



**JacksonLewis**

**INDEPENDENT INVESTIGATION REPORT**

*SUBMITTED TO:*

**BOARD OF EDUCATION OF MONTGOMERY COUNTY**

*SUBMITTED BY:*

Donald E. English, Jr., Esq.  
Kathleen A. McGinley, Esq.  
Tonecia R. Brothers-Sutton, Esq.

**JACKSON LEWIS P.C.**

**September 8, 2023**



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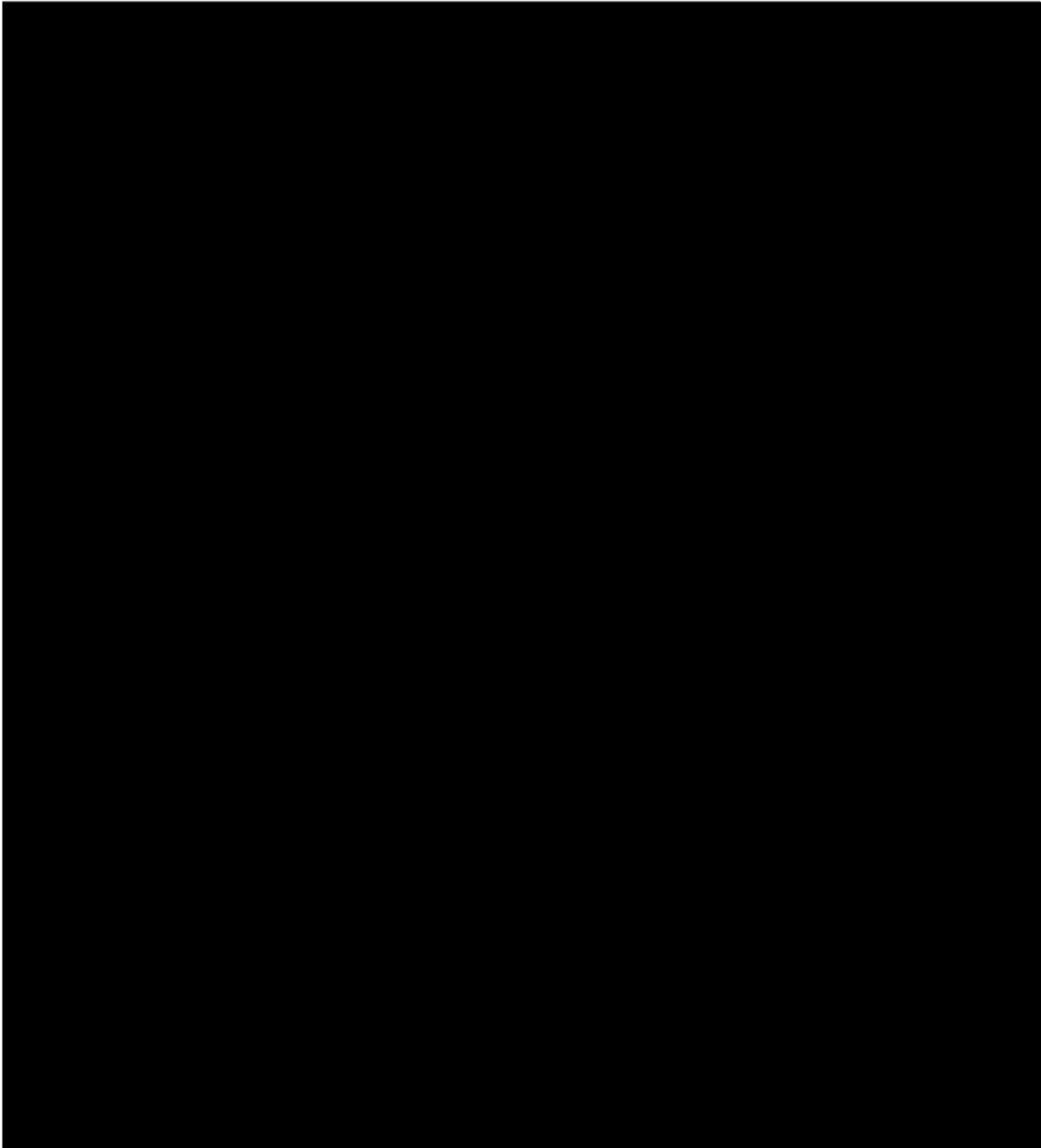
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**I. Scope of Investigation**

The Board of Education of Montgomery County (the "Board") engaged Jackson Lewis P.C., ("Jackson Lewis") to conduct a full and complete independent investigation into the June 2023 promotion of [REDACTED] while [REDACTED] was under investigation for [REDACTED].<sup>1</sup> Specifically, the Board requested that Jackson Lewis examine whether, prior to [REDACTED] promotion, Montgomery County Public Schools ("MCPS") management (1) received complaints or were otherwise aware of allegations of [REDACTED], (2) whether any such complaints were appropriately investigated pursuant to MCPS policies and guidelines, (3) what, if any, actions MCPS took in response to any such complaints, and (4) whether these complaints impacted [REDACTED] promotion. This report provides our factual findings and summary of the evidence that we obtained during the investigation.

Because we investigated and made factual findings regarding MCPS leadership, including [REDACTED], we are issuing this report directly to the Board to maintain the independence of this investigation. Pursuant to the Board's request, at this time, we are not providing any recommendations for subsequent actions based on the factual findings or opining on remedial measures to address any procedural issues.

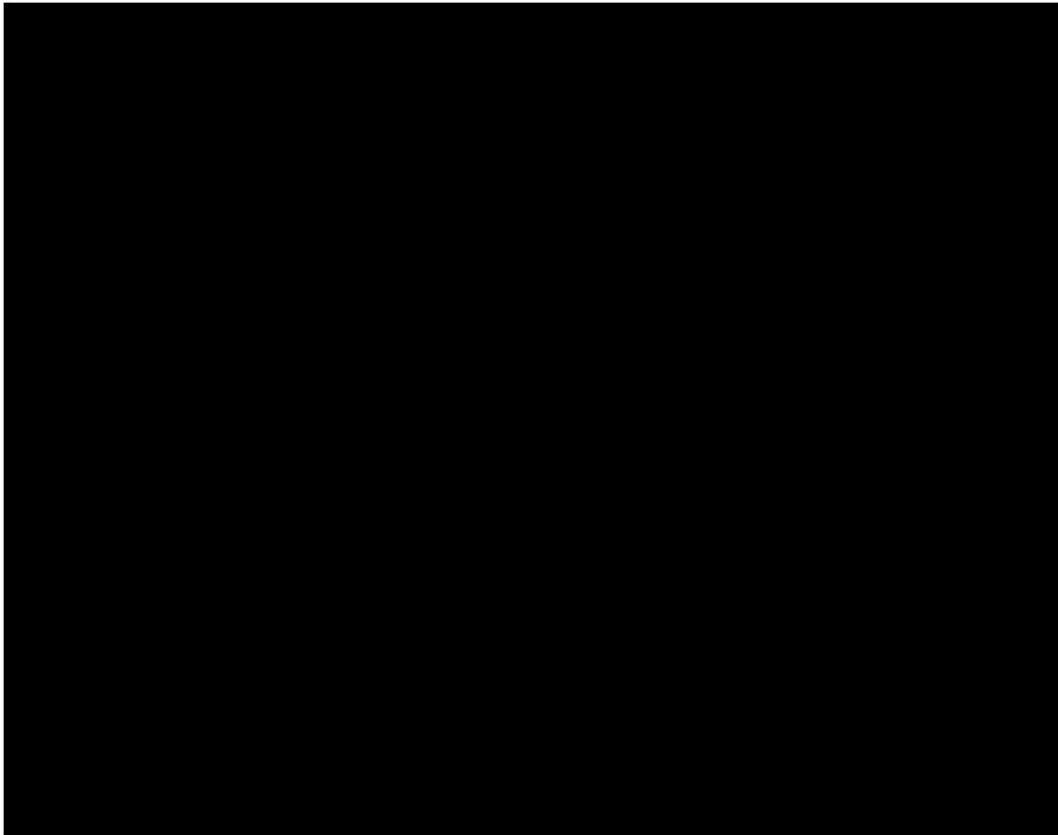
**II. Investigation Methodology**

To achieve the tasked investigation objectives, Jackson Lewis attorneys Donald E. English, Jr., Esq., Kathleen A. McGinley, Esq., and Tonecia R. Brothers-Sutton, Esq., (the "Investigators") identified individuals associated with MCPS, at any level - current or formerly employed - who knew or should have known about the complaints submitted against [REDACTED], the response to each and/or who were involved in the promotion process. The Investigators identified and interviewed the following 30 current and former employees:

- 1. [REDACTED]
- 2. [REDACTED]
- 3. [REDACTED]
- 4. [REDACTED]
- 5. [REDACTED]
- 6. [REDACTED]
- 8. [REDACTED]
- 9. [REDACTED]
- 10. [REDACTED]
- 11. [REDACTED]

<sup>1</sup> Separate and apart from the present investigation, Jackson Lewis was engaged to investigate allegations of [REDACTED]. On August 28, 2023, the Board informed us that Jackson Lewis would not conduct that investigation.

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The Board was also interviewed on August 25, 2023 and September 1, 2023.

Some of these individuals were interviewed more than once as additional and/or conflicting information was learned during the investigation. In total the Investigators completed over 59 interviews of key MCPS personnel. All witnesses, regardless of their employment status with MCPS were given an Upjohn Warning in accordance with the directives and prevailing standards established by the United States Supreme Court in *Upjohn Co. v. United States*, 449 U.S. 383 (1981).

The Investigators also identified and reviewed documents related to the submitted complaints against [REDACTED] MCPS' processes regarding complaint investigations, any investigation performed and the promotional process in June 2023, including:

- Emails and text messages exchanged between relevant witnesses;
- Five Lighthouse Hotline Incident Report Summaries referencing [REDACTED] dated February 7, 2023 (2), February 9, 2023, March 25, 2023, and May 19, 2023;

- Summaries of Maryland Safe School Tip Line reports received regarding [REDACTED] on May 6, 2022, October 19, 2022, and July 20, 2023;
- Documents regarding three student-related complaints concerning [REDACTED];
- The investigative file regarding the [REDACTED] Investigation from Department of Compliance (“DCI”), including draft reports and final reports;
- The investigative file regarding the [REDACTED] Investigation from DCI;
- [REDACTED] in July and August 2023;
- Letters from MCPS to the [REDACTED] in July and August 2023;
- Letter from the Maryland Office of the Inspector General for Education dated August 29, 2023;
- Minutes from Board meetings in 2023;
- Notes from Core Team<sup>2</sup> meetings in June and August 2023;
- Organizational charts for MCPS;
- Board Policies and MCPS Regulations<sup>3</sup>;
- Notes and related documents from the hiring process for the [REDACTED] position in May and June 2023; and
- Personnel file of [REDACTED].

These documents were collected from the witnesses directly, MCPS departments, and from MCPS’ electronic systems and hardware. The Investigators along with their Jackson Lewis Electronic Stored Information team collaborated with the MCPS Information Technology team to identify storage areas where relevant electronic documents and communications were stored on MCPS’ network. Employing eDiscovery applications and third-party software, electronic files were extracted from the accounts of multiple custodians. Over 30,000 documents were collected from the MCPS email accounts, and text message discussion threads were collected from 10 MCPS cellular phones. These files included documents from both Microsoft and Google accounts, and text message threads from custodians’ cellular phones. The Microsoft and Google account files were extracted from MCPS’ network and transferred to a third party Electronically Stored Information (ESI) vendor. The files were processed to extract file contents and metadata, and the documents were hosted on an ESI platform that the Investigators accessed to perform their review.

The information collected and analyzed by the Investigators was gathered under the attorney-client privilege and attorney work product doctrine and treated securely and

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<sup>2</sup> The CORE Team consisted of [REDACTED]

<sup>3</sup> Linked here: <https://ww2.montgomeryschoolsmd.org/departments/policy/index.aspx>

[REDACTED]

confidentially. The Investigators kept the Board apprised of the status of the investigation and were given complete independence to schedule and conduct interviews as needed and to collect documents that the Investigators identified. The Investigators prepared this report and the findings herein without input, influence, or interference from MCPS.

### **III. Summary of Factual Findings**

#### **A. No Anonymous Complaints Or Collateral Complaints<sup>4</sup> Against [REDACTED] Were Formally Investigated; However, All Student Complaints And Formal Complaints By Staff Were Investigated.**

##### **i. Anonymous Complaints**

There were several anonymous complaints made against [REDACTED] from October 2021 through July 2023,<sup>5</sup> including three Maryland Safe Schools Tip Line anonymous complaints, five Lighthouse<sup>6</sup> anonymous complaints and a May 9, 2022 email from a Montgomery County Education Association (“MCEA”) representative that included several anonymous allegations about [REDACTED]. All of these anonymous complaints were received by DCI, but none were formally investigated because DCI has a long-standing practice of not formally investigating anonymous complaints.

##### **ii. Student Complaints**

Since arriving to [REDACTED], there were three complaints against [REDACTED] involving [REDACTED], including (1) a July 2017 complaint that [REDACTED] (2) an October 2017 complaint that [REDACTED] and (3) complaints that [REDACTED]. All of these complaints involving students were investigated and resolved by [REDACTED] supervisors.

##### **iii. Formal And Collateral Complaints To DCI**

In March 2023, [REDACTED] complaint against [REDACTED] for [REDACTED]

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<sup>4</sup> For the purpose of this report, “collateral complaints” are separate complaints identified to DCI by witnesses to the [REDACTED] investigation.

<sup>5</sup> We are not aware of any anonymous complaints against [REDACTED] prior to October 2021.

<sup>6</sup> MCPS uses third-party contractor, Lighthouse, to administer its anonymous complaint tip line.



[REDACTED]

[REDACTED] (the [REDACTED] Investigation”). That complaint was investigated by DCI and not substantiated in April 2023.

In February 2023, [REDACTED] complained that [REDACTED] (the [REDACTED] Investigation”). Some of the witnesses interviewed in connection with the [REDACTED] Investigation raised separate allegations against [REDACTED]. DCI did not investigate those collateral complaints because those witnesses did not file formal complaints.

While [REDACTED] was being considered for promotion in June 2023, the [REDACTED] Investigation was still pending. A few key MCPS leaders involved with [REDACTED] promotion knew about that investigation and failed to take reasonable steps to ascertain the nature of the allegations, preliminary findings of the investigation, and/or inform the Superintendent and the Board about the investigation.

**B. Prior To [REDACTED] Promotion, Members Of MCPS’ Leadership Knew About The [REDACTED] Investigation, But Did Not Take Any Actions To Ascertain The Details Of The Investigation And Did Not Notify The Board.**

Of the MCPS staff that participated in [REDACTED] promotion, [REDACTED] [REDACTED] knew about the [REDACTED] Investigation prior to the promotion. Those five individuals did not inquire about the specific nature of the allegations against [REDACTED] the preliminary findings from the investigation, nor the specific level of discipline that was going to be implemented against [REDACTED]. All of this information was available to them prior to the promotion. There is insufficient evidence that this failure to inquire was intentional and/or designed to conceal the allegations.

[REDACTED] took steps to try to prevent [REDACTED] from being promoted based on limited knowledge about the pending investigation, [REDACTED] concerns about [REDACTED] reputation, and [REDACTED] personal interactions with [REDACTED]. Unfortunately, [REDACTED] did not act on concerns. Shortly before the promotion, [REDACTED] specifically expressed [REDACTED] concerns to [REDACTED] about the proximity of the investigation with the promotion and [REDACTED] concerns about rumors that [REDACTED] has had [REDACTED]. In doing so, [REDACTED] told [REDACTED] that [REDACTED] did not support [REDACTED] for promotion. Despite [REDACTED] concerns, [REDACTED] recommended [REDACTED] for promotion without relaying [REDACTED] concerns to [REDACTED] or the Board.

[REDACTED] for the [REDACTED] Investigation in [REDACTED]. As a result, [REDACTED] and the Board relied on [REDACTED] to [REDACTED].

[REDACTED]

make [REDACTED] aware of and to disclose any relevant personnel information about [REDACTED] including the pending status of the [REDACTED] Investigation. On June 12, 2023, the same day that [REDACTED] recommended [REDACTED] as a finalist for promotion, [REDACTED] issued a draft report finding that [REDACTED] had [REDACTED]. [REDACTED] did not inquire whether there was a draft report at any time prior to [REDACTED] promotion on June 27, 2023. In fact, [REDACTED] never reviewed [REDACTED] complaint or the investigative file.

Prior to the promotion, [REDACTED] was [REDACTED] and [REDACTED] stood to become [REDACTED] if he was selected for the position. Both [REDACTED] and [REDACTED] supported [REDACTED] promotion without inquiring about the details of the investigation.

Prior to the promotion, [REDACTED] was generally aware that there were concerns about [REDACTED] conduct “swirling around,” but [REDACTED] apparently was not specifically aware of the pending investigation. [REDACTED] did not specifically remember if [REDACTED] informed [REDACTED] about the investigation prior to the promotion. [REDACTED] did not take any action to inquire about details regarding what concerns were “swirling around” [REDACTED] prior to [REDACTED] to promote [REDACTED].

There is no evidence that the Board was aware of the investigations or any allegations relating to [REDACTED] prior to its June 27, 2023 decision to promote [REDACTED]. We reviewed the May 3, 2022 anonymous email that was allegedly sent to the Board and [REDACTED]; however, there is no evidence that email was sent to or received by the Board and/or [REDACTED].

**C. After Learning About The Investigation, [REDACTED] And Washington Post Inquiries, [REDACTED] Did Not Promptly Place [REDACTED] On Administrative Leave And Did Not Notify The Board About Those Issues At The July 20, 2023 Board Meeting.**

[REDACTED] indicated that [REDACTED] would not have recommended [REDACTED] for promotion had [REDACTED] known about the pending investigation [REDACTED]. However, once [REDACTED] did know about the investigation and the [REDACTED] [REDACTED] did not take any immediate action to remove [REDACTED] from the position. By July 19, 2023, [REDACTED] was fully aware of the investigation, [REDACTED] and initial inquiries by the Washington Post soliciting information from witnesses about [REDACTED] misconduct. [REDACTED] did not put [REDACTED] on administrative leave until August 4, 2023. The decision to place [REDACTED] on administrative leave sixteen days after [REDACTED] learned about the investigation and [REDACTED] was due to the imminent media coverage and detailed inquiries by the Washington Post in early August 2023 about [REDACTED] alleged misconduct and not due to the investigation or [REDACTED].

[REDACTED]

[REDACTED] attended the July 20, 2023 Board meeting. During that meeting, [REDACTED] did not inform the Board of [REDACTED] knowledge about the [REDACTED] Investigation, [REDACTED] or the initial Washington Post inquiries. The Board was not made aware of any issues with [REDACTED] promotion until on or about August 4, 2023, which was the same day that [REDACTED] was placed on administrative leave.

On July 20, 2023, [REDACTED] were forwarded a Maryland Safe Schools Tip Line complaint alleging that [REDACTED] had [REDACTED]. [REDACTED] told [REDACTED] about the July 20, 2023 Tip Line complaint at some point after the Board meeting. [REDACTED] and/or [REDACTED] never informed the Board about that complaint.

**D. The [REDACTED] Improperly Altered The [REDACTED] Investigation Timeline.**

In February 2023, [REDACTED] was assigned as the [REDACTED] for the [REDACTED] Investigation. [REDACTED] interviewed all of the witnesses and reviewed all of the relevant documents in connection with the investigation. Throughout the investigation, [REDACTED] discussed the status of the investigation with [REDACTED] supervisor, [REDACTED]. Unbeknownst to [REDACTED], on June 1, 2023, [REDACTED] told [REDACTED] that [REDACTED] would not be found responsible for [REDACTED] Investigation, but that there would be a [REDACTED]. In early June, [REDACTED] also told [REDACTED] and [REDACTED] that there would not be any finding of [REDACTED].

Unaware of [REDACTED] assurances to [REDACTED] and [REDACTED] that there would be no finding of [REDACTED], on June 12, 2023, [REDACTED] provided a draft of [REDACTED] investigation report to [REDACTED]. That draft report contained a finding that [REDACTED]. [REDACTED] took no action with the report in June 2023.

On June 28, 2023, one day after [REDACTED] promotion, Sean Chaney Supervisory Inspector for the Maryland Office of Inspector General for Education (“OIGE”), contacted [REDACTED] via email about a complaint that [REDACTED] received regarding [REDACTED]. See Exhibit 19. [REDACTED] did not respond to that email until July 6, 2023. On July 6, 2023, Mr. Chaney and [REDACTED] discussed a complaint that [REDACTED] received of an [REDACTED]. See Exhibit 20. Consistent with what [REDACTED] told [REDACTED], [REDACTED] told Mr. Chaney that there would be no finding of [REDACTED]. See Exhibit 21.

On July 11, 2023, [REDACTED] directed [REDACTED] to change [REDACTED] finding of [REDACTED] in the draft report to a finding of [REDACTED]. [REDACTED] indicated that

[REDACTED] did not think that the evidence demonstrated that [REDACTED]. [REDACTED] also had concerns about [REDACTED] credibility and the inconsistency of the witness statements. As a result of [REDACTED] instruction, [REDACTED] changed [REDACTED] draft report on July 12, 2023 to reflect that there was not enough evidence to substantiate [REDACTED]. That report was reviewed by the Office of General Counsel and finalized on July 21, 2023.

On July 21, 2023, [REDACTED] was requested to and did submit an investigation timeline to [REDACTED]. See Exhibit 16. According to [REDACTED], [REDACTED] simply copied the timeline that [REDACTED] provided to [REDACTED] for the timeline that [REDACTED] submitted to [REDACTED] on July 21, 2023. [REDACTED] timeline accurately reflected that [REDACTED] instructed [REDACTED] to change [REDACTED] June 12, 2023 report on July 11, 2023. See Exhibit 18. However, the timeline that [REDACTED] provided to [REDACTED] modified [REDACTED] timeline to reflect that [REDACTED] instructed [REDACTED] to change [REDACTED] June 12, 2023 report on June 26, 2023 and not on July 11, 2023. The motivation for [REDACTED] changing the date that [REDACTED] directed [REDACTED] to change [REDACTED] finding is unclear; however, June 26, 2023 is both before [REDACTED] promotion and before Mr. Chaney contacted [REDACTED]. We find that [REDACTED] altered the [REDACTED] Investigation timeline in violation of MCPS' Employee Code of Conduct, which prohibits submitting incorrect or false information to MCPS and requires employees to act honestly in the completion of their job duties.

**IV. Timeline of Key Events**

Date	Event
July 11, 2017	Parent requests [REDACTED] alleging that [REDACTED]. This was investigated and addressed.
October 27, 2017	Parent and student complain that [REDACTED]. This was investigated and addressed.
January 31, 2018	Parents and staff complain that [REDACTED]. This was investigated and addressed.
October 19, 2021	First anonymous complaint is filed against [REDACTED] via Maryland State Tip Line alleging that [REDACTED]. No formal investigation of complaint by DCI.
May 3, 2022	Anonymous email is purportedly sent to the Board and the [REDACTED] alleging that [REDACTED].

	██████████ That email was not received by ██████████ or the Board.
May 6, 2022	Second anonymous complaint is filed against ██████████ via Maryland State Tip Line alleging ██████████. No formal investigation of complaint by DCI.
May 9, 2022	MCEA reports anonymous complaints against ██████████ to ██████████ and attaches May 3, 2022 anonymous email. ██████████ forwards email to ██████████. ██████████ forwards email to ██████████. No formal investigation of complaint by DCI.
February 3, 2023	██████████ files formal complaint against ██████████ alleging ██████████. The complaint is formally investigated by DCI.
February 7, 2023	Two anonymous complaints are filed against ██████████ via Lighthouse alleging that ██████████. One of the anonymous complaints also alleged that there was an anonymous email sent a year prior and nothing was done about it. No formal investigation of complaints by DCI.
February 9, 2023	Third anonymous complaint is filed against ██████████ via Lighthouse alleging that ██████████. No formal investigation of complaint by DCI.
February 27, 2023	██████████ files a formal complaint against ██████████ alleging ██████████. DCI formally investigates complaint.
March 25, 2023	Fourth anonymous complaint is filed against ██████████ via Lighthouse alleging that ██████████. DCI does not formally investigate the complaint, but the issue is addressed by ██████████.
April 4, 2023	██████████ investigation is closed with no finding of ██████████.
May 19, 2023	Fifth anonymous complaint is filed against ██████████ via Lighthouse alleging that ██████████.

May 31, 2023	██████████ recommends five candidates including ██████████ for the ██████████ to the Appointments Committee.
June 1, 2023	██████████ tells ██████████ that ██████████ will not be found responsible for ██████████ in connection with the ██████████ investigation, but that there will be a ██████████
June 5, 2023	██████████ participates in ██████████
June 5, 2023	██████████ informs ██████████ that there will be no finding of ██████████ in the ██████████ investigation, but ██████████ would be ██████████ is also informed that there will be no finding of ██████████ in early June.
June 7, 2023	The Appointments Committee recommends three candidates including ██████████ to proceed to the finalist interview.
June 12, 2023	██████████ conduct finalist interviews. They recommend ██████████ and an external candidate to interview with ██████████
June 12, 2023	██████████ submits ██████████ first draft of the ██████████ investigative report with a finding of ██████████
June 14, 2023	██████████ conduct interview of ██████████ and external candidate. They both decide to recommend ██████████ for the position.
Mid-June 2023	██████████ expresses concerns to ██████████ about promoting ██████████ while ██████████ is under investigation. ██████████ also expresses ██████████ concern about rumors that ██████████ has ██████████ as well as ██████████
June 27, 2023	██████████ meet with ██████████ regarding the status of the investigation into ██████████ conduct. ██████████ assures ██████████ that ██████████ is clear from any ██████████
June 27, 2023	The Board appoints ██████████ as ██████████
June 28, 2023	Sean Chaney, Supervisory Inspector, OIGE emails ██████████ stating that they have received a complaint regarding an MCPS employee. ██████████ does not respond.
June 30, 2023	Mr. Chaney sends another email to ██████████ stating that their office received another complaint regarding the same MCPS



	employee and that they would like to discuss. [REDACTED] does not respond.
July 6, 2023	[REDACTED] responds to Mr. Chaney's request to meet regarding complaints the OIGE has received. Mr. Chaney asks [REDACTED] about complaints against [REDACTED]. [REDACTED] tells OIG that there was no finding of [REDACTED].
July 10, 2023	Washington Post sends a Maryland Public Information Act ("MPIA") request for [REDACTED] personnel file.
July 11, 2023	[REDACTED] instructs [REDACTED] to change [REDACTED] finding in the [REDACTED] investigative report to [REDACTED].
July 11, 2023	[REDACTED] receives text messages regarding the Washington Post soliciting information from MCPS employees about [REDACTED]. [REDACTED] sends these messages to [REDACTED].
July 12, 2023	[REDACTED] submits his second draft of the [REDACTED] investigative report with the finding of [REDACTED] per [REDACTED] instruction.
July 16, 2023	The Office of General Counsel reviews the second draft of the [REDACTED] investigative report.
July 18, 2023	[REDACTED] is informed by a friend that the Washington Post is writing a story on [REDACTED].
July 19, 2023	[REDACTED] meet to discuss the [REDACTED] investigation and [REDACTED] impending [REDACTED].
July 19, 2023	Washington Post sends second MPIA request for contracts awarded to [REDACTED] throughout [REDACTED] tenure with MCPS.
July 20, 2023	[REDACTED] meet to discuss [REDACTED]. [REDACTED] confirms that [REDACTED] is receiving [REDACTED].
July 20, 2023	[REDACTED] attends Board meeting and does not inform Board of [REDACTED] Investigation, [REDACTED] or the Washington Post inquiries.
July 20, 2023	Third anonymous complaint is filed against [REDACTED] via Maryland State Tip Line alleging that [REDACTED]. [REDACTED]. This complaint is also sent to [REDACTED]. [REDACTED] is informed about this complaint after the Board meeting.

July 21, 2023	DCI issues final [REDACTED] investigative report finding that there was insufficient evidence to support a finding of [REDACTED] but that [REDACTED]
July 26, 2023	MCPS [REDACTED] as a result of the findings from the [REDACTED] investigation.
August 1, 2023	[REDACTED] receives detailed questions from the Washington Post regarding allegations against [REDACTED] and other employees' knowledge of such allegations.
August 4, 2023	[REDACTED] is placed on administrative leave.
August 8, 2023	MCPS revises [REDACTED]
August 10, 2023	[REDACTED] reviews the [REDACTED]

V. Discussion of Factual Findings

A. MCPS Failed To Formally Investigate Anonymous And Collateral Complaints Against [REDACTED]

From July 2017 to July 2023, the following complaints were received by MCPS regarding [REDACTED]

- Maryland Safe Schools Tip Line Complaints:
  - May 6, 2022
  - October 19, 2022
  - July 20, 2023
- Lighthouse Complaints:
  - February 7, 2023
  - Second February 7, 2023
  - February 9, 2023
  - March 25, 2023
  - May 19, 2023
- Email to DCI:
  - May 3, 2022
  - May 9, 2022
- Student-related Complaints:
  - July 11, 2017 [REDACTED]
  - October 27, 2017 [REDACTED]
  - January 2018 [REDACTED]
- DCI Complaints:



- o February 3, 2023 Complaint by [REDACTED]
- o March 1, 2023 Complaint by [REDACTED]
- o February 3 through April 24, 2023 collateral complaints received by witnesses to [REDACTED] Investigation

As discussed below, MCPS did not formally investigate (by interviewing witnesses, interviewing the accused, or rendering a written determination pursuant to its policies, including Board Policy and Regulations ACA, ACA-RA, ACH, ACH-RA, ACF, ACF-RA, ACI or ACI-RA) any of the multiple anonymous complaints regarding [REDACTED] that it received between October 2021 through July 2023. Many of those anonymous complaints contained sufficient details to enable DCI to initiate a formal investigation, pursuant to its policies and procedures for investigating complaints against staff. DCI similarly failed to formally investigate collateral complaints that were brought to it by witnesses that were interviewed for the [REDACTED] Investigation.

MCPS did investigate and address the three student-related complaints against [REDACTED]. DCI also investigated and addressed the two formal complaints brought by staff against [REDACTED] – the [REDACTED] Investigation and the [REDACTED] Investigation.

We discuss our findings for each category of complaints<sup>7</sup> below.

**i. Anonymous Complaints From 2021-2023 Were Not Formally Investigated**

Starting in the Fall of 2021, several anonymous complaints were made against [REDACTED]. *See, e.g.*, Exhibits 1-5. Those complaints were made via the Maryland Safe Schools Tip Line, Lighthouse and via email to DCI. Despite the fact that many of the anonymous complaints involved allegations of violations of [REDACTED] DCI did not inform the [REDACTED] about these complaints and no [REDACTED] was initiated. *See, e.g.*, Exhibit 4. Further, despite the fact that many of those anonymous complaints contained specific allegations, none of those anonymous complaints were formally investigated by DCI or anyone else at MCPS. DCI has a standing practice of not opening formal investigations into any anonymous complaints. Directors of OSSWB generally have a practice of deferring to DCI's decision not to investigate anonymous complaints, even when those Directors are aware of specific allegations contained in those anonymous complaints.

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<sup>7</sup> We searched for complaints from 2013 [REDACTED] through the end of July 2023. The complaints discussed in this section are the only complaints that we identified during that time period.

<sup>8</sup> [REDACTED]

Despite this practice, DCI should have investigated the anonymous complaints against [REDACTED] because of the number of complaints that were received in a relatively short period of time and because some of the complaints provided specific details about the alleged misconduct that could have formed the basis of an investigation. MCPS has no process or practice to catalogue similar complaints received from different sources. Further, to the extent that they were made aware of specific allegations, [REDACTED] should have inquired about those allegations by interviewing identified witnesses or further investigating to determine relevant witnesses to interview. At a minimum, [REDACTED] should have discussed the allegations with [REDACTED] before determining whether to formally investigate.

**ii. The Three Maryland Safe Schools Tip Line Anonymous Complaints Were Not Formally Investigated**

There were three complaints that were forwarded to DCI from the Maryland Safe Schools Tip Line regarding [REDACTED]. Two of those complaints occurred before [REDACTED] promotion.<sup>9</sup>

The first complaint was dated October 19, 2021. That anonymous complaint alleged that [REDACTED]. The complaint alleged that [REDACTED]. The complaint also alleged that [REDACTED]. DCI received the complaint, but did not conduct a formal investigation into this complaint because it was anonymous. Instead, the complaint was forwarded to [REDACTED] who also did not conduct a formal investigation. However, [REDACTED] did meet with [REDACTED] about the allegations and increased [REDACTED] to the schools so [REDACTED] could further observe [REDACTED].

The second Maryland Safe Schools Tip Line anonymous complaint was received on May 6, 2022. The anonymous complainant alleged that [REDACTED]. The complaint also alleged that [REDACTED]. Lastly, the complainant alleged that [REDACTED]. This complaint was received by [REDACTED] and [REDACTED]. Despite the specific allegations about [REDACTED] conduct, [REDACTED] and [REDACTED] did not formally investigate the allegations because the complaint was anonymous. [REDACTED] apparently did informally examine [REDACTED]. [REDACTED] reported that [REDACTED] talked to [REDACTED] about [REDACTED] which [REDACTED] denied. [REDACTED] explained that [REDACTED] was [REDACTED].

<sup>9</sup> These tips are by their nature anonymous: <https://schoolsafety.maryland.gov/Pages/Tipline.aspx>.

[REDACTED]

The last Maryland Safe Schools Tip Line anonymous complaint was on July 20, 2023, after [REDACTED] promotion. That complaint alleged that [REDACTED] has had [REDACTED] made [REDACTED].<sup>10</sup> The complaint also alleged that [REDACTED]. Lastly, the complaint alleged that [REDACTED]. This complaint was received by [REDACTED], on July 20, 2023. However, no action was taken because the complaint was anonymous. There was enough information to initiate a formal investigation into this complaint because specific individuals were identified who were allegedly [REDACTED].

**iii. The Five Lighthouse Anonymous Complaints Were Not Formally Investigated**

MCPS utilizes a third-party service, Lighthouse, to provide complaint hotline services. From February 7, 2023 through May 19, 2023, there were five anonymous complaints about [REDACTED] received through the Lighthouse hotline. Like the Maryland Safe Schools Tip Line anonymous complaints, none of the Lighthouse complaints were formally investigated.

On February 7, 2023, an anonymous complaint was filed with Lighthouse alleging that [REDACTED]. See Exhibit 1. The complaint also alleged that [REDACTED]. The complaint also referenced [REDACTED]. The complaint further alleged that [REDACTED]. [REDACTED] indicated that [REDACTED] did not investigate this anonymous complaint because the complaint was duplicative of [REDACTED] complaint that DCI received on February 3, 2023. However, this anonymous complaint had different allegations, including allegations of [REDACTED]. Further, this complaint identified [REDACTED] as a witness. [REDACTED] was not interviewed in connection with the [REDACTED] investigation even though [REDACTED] was also identified as a witness by [REDACTED].<sup>11</sup> [REDACTED] did not forward this Lighthouse complaint (or any Lighthouse complaint) to [REDACTED] to investigate as part of the [REDACTED].

<sup>10</sup> The names of [REDACTED] were included in the anonymous complaint. To respect the privacy of those [REDACTED] we have not included their names in this report.

<sup>11</sup> [REDACTED] had relevant information to substantiate portions of [REDACTED] February 3, 2023 report, including that [REDACTED] reported to [REDACTED] that [REDACTED] was [REDACTED] that [REDACTED] believed to be from [REDACTED].

[REDACTED]

Investigation. Had [REDACTED] done that, [REDACTED] could have spoken to [REDACTED] and investigated the additional allegations in this anonymous complaint.

The second anonymous Lighthouse complaint was also filed on February 7, 2023. *See* Exhibit 2. That complaint alleged that “an anonymous email detailing the misconduct of [REDACTED] was sent almost a year ago and nothing was done about it.” It also alleged that [REDACTED] had [REDACTED], which had resulted in [REDACTED]. This complaint apparently referenced the May 3, 2022 anonymous email that [REDACTED] received on May 9, 2022, which is discussed below. Despite the fact that this was the second time that the anonymous email was raised to [REDACTED], [REDACTED] decided not to initiate a formal investigation due to DCI’s practice of not investigating anonymous complaints. Instead, [REDACTED] called OHRD to inquire whether [REDACTED] and was satisfied with the verbal response. At a minimum, [REDACTED] should have ensured that the [REDACTED], [REDACTED] was made aware of this second anonymous complaint and the email that it references so it could be reviewed for action.

The third anonymous Lighthouse complaint was filed on February 9, 2023. *See* Exhibit 3. That complaint alleged that [REDACTED]. In addition, the complaint alleged that [REDACTED] stated that [REDACTED] received this complaint. [REDACTED] indicated to the Investigators that [REDACTED] informally checked with the [REDACTED]. However, [REDACTED] did not investigate the allegation that [REDACTED]. [REDACTED] also did not inquire about [REDACTED] alleged comment. The complaint was again not escalated, including to the [REDACTED].

The fourth anonymous complaint was filed on March 25, 2023 and alleged that [REDACTED]. *See* Exhibit 4. The complaint also alleged that [REDACTED]. [REDACTED] did not initiate a formal investigation of this incident, but [REDACTED] indicated to the Investigators that [REDACTED] did speak to [REDACTED] to inform [REDACTED] about the complaint and was assured that [REDACTED] was handled with [REDACTED]. *See also* Exhibit 22. The Investigators spoke to [REDACTED] about this incident, and [REDACTED] said that [REDACTED]. [REDACTED] indicated that [REDACTED] from the [REDACTED] said that [REDACTED]. [REDACTED] confirmed that [REDACTED] was aware of this incident and the issue was addressed with the [REDACTED]. This complaint was again not escalated beyond DCI.

[REDACTED]

The final anonymous Lighthouse complaint was filed on or about May 19, 2023. See Exhibit 5. That complaint, similar to the February 9, 2023 complaint, alleged that [REDACTED]

[REDACTED] did not initiate a formal investigation into this complaint, but [REDACTED] indicated that verbally verified with [REDACTED]

[REDACTED] did not inquire with anyone at OHRD about the [REDACTED]

[REDACTED] This final Lighthouse complaint was again not escalated beyond DCI.

iv. **The May 3, 2022 And May 9, 2022 Emails Containing Anonymous Allegations Were Not Formally Investigated**

A May 3, 2022 email from [REDACTED] contains various allegations about [REDACTED]

[REDACTED] See Exhibit 6. In addition, the author references the Maryland Safe Schools Tip Line complaints and [REDACTED]. The email further alleges that [REDACTED]

[REDACTED] Further, the email references [REDACTED]

[REDACTED] Lastly, the email also references an alleged [REDACTED]

The introductory paragraph of the email says “Dear Members of the Board and [REDACTED] [REDACTED] however, there is no evidence that this email was actually sent to [REDACTED] and the Board or received by them. This email was not addressed to any email account and no email account was sent a courtesy copy. Apparently, anyone that was allegedly sent this email was blind copied. The Jackson Lewis Electronic Stored Information team and the MCPS Information Technology team searched the MCPS servers for this anonymous email and it was not found in any Board member’s email account or [REDACTED] email account. Both [REDACTED] and each member of the Board confirmed that they never received that email. Based on this evidence, we find that this May 3, 2022 email was never received by the Board or [REDACTED]

On May 9, 2022, that email was forwarded by [REDACTED]

[REDACTED] See Exhibit 6. [REDACTED] also included several other anonymous allegations of [REDACTED] in the May 9, 2023 email to [REDACTED]. Those anonymous allegations included that [REDACTED]

[REDACTED] The email also referenced the [REDACTED]

[REDACTED] The email further stated that there were concerns that [REDACTED] because nothing had been done about these allegations and that there was a need for an independent investigation so that [REDACTED]

[REDACTED]

[REDACTED] responded to [REDACTED] by telling [REDACTED] that pursuant to MCPS policies, any individual who is [REDACTED]. See Exhibit 6. [REDACTED] also told [REDACTED] that [REDACTED] would forward the email to DCI. That same day, [REDACTED] forwarded [REDACTED] May 9, 2022 email (including the May 3, 2022 anonymous email) to [REDACTED]. See Exhibit 6. [REDACTED] then forwarded that email to [REDACTED] and [REDACTED]. See Exhibit 6. [REDACTED] talked to both [REDACTED] and [REDACTED] to ascertain whether there was any known complainant or witness. After verifying that there was no known complainant or witness to any of the allegations, [REDACTED] decided not to initiate any further or formal investigation into [REDACTED] May 9, 2022 email and/or the May 3, 2022 anonymous email.

**v. Complaints Involving Students Were Addressed By Supervisors** [REDACTED]

The complaints involving [REDACTED] engaging in [REDACTED] while [REDACTED] was at [REDACTED] were primarily handled by [REDACTED] directors and/or associate superintendents. We are aware of three such complaints.

The first complaint was from a parent of [REDACTED] made in July 2017. That parent alleged that [REDACTED]. The parent requested a [REDACTED], which was granted. That [REDACTED] is no longer available, but the complaint was investigated by the Pupil Personnel Worker assigned to the case and the allegations against [REDACTED] were not substantiated. Despite the fact that the complaint involved allegations of [REDACTED] this complaint was not forwarded to DCI and/or the [REDACTED]. As a result, there was no [REDACTED] regarding this incident under [REDACTED]. The [REDACTED] was not contained in [REDACTED] personnel file.<sup>12</sup>

The second complaint involved an allegation that [REDACTED] and [REDACTED]. Along with the State Department of Education, MCPS investigated that complaint and found that [REDACTED]. The issue was ultimately resolved with the parent and the student. [REDACTED] was [REDACTED] and was [REDACTED]. This incident was also not in [REDACTED] personnel file.

<sup>12</sup> [REDACTED] personnel file did not contain any information about any complaints, including the three student related complaints. We located documents that were stored in the archives that contained some documentation of the three student-related incidents. There was no documentation in that archived file of any [REDACTED] in connection with the three incidents.

[REDACTED]

The last student-related complaint involved a January 31, 2018 [REDACTED] where [REDACTED]. This incident caused substantial concern for students, staff and parents in the [REDACTED]. Parents complained to [REDACTED] and [REDACTED], who both investigated the issue and determined that [REDACTED] was [REDACTED]. Further, [REDACTED] was required to [REDACTED]. This incident was not forwarded to DCI or the [REDACTED] to investigate even though it involved alleged [REDACTED]. As a result, there was no [REDACTED] into this incident under [REDACTED]. There was no documentation in [REDACTED] personnel file regarding this incident.

vi. **DCI Formally Investigated Two Complaints Brought By Staff Against [REDACTED] But It Failed To Formally Investigate Collateral Complaints Made By Witnesses To The [REDACTED] Investigation**

As discussed above, DCI did not formally investigate anonymous complaints against [REDACTED]. DCI does investigate complaints that it receives from non-anonymous complainants, including complaints involving students and staff. DCI received two such complaints from staff regarding [REDACTED] in 2023. These two complaints were the only two formal and non-anonymous complaints by staff against [REDACTED] since he became [REDACTED]. Generally, to begin a formal investigation of [REDACTED], contact the DCI directly by email or contact their principal or supervisor, if appropriate, who will refer the issue to DCI for review. Both [REDACTED] and [REDACTED] followed this process, which triggered the formal investigation procedure for both of their complaints.

a. **The [REDACTED] Investigation**

On March 1, 2023, [REDACTED] complained to DCI about [REDACTED] by [REDACTED] that occurred in 2022 (the [REDACTED] Investigation”). See Exhibit 8. Specifically, [REDACTED] alleged that [REDACTED]. [REDACTED] further alleged that [REDACTED] attempted to [REDACTED]. [REDACTED] investigated [REDACTED] complaint.

On April 4, 2023, [REDACTED] issued a letter to [REDACTED] informing [REDACTED] that [REDACTED] allegations did not meet the definition of [REDACTED]. See Exhibit 9. [REDACTED] determined that [REDACTED]. Further, [REDACTED] determined that the alleged [REDACTED] did not [REDACTED].

[REDACTED]

appeal that determination. As a result, the [REDACTED] Complaint and the finding were not considered by anyone that interviewed and/or recommended [REDACTED] for promotion. [REDACTED] was also not informed of the complaint, per MCPS policy.

**b. The [REDACTED] Investigation**

On February 3, 2023, [REDACTED] complained to DCI that [REDACTED]. See Exhibit 7. Specifically, [REDACTED] alleged that [REDACTED] further alleged that [REDACTED]. With respect to [REDACTED], [REDACTED] alleged that [REDACTED] claimed [REDACTED] received [REDACTED]. Despite the fact that [REDACTED] complaint alleges [REDACTED] the [REDACTED] was not involved in this investigation.

[REDACTED] was assigned to investigate [REDACTED] complaint. [REDACTED] interviewed nine witnesses, including [REDACTED] and [REDACTED] and reviewed several documents in conducting the investigation. Upon collecting and analyzing all of the evidence in early June 2023, [REDACTED] drafted [REDACTED] initial report. See Exhibit 10. That report was sent to [REDACTED] on June 12, 2023.

In that report, [REDACTED] found that there was a preponderance of the evidence to support that [REDACTED] based this finding, in part, on the fact that a witness confirmed that [REDACTED]

Further, another witness verified that [REDACTED]. Also, [REDACTED]. Lastly, another witness indicated that [REDACTED] also noted in [REDACTED] report that [REDACTED] statement that [REDACTED] had to [REDACTED]. [REDACTED] also sought text messages between [REDACTED] and [REDACTED] from [REDACTED] twice, but they were not provided. Text messages were not sought from [REDACTED], nor did [REDACTED] offer to share them.

In the June 12, 2023 draft report, [REDACTED] also found that there was no evidence to support that [REDACTED]. In making that finding, [REDACTED] noted that there was no evidence corroborating [REDACTED]



[REDACTED]

During their interviews with [REDACTED], three witnesses raised additional complaints about [REDACTED]. DCI told those witnesses that they could file separate complaints, but none of those witnesses filed formal complaints. Despite being on notice about those complaints, DCI did not initiate any investigation because those complaints were outside of the scope of [REDACTED] complaint and those witnesses did not formally file separate complaints. DCI does not have a process for investigating separate complaints that are made by witnesses to an investigation.

On or about July 11, 2023, [REDACTED] reviewed the June 12, 2023 draft and directed [REDACTED] to change the finding [REDACTED]. Apparently, [REDACTED] was concerned about the failure of [REDACTED] to provide the text messages [REDACTED] referenced (and which were requested) evidencing that [REDACTED], which made [REDACTED] question whether [REDACTED]. Further, [REDACTED] noted that there were inconsistencies between the witnesses' recollection of the alleged [REDACTED] made by [REDACTED].

On July 12, 2023, [REDACTED] provided [REDACTED] second draft of the [REDACTED] Investigation report to [REDACTED]. See Exhibit 11. Pursuant to [REDACTED] direction, the report reflected that there was insufficient evidence to support a finding of [REDACTED]. That report did find that [REDACTED]. The basis for that finding was [REDACTED]. In addition, the report found that [REDACTED]. Consistent with the June 12, 2023 draft, the revision did not find any violation of the [REDACTED].

[REDACTED] received a copy of the June 12, 2023 draft from [REDACTED] on July 6, 2023. However, [REDACTED] did not review that version of the report. [REDACTED] was sent the July 12, 2023 draft report on that same day and proceeded to edit that version of the report at various times until the report was finalized on July 21, 2023. Although [REDACTED] provided edits and comments to the July 12, 2023 draft, [REDACTED] did not request that [REDACTED] change the finding of [REDACTED]. In general, the Office of General Counsel reviews the legal sufficiency of DCI investigation reports, but does not change the findings unless there is no legal basis for the finding. The final investigation report was issued on July 21, 2023. See Exhibit 12.

After the final report was issued, [REDACTED] recommended to [REDACTED] that [REDACTED].

See Exhibit 13.

[REDACTED]

[REDACTED] See Exhibit 14. Importantly, [REDACTED]  
[REDACTED]

**B. Prior To [REDACTED] Promotion, [REDACTED] Knew About the [REDACTED] Investigation; However, [REDACTED] And The Board Were Not Aware Of It.**

Several individuals were involved with the promotion of [REDACTED] in some capacity, including the Appointments Committee,<sup>13</sup> OHRD, OSSWB, [REDACTED] the [REDACTED] executive staff, and the Board. MCPS has no process in place to automatically identify and/or delay the promotion of a candidate for a position while an investigation of that candidate is pending. Despite this, [REDACTED] [REDACTED] were aware of the [REDACTED] investigation. None of those [REDACTED] individuals notified [REDACTED] about the investigation. [REDACTED] did not formally interview [REDACTED] for the promotion, but [REDACTED] did support [REDACTED] candidacy even though [REDACTED] was aware of the [REDACTED] investigation. See Exhibit 22.

[REDACTED] knew about the [REDACTED] investigation and other concerns about [REDACTED] [REDACTED] did not notify [REDACTED] specifically about the investigation but did notify [REDACTED] that [REDACTED] had concerns regarding [REDACTED] conduct shortly before [REDACTED] recommended [REDACTED] for promotion. [REDACTED] told [REDACTED] that [REDACTED] concerns were resolved after [REDACTED] assured [REDACTED] that [REDACTED] had not [REDACTED]. As a result, [REDACTED] did not inform the Board about any issues regarding [REDACTED] prior to the Board's vote and appointment of [REDACTED].

[REDACTED] all had varying degrees of knowledge about concerns regarding [REDACTED] conduct; however, none of them exercised reasonable diligence to ascertain details about those concerns.

<sup>13</sup> The Appointments Committee is composed of the [REDACTED]  
[REDACTED]

[REDACTED]

i. [REDACTED] Applied For [REDACTED] And Participated In The Selection Process.

In late May 2023, [REDACTED] applied for the open [REDACTED]. The Appointments Committee received [REDACTED] application, among other applications, and began the selection process. In summary, the selection process involves a series of interviews and approvals starting with the Appointments Committee and ending with the Board. In addition, candidates must meet the minimum qualifications as set forth by the hiring manager. MCPS does not have a process whereby written personnel information, including personnel files, are reviewed as part of the promotion selection process. As a result, [REDACTED] personnel file was not reviewed as part of [REDACTED] promotion process. [REDACTED] separately asked [REDACTED] to review [REDACTED] personnel file due to [REDACTED] concerns regarding the alleged [REDACTED]; however, there was no adverse information in the personnel file.

On June 5, 2023, [REDACTED] and other candidates were interviewed by a community panel, which included staff, students and parents from [REDACTED]. [REDACTED] was selected as one of three finalists for the next round of interviews. On June 12, 2023, the three finalists were interviewed by [REDACTED], facilitating the process. Following this interview, [REDACTED] and an external candidate were selected to move on to the final stage of interviews to be interviewed by [REDACTED]. [REDACTED] interviewed both candidates on June 14, 2023. Soon thereafter, [REDACTED] decided to recommend [REDACTED] for the position. The Board voted to appoint [REDACTED] on June 27, 2023.

ii. By Early June 2023, [REDACTED] Were All Informed About The [REDACTED] Investigation And Did Not Inquire About the Details of the Investigation.

[REDACTED] told several individuals involved with [REDACTED] promotion about the [REDACTED] investigation, including [REDACTED]. However, the details about what else [REDACTED] told them about the investigation varies depending on the witness.

- [REDACTED] said that, on June 1, 2023, [REDACTED] told [REDACTED] that [REDACTED] would not be found responsible for [REDACTED]; however, that [REDACTED] would be [REDACTED].
- [REDACTED] said that, in early June 2023, [REDACTED] told [REDACTED] that [REDACTED] would not be found responsible for [REDACTED], but that there would be some [REDACTED].

- [REDACTED] said that [REDACTED] told [REDACTED] that [REDACTED] said that [REDACTED] was being investigated but that the allegations were [REDACTED] and that [REDACTED] would be cleared from the [REDACTED] Investigation.
- [REDACTED] said that, in early June 2023, [REDACTED] told [REDACTED] that the allegations were not substantiated and that [REDACTED] would be cleared from the [REDACTED] Investigation.
- [REDACTED] said that on June 5, 2023, [REDACTED] told [REDACTED] and [REDACTED] that [REDACTED] was under investigation for [REDACTED] and that [REDACTED] would [REDACTED].

Despite the different recollections of [REDACTED] statements about the investigation, there is no dispute that [REDACTED] told everyone that inquired there was, in fact, a pending investigation against [REDACTED] before [REDACTED] was promoted. [REDACTED] that [REDACTED] spoke to directly [REDACTED] confirmed that [REDACTED] told them that [REDACTED].

During the [REDACTED] Investigation, [REDACTED] spoke directly to [REDACTED]. Not only did [REDACTED] inform [REDACTED] of the [REDACTED] Investigation, [REDACTED] was also interviewed as a witness in the investigation and drafted a written statement regarding [REDACTED]. [REDACTED] also informed [REDACTED] about the March 2023 Lighthouse complaint. Further, [REDACTED] told the Investigators that [REDACTED] met with a [REDACTED] in early 2023 about [REDACTED] allegations that [REDACTED]. With knowledge of the investigation and other complaints regarding [REDACTED] conduct, [REDACTED] still supported [REDACTED] appointment without seeking more information about those complaints. [REDACTED] did not inform anyone involved with the promotion process of [REDACTED] knowledge about the [REDACTED] Investigation or other complaints about [REDACTED].

[REDACTED] were all preliminary decision makers in the promotion of [REDACTED]. See Exhibit 15. [REDACTED] ultimately recommended [REDACTED]. None of those individuals requested more information from DCI about the pending investigation prior to recommending [REDACTED].

[REDACTED] all had separate responsibilities that would necessitate them inquiring further into the details of the investigation rather than just relying upon [REDACTED] general statements. [REDACTED] was ultimately responsible for the [REDACTED] Investigation. [REDACTED] also had direct access to the investigation file. [REDACTED] did not review this investigation file, nor did [REDACTED] speak to [REDACTED] who was conducting the investigation. As discussed above, there was a June 12, 2023 draft report that had a finding of [REDACTED] and that contained [REDACTED]. See Exhibit 10. That report was available on the day that [REDACTED]. [REDACTED] was

[REDACTED]

not fully informed when making [REDACTED] recommendation for [REDACTED] because [REDACTED] did not inquire further into the investigation that was being conducted by [REDACTED] subordinates.

[REDACTED] is assigned to [REDACTED]. [REDACTED] was [REDACTED]. As such, even if [REDACTED] was cleared of any [REDACTED] in the investigation, [REDACTED] had an interest in knowing about the pending investigation and its allegations since [REDACTED] would be [REDACTED]. Similarly, [REDACTED] has an interest in ensuring that [REDACTED] does not have allegations and complaints that followed [REDACTED] to [REDACTED]. Both [REDACTED] failed to take the necessary steps to obtain easily accessible details about the investigation.

**iii. [REDACTED] Expressed [REDACTED] Specific Concerns To [REDACTED] About The Risks Of Promoting [REDACTED]. However, [REDACTED] Still Supported The Promotion.**

As the [REDACTED] had [REDACTED]. Unlike [REDACTED] [REDACTED] did take some affirmative steps to express [REDACTED] concerns about the risk of selecting [REDACTED].

[REDACTED] expressed those concerns directly to [REDACTED]. See Exhibit 17. [REDACTED] told [REDACTED] that [REDACTED] did not support [REDACTED] promotion and that [REDACTED] preference was to select the external candidate. [REDACTED] told [REDACTED] that while there would not be a finding of [REDACTED] from the [REDACTED] Investigation, [REDACTED] was concerned about the proximity of the pending investigation with the promotion. [REDACTED] told [REDACTED] that there would be [REDACTED]. [REDACTED] also told [REDACTED] that [REDACTED] was [REDACTED] and that there were [REDACTED]. [REDACTED] also shared that [REDACTED] had concerns about comments that [REDACTED]. As a result of [REDACTED] concerns, [REDACTED] also met privately with [REDACTED] in mid-June 2023 to tell [REDACTED] that [REDACTED] would need to [REDACTED]. [REDACTED] had observed [REDACTED] and had direct experience with [REDACTED]. [REDACTED] sent [REDACTED] several [REDACTED] 2020 to 2022 that [REDACTED]. Despite [REDACTED] concerns, [REDACTED] still supported [REDACTED] for promotion.

**iv. [REDACTED] Did Not Tell [REDACTED] About The Pending [REDACTED] Investigation And Pending Discipline.**

[REDACTED] did not specifically recall whether [REDACTED] told [REDACTED] that there was a pending investigation prior to the promotion. However, [REDACTED] was concerned that the

[REDACTED]

pending investigation into [REDACTED] would impact the promotion. [REDACTED] indicated that [REDACTED] was not concerned about the disposition of the [REDACTED]. Due to [REDACTED] concerns as well as [REDACTED] scheduled a meeting with [REDACTED] on June 27, 2023 to discuss those concerns. [REDACTED] attended that meeting. During that meeting [REDACTED] warned [REDACTED] about [REDACTED] and requested [REDACTED] assurances that [REDACTED] was clear from any wrongdoing with respect to the [REDACTED] Investigation and any past [REDACTED]. [REDACTED] assured [REDACTED] that [REDACTED] had not engaged in any [REDACTED]. Prior to the Board's vote on June 27, 2023, [REDACTED] told [REDACTED] about the meeting with [REDACTED] and told [REDACTED] that [REDACTED] was "clear" to be promoted.

In addition to meeting with [REDACTED] on the day of [REDACTED] promotion, [REDACTED] asked [REDACTED] several times from early to late June to check the status of the investigation. [REDACTED] also asked [REDACTED] to review [REDACTED] personnel file to ensure that there was no adverse information in it. [REDACTED] reviewed the personnel file and verified that there was no evidence of misconduct.

**v. [REDACTED] Knew That [REDACTED] Had A Reputation for Inappropriate Conduct And That There Was Something "Swirling Around" [REDACTED] Prior To [REDACTED] Promotion.**

[REDACTED] was previously aware of [REDACTED] reputation for engaging in [REDACTED]. For example, [REDACTED] heard that [REDACTED]. Despite this, [REDACTED] indicated that [REDACTED] did not have any concern with [REDACTED] appointment on June 27, 2023 since that issue was several years prior.

[REDACTED] consulted with [REDACTED] prior to [REDACTED] for promotion. [REDACTED] indicated that [REDACTED] supported the external candidate, which was notable for [REDACTED] since internal candidates are usually preferred and [REDACTED] was previously [REDACTED]. When [REDACTED] inquired as to why [REDACTED] supported the external candidate, [REDACTED] indicated that [REDACTED] liked the external candidate more, but did not mention that [REDACTED] was concerned about the [REDACTED] Investigation.

According to [REDACTED], on June 26, 2023, [REDACTED] told [REDACTED] that [REDACTED] was going to check on [REDACTED] because [REDACTED] and that something was "swirling around." Based on [REDACTED] knowledge of [REDACTED] reputation, [REDACTED] understood that [REDACTED] was going to ensure that [REDACTED] was [REDACTED]. [REDACTED] indicated that on June 27, 2023, [REDACTED] told [REDACTED] that [REDACTED] was "clear." Based on [REDACTED] assurance, [REDACTED] indicated that [REDACTED] was satisfied that there was no issue with [REDACTED] background and proceeded to [REDACTED]. [REDACTED] said that [REDACTED] description of [REDACTED] concerns as [REDACTED] and that there was something "swirling around" were not specific enough for [REDACTED] to appreciate that there was a pending investigation. As

[REDACTED]

a result, [REDACTED] did not make any further inquiries about what was “swirling around” once [REDACTED] assured [REDACTED] that [REDACTED] was “clear.” [REDACTED] said that if [REDACTED] knew that there was a pending investigation, [REDACTED] would not have [REDACTED].

**vi. The Board Did Not Know That There Were Any Issues With [REDACTED] Prior To [REDACTED] Promotion.**

No one told the Board that there were any issues with [REDACTED] prior to the June 27, 2023 vote to approve the promotion. Each member of the Board verified that they were unaware of any issue with [REDACTED] prior to the vote to appoint [REDACTED].

**C. [REDACTED] Did Not Place [REDACTED] On Administrative Leave And Did Not Notify The Board About Any Concerns About [REDACTED] Until At Least Sixteen Days After Learning About The Investigation, [REDACTED] And Washington Post Inquiries.**

There was a lack of diligence by key members of MCPS leadership prior to [REDACTED] promotion that resulted in [REDACTED] being promoted while [REDACTED] was under investigation for [REDACTED]. There was a continued lack of diligence by key members of MCPS leadership after [REDACTED] was promoted that resulted in [REDACTED] not being immediately removed from [REDACTED] position after those key leaders knew about the intended [REDACTED]. This lack of diligence also resulted in the Board not being timely notified about [REDACTED].

By July 18, 2023, [REDACTED] became aware that the Washington Post made an MPIA request for [REDACTED] personnel file<sup>14</sup> and was requesting to talk to witnesses about [REDACTED] engaging in [REDACTED]. As a result, [REDACTED] requested that [REDACTED] determine specifically what the Washington Post was inquiring about. On July 19, 2023, [REDACTED] met with [REDACTED]. At that meeting, [REDACTED] told [REDACTED] that [REDACTED] was under investigation and that he was going to [REDACTED] for findings related to the [REDACTED] Investigation. According to [REDACTED], this was the first time that [REDACTED] appreciated that DCI was investigating [REDACTED] during the promotion process. Yet, [REDACTED] said that [REDACTED] reminded [REDACTED] that [REDACTED] had checked-in with [REDACTED] during the promotion process and told [REDACTED] that [REDACTED] was “clear.” It is unclear what [REDACTED] thought [REDACTED] was cleared from when [REDACTED] told [REDACTED] was “clear” on June 27, 2023.

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<sup>14</sup> The Washington Post made a subsequent MPIA request on July 19, 2023 for contracts involving [REDACTED], which was received by [REDACTED].

[REDACTED]

According to [REDACTED], [REDACTED] first learned that [REDACTED] was going to [REDACTED] from [REDACTED] at some point shortly before the July 19, 2023 meeting. On July 20, 2023, [REDACTED] met to discuss the [REDACTED] Investigation. During that meeting, [REDACTED] wanted to know why [REDACTED] was not specifically told that [REDACTED] was [REDACTED]. When we interviewed the attendees of that meeting, they each gave different accounts of what was said about [REDACTED] knowing about [REDACTED] before the promotion. Despite the different accounts of that meeting, [REDACTED] admitted that, prior to the promotion, [REDACTED] was told by [REDACTED] that [REDACTED] admitted that [REDACTED] told [REDACTED] about some [REDACTED] and [REDACTED] also recalled having a conversation with [REDACTED] where [REDACTED] was informed that [REDACTED]. It is not clear whether [REDACTED] informed [REDACTED] that [REDACTED] would be in the [REDACTED] [REDACTED] did not specifically convey to [REDACTED] that [REDACTED] would [REDACTED]. However, whether [REDACTED] would [REDACTED] [REDACTED] is an issue about form over substance. [REDACTED] had enough information before the promotion to be on notice that [REDACTED] was going to [REDACTED].

[REDACTED] all indicated that they would not have supported [REDACTED] for promotion if they had known about [REDACTED] prior to the promotion. Once those individuals became aware of both the investigation and [REDACTED] by July 19, 2023, they did not take any immediate action to remove [REDACTED] from [REDACTED] new position. [REDACTED] was not placed on administrative leave until August 4, 2023 due to specific allegations raised by the Washington Post in early August 2023 and the imminent media coverage of the issue, and not due to [REDACTED]. There is no evidence that this delay was due to any attempt to conceal [REDACTED].

[REDACTED] further stated that if [REDACTED] knew about findings in [REDACTED] on July 19, 2023, [REDACTED] However, [REDACTED] did not request [REDACTED] which was finalized on July 26, 2023,<sup>15</sup> until August 10, 2023. [REDACTED] also never reviewed the July 21, 2023 investigation report.

On July 20, 2023, the Board had its meeting which [REDACTED] and [REDACTED] attended. [REDACTED] did not inform the Board about the [REDACTED] Investigation, [REDACTED] or the Washington Post inquiries at that Board meeting. The Board was not made aware of any issues with [REDACTED] until on or about August 4, 2023 in connection with detailed inquiries from the Washington Post regarding allegations against [REDACTED]. On that same day, [REDACTED] was placed on administrative leave. There is no

<sup>15</sup> The July 26, 2023 [REDACTED] on August 8, 2023.



[REDACTED]

evidence that the failure to notify the Board at the July 20, 2023 meeting about the newly discovered issues relating to [REDACTED] was due to any attempt to conceal this information from the Board.

A few hours after the July 20, 2023 Board meeting, [REDACTED] received the Maryland Tip Line Complaint discussed above. As discussed previously, that July 20, 2023 anonymous complaint alleged that [REDACTED] who were specifically identified in the complaint, and that [REDACTED] told [REDACTED] about the Tip Line Complaint shortly after receiving it. [REDACTED] and [REDACTED] did not attempt to notify the Board about this Tip Line complaint after the July 20, 2023 Board meeting.

**VI. Conclusion**

Simply put, [REDACTED] was promoted while the investigation was pending because key decision-makers did not exercise enough diligence to ascertain important details about the investigation. That failure is not as troubling as the failure of these key MCPS leaders to correct the mistake once those details were known after the promotion and to promptly notify the Board about the issue.

There is no evidence that anyone involved with [REDACTED] promotion attempted to conceal any complaints against [REDACTED]. MCPS has long-standing practices and processes in place that resulted in some of the complaints against [REDACTED] not being formally investigated. Except for the altering of the [REDACTED] Investigation timeline by [REDACTED], which had no impact on the promotion, no one involved with [REDACTED] promotion violated any MCPS policy or engaged in any intentional misconduct.

It is important to note that this investigation team had the benefit of knowing all of the information while we scrutinized a process with many variables and decisions that were made without the benefit of all of the information. This investigation presents an opportunity for the Board to remind MCPS leadership to be diligent and to ensure that appropriate processes are in place so this type of issue does not happen again. Every member of MCPS leadership that we interviewed expressed genuine remorse, accountability and indicated that they have learned from this situation.