

PUBLIC REPORT
JCBOE SPECIAL CALLED MEETING 9-25-2023 8:30am
Report Pursuant to Board Policy 1750 Grievance by an Employee

REDACTED¹ REVISED EMPLOYEE GRIEVANCE WRITTEN RESPONSE
JOHNSTON COUNTY PUBLIC SCHOOLS
ISSUED BY: GRACE PENNERAT & REBECCA WILLIAMS
AUGUST 31, 2023

I. INTRODUCTION

On May 9, 2023, **Grievant** (“Grievant”), initiated a grievance pursuant to Johnston County Board of Education Policy 1750/7220, Grievance Procedure for Employees. In **Grievant** grievance, **Grievant** alleges that there was an inappropriate and unprofessional collaboration between Michelle Antoine, a school Board member, and **Employee 1**, a teacher, in the filing of several false grievances by **Employee 1** during the 2022-23 school year. Specifically, **Grievant** alleges the following:

- A. Allegation 1:** [REDACTED]
- B. Allegation 2:** Ms. Antoine and **Employee 1** worked together in drafting and/or filing the allegedly false grievances; and
- C. Allegation 3:** **Employee 1** and Ms. Antoine slandered **Grievant** by referring to **Grievant** as **Grievant** and other disparaging terms.

II. INVESTIGATION

A. Background

Because **Grievant** grievance contained allegations against a Board member, Board Chair, Lyn Andrews, directed the grievance to be investigated by Rebecca Williams and Grace Pennerat, attorneys from the law firm Poyner Spruill, LLP.

B. Investigation Process

1. Interviews

- a. **Grievant**, grievant, was interviewed on May 16, 2023
- b. Kevin Donovan, witness, was interviewed on May 31, 2023
- c. **Witness 1**, witness, was interviewed on June 8, 2023
- d. **Witness 2**, witness, was interviewed on June 8, 2023

¹ Redactions of confidential personnel information pursuant to N.C. Gen. Stat. §§ 115C-319 and -321.

- e. **Employee 1**, respondent, was interviewed on July 26, 2023¹
- f. Michelle Antoine, respondent, was interviewed on August 17, 2023
- g. **Witness 3**, witness, was interviewed on August 17, 2023

C. Relevant Investigative Findings

1. Allegation 1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. Allegation 2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



III. RELEVANT PROVISIONS FROM POLICIES

A. Johnston County Schools Board Policy 1750/7220, Grievance Procedure for Employees

A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations: (a) that there has been a violation, misapplication, or misinterpretation of state or federal law or regulations, school board policy, or administrative procedure; (b) that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or (c) that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

B. Johnston County Schools Board Policy 1760/7280, Prohibition Against Retaliation

Board members and employees are expected to be honest and ethical in the performance of their duties and to comply with applicable federal, state, and local laws, policies, and regulations.

The Board prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

C. Johnston County Board of Education Policy 2120, Code of Ethics for School Board Members

The following standards will guide each board member in the performance of his or her official duties:

- (2) the need to uphold the integrity and independence of the board member's office; and
- (3) The need to avoid impropriety in the exercise of the Board's and board member's official duties,

In order to implement the above standards, each member of the Board commits to do the following:

(4) model civility to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the Board; and

(5) Respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in closed session.

D. Johnston County Board of Education Policy 2122, Role of Board Members in Handling Complaints

An individual board member who receives a complaint or inquiry from a parent or interested citizen concerning a school matter will refer the complainant to the appropriate school administrator and, when appropriate, advise the complainant of the procedures in place for making such complaints.

The board member also may refer the complainant to the superintendent, who shall determine an appropriate means of responding to the complaint. The board attorney also may be notified of the complaint in accordance with policy 2610, Board Attorney.

Individual board members will refrain from taking individual action with regard to such complaints other than referring them to the proper administrative employee.

E. Johnston County Board of Education 2125/7315, Confidential Information

Employees and members of the Johnston County Board of Education shall maintain the confidentiality of records and other information as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information.

IV. CONCLUSIONS

A. Allegation 1

[REDACTED]

[REDACTED]

B. Allegation 2

No violation.

There was no evidence presented to support the allegation that Ms. Antoine and Employee 1 worked together to draft and/or file Employee 1's January 6, March 8, or March 12 grievances against Grievant.

C. Allegation 3

Violation.

We find that Ms. Antoine violated Johnston County Board of Education Policy 2120, Code of Ethics for School Board Members, Johnston County Board of Education Policy 2122, Role of Board Members in Handling Complaints, and Johnston County Board of Education Policy 2125/7315, Confidential Information.

Ms. Antoine violated Board Policy 2120 because she was not completely honest with investigators when asked if she had ever accessed or viewed Employee 1's grievances. Metadata reviewed related to Grievant's grievances indicates that Ms. Antoine accessed and downloaded Employee 1's March 8 and March 16 grievances.

Ms. Antoine also failed to refrain from taking individual action with regard to a complaint about a school matter when she wrote a highly detailed response to Employee 1's grievance rather than simply referring the complaint to the proper administrative employee. While Ms. Antoine told investigators that she only referred Employee 1 to Board policy and school system personnel to address Grievant's grievance, the unsupported and disparaging comments made in Ms. Antoine's March 9, 2023, email about Grievant amount to individual action prohibited by Board Policy 2122.

Finally, Ms. Antoine failed to uphold the integrity and the independence of her office and failed to avoid impropriety in the exercise of her duties as a member of the Board when she shared inflammatory, confidential personnel information about Grievant with three JCPS employees on March 9, 2023. Specifically, she stated that she "personally witnessed" Grievant's Grievant's building referred to as Grievant. These comments were highly inappropriate to share with school employees.

V. APPEAL RIGHTS

Pursuant to Johnston County Schools Board of Education Policy 1750/7220, Grievance Procedure for Employees, if the grievant is dissatisfied with this response, the grievant may appeal the decision in writing to the superintendent for review by the superintendent or designee within five days of receipt of this response.