I pursued an open
16 principalship at the elementary level and I had
17 apprized her of that, her words to me was, no,
18 no, no. I'm gon' call Dr. Cain, no, no. And
19 I said, well, I'm gonna talk to him anyway.
20 I've got an appointment with him. And I don't
21 know if it was that day or a day or two after.
22 I went and met with the superintendent, and he
23 interviewed me.
24 And I'll never forget. I got up. I said.
25 Well, you know, I certainly appreciate your



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1 time, Dr. Cain. Please -- you know, when do
2 you think you'll make a decision? He said,
3 what do you mean? And I said, well, you know,
4 I'd like to know when you might decide. And he
5 said, no, no. You have the job.
6 Okay. So I went back to school and told
7 Dr. Slayman, and she got angry. She put her
8 hands down. He did what? And I said, well,
9 I -- you know, I hope you'd be happy for me.
10 I said, you know, I'd love to be able to call
11 on you and seek your advice from time to time.
12 She said, no, when you walk out of here, it's
13 over.
14 And I'd had -- I'd even had a desk that I
15 acquired for free from Fort Jackson surplus and
16 had the kids refinish it. She wouldn't even
17 let me take my desk.
18 And after that, she wouldn't speak to me for a
19 couple or three years when we would see each
20 other in meetings. And I have to tell you, the
21 year we worked together, one of the best
22 professional years I've ever had. I got
23 remarried during that time, and my wife was
24 actually kind of the ice breaker ultimately.
25 And the relationship evolved back. We became



1 good friends and professional colleagues again.
2 Had to work more together when I was a middle
3 school assistant principal because my school
4 fed into her school. You know, just by virtue
5 of the job, we had to have dialogue.
6 And then when I left and became a school board
7 member, she would come by and frequently visit
8 me at my gym and was a member of my gym. And
9 we became closer friends at that point, and I
10 felt like we were like we were that year. So
11 certainly when the Chester job became available
12 and she called me about it, I said certainly
13 I'm interested in interviewing. 'Cause we
14 were -- I mean, colleguely and personally we
15 were just fine at that point.

16 **HEARING OFFICER:** All right. I'm confused about
17 something. All right. You were her assistant
18 principal at Kershaw, right?

19 A: Yeah. I guess it might be easier if I just
20 kind of -- if you don't mind?

21 **HEARING OFFICER:** Sure.

22 A: It was kind of an unusual ---

23 **HEARING OFFICER:** Give me the chronology.

24 A: Okay. The chronology, I was her assistant
25 principal.

