

October 24, 2022

Jeffrey Copeland, c/o James Dickinson
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Sent via email: james.dickinson@oflaherty-law.com

RE: Response to Jeffrey Copeland Grievance

Dear Dr. Copeland,

Please accept this letter in response to the letter you submitted on October 12, 2022 grieving your termination from Madison Metropolitan School District (“MMSD”). For the reasons stated below, your grievance is denied. I will address the issues raised in your letter in the order in which they are presented.

First, you state in your letter that you are grieving your dismissal “for cause” from MMSD. Please note that, as an administrator, you did not have “for cause” protections. Addendum J of the MMSD Employee Handbook governs certain policies and rights for Administrators. Addendum J, Section 6 states that an administrator’s supervisor is solely responsible for all disciplinary measures, and that discipline and termination are subject to the grievance procedures of the handbook. Importantly, Addendum J, Section 6 does not include any language requiring “cause” or “just cause” to discipline or terminate Administrators. The absence of “just cause” protection is in contrast to other areas of the Employee Handbook that explicitly state that other employee groups may not be disciplined except for cause. *See Addendum A, Section 8.3; Addendum B, Section 4.2; Addendum C, Section 4.2; Addendum D, Section 4.2; Addendum E, Section 4.2; Addendum F, Section 4.2; Addendum G, Section 4.2; Addendum H, Section 3.2.*

Next, you state that the termination letter does not specifically reference any policy or manual outlining the values being referenced and “therefore this is not grounds for termination.” As noted above, you did not have any just cause protection in your employment. Therefore, reference to a specific policy is not required. Nevertheless, the statements that you made regarding the candidate violated Section 3.1, District Expectations in that they did not show “a professional and courteous attitude toward...the community.” Your statements also implicate Board Policy 8012 which prohibits discrimination against staff and visitors.

You state that you did not make comments about the candidate not being from this country. In the recording, you make a reference to the applicant’s status, or lack thereof, as a “doctor in this country.” This statement, combined with your statement that the candidate “could barely communicate with me” evidences a clear bias toward an individual based on their national origin. The candidate’s name, accent, and degree from the Dominican Republic (which you acknowledge in your grievance) demonstrate that

you considered the candidate's national origin in the context of a discussion about potential employment with MMSD.

It was noted in your termination letter that you disapproved of the candidate's credentials. You respond to that statement in the grievance by noting that your assistant principal stated that the candidate "did not in fact have credentials that were in line with the needs of the dual language position in question." You also note that the candidate was not licensed to teach. Those concerns, in a vacuum, could be considered valid concerns. However, the questions surrounding the candidate's credentials are tainted by your statement about whether the candidate is a doctor in this country. They are also tainted by the fact that after your assistant principal noted that the candidate has a degree from the Dominican Republic, you stated that the district is "just giving people damn jobs." Again, when placed in the context of the candidate's status as a doctor in the United States, his degree from the Dominican Republic, and perceived difficulty communicating, your questions about his credentials to teach are problematic. This is especially true because many MMSD employees are teachers who hold emergency licenses.

You state that your concerns regarding the candidate's ability to communicate were legitimate because communication is a key aspect of teaching." Once again, without any context of the rest of the conversation, a concern regarding a candidate's ability to effectively speak English and communicate may be legitimate. When the concern is raised as part of a conversation about whether the candidate is a doctor in the United States and the fact that they hold a degree from the Dominican Republic, the ability to communicate raises issues about their national origin.

Finally, in response to the concerns in the termination letter regarding MMSD trying to create an anti-racist school district, you stated that you did not make any reference to race in the recording and "therefore this allegation is spurious and not grounds for termination." The candidate's status as a doctor in the United States, his obtaining a degree from the Dominican Republic, and the perceived challenges with communication (the candidate does have an accent that indicates that English is not his native language) cannot be separated from issues of race. The District cannot ignore that the candidate's national origin and native language are tied to his race.

For the reasons stated above, I am denying your Step 1 grievance.

Respectfully,



Dr. Angie Hicks, Associate Superintendent of Middle Schools

cc: Lisa Mortenson, Employment Relations Director
Benjamin Roovers, Staff Attorney