

**SUMMARY REPORT OF CENTRAL OFFICE INVESTIGATION FINDINGS
FROM THE
MIDDLETOWN BOARD OF EDUCATION**

On November 1, 2021, Shipman & Goodwin LLP, outside counsel for the Middletown Board of Education (“Board” or “BOE”), retained Thompson Hine LLP (“Thompson Hine” or the “investigative team”) to conduct a factual investigation of certain complaints alleging that members of the Middletown Public Schools’ senior leadership team engaged in improper conduct, for the purpose of Shipman & Goodwin providing legal advice to the Board. Thompson Hine was not retained to make a recommendation as to personnel or policy decisions, and Thompson Hine was not retained to provide a legal opinion. On March 30, 2022, the investigative team presented its preliminary findings in detail orally to the Board.

The investigation has now concluded, and Thompson Hine has finalized its written findings. On May 10, 2022, the Board directed Shipman & Goodwin LLP to provide a summary of the investigative team’s findings, as it relates to the investigation of four Central Office Administrators. The summary below represents the opinions of the investigative team.

I. Background

The investigation began with the analysis of the 22 anonymous complaints submitted to the Board by a coalition of labor unions and other concerned individuals (the “Coalition”) as well as other pertinent materials such as personnel lists, Board policies, collective bargaining agreements, employment contracts, the personnel files of the accused and some of the individuals identified as witnesses or victims, news articles, and social media posts. At the Board’s request, and in response to concerns raised by the Coalition about impartiality, confidentiality, and retaliation, a portal was opened through which individuals could identify themselves as witnesses or raise concerns related to the investigation. The portal was open until December 23, 2021. The investigative team received over 100 intake reports and called most individuals to determine whether they had knowledge pertinent to the investigation, and if so, to schedule full interviews. Due to COVID-19, holidays, and the Board’s approval to permit witnesses to have union representatives participate in the interviews, scheduling interviews proved somewhat challenging.

The investigative team interviewed over 90 individuals, sometimes more than once, including three of the four administrators accused of misconduct. Superintendent Dr. Michael Conner, as well as some other witnesses, declined to be interviewed. Additionally, the investigative team analyzed thousands of pages of materials that the interviewees submitted, which included texts, emails, notes, diaries, pictures, and other documentary information. Despite some of the noted challenges, the investigative team confirmed that it had sufficient information to form an opinion with respect to the allegations and communicated its conclusions to the Board as summarized below.

II. Dr. Michael Conner

- A. *Allegations of Sexual Harassment.*** The investigative team found that it is more likely than not that Dr. Conner made romantic or sexual statements and advances towards a senior administrator that were unwelcome.
- B. *Reports of Discrimination Against Dr. Conner.*** The investigative team did not substantiate the allegations that Dr. Conner faced challenges or resistance to his initiatives or was treated differently because of his race. However, the investigative team noted that it received social media materials posted during Dr. Conner's tenure and others posted during the investigation that were overtly race-based, and heard from witnesses who made comments about Dr. Conner's race, or the race of the investigators themselves, that reflected discomfort or insensitivity about race issues.
- C. *Reports that Dr. Conner Discriminated Based on Race in Hiring Decisions.*** The investigative team did not substantiate the allegations that Dr. Conner made hiring decisions based on a candidate's race.
- D. *Reports that Dr. Conner Engaged in Race/Gender/Age Harassment.*** The investigative team did not substantiate the allegations that Dr. Conner engaged in unlawful harassment based on race or age.
- E. *Allegations Concerning Dr. Conner's Unprofessional or Bullying Behavior.*** The investigative team did not substantiate the allegations that Dr. Conner's choice of vocabulary, namely his use of "big words," was unprofessional. The investigative team concluded that it is more likely than not that, on at least three occasions, Dr. Conner did raise his voice at some of his employees, but that these incidents were isolated. The investigative team did not substantiate the allegations that Dr. Conner attempted to intimidate a principal and an assistant principal into concluding that a teacher had engaged in racist conduct.
- F. *Allegations Concerning Acceptance of Gifts in Violation of Board Policy.*** The investigative team concluded that it is more likely than not that Dr. Conner and a handful of other administrators accepted a dinner that exceeded the \$50 gift amount limit under the applicable rules in violation of Board Policy.
- G. *Allegations Concerning Failure to Supervise.*** The investigative team concluded that it is more likely than not that Dr. Conner was aware of some of the complaints raised about Ms. Bourne and Mr. Gaylord. However, the investigative team did not substantiate the allegations that Dr. Conner failed to supervise his subordinates.

III. Ms. Christine Bourne

- A. *Allegations that Ms. Bourne engaged in unprofessional behavior when interacting with several employees, did not address certain payroll issues in a timely manner, engaged in nepotism and retaliatory conduct, and manipulated personnel decisions.* The investigative team concluded that it is more likely than not that Ms. Bourne engaged in unprofessional behavior when interacting with several employees. The investigative team concluded that it is more likely than not that Ms. Bourne did not address certain payroll issues in a timely manner. The investigative team substantiated the allegations that Ms. Bourne engaged in nepotism and retaliatory behavior toward several individuals. The investigative team concluded that it is more likely than not that Ms. Bourne manipulated some personnel decisions. The investigative team concluded that it is more likely than not that Ms. Bourne treated a former supervisor in the district in an unprofessional manner. However, the investigative team did not substantiate allegations that reprimands issued by Ms. Bourne were improper.
- B. *Allegations Concerning COVID-19 protocols.* The investigative team did not substantiate the allegations that Ms. Bourne violated COVID-19 protocols by prohibiting some administrative employees from entering the Central Office, while allowing her friends and family entry.
- C. *Allegations Concerning “Yelling.”* The investigative team did not substantiate the allegations that Ms. Bourne “yelled” at people on a frequent basis.

IV. Mr. Marco Gaylord

- A. *Allegations of Mismanagement of Title IX Matters.* The investigative team did not substantiate the allegations that Mr. Gaylord did not generally handle Title IX matters properly. However, the investigative team concluded that it was more likely than not that Mr. Gaylord did know about allegations made against Dr. Conner by a senior administrator, which he admittedly did not investigate.
- B. *Allegations Regarding COVID-19 Related Issues.* The investigative team concluded that it is more likely than not that Mr. Gaylord excluded key health services personnel from pandemic-related decisions and policy development, issued belated and/or ineffective communications, and was inconsistent and ineffective in the enforcement of District COVID-19 protocols.
- C. *Reports of Insensitive Comments and Unprofessional Conduct.* The investigative team did not substantiate the allegations that Mr. Gaylord regularly made rude or insensitive comments to employees, raised his voice at them, and otherwise engaged in conduct that was unprofessional.
- D. *Allegations Concerning Side Businesses.* The investigative team concluded that, while Mr. Gaylord maintained files concerning certain arts and community

organizations with which he worked at his BOE office, and had recruited at least one BOE employee to work for one of organizations, there was no concrete evidence that the activities at issue went beyond this or that he misused any BOE facility.

- E. *Allegations Concerning School Meal Issues.* The investigative team did not substantiate the allegations that Mr. Gaylord disregarded state and federal guidelines governing food service and reimbursement protocols.

V. **Dr. Vázquez Matos**

- A. *Reports of a Loyalty Test and Undermining Comments.* The investigative team did not substantiate the allegation that Dr. Vázquez Matos imposed a “loyalty test” as to Dr. Conner that went against the District’s interests.
- B. *Allegations Regarding Removal of Job Duties.* The investigative team did not substantiate the allegation that Dr. Vázquez Matos wrongly removed tasks and responsibilities from an employee.

VI. **Conclusion**

In sum, Thompson Hine substantiated separate and distinct instances of misconduct by three Central Office Administrators. Although not always definitive, the findings of fact highlight areas of deficiency in the administration and operation of the school district which are generally consistent with many of the allegations presented to the Board in the fall of 2021. In light of this information, the Board will take corrective action, as appropriate.

The Board wishes to take this opportunity to thank the community for its patience during this process, and to thank all those who participated in the investigation, especially the Coalition of Unions for their collaboration and support during this challenging time. The Board looks forward to working collaboratively to strengthen its commitment to improving the climate of the Middletown Public Schools.