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November 24, 2021

VIA EMAIL

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CONFIDENTIAL DOCUMENT

ATTORNEY CLIENT PRIVILEGED

Re: Laconia School District

Dear Attorney Gorrow:

On September 23, 2021, you asked me to conduct an investigation regarding allegations made by Administrators at Laconia School District against Superintendent Stephen Tucker, complaining of the “unethical treatment of staff and administration.” The complaint stated that Mr. Tucker engaged in “intimidation, fear, microaggressions, retaliation, discrimination, harassment, false representation, favoritism, double standards, and intentional acts to push out staff, punish staff, and make their working environment uncomfortable to the point of being unbearable.”

The evidence was reviewed, compared and analyzed under a preponderance of the evidence standard to determine whether the allegations were with or without merit. “Preponderance of the evidence” for purposes of this report, means that the evidence on one side outweighs or is more than, the evidence on the other side. The conclusions in this report are drawn from the totality of the evidence and a thorough analysis of all of the facts and, where necessary, credibility determinations were made. If additional relevant information becomes available to me, I reserve the right to and expect to supplement this report.

The timing within which the investigation was conducted was determined to be reasonable since numerous witnesses were interviewed and additional allegations were raised requiring further interviews and investigation.

The School Board allowed me complete discretion to conduct the investigation as I determined to be necessary with no attempt to influence or direct the process or outcome of the investigation. I was given complete access to all witnesses and documents requested. All witnesses were cooperative.

I. INTRODUCTION

A. Interviews - all interviews took place via Microsoft Teams or phone due to the Pandemic.

I interviewed 15 people¹ in addition to Mr. Tucker. I interviewed several of these witnesses on two occasions due to additional complaints of retaliation by Mr. Tucker based on the witnesses' participation in this investigation.

B. Documents reviewed:

I reviewed a voluminous number of emails from witnesses along with evaluations, policies, notes, employee files, contracts, and newspaper articles.

C. At the beginning of each interview, each witness was told that:

1. The Laconia School Board (hereinafter "LSB") received a complaint about Stephen Tucker.
2. I was hired as a neutral independent investigator to do factfinding.
3. LSB expects all witnesses to cooperate in this investigation and to provide accurate and truthful information to the best of the witness' ability.
4. I had not reached any conclusions and would not do so until all the facts are gathered.
5. This investigation is a confidential one – it will only be reported to those who need to know it. As a result, you should not attempt to influence the investigation by trying to persuade others to support a particular viewpoint. Also, you should not tamper with or destroy any evidence that is related to the investigation.
6. LSB strictly prohibits any retaliation against anyone who raises a complaint or who participates in the investigation. Witnesses were told that if they believed they have suffered retaliation, to please contact me immediately.
7. I would be taking notes during our interview and would not be recording the interview.

II. ALLEGATIONS RAISED AGAINST MR. TUCKER AND MY FINDINGS.

1. Hostile Work Environment

With the exception of the witnesses I was requested to interview by Mr. Tucker,² all other witnesses used the following words or phrases to describe Mr. Tucker:

¹ One Administrator allegedly had similar complaints about Mr. Tucker but declined to speak to me. Two of the witnesses had counsel and I spoke to them and both attorneys. Mr. Tucker originally retained Attorney Andru Volinsky to represent him and subsequently changed counsel to Attorney Paul Fitzgerald. I was in communication with both counsel.

- Bully
- Uses Fear
- Microaggressions
- Aggressive
- Manipulative
- Dysfunctional
- My way or the highway
- Zero input from staff
- Dictatorship
- Unethical
- Creates hostile work environment
- Retaliatory
- Makes false representations to the LSB
- Favoritism
- Good old boy
- Derisive
- Harassing
- Mean spirited
- Toxic
- Punitive
- Passive Aggressive

I did not find, by the preponderance of the evidence, that the allegations of hostile work environment were based on a protected class under federal or state law such as age, gender, religion, disability, etc. Rather, there was an overwhelming belief that Mr. Tucker creates a dysfunctional and toxic work environment and does not engage in collaborative leadership. All witnesses except those interviewed at the request of Mr. Tucker, stated that Mr. Tucker engaged in bullying and fear tactics to prevent or hinder the administrative team from speaking their minds and engaging in any meaningful dialogue. For example, many witnesses stated that Mr. Tucker misrepresented their position on COVID-19 school reopenings by stating to the LSB at a meeting, that the administrative team was in agreement on reopening protocols. In fact, many members of the administrative team did not agree with Mr. Tucker and felt that the reopening protocols he suggested were unsafe. Many witnesses expressed concerns that Mr. Tucker misrepresented the administration team's views to the LSB and that Mr. Tucker actively discouraged them from stating concerns directly to the LSB. Many witnesses also expressed concern that Mr. Tucker did not take COVID-19 seriously and did not implement procedures to protect administrators, staff and students.

² I spoke to 6 witnesses at the request of Mr. Tucker. Those witnesses were "shocked" and "surprised" by these allegations. They find Mr. Tucker to be a good leader and believe that the administrators who likely complained are "childish" and "do not like to be told no."

Mr. Tucker was “surprised” to learn about the allegations of a hostile work environment. He said that he was “specifically tasked” by the LSB to address issues with his predecessor’s administrative style which was seen as “hands off.” He said the LSB gave him a goal to “unify the team” and “engage people in making decisions.”

Findings: The majority of administrators I interviewed believed that the work environment is dysfunctional, hostile and toxic. I do not find, by a preponderance of the evidence, that the hostile work environment is based on any protected class as I did not find evidence of gender, age, race or any other protected categories animus under federal or state law.

For the majority of witnesses I interviewed, Mr. Tucker is an ineffective leader. Several witnesses stated that they are actively looking for employment out of the Laconia School District. Other witnesses told me that they have not yet applied for jobs, but plan to apply for other positions outside of Laconia if Mr. Tucker remains Superintendent.

Witnesses also expressed frustration that there was a “good old boy network” and that several past administrators have been brought back to the District by Mr. Tucker for various administrative and consulting roles. This has caused a great deal of frustration among some of the administrators. One of the witnesses whom Mr. Tucker asked me to interview, said that “in Laconia there is a history of bringing people back. We grow our own. We love that.”

I find that there is among many, a dissatisfaction with Mr. Tucker’s leadership style and that he has not met his stated goal of unifying the team. To the contrary, there is evidence of a significant breakdown in communications and a general distrust of Mr. Tucker by many of the witnesses. Based on my extensive interviews, I do not believe that Mr. Tucker will be able to unify the current team of administrators.

2. Age Discrimination

One of the administrators raised a complaint of age discrimination. This administrator claimed that Mr. Tucker told others that the administrator was retiring at the end of the school year 2021-2022 in an effort to “push her out.” Specifically, the administrator said that in August 2021, in a meeting where the administrator was not present, Mr. Tucker “announced my retirement and said he would not replace my position.”

The administrator said that she never told Mr. Tucker that she was retiring, although she did have a discussion with him in the Spring 2021 about “possibly” retiring.

Mr. Tucker said that this administrator “came to me, I think in the Summer 2021, and said she was retiring.” He further said that in any event he is planning to eliminate her position.

Findings: I do not find, by a preponderance of the evidence, that any comments made by Mr. Tucker amounts to age discrimination under federal or state law. I believe there was a misunderstanding about whether the administrator was just exploring retirement options or whether

she clearly stated that she was retiring. There clearly was a miscommunication, but I did not find any evidence of any intent by Mr. Tucker to discriminate on the basis of age.

3. Race Discrimination

One administrator believed that Mr. Tucker discriminated against her based on the races of her family and that he compared the challenges schools are facing with COVID-19 issues “to the challenges white educators faced with letting black children come to their schools” at the end of segregation. The administrator felt that this comment was a “gross culturally insensitive thing to say and felt incredibly discriminatory to myself and many others in the district.”

Mr. Tucker denied that he engaged in any type of racial discrimination and explained that there have been issues in the Laconia District with regard to critical race theory (“CRT”) which has caused contentious discussions. He denied that he intentionally made any discriminatory remarks.

Findings: I do not find, by a preponderance of the evidence, that Mr. Tucker engaged in any type of racial discrimination under federal or state law. As I understand it, there has been significant media coverage in Laconia regarding CRT, and I do not think that Mr. Tucker engaged in any unlawful violations of federal or state law based on race animus.

4. Gender Identity Discrimination/Harassment

[REDACTED]

[REDACTED]

Findings: I do not find, by a preponderance of the evidence, that Mr. Tucker engaged in any type of discriminatory or harassing animus based on gender identity under federal or state law.

5. Retaliation

Three witnesses asked for second interviews based on perceived retaliation against them by Mr. Tucker for cooperating in this investigation. Two of these witnesses have counsel.

The majority of the retaliatory complaints concerned evaluations given by Mr. Tucker shortly after my interviews of these witnesses and Mr. Tucker. Mr. Tucker admitted that he had not done timely evaluations in prior years. He said that the investigation pointed this out to him and he wanted to rectify that deficiency. He denied that his motive was retaliatory.

Two witnesses stated that their prior evaluations had been positive and that the verbal meetings in October 2021 with Mr. Tucker just prior to this investigation, had also been positive. The witnesses

said that the negative evaluations given post interviews were in sharp contrast to prior favorable evaluations.

For example, in one evaluation, Mr. Tucker put a letter in this administrator's file 353 days after the event occurred. Further, Mr. Tucker referenced in the evaluation, incidents which occurred well prior to the current evaluation period. Notably, the prior evaluation made no note of the issue even though it occurred in that evaluation time period.

Mr. Tucker responded that he "forgot" to put the letter in the Administrator's personnel file when the incident occurred. He further said that he had "not been timely" on prior evaluations and was attempting to "get current" with evaluations in general.

Another administrator stated that Mr. Tucker attempted to revoke prior authorization she had from the previous Superintendent to pay for her personal internet services. Mr. Tucker in a letter dated October 29, 2021, demanded that this administrator return close to \$1,000 for the internet charges by November 19, 2021.

Notably, the funds had not even been paid to this administrator thus, there was no need to reimburse the District. Apparently, Mr. Tucker did not fully investigate to see if funds had actually been given to the administrator. Further, the administrator was able to show that Mr. Tucker and the Assistant Superintendent had knowledge that permission to be reimbursed for these expenses had been granted by the prior Superintendent.

This administrator also stated that her prior evaluation in February 2021 was drastically different from the recent one provided in October 2021. Further, in the pre-evaluation meeting earlier in October 2021, just before my interview of Mr. Tucker, the witness stated that her meeting with Mr. Tucker was "positive, productive and constructive." But after Mr. Tucker was interviewed by me as part of this investigation, he gave a written evaluation to her which was negative and vastly different from the February 2021 written evaluation and the verbal evaluation in October 2021.

Mr. Tucker said that the verbal evaluation meetings early in October 2021 were for him to "listen to the Administrators" and were not intended to be evaluative. He said, "I don't think I've done anything unreasonable." He said there were issues with this Administrator and he believes that the evaluation given on October 21, 2021 was "fair." He said, "I was hired to unify" and I "have had a hard time doing that" with some administrators.

A third administrator said that she had been subjected to retaliation by Mr. Tucker. Although this administrator's evaluation was positive, she said that Mr. Tucker was attempting to disband a student team she had developed and cultivated over the years and she believed that this was retaliatory.

Mr. Tucker said that he had no knowledge of any attempts to disband the group.

Findings: I find, by a preponderance of the evidence, that Mr. Tucker has engaged in retaliation towards two of the administrators by giving negative evaluations just after he was

interviewed by me. The prior evaluations done in 2021 were positive and the in person verbal evaluations in early October 2021 were also positive.

I further find that the communications regarding the personal internet expenses were retaliatory, particularly asking for reimbursement when the funds had not even been disbursed. Mr. Tucker has the right to change the reimbursement arrangement with this administrator, but the timing and tone of the communications with the administrator were retaliatory, inaccurate and hostile.

I further find that it was retaliatory to place a negative letter in a personnel file 353 days after it was generated and to note issues during a prior evaluation period when it was not addressed in that applicable evaluation.

I do not find that Mr. Tucker retaliated against the administrator who complained about the disbanding of a student group she founded. Mr. Tucker was credible in saying that he did not have any knowledge of this complaint.

Thank you for asking me to conduct this investigation. Please let me know if you have any questions.

Sincerely,

Debra Weiss Ford

Debra Weiss Ford

DWF/vo