



J. Michael Clára
Salt Lake City School Board
District Two

801-521-3223 • donMiguelSLC@gmail.com
974 S. 1400 W. • Salt Lake City • Utah • USA

13 October 2016

DELIVERED VIA ELECTRONIC MAIL

Ms. Heather Bennett, Board President
% Salt Lake City Board of Education
440 East 100 South
Salt Lake City, Utah 84111

Re: Treatment of District Employees

Dear Ms. Bennett,

Many of us were disappointed with the outcome of Tuesday night's 5-1 vote to uphold the unauthorized demotion of the District's Chief Equity Officer, Dr. Kathleen Christy.¹ Following the meeting, a community leader gave me emails dated May 4, 2016,² wherein you and McKell Withers, Tiffany Sandberg and Kristi Swett are discussing Dr. Christy. In that exchange, you state:

"I don't think she should sign correspondence PhD if she doesn't have a doctorate...Discipline is clearly warranted. I also question whether she can be effective in her current role given these breaches of professional conduct"

Then Kristi Swett states:

"It's unfortunate the actions of our Assistant Superintendent has put our district in an awkward situation, with the disclosure of her questionable doctorate...I understand you are continuing to investigate the doctorate process...should certainly be grounds for termination..."

Then Tiffany states:

"I am echoing Kristie's thoughts..."

McKell Withers replies:

"The breaches of professional conduct are stunning."³

¹ To Uphold Equity Director's Demotion >Voted YES: Bennett, Sandberg, Swett, Kenned, Ford –Voted NO: Michael Clára –Absent: Emery

² I was given about 100 pages of documents pertaining to this case –this is more information than I have –most of the information I was given is redacted or missing

³ Email exchange: Withers, Bennett, Sandberg, Swett – Confidential 05/04/16

BACKGROUND

In **October 2015**, McKell Withers who at the time was Superintendent, demoted Dr. Christy (African American) from Assistant Superintendent to Equity Plan Coordinator. He then elevated three Caucasian administrators and gave them the title of Chief with the rank of Associate Superintendent.⁴

Later that month, in response to an inquiry from me, the entire Board received an email from Business Administrator Janet Roberts advising us that Dr. Christy had a Masters degree and no Doctorate.⁵

In **November of 2015**, the community⁶ and employees⁷ alike protested the reorganization plan that was implemented without Board approval.

In **December of 2015**, I attended a community meeting where I heard people congratulate Dr. Christy incidental to having successfully defended her dissertation.

In **January of 2016**, the Board was presented with a revised plan of the District's reorganization.⁸

"Dr. Withers presented the representative group of Equity Leadership Team and SLASA Board Members with a revised reorganization chart identifying four positions that directly report to the Superintendent:

*Assistant Superintendent (Kathleen Christy)
Chief Academic Officer (Barbara Kuehl)
Chief Improvement Officer (Brian Conley)
Chief Operations Officer (Larry Madden)*

To date, some concerns regarding the reorganization have been addressed. Dr. Christy has been added to the Superintendency as an equal assignment as the Chief Officers and responsibilities have been divided to reflect a balance in leadership, accountability, and authority. Concerns remain regarding transparency, collaboration, and equity in access to district-level leadership positions for all qualified district administrators..."⁹

In **February 2016**, the Board issued a letter titled BOARD SUPPORT FOR EQUITY PRIORITIES:

"The Salt Lake City School District Board of Education recognizes that it serves a diverse population: 56.9% of public school students in Salt Lake City identify as members of an ethnic or racial minority group. We acknowledge the need for more diversity among support staff, teachers, and administrators...."¹⁰

⁴ October GAM Reorganization Plan

⁵ Janet Robert email to the Board – Reorganization 10/29/15

⁶ SL Schools Superintendent Accused of Bumping Out Minority Administrators –KUTV News 11/03/15

⁷ District Re-Organization Update to the Board from Representative Group of SLASA and Equity Leadership 01/05/16

⁸ Reorganization Plan with FOUR Chiefs 01/05/16

⁹ Employee Memo to the Board 01/05/16

¹⁰ Board Support for Equity Priorities –Board meeting Minutes 02/16/16

In **May of 2016**, this “Dr.” accusation was first reported to the Board. We were told that an investigation would commence and the findings of the investigation would be brought back to the Board.

In reviewing my calendar, I see that the Board met on May 3, 2016. The minutes of the meeting show that the Board went into a closed meeting to discuss Character, Professional Competence.... It appears that I left the closed door meeting before it was over.¹¹ In all probability because someone was leveling false accusations against someone else as is the custom of those that run this District. Nevertheless, the day following that Board meeting it appears Board members were looking into the same issue. Clearly, we handle information differently; while you and your cohorts were exacting judgments on Dr. Christy and giving McKell commands to destroy her career via email,¹² I was up at the University of Utah learning the process that one goes through in order to earn a Doctorate degree. I discovered that there was the program phase and the dissertation phase. The typical phases of the program were as follows: Ph.D. Student, Ph.D. Candidate and then a Ph.D.

I also learned that upon a successful dissertation defense, it was common to refer to the student, as “Dr.” This is even before the student had submitted their final dissertation (already successfully defended) and before they had obtained their degree.

I thought nothing more of the accusation and had every confidence that I would share this information with fellow Board members if this issue came back to the Board. I foolishly thought that an investigation by District personnel would come to the same conclusion I had and recognize this as a non-issue. What I learned at the U matched the actions of Dr. Christy over the past few months.

In **June 2016**, on his last day on the job, McKell Withers once again demoted Dr. Christy. I suppose in anticipation of the Board conducting the meeting this past Tuesday in an open session, community leaders distributed a number of documents to those in the audience. One such document was a June 30, 2016, letter from McKell Withers to Dr. Christy:

“...It is untenable that the district allow its licensed educators such as yourself who are statutorily mandated to be a role models for students, to falsify their credentials and perpetuate an appearance of impropriety...use of titles and credentials for which you have not completed the process is not acceptable until the granting institution awarded the degree and is...”¹³

In **July 2016**, the majority of the Board along with the community was shocked when we learned that McKell Withers demoted Dr. Christy as his final act as Superintendent.¹⁴ I now realize that three of my fellow Board members were pretending to be equally shocked.

¹¹ Salt Lake City School District – Board Meeting Minutes 05/03/16

¹² *Opt cit.*

¹³ McKell Withers letter to Kathleen Christy – Notification of involuntary Demotion 06/60/16

¹⁴ Utah GOP and NAACP Slam SLC Schools Over Diversity Department Move –Salt Lake Tribune 07/05/16

You, Ms. Sandberg, and Ms. Swett clearly didn't see a need to come clean to the rest of the Board and tell us that Dr. Christy's demotion was your own doing? More importantly, the findings of an investigation into Dr. Christy's use of the title "Dr." should have come back to the Board for our consideration. Dr. Christy has the rank of Associate Superintendent and in our District, that makes her a "direct report to the Board."¹⁵ As such, it was within the purview of the entire Board to weigh the findings of an investigation and approve a demotion if it was warranted. Clearly, taking this circuitous route back to the Board was done with the hope that the charges, investigation, and findings from the hearing would be so fractured and convoluted that the Board could not properly deliberate on the issue. To your credit, it worked.

At the July 5th Board meeting, members of the community spoke against this unauthorized demotion (second time). The Tribune reported the following:

"The chairman of the Utah Republican Party joined the state NAACP leader and a prominent Latino advocate Tuesday in criticizing Salt Lake City schools for taking what they characterized as a misstep for civil rights. The trio spoke against recent changes in district administration at the school board's Tuesday evening meeting..."

*Last week's reassignment for the district's main equity and diversity officer, Utah GOP Chairman James Evans said, demonstrates that the treatment of minority and low income students is not a priority for district officials..."*¹⁶

In that same meeting, NAACP President stated:

*"Making organizational changes at the midnight hour when you think no one is looking is the old way of doing business. This is a new day, we have a new Superintendent, I admonish the new Superintendent to leave the old dark ways behind and instead follow the recommendations and wisdom of these young people, make organizational changes within the context of "Transparency and collaboration..." as that allows for "establishing a trusting relationship between the School Board, Superintendent, educational leaders, teachers, parents, students, and community leaders"..."*¹⁷

Later that month the Tribune editorial board, not aware that three school board members initiated this scheme, stated the following:

*"The week before – while nobody, including members of the school board, was looking – outgoing Superintendent McKell Withers rearranged his administrative box chart in such a way that the district official in charge of equity and diversity was kicked down a rung in official stature..."*¹⁸

Due to your duplicitous nature, it should surprise no one that you made no effort to divulge the fact that you and two other Board members cleverly instigated the scheme to demote Dr. Christy.

¹⁵ Superintendent Salary Schedule

¹⁶ *Ibid*

¹⁷ Jeanetta Williams (NAACP) letter to Superintendent Cunningham & Board of Education 07/05/16

¹⁸ Editorial: Salt Lake City School District Dumps Diversity Goof in New Superintendent's Lap –Salt Lake Tribune 07/11/16

The Tribune editorial board was correct when they declared:

*“But to rearrange the lines of responsibility on the district's administrative flow chart is not a private personnel decision. It is a policy choice, one that should have been more openly vetted, at least among board members...”*¹⁹

In **October 2016**, The Board meeting on Tuesday night was held under a false pretense.²⁰ Not only was it held under false pretense, the Board was purposefully denied the transcript of the hearing and all of the exhibits associated with it.²¹ We were only given a copy of the hearing officer's determination wherein he engaged hyperbole in his recitation of the facts, he was extremely subjective in his characterizations, and he leveled numerous personal attacks.²² I actually received more insights into the circumstances surrounding this demotion from documents that members of the community read while the Board was sequestered in the close door meeting.

WITHERS DOCTRATE TIMELINE

In **December of 2002**, the Deseret News reported the following:

*“The Salt Lake City Board of Education has picked the new district superintendent of Salt Lake City schools, McKell Withers, out of the ranks of neighboring Granite School District. Withers received his bachelor's and master's degrees from the University of Utah and completes a doctorate degree in educational leadership and policy from the university this year.”*²³

In **May 2003**, McKell Withers finishes his course work.²⁴

In **August 2003**, the minutes of Board meetings begin to reference McKell Withers as “Dr.”²⁵

In **November 2003**, the District puts out a press release referencing “Dr. McKell Withers.”²⁶ I have multiple examples of McKell using “Dr.” prior to him receiving his degree and prior to the time that he successfully defended his dissertation. For purposes of this correspondence, I have included the minutes to Board meetings and the press release.

In **April 2004**, McKell Withers successfully defends his dissertation²⁷

In **July 2005**, McKell Withers Dissertation is accepted in its final form²⁸ In **December 2005**, McKell Withers awarded his Doctorate of Education Degree²⁹

¹⁹ *Ibid*

²⁰ Board Agenda Exhibit 10/11/16: The exhibit to the agenda quotes the Employee Handbook, which states nothing about the Board reviewing a hearing officer's determination.

²¹ Michael Clára letter to Superintendent Cunningham – Third Request for Transcript 10/10/16

²² In the Matter of the Employment Discipline Concerning Kathleen Christy and Salt Lake City School District –Decision of Hearing Officer Kirk G. McRae 08/25/16

²³ Boss Chosen for Salt Lake Schools –Deseret News 12/04/02

²⁴ McKell Withers –Degree Verification – University of Utah

²⁵ Board Meeting Minutes 08/2003

²⁶ Salt Lake City School District –Public Information Office 11/04/03

²⁷ The Quality of State Mandated Mentoring and the Impact of Provisional Teachers by McKell S. Withers -University of Utah Supervisory Committee Approval 04/20/04

²⁸ The Quality of State Mandated Mentoring and the Impact of Provisional Teachers by McKell S. Withers – Graduate Council 07/29/05

²⁹ McKell S. Withers –Degree Verification – Doctor of Education 12/16/2005

The minutes of Board meetings of that time also show that “Kristi Deveraux Swett” was serving as a member of the Board during this timeframe.³⁰ How is it that Kristi Swett didn’t claim that McKell Withers “*put our district in an awkward situation, with the disclosure of [his] questionable doctorate...?*”³¹ Moreover, I have numerous documents where it appears that McKell used the title “Dr.” even before he successfully defended his dissertation.³²

Yet, when Dr. Christy follows the common practice of using the title “Dr.” following the successful defense of her dissertation, Ms. Swett declares that it “*...should certainly be grounds for termination.*”³³

In hypocritical fashion, McKell Withers labels Dr. Christy’s actions “*breaches of professional conduct*” that he has the nerve to label as “*stunning.*”³⁴

CONCLUSION

What I find “*stunning*” is that what I initially called a “*rigged due process*”³⁵ (for Dr. Christy) was even more insidious than what even I thought. This is yet another example where you have abdicated the authority of the Board and set in motion a very destructive path that inhibits this District’s ability to address the needs of our ethnic minority students (60% of the student body).

Why do you and McKell Withers believe that it is okay to hold Dr. Christy to a standard that is contrary to the custom of the day? How do you and McKell Withers think it is okay to hold Dr. Christy to a standard that not even McKell himself came close to abiding?

I of course recognize that you operate under the conditions of something akin to a moral inversion; you and McKell are blind to the injuries that the two of you have inflicted on employees of this District over the years. I would characterize what the two of you have organizationally orchestrated within this school district as **EVIL**:

*“Evil consists in intentionally behaving in ways that harm, abuse, demean, dehumanize or destroy innocent others—or using one’s authority and systemic power to encourage or permit others to do so on your behalf.”*³⁶

I of course recognize your reluctance to acknowledge the administrative evil you have created and perpetuated within the Salt Lake City School District. Your ethical blindness serves to reinforce administrative evil’s continued influence and increases the possibility of future acts of dehumanization and destruction as long as you are here to lead the charge. The manner in which you orchestrated the demotion of Dr. Christy has shocked the conscious of all who witnessed this saga unfold. To be sure, only the likes of Wormwood would admire your handiwork.³⁷

³⁰ Salt Lake City School District –Board Meeting Minutes 10/07/03

³¹ *Opt. Cit.*

³² Salt Lake City School District- News Release 11/04/03

³³ *Opt. Cit.*

³⁴ *Opt. Cit.*

³⁵ Board meeting video 10/11/16

³⁶ The Lucifer Effect: Understanding How Good People Turn Evil by Philip Zimbardo

³⁷ The Screwtape Letters by C.S. Lewis

Whether you realize it or not, your acts of intrigue have a negative reverberating effect on the self-esteem of the educators within this District. They all must ask themselves: "Am I next?"

Only something akin to a democracy in action that allows for a deliberative process will change this organization. Since you have sabotaged any possibility of deliberations in Board meetings, this District's only hope is that the citizens rise up and vote you out of office. Which is the one silver lining to the Board's Tuesday night vote; it incentivized people to find out which members of the Board are up for re-election this month.³⁸ Someone mentioned that your opponent, Jason Stevenson, was just down the street from the District offices in the midst of a fundraiser hosted by Mayor Biskupski. In a flash, over half of the people left the building and quickly made their way to the fundraiser so that they could contribute to Jason's campaign. That's what I love about America!

I submit that the next 30 days are pivotal for this school district. I predict the critical and active citizenship we have seen at our last two Board meetings will continue to crescendo until the Board is restored to a place where a viable and deliberative democracy can be exercised.

Shalom,



J. Michael Clára
Board Member, District 2

Enclosures

- cc: President Wayne Niederhauser, Senate
Speaker Greg Hughes, House of Representatives
Senator Escamilla
Representative Romero
Representative Hollins
Mr. John Dougall, State Auditor
Ms. Rickie McCandless, Mayor's Designee on the Board
Ms. Susan McFarland, President - Salt Lake Education Association (SLEA)
Mr. Jared Wright, President - Salt Lake Association of School Administrators (SLASA)
Mrs. Teresa Organista, Salt Lake City School Board Candidate - District 1
Mr. Jason Stevenson, Salt Lake City School Board Candidate - District 5
Mr. Ryan Pleune, Salt Lake City School Board Candidate - District 7
Salt Lake City School District Equity Leadership Team
Salt Lake City Board of Education
Tribune Editorial Board



³⁸ Tiffany Sandberg - District 1 ■ Michael Clára - District 2 ■ Heather Bennett - District 5 ■ Kristi Swett - District 7