

Prince William County Racial and Social Justice Commission: A Minority Report

PRESENTED TO THE PRINCE WILLIAM BOARD OF COUNTY SUPERVISORS
AND THE ADVISORY COUNCIL ON EQUITY FOR THE PRINCE WILLIAM
COUNTY SCHOOL BOARD

February 8, 2022

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Prince William Board of County Supervisors (BOCS)

Prince William County Schools Advisory Council for Equity

We write as individual citizens who have, as appointed members of the Racial and Social Justice Commission (RSJC), observed first-hand the proceedings of the Commission. We share concerns for acts of racism and prejudice by individuals, or groups of individuals, based on the color of his or her skin in our community. Individual acts of disrespect, deprivation of basic freedoms and rights, or actions based on racism assaults human dignity. However, the BOCS resolution specifically set the mission of the RSJC to examine the state of racial and social injustice for people of color within Prince William County with a “focus on policing, the provision of government services; and public education” by Prince William County government and School Administration.

We had hoped for the opportunity to express our views at the Board of County Supervisors meeting, along with other citizens, who may have concerns about the content and recommendations made in the RSJC Report when it was added to the BOCS agenda for Commission leaders to present the recommendations. Sadly, consistent with the actions of the Commission leadership in suppressing the voices of those who did not support the pre-determined narrative they had chosen, the same scheme extended to blocking a public discussion in the presentation of the Commission’s recommendations at a BOCS meeting.

Unfortunately, we have recently discovered that this RSJC Report was submitted to the Board of County Supervisors only in background material for the January 11, 2022, BOCS briefing packet without being included on the Board Agenda that would have given the public notice of this discussion. There was an attempt made by Supervisor Franklin in the January 18 meeting to formally accept the Report **without any public comments or input, a presentation by the RSJC Chairman, or to allow for those Commissioners who did not concur with the recommendations in the Report to make any presentation.** In addition, Supervisor Franklin expressed the intent to issue a directive to the County Executive to proceed with implementing the recommendations contained in the RSJC Report. Following objections by other BOCS Board members, this issue was deferred to a future BOCS meeting.

Sadly, the exclusion of the public from any discussion about the content of the RSJC Report and its recommendations mirrors much of procedures used by the Commission leadership to

exclude public comment on any of the recommendations in the approved Report. **In fact, the Commission leadership blocked any citizen input by adopting special procedural measures to not allow citizen comments during the November 18, 2021, and December 16, 2021, meetings, and allowed no citizen input on the proposed recommendations after the vote on the final Report at the December 16, 2021, meeting.**

Therefore, this Minority Report is formally submitted to the Prince William Board of County Supervisors and to the Advisory Council on Equity for the Prince William County School Board by individual citizens who are also appointees to the Prince William County Racial and Social Justice Commission. This Minority Report is not intended to be viewed as an official document of the Commission but provides an alternate viewpoint to the official Racial and Social Justice Commission's Report that was approved on December 16, 2021.

This Minority Report provides the views and opinions of individual Prince William County residents who also serve as appointees to the Commission who seek to offer a different viewpoint, together with evidence and data where applicable, to the Racial and Social Justice Commission's Report that was submitted to the Board of County Supervisors. The signers to this Minority Report have no authority to speak for the Commission and do not intend for this Minority Report to be construed in any way as having any standing as an official document of the Commission.

Respectfully submitted,

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*** Commissioner Tredinnick voted in favor of sending the RSJC Report to the Board of County Supervisors to allow for the discussion to continue but did so having clearly expressed her intent to support this Minority Report. Commissioner Tredinnick believes the Committee Chairman for the Government Services subcommittee, upon which she served, made a good-faith effort to fairly evaluate all viewpoints notwithstanding the bias shown by the Chairman and some others in the overall final report.*

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1. BACKGROUND

The Racial and Social Justice Commission (RSJC) was established by the Prince William Board of County Supervisors (BOCS) to “examine the state of racial and social injustice for people of color within Prince William County”¹ and the Prince William County School Board approved a partnership to have any recommendation, finding, or decision of the RSJC referred to the Advisory Council for Equity for “further study and possible recommendation to the Prince William County School Board.”²

According to 2020 Census data, Prince William County is a majority-minority County³ with a diverse racially mixed population of 482,204 residents. The BOCS is comprised of 8 members, 5 of whom are Democrats and 3 are Republicans. The School Board is comprised of 8 members, 7 of whom affiliate publicly with the Democratic Party, and 1 of whom affiliates with the Republican Party.

In addition to the two resolutions governing the creation and composition of members and ex-officio members of the RSJC, the Commission adopted Bylaws⁴ and a 2021 Work Plan⁵ intended to facilitate the business of the Commission.

¹ <https://www.pwcva.gov/assets/2021-04/Res%20No.%2020-725%20-%20Create%20a%20Racial%20Justice%20Commission.pdf>

² <https://www.pwcva.gov/assets/documents/human-rights/School%20Board%20Approved%20Resolution%20-%2011-4-2020.pdf>

³ <https://www.census.gov/library/stories/2021/08/2021-united-states-population-more-racially-ethnically-diverse-than-2010.html>

⁴ <https://www.pwcva.gov/assets/2021-04/RSJC%20BY-LAWS.pdf>

⁵ https://www.pwcva.gov/assets/2021-04/RSJC%20Work%20Plan%202021_0.pdf

2. EXECUTIVE SUMMARY

- Based on available evidence and data presented to the Racial and Social Justice Commission (RSJC), Prince William County government has achieved an excellent record in providing government services, policing, and education free from systemic racism.
- The RSJC deliberately chose to pursue a purely political agenda rather than any serious effort to examine the state of racial and social justice for people of color within Prince William County. The RSJC leadership chose a path of conflict and controversy over cooperation on critical issues simply to protect the political agenda they were pursuing.
- The RSJC Commission leadership implemented policies that deprived the public of the opportunity to comment on the final recommendations contained in the RSJC report prior to a final vote and after the recommendations were approved by the Commission.
- The RSJC Report is not an evidence-based assessment of the state of racial and social injustice in Prince William County. With the absence of evidence and data on these issues, the Commission Report reflects only anecdotal reports, personal opinions of presenters, improper interference by Commission staff, and the individual biases of Commission members. Presentations made to the Commission on programs and services provided to County residents show there is no hard evidence or data supporting any claim of actionable discriminatory or systemic racism in those programs that were selected for review by the Commission.
- The RSJC Report fails to hold the BOCS and the School Board accountable for failures to address policies and service delivery that disadvantage communities of color. Where potential areas of concern were identified and recommended for review on current policies and practices in programs adopted by the BOCS and the School Board that have had significant negative impacts on communities of color, the Commission leadership consistently blocked discussion on topics that could potentially expose the BOCS or School Board to criticism for their actions, or lack of it, on these important issues. These issues included whether the County implemented racially biased vaccine distribution policies; remote learning impacts on students of color; and failures to address pre-pandemic learning achievement and graduation rates of minority students.
- The RSJC Report largely redirects the focus to a national progressive social justice agenda that cannot be overlaid to the state of racial and social injustice in Prince William County. While there are some laudable observations, comments, and recommendations offered in the Report, the mission set out by the BOCS required a

Report with an objective set of recommendations based on evidence and data, not anecdotal reports, personal opinions, and political or philosophical views held by individual members of the Commission or staffers assigned to support the Commission.

- Many of the recommendations in the RSJC Report are completely unrelated to the mission for the Commission, i.e., hiring preferences for Veterans and persons with disabilities; construction of a new Juvenile Detention Center; homeless initiatives; increased access to Youth for Tomorrow for youth programs focused on care for children with severe emotional or behavioral problems; and hiring protocols for the new County Executive. While these recommendations may have merit, their discussion and inclusion in the Report illustrates the diversion of attention from issues that were blocked from consideration that are squarely in the Commission's mission. To illustrate, there is no record officials of Youth for Tomorrow made any presentation to the Commission or provided information on programs or even capacity to provide the services that are included in the Report's recommendations.
- When an allegation was made at an RSJC meeting by the president of the Prince William County NAACP that a Prince William County police officer used a racial slur following his presentation to a Police Leadership Seminar, the Commission appropriately deferred the investigation to the County Executive. However, when the findings of that investigation were released, the Commission leadership failed to direct a correction be made to the public records of the Commission to protect the public from any misunderstanding on this issue. The Report makes no reference to this allegation or the findings of the investigation despite the fact the allegation was made at a Commission meeting from a prominent Black community leader who claimed systemic racism at the highest levels of the Prince William County Police Department, an allegation the remains on the Commission's public record without any action by the Chairman or the majority of the Commission to inform the public who may rely only on the Commission's records.
- The School Resource Officer Program (SRO) program in Prince William County schools was targeted by the Committee Chairman of the Education subcommittee as a major issue of concern, but the evidence and data do not support the recommendations offered in the Report. The concerns referenced in the Report appear to have been prejudiced by a national narrative to eliminate SRO programs, but the same experiences in other jurisdictions with SROs are not occurring in Prince William County. The recommendations on SROs in the Report illustrate a focus on a national progressive agenda, not on conditions in Prince William County. The highest priority should be that

Prince William County children are safe in school facilities and their classrooms, and advocacy for the complete elimination of SROs undermines that objective.

- The Commission's Report was improperly and significantly influenced by County staff assigned to support the Commission whose regular employment assignments directly relate to dealing with issues of discrimination and systemic racism in Prince William County. That bias was evident throughout the proceedings of the Commission as staff focused on justifying anecdotal claims or simple assertions of embedded racism in County policies, ordinances, and practices that their jobs themselves were created to address.
- County staffers assigned to support the Commission consistently exhibited biased and unprofessional conduct by openly mocking, disrespecting, and obstructing the positions of Commission members that they did not agree with on a philosophical or political basis. The County's Equity and Inclusion Officer dominated the subcommittee deliberations despite her personal and professional views on issues that Ms. Burgos' County office was created to oversee.
- The RSJC Report is compromised by conflicts of interests held by Commission members. Despite the clear actual or appearance of a conflict on full Commission votes on issues and subcommittee actions, the Commission refused to adopt a Conflict-of-Interest policy that would give the public confidence in the final Report. The Commission Chairman made subcommittee assignments that created impossible conflicts of interests, and even made appointments to the Education Committee with School Board representative and a currently employed Prince William County schoolteacher that constituted the majority on every vote, making the conflict of interest more egregious. Those appointments constructively blocked any independent review of educational issues where school board or teachers' association/union policies negatively impacted communities of color.
- The Commission Chairman made deliberately partisan appointments to subcommittees and leadership positions on those subcommittees based on "demonstrated experience in the organizing/advocacy" on racial and social justice issues. That criteria for qualifying to serve in a leadership role is blatantly partisan and biased against any appointee that does not subscribe to the progressive social justice political agenda embraced by the Chairman. No Commission member appointed by a Republican Supervisor was given a Committee Chair position. No Republican was elected to serve in any leadership role on the Commission or appointed to serve in a support role for the Commission.

3. PRINCE WILLIAM COUNTY GOVERNMENT HAS ACHIEVED AN EXCELLENT RECORD IN PROVIDING GOVERNMENT SERVICES, POLICING, AND EDUCATION FREE FROM SYSTEMIC RACISM

Every effort should be made to review processes, laws, and practices where systemic racism may exist and root out these horrific elements of inequitable policies wherever they may exist. The examination of these issues must be conducted responsibly and with integrity, without any preconceived notion that systemic racism exists everywhere.

Based on the quantifiable evidence and actual data presented to the RSJC over the past 12 months, County government is generally (1) free from systemic racism; (2) has adequate systems in place to ensure the delivery of unbiased services to citizens; and (3) has procedures to address complaints from citizens on racially biased policies or actions by county employees in the delivery of government services.

When evidence and data failed to produce an outcome desired by some on the Commission, there were repeated assertions of unreported cases of racist misconduct by county officials towards people of color. On its face, it would be difficult to credibly claim that the current political environment discourages complaints of mistreatment based on race or ethnicity, particularly in a majority-minority county where the majority of elected leaders are themselves Black or Hispanic. Moreover, no evidence was presented to the Commission that quantified the number of unreported cases in Prince William County upon which a conclusion could be made that these cases constituted any significant patterns of or actual discrimination.

It would not be unreasonable to assume that some incidents go unreported by residents for a variety of factors, but progress on this issue has been addressed with federal and state laws that provide protections against retaliation. These protections extend to workplace discrimination, housing, education, and policing

Racial profiling in policing has been a problem in some police departments,⁶ is patently illegal, and violates the U.S. Constitution's core promises of equal protection under the law to all and freedom from unreasonable searches and seizures. Just as importantly, racial profiling is ineffective. It alienates communities from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people they are sworn to protect and serve. That is why it is critically important to review the

⁶ https://www.americanbar.org/groups/criminal_justice/publications/criminal-justice-magazine/2020/winter/racial-profiling-past-present-and-future/

evidence and data on police stops in Prince William County, and complaints resulting from them. The data shows there is no significant problem in our community on that issue, and the presentations by various community stakeholders before the Commission confirmed that fact.

3.1 Employment and Public Accommodation Discrimination

The Prince William County Human Rights Commission's (HRC) mission is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity for all persons within the county through advocacy and education.⁷ In its most recent Annual Report published for HRC 2019 reported that, in a county with a population of 482,204 residents, it had received a total of 54 complaints, 69% of which were found to have been for "No Cause."⁸

Prince William County Human Rights Commission 2019 Annual Report	
# Cases Filed	54
Finding of "No Cause"	69%
Cases resolved through mediation	20%
Cases resolved through conciliation	6%
Finding of "Cause" for complaint	3%
Case Withdrawals/Dismissals	3%

The FY2019 Prince William County budget allocated \$852,346 to the Human Rights Office.⁹ County taxpayers spent \$15,784 per complaint that concluded, from a statistical basis, that Prince William County is a community that does not have significant discrimination in employment, public accommodation issues, or housing.

3.2 Fair Housing

In 2019 and 2020, the Prince William County Human Rights Commission (HRC) conducted a Fair Housing test in Prince William County with funding

⁷ <https://www.pwcva.gov/department/human-rights/about>

⁸ <https://www.pwcva.gov/assets/documents/human-rights/Annual%20Report%202019.pdf> , page 7.

⁹ <https://www.pwcva.gov/assets/documents/management-budget/aFY20--05--Expenditures.pdf> , page 56.

from the United States Department of Housing and Urban Development through the Prince William County Office of Housing and Community Development.

In 2019, 65 tests were conducted in apartment complexes with an aggregate of 14,040 units. The report concluded there was one difference in treatment based on race, and three based on national origin. A validating re-test was conducted at the four apartment complexes to eliminate errors, and the re-test confirmed there were no differences in treatment found in either race or national origin in any of the four reports.¹⁰

In 2020, 60 tests were conducted in apartment complexes with an aggregate of 23,680 units. The report concluded there were differences in treatment in one test based on race and one test based on national origin. When validating re-tests were completed, there were no differences in treatment found either in race or national origin.¹¹

3.3 Complaints of Bias/Racial Profiling Misconduct by the Prince William County Police

An important indicator on the conduct of the police force is the number of Bias/Racial Profiling Complaints that are filed, and the outcome of the investigations into those complaints.¹²

Prince William County Police Community Complaints						
Year	2016	2017	2018	2019	2020	Total
Total Calls for Service	217,306	228,639	244,913	239,912	163,356	1,094,126
Bias/Racial Profiling Complaints	4	10	10	8	4	36
Bias Found	0	1	0	0	0	1

Between 2016 – 2020, there were 1,094,126 calls for police service in Prince William County from which there were 36 complaints of bias or racial profiling. Only 1 of those complaints was found to have merit. Despite this remarkable record, some Commission members recounted personal experiences or anecdotal reports from

¹⁰ <https://www.pwcva.gov/assets/documents/human-rights/Fair%20Housing%20Testing%20Report%202019.pdf> page 11.

¹¹ <https://www.pwcva.gov/assets/documents/human-rights/Fair%20Housing%20Testing%20Report%202020.pdf> page 11.

¹² <https://www.dropbox.com/s/12p3z7usgw7fiig/2020%20Annual%20Report.pdf?dl=0>

friends in the community that alleged racially biased police interventions, although these reports were not specifically attributed to Prince William County police officers.

3.4 Allegation of Violation of County Policy by Members of The Prince William County Police Department (PWCPD) Using a Racial Slur

On May 24, 2021, during Prince William County's Racial and Social Justice Commission Policing and Community Committee Work Session, while speaking during a "Listening Session," the president of the Prince William County National Association for Colored People (NAACP) Rev. Bailey alleged previously hearing a racial slur at a Prince William County Police Department meeting by an unnamed PWCPD member as an example of "systemic racism,".

Here is a transcript of the colloquy between Commissioner Steverson and Rev. Bailey:

Commissioner Steverson:

"Reverend Bailey, on this racial and social justice commission, we have been given briefings on interpersonal, institutional, systemic racism. Would you give us your definition of systemic or institutional racism and how that relates to the Prince William County Police Department?"

Rev. Bailey replied to Mr. Steverson:

"So first before I go into that, and I will gladly do that, I am a layman, and Maria Burgos [Prince William County's Equity and Inclusion Officer] is not. I have had enough conversations with Maria to understand you know the research and passion that she has done and to understand these principles.

So systemic racism and institutional racism is racism that exists because of the way that an organization has been formed with some bias in there that was either intentional or unintentional, which serves not to treat everybody in an equitable manner. How does that relate to the police department? Anecdote first, anecdotes are important, okay? You would not find an anecdote in a report of transgressions or even microaggressions, but anecdotes are important.

Early on in the time when the citizens advisory board was created, the previous Chief invited me as the President of Prince William NAACP to address a leadership seminar, if you will. This was pre-COVID, so it was in person, and I think he told me it was his top one or two or maybe three layers of leadership, and I gladly did that. I came up with a presentation that talked about the CAB and the NAACP and the things that we were doing here and nationwide in order to create and maintain great relationships with our local police department.

So, I walked in the room, in a training room out on the western part of the county there, space probably about this big with forty or something people in the room and when I walked in the room, there were two African Americans in the room, and one of them was an admin assistant.

There was a lot of chatter when I walked in the room; all that chatter ceased when the Chief introduced me as the President of the NAACP. I think that I tell funny jokes, and even though I have not used any of them, I made most of you smile. Cold reception, almost no questions until the Chief began to ask, and then I realized what was occurring.

The highest levels of leadership, this was five or six years ago, were not receptive to anything that the NAACP said, and it wasn't based upon what I was saying because I was extolling the police department, I was saying how great the Chief was and how engaging they were, and as I walked out even though the Chief invited me to stay, it was too cold in there for me, what I heard was "Glad that N-word is done."

Now I had the temerity to continue to walk because I did not want to disturb what was going on, but that told me at that time what the culture was of the highest levels of leadership within the police department. I call that systemic racism."

This narrative followed at least two prior presentations before the Commission or its subcommittees where Rev. Bailey did not disclose or reference this incident, despite questions where such a report would have been appropriate and timely. In fact, Rev. Bailey took no action to address the allegation before any County entity until May 24, 2021, more than 1,200 calendar days after the alleged comment occurred.

The County Executive requested the County's Human Resources Department, pursuant to Prince William County's Personnel Policy 3.8 - Investigation of Employee Complaint/Review Procedures, to initiate an internal administrative investigation to support the County's Personnel Policy 8.4 - Standards of Work Performance and Professional Conduct.

Significant findings of this investigation:

- Rev. Bailey stated, "There was a lot of chatter when I walked in the room; all that chatter ceased when the Chief introduced me as the President of the NMCP ... " "Cold reception, almost no questions until the Chief began to ask, and then I realized what was occurring." However, all members interviewed saw the incident differently than Rev Bailey. The interviewed members stated that when Rev. Bailey approached the podium, they were quiet to show respect for the guest speaker.
- Reverend Bailey stated " ... when I walked in the room, there were two African Americans in the room, and one of them was an admin assistant." Through the investigation, the Investigator identified there were seven (7) African Americans in attendance.
- During the interview process with the 45 current and former PWCPD members, when asked, "did you make the statement 'Glad that N-word is done'?", all members adamantly denied making the statement. When asked, "do you know who made the statement?" all members adamantly denied hearing someone make the statement. Also, they stated had they heard the statement, they would have taken immediate action. It is the responsibility of every County supervisor, manager, and appointing authority to exercise reasonable care to prevent harassment from occurring in the workplace. No other interviewees indicated that he or she made the statement or heard someone make the statement.
- After a thorough review of the witnesses' interviews, the Investigator determined there is no other type of corroboration present. No similar incident occurred on another occasion. The overwhelming consensus of interviewees indicated that he or she did not make the statement or hear someone make the statement. The Investigator determined there is

insufficient evidence to support a finding of an unnamed PWCPD member making a racial slur.¹³

The Commission, despite being the official County forum where this allegation was made public, refused to officially acknowledge the results of the investigation, and failed to insert any notice of the findings in appropriate places in the Commission's records to inform the public that the claims were unsubstantiated.

3.5 Misconduct by School Resource Officers (SROs)

A major emphasis of the Education subcommittee was to examine the current SRO program to determine if there is a basis to justify the elimination of this program. The premise of this concern was the assertion that there are racially based disproportionate interventions with students of color at the schools where SROs are assigned.

In response to a request for data from the Prince William County Police Department that administers the SRO program, Police Chief Newsham provided the following responses on September 10, 2021:¹⁴

QUESTION	RESPONSE FROM PWCPD
<i>Overall, how many complaints have been filed against SRO personnel in the past 3 years, broken down by year?</i>	3 complaints on 2 officers. Internal violations of Department policy. No external complaints have been filed. 2019 and 2021.
<i>Based on the data, is there a disparity in the disciplinary interventions by SRO personnel in schools based on race? In those cases, is there a disparity in proportion to the racial or ethnic demographics of the student populations in the schools where the SRO personnel were assigned?</i>	The SRO provides data to the School Administrator to use during code of conduct violation hearings, the SRO does not make decisions about discipline – per our MOU.
<i>How many SRO personnel have been disciplined for misconduct in the handling of</i>	None for the past 3 years.

¹³ <https://www.dropbox.com/s/03wdn447s3hzef3/Cozy%20Bailey%20report%20PWPD-003%20Final%20Summary%20Report%20Cozy%20Bailey-signed.pdf?dl=0> pages 14 - 16.

¹⁴ Email from Police Chief Peter Newsham to Commissioner Mac Haddow, September 19, 2021.

<i>discipline cases, including termination, retraining, reassignment, etc.?</i>	
<i>How many reports of SRO personnel misconduct have been filed; how many have been investigated; and what is the data on findings from any such investigations?</i>	3 internal investigations on 2 SROs for policy violations.
<i>How many reports have been filed by students or parents alleging unfair treatment by SRO personnel based on race; how many complaints of discipline based on racial targeting; what findings have been made on any such complaints alleging such conduct.</i>	None for the past 3 years.
<i>How many reports by administrators in any school, or the school district, have been made about inappropriate or questionable disciplinary actions taken by SRO personnel?</i>	None, the SRO does not make decisions in code of conduct discipline per our MOU.
<i>Based on data, are there SRO personnel who have a disproportionate number of complaints filed against them for misconduct, and if so, what actions have been taken to remediate the conduct of such officers?</i>	None in the past 3 years.

Notwithstanding the evidence and data that demonstrates that SRO interactions with students are not viewed by school officials, parents, or students to be either unfair or racially biased, the Education Subcommittee offered numerous recommendations based on the claim made in the Report as follows:

“The School Resource Officer program was repeatedly mentioned in presentations by community leaders and organizations to the Commission and the public. Many of these comments raised issues with the current program and its impact on specific students of color. Prince William County organizations, which included VOICE, NAACP,

Unity in the Community, and CASA, called for a serious overhaul of the current program or an end to the program altogether. “¹⁵

The anecdotal and unsubstantiated claims made by the Education subcommittee in its section of the Report show the foundational defects in the Report. The Committee Chairman, Commissioner Akbar wrote the subcommittee report and cited the following:

“Much of the community concern was elevated by news articles surrounding a 2019 report from the Department of Juvenile Justice that showed a staggering number of school disorderly conduct charges against students in Prince William County Public Schools. Between the fiscal year 2016 to 2018, Prince William County Schools had the highest number of school disorderly conduct complaints (216) from schools, many of which were filed by School Resource Officers. Black/African American students make up roughly 20% of the Prince William County Public Schools' student population. Between 2017 and 2019, Black/African American students accounted for half of all school-based disorderly conduct charges. These rates mirror the disparities seen in other aspects of school discipline and underscore the need for a deeper into the causes of the disparities.”¹⁶

This claim was published without any acknowledgment of the response by Chief Newsham to the Department of Juvenile Justice claims:

“Response to the DJJ report regarding school disorderly conduct charges and racial disparities

- The article describes historical data several years old.
- Disorderly conduct laws changed in 2020 and we have changed our policies and training.
- We as an agency are focused on today, implementing new ideas and plans and moving them forward in a way to stop the perception that SROs are arresting for minor infractions, working with the school administration to handle incidents as a code of

¹⁵ <https://www.pwcva.gov/assets/2021-12/RSJC%20Final%20Report.%20to%20BOCS.pdf> page 26.

¹⁶ <https://www.pwcva.gov/assets/2021-12/RSJC%20Final%20Report.%20to%20BOCS.pdf> page 26.

conduct violation and move forward in a positive manner with qualified and enthusiastic people.

- Disorderly conduct laws have changed, and we will change with them and move forward.”¹⁷

Chief Newsham’s response was deliberately discarded because of the bias of the Committee Chairman for the Education subcommittee who has been an outspoken critic of the SRO program. The finding completely ignored the Police Department’s response and materially misleads any member of the public on the state of SRO issues in Prince William County Schools when they review the Report.

¹⁷ Email from Police Chief Peter Newsham to Commissioner Mac Haddow, September 19, 2021.

4. THE RSJC REPORT LARGELY REFLECTS A NATIONAL PROGRESSIVE SOCIAL JUSTICE AGENDA THAT HAS LITTLE OR NO RELEVANCE TO THE ACTUAL STATE OF RACIAL AND SOCIAL INJUSTICE IN PRINCE WILLIAM COUNTY.

4.1 Workforce Demographics

In the RSJC Report to the BOCS adopted by the Commission on December 16, 2021, there are repeated undocumented assertions that “people of color are impacted disproportionately in policing, education, and government services” and that the “County’s current composition in policing, county government, and the educational system continues to be dominated by white professionals.”

This kind of incendiary race-baiting language assumes that if the workforce demographic were “dominated by black professionals” the county would somehow be free from any racial bias or discrimination. What is missing is any evidence or data that the demographics of the county workforce has produced any county policy, ordinance, or practice in the delivery of services to county residents that are racially biased by these “white professionals.”

This Report embraces the view that any individual act of racial prejudice by one person, or by a group of individuals with similar views or values, that takes place in Prince William County can then be imputed to all county agencies and/or our school system. This extreme view ignores the accepted fact that systemic or institutional racism is a form of racism that is embedded as a normal practice within society or an organization. Systemic racism assessments require specific policies, practices, structures, and norms that result in inequitable outcomes for people of color.

The credibility test for the RSJC report is a simple one: Can the recommendations proposed in the report be rigorously defended through data driven answers where observed or perceived inequities can be identified by their sources in policies and routine practices?

When evidence and data are required, the RSJC Report submitted to the BOCS fails to meet any standard of proof for the claims the report purports to make. For example, the fact that the demographics of the county government and education workforce do not match the demographics of the county’s population through the lens of race or ethnicity does not support any claim that those

“white professional” employees engage in systemically racist behaviors or implement policies and routine practices that discriminate against minorities. That conclusion requires a belief that simply being “white” makes you racist, or that being “white” taints you with being part of a “legacy of white supremacy.”

The evidence gathered by the Commission directly contradicts the racially biased conclusions expressed in the report approved for submission to the BOCS and the Advisory Council for Equity of the School Board. While there are some areas where vulnerabilities exist that impact communities of color, there is no evidence or data that was presented showing that Prince William County has racist ordinances, policies, or routine practices that can credibly be characterized as systemically racist.

4.2 The “Scourge of Hatred in Prince William County”

In fact, the Commission was presented with overwhelming evidence that showed Prince William County is a quality community that is equitable and inclusive, and county government reflects the values and norms of the community it serves. In a diverse minority-majority community, where the majority of the elected members of both the BOCS and the School Board are people of color and who have oversight of all county policies, there is no place for unfounded racially charged claims that there is a “scourge of hatred in our community.”

On February 1, 2021, Commissioner Curtis Porter, who also serves as the Chairman of the Prince William County Human Rights Commission (HRC), issued the following press statement on official HRC letterhead:

“Since the Ku Klux Klan (KKK) first formed in 1865, hate groups in the United States have propagated racism, hatred, and violence. Nooses, swastikas, and Confederate Battle Flags will forever be etched in our collective memory as a result of the violent rioters who stormed the U.S. Capitol on Jan. 6, 2021. These images evoke the deeply rooted legacy of white supremacy in the United States.

As residents of one of the most diverse counties in the nation and the first majority county of color in Northern Virginia, we reject the scourge of hatred in our community.”¹⁸

This deliberately inflammatory political statement from the HRC Chairman, on behalf of the HRC members, improperly ascribed the “legacy of white supremacy” and the “scourge of hatred in our community” to the residents of Prince William County. This statement was particularly egregious given the evidentiary record collected over a period of years by the HRC, over which Commissioner Porter presides as Chairman, that clearly demonstrates there is no significant systemic racism in housing or employment in Prince William County.

Commissioner Porter subsequently claimed that he had clarified this issue and invited the Commission to look to the minutes of the Human Rights Commission where the public explanation was offered to suggest the intent of the statement was to say that Prince William County, as a “community” rejected the scourge of hatred. While that requires a tortured redefinition of the plain meaning of the words used in his press release, a review of the minutes of the HRC showed no such clarification is publicly available.

HRC Minutes, February 11, 2021 – no minutes are posted on the HRC website.

HRC Minutes, April 8, 2021 – no record of Porter clarifying statement on February 1, 2021 press release.¹⁹

HRC Minutes, May 13, 2021 – no record of Porter clarifying statement on February 1, 2021 press release.²⁰

HRC Minutes, June 10, 2021 – no minutes are posted on the HRC website.

HRC Minutes, July 8, 2021 – no minutes are posted on the HRC website.

The evidence and data available do not support any conclusion that systemic racism exists in Prince William County in the areas of discrimination over which the HRC has jurisdiction, and HRC Chairman Porter had no evidence upon which he made the unsupportable claim that any “scourge of hatred” exists in Prince William County.

¹⁸ <https://www.pwcva.gov/assets/documents/human-rights/HRC%20Statement%20February%202021.pdf>

¹⁹ <https://www.pwcva.gov/assets/2021-05/April%208%2C%202021%20Minutes.pdf>

²⁰ <https://www.pwcva.gov/assets/2021-06/May%2013%202021%20%20MinutesR.pdf>

There is no dispute that, on a national level, there are documented incidents of racism and race-based hatred that support the observation those events are derivative of, at least in part, policies and ordinances evidencing systemic racism in the communities in which they occur. Progressive social justice advocates cannot, and should not, ascribe those conditions to either the government or the residents in Prince William County without providing conclusive proof of their claims.

5. ASSESSMENT BIAS AND THE EQUITY PLEDGE ISSUE

5.1. Assessment bias compromised any conclusions of the Commission

The Chairman assigned Maria Burgos, the County's Equity and Inclusion Officer who was appointed by the County Executive to provide support for the Commission, to provide training to the Commission during the March 18, 2021 meeting²¹ promoting theories about unconscious bias, institutional bias, and group bias that are popular in social justice discussions to explain why systemic racism cannot be identified in government ordinances, programs, and service delivery solely based on traditional evidence and data. This training was inappropriate for any independent body tasked to make an impartial assessment of the state of racial and social injustice in the County.

Out of apparent frustration with the direction of the Commission's assessments of information being presented and lack of evidence and data supporting the narrative that Prince William County services and programs were systemically racist, the Chairman added a second training session at the July 15, 2021 meeting²² that repeated the concepts that various forms of bias had to be considered in any review of the existence of systemic racism, and that evidence and data were not the only factors to consider.

The training was not focused on how the Commission could conduct a full and unbiased investigation into policies, practices, structures, and norms that result in inequitable outcomes for people of color in Prince William County. Instead, the training content was part of a controversial pedagogy on race bias in society, including how "unconscious or implicit bias" are opinions and views that individuals are unaware they hold, and that are automatically triggered and frequently operate outside of conscious awareness that affect our responses and decision making in the review of racial and social injustice issues.

In short, no person can claim to be free from racial bias because by doing so they fail to recognize their unconscious biases and racist views towards minorities. It is a classic Catch 22 that traps any who claim to not harbor racist views into being deceitful deniers.

²¹ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_6e7ba3b731b51fff28b0cc6da5393cda.pdf&view=1

²² https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_7c29d3013a8b2973a61ae6c87f7f23fe.pdf&view=1

This theory provides a challenge to any finding that no racial or social injustice bias exists in the delivery of government services. The Commission, and its members, would be guilty of not understanding how the following biases, among many, blocked the ability to recognize the pervasive racial and social injustice that exists:

- Unconscious bias
- Ingroup bias
- Ostrich Effect
- Shared Information Bias
- Self-Serving Bias
- Attentional Bias
- Bandwagon Effect
- Choice Supportive Bias
- Confirmation Bias

In the materials supporting her training, Ms. Burgos offered the theory that “Institutional Racism” refers to policies and practices within and across institutions that “unintentionally or intentionally produce outcomes that chronically favor or place one racial/ethnic groups at a disadvantage.”²³

Ms. Burgos’s training included an emphasis on how important “equity” is through the “lens of race” to evaluate how government provides services as a priority over equal opportunities. It was only when challenged on this theory that Ms. Burgos retreated from this leftist progressive ideology.

This training essentially precluded the Commission from adopting any conclusion on the absence of racial and social injustice on programs and services delivered to residents of Prince William County on the basis that our collective biases, including our overarching “unconscious bias” that prevents anyone from seeing the reality of racial bias, prevent any objective assessment. The mission of the Commission was to make an objective review of the state of racial and social injustice in Prince William County. In short, based on Ms. Burgos’ training to the Commission, any finding that racial bias is not present in County programs and services is incorrect because of a variety of biases that prevent such conclusions.

²³ Presentation on “Empowering Equity and Inclusion” by Maria Burgos, Equity and Inclusion Officer, Prince William County Government, Office of Executive Management, before the RSJC on March 18, 2021.

5.2 The Equity Pledge

RSJC Chairman Rock attempted during the March 18, 2021, Commission meeting to require Commission members to recite an “Equity Communications Pledge”²⁴ at the beginning of each Commission meeting.²⁵ This pledge assumes the presence of systemic racial bias in Prince William County government services rather than fulfilling the mission of the Commission to determine if such bias exists, and if so, to what extent.

This proposed Equity Communications pledge mirrors a popular tool being promoted widely in other communities by social justice advocates to commit groups to action in addressing issues of racial equity where systemic racism is found to exist. It is a tool that could have been proposed as an outcome of an investigation by the RSJC if evidence was found of widespread systemic racism in the County. The Equity Communications Pledge was rejected only because of the strong objections to the transparent attempt to impose a tool to set a “biased” norm for conversations by the Commission.

Ms. Burgos continues to actively implement this Equity Communications Pledge in departments and agencies throughout Prince William County on the premise systemic racism exists in County government. The Commission is charged with being an independent body with a mandate to investigate if systemic racism exists at those levels, not be an activist cheerleader affirming a bias without evidence and data to validate the claim.

5.3 The Chairman Abused Authority to Control the Commission Agendas to Favor a Biased Progressive Social Justice Advocacy Agenda

The RSJC Chairman is granted the authority under the By-laws²⁶ as follows:

“For each of the above-described meetings, the Chair shall determine the meeting agenda.”

The Work Plan Mission Statement²⁷ adopted by the Commission states the following:

²⁴ <https://www.pwcva.gov/assets/2021-04/The%20Equity%20Communication%20Pledge.pdf>

²⁵ Video of RSJC Meeting, March 18, 2021, at 22:00: https://pwcgov.granicus.com/MediaPlayer.php?view_id=35&clip_id=2819

²⁶ Article VI – Meetings. Section 2. Agendas.

²⁷ Prince William County Racial and Social Justice Commission, Work Plan 2021, page 1. https://www.pwcva.gov/assets/2021-04/RSJC%20Work%20Plan%202021_0.pdf

Mission: The Prince William County Racial and Social Justice Commission was created by the Board of County Supervisors as a forum to study and propose solutions for racial and social justice issues and experiences within the County and to provide an opportunity to conduct a series of dialogues about racial justice with the community, **other local governments**, and **other agencies and organizations**; to identify areas of concern; **to research best practices and what other jurisdictions have done and learned from similar activities.** (*Emphasis added*)

Despite that clear mandate, most organizations and presenters selected by the Chairman to make presentations to the Commission had almost exclusively aligned themselves with a progressive social justice agenda.

<i>Meeting Date</i>	<i>Organization Invited to Make a Presentation</i>	<i>Presenter</i>
<i>March 18, 2021</i> ²⁸	Prince William County Police	Chief Peter J. Newsham, Prince William County Police
	Prince William County School Board	Loree Williams, Prince William County School Board
	Prince William County Government	County Executive Martino
	Equity and Inclusion	Maria Burgos, Prince William County Equity and Inclusion Officer
<i>April 15, 2021</i> ²⁹	CASA ³⁰	
	NAACP ³¹	Reverend Cozy Bailey
	CASA BRUMAR ³²	
<i>May 20, 2021</i> ³³	Unity in the Community ³⁴	Taalibah Hassan
	Muslim Community ³⁵	Sheikh Da'in Johnson
	Virginians Organized for Interfaith Community Engagement (VOICE) ³⁶	
	Prince William County School Board	Loree Williams, Prince William County School Board
<i>June 17, 2021</i> ³⁷	The Coalition to Save Historic Thoroughfare	Frank Washington

²⁸ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_6e7ba3b731b51fff28b0cc6da5393cda.pdf&view=1

²⁹ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_0504b7b1d5576be9f6b12dc53b609513.pdf&view=1

³⁰ https://www.princewilliamtimes.com/news/supervisors-approve-5-million-for-immigrant-welcome-center-near-potomac-mills/article_e50c4686-116a-11ec-a3f4-fb0ef49a128d.html

³¹ <http://pwnaACP.mymediaroom.com/home.aspx>

³² <https://casabrumarfoundation.org/about-us>

³³ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_f7ba83debff2fc1ce7911671f8549e27.pdf&view=1

³⁴ <https://unityvc.org/>

³⁵ <https://pwperspective.com/news/muslim-association-of-virginia-creates-task-force-to-promote-anti-racism/>

³⁶ <https://www.voice-iaf.org/>

³⁷ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_a16bc1b706a1bb14ff7d45042994e1de.pdf&view=1

July 15, 2021 ³⁸	Jewish Community	Rabbi Goldstein Congregation Ner Shalom
	Community Business Leader	Carlos Castro
	Regional Analysis of Impediments to Fair Housing	Tiffany Martin Manuel Ochoa, Ochoa Urban Collaborative Malcolm Peyton-Cook, Lawyers Committee on Civil Rights
August 19, 2021 ³⁹	Understanding Equality, Inclusion & Equity	Maria Burgos, Prince William County Equity and Inclusion Officer
	Mothers Out Front ⁴⁰	Tiziana Bottino
	School Resource Officers	Major Kevin L. Hughart Sgt. Danny M. Sullins SRO Kristen S. Sheldon SRO Tony Zamora
September 23, 2021 ⁴¹	Use of Force	Chief Peter J. Newsham, Prince William County Police
	2021 Community Survey	Kitty Cook, Issues and Answers
	2020 Census Data	Brian Englemann, Demographer for Prince William County
	Use of Force	Chief Peter J. Newsham, Prince William County Police
October 21, 2021 ⁴²	Data Collection	Paul Lott, National Society for the Advancement of Black Americans ⁴³
November 18, 2021 ⁴⁵	Culturally Responsive Instructions	Josh Parker, CRI Consultant ⁴⁴
	No presentations	
December 16, 2021 ⁴⁶	No presentations	

³⁸ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_7c29d3013a8b2973a61ae6c87f7f23fe.pdf&view=1

³⁹ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_84cd8723ed39bce0a9a569cb4b58e1fb.pdf&view=1

⁴⁰ <https://www.mothersoutfront.org/what-we-do/>

⁴¹ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_4e8a2ae55ab23ee37ff1e63ed2098d82.pdf&view=1

⁴² https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_4e9f14200f66ffebcbe4a21baa765e08.pdf&view=1

⁴³ <https://www.nsaba.org/>

⁴⁴ <http://www.unbounded.org/who-we-are/our-vision>

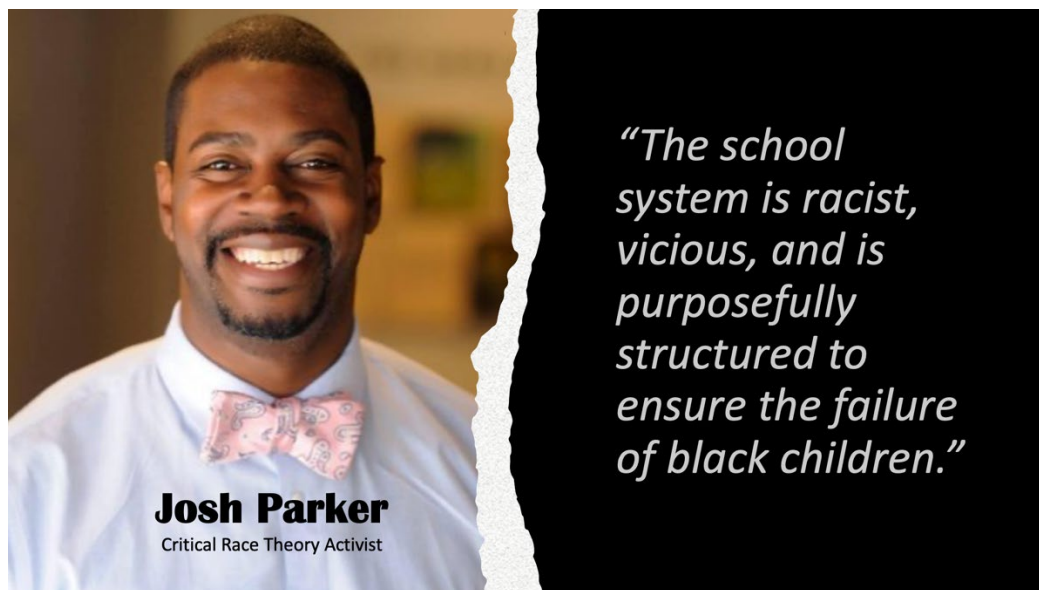
⁴⁵ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_deffe1787e2b0677e3346d1ede83ecbe.pdf&view=1

⁴⁶ https://pwcgov.granicus.com/DocumentViewer.php?file=pwcgov_a2d711f0874f203b66d8f6ca919c36c1.pdf&view=1

There was no serious effort to have a dialogue with other local governments, or to research what other jurisdictions have done and learned from in administering remedial programs to correct discriminatory actions. The majority of presenters selected by the Chairman are biased social justice activists and grassroots political activist leaders with a well-defined progressive agenda on race issues.

The October 21, 2021 Agenda also exposed the bias of the Chairman and some members of the Commission with the invitation extended to and presentation by Mr. Josh Parker, whose entire presentation was a rebuttal to the controversy on Critical Race Theory (CRT), an issue that has emerged in the Prince William County area as a significant interest to parents.

The Chairman provided no background on Mr. Parker prior to his presentation, but it is clear she and Ms. Burgos had coordinated the invitation to Mr. Parker to address the growing CRT controversy in Prince William County.



The Chairman certainly knew Mr. Parker espouses the extremist view that CRT "centers on the culture of students that have been historically marginalized," which was later defined in public presentations he made as "everyone without white skin." Mr. Parker instructs teachers to inject race in every lesson they teach" and that the "school system is racist, vicious, and is purposefully structured to ensure the failure of black children." Parker acknowledges he instructs teachers on how to "disrupt schools and explains the CRT approach is meant to demolish the current education system." Parker also states an

objective of CRT is to teach children to become political activists as a desired endpoint.⁴⁷ In his presentation to the Commission, Mr. Parker thanked Maria Burgos for the invitation to offer his views to the RSJC.

Despite these highly controversial and extreme views, Mr. Parker was treated respectfully by all Commissioners during his presentation and the question-and-answer session that followed.



The second presenter at that October 21 meeting, Mr. Paul Lott of the National Society for the Advancement of Black Americans,⁴⁸ is a Black resident of Prince William County whose work in education and socio-economic issues impacting the education of students of color directly contradicted the national progressive narrative embraced by the Chairman, Ms. Burgos, and other members of the Commission.

Instead of showing respect for the information and data accumulated by his organization, Mr. Lott was subjected to a strong criticism of his views and research by members of the Commission, including from School Board member Williams and Vice-Chair Akbar (who is a schoolteacher).

The aggressively punitive conduct by Commission members towards Mr. Lott stood in stark contrast to all other presenters invited by the Chairman.

⁴⁷ <https://www.edfirstnc.org/post/nc-department-of-instruction-is-training-teachers-and-students-to-become-anti-american-activists>

⁴⁸ <https://www.nsaba.org/>

6. THE RSJC REPORT FAILS TO REVIEW POLICIES ADOPTED BY THE SCHOOL BOARD THAT HAVE HAD SIGNIFICANT NEGATIVE IMPACTS ON COMMUNITIES OF COLOR

The leadership of the RSJC, with the complicity of the majority of the Commission members, consistently refused to review any current policies of the School Board. The consistent explanation was that any review of education issues should wait for the new Superintendent to take office and allow time for the development of a new vision for Prince William County Schools. Requests for specific information from the School Administration were consistently denied by the Education subcommittee Chairman and the School Board representative that blocked any objective evaluation of the school system and potential issues of racism.

The Commission was not tasked to be the protector of either the BOCS or the School Board, whose majorities are held by Democrats, from assessments of policies or practices that adversely impact communities of color.

6.1 The Commission Refused to Assess the Racial Inequities in Remote Learning that Contributed to the Learning Achievement Gaps in Education for Students of Color

The Covid-19 pandemic created an education crisis that put a generation of minority students at a significant disadvantage. A national survey of close to 1,600 families found that parents with low incomes were “10 times more likely to say their kids are doing little or no remote learning.”⁴⁹ The primary reasons for this were obvious to virtually everyone but members of the RSJC: insufficient internet access, lack of support for online learning due to parent work schedules, and the inability to effectively learn in modified formats.

The Commission leaders and the county support staff shut down any examination these failures of the School Board and School Administration to adapt to the critical needs of the students of color, and that inaction led to the widening of the achievement gap for minority students. Instead of being the canary in the coal mine to ring the alarm on clearly discriminatory policies impacting the education of students of color, the Commission deliberately chose to stay silent and that clearly diverted the spotlight from the School Board and School Administration profound mistakes.

6.1.1 The achievement gap for students of color widened significantly during the COVID-19 pandemic when the School Board yielded to political pressure to use a virtual learning platform

⁴⁹ <https://www.childrensdefense.org/state-of-americas-children/soac-2021-education/>

The Commission refused to open an assessment of the learning achievement gap of minority students resulting from COVID-19 policies adopted by the Prince William County School Administration for remote instruction that significantly increased existing gaps in learning, testing scores, and graduation rates of students of color.

In the Commission meeting on February 4, 2021, the Chairman and Vice-Chairman refused to allow the Commission to vote on this issue claiming the Commission was limited to making a report in December and no other recommendations were allowed.⁵⁰ School Board member Williams objected to any communication to the School Board under the “partnership” agreement.⁵¹ County staffer Torres offered the opinion that any action on this topic was outside of the scope of the Commission’s mandate to make any recommendation outside of the report that is permitted to be submitted in December.

In fact, there is nothing in the BOCS Resolution that created the Commission that restricts an interim recommendation for action, particularly when a crisis emerges that adversely impacts communities of color in Prince William County. There is no logical explanation for failing to act when students of color were literally drowning in a failed virtual learning environments and the Commission refused to recommend a lifeline be thrown to them. The decision was a political one, not good public policy.

This decision ignored the data showing the issue was a critical one. In a retrospective review of the impact of virtual learning, the failure of the Commission to assess and make timely recommendations to the School Board is illustrated in the report by school administration staff on the horrific outcomes of the School Board failing to act, and arguably the failure of the Commission to fulfill its mission:

“A staff presentation to the School Board on Wednesday night provided a more detailed look at student performance last year within the division, showing pronounced drop-offs in several key areas, most notably in mathematics, where the number of passing scores fell by 29 percentage points from the 2018-19 school year. (SOL tests were not administered in the spring of 2020, when the pandemic first shuttered school buildings).

⁵⁰ https://pwcgov.granicus.com/MediaPlayer.php?view_id=35&clip_id=2845 at 2:24:57.

⁵¹ https://pwcgov.granicus.com/MediaPlayer.php?view_id=35&clip_id=2845 at 2:25:27.

The percentage of students passing reading tests, meanwhile, fell by 7 points from 2019, though both score changes were largely mirrored by statewide results.

And while scores in both categories fell across every ethnicity the Virginia Department of Education includes in its reports, the declines were sharpest among the division's Black and Hispanic students, widening an already significant testing gap between groups.

Among Hispanic students, the percentage of students passing reading tests fell by 10 points, while the percentage passing math tests dropped from 76% to just 39% last school year. The percentage of Black students who passed reading and math tests fell by 5 and 29 points, respectively. Declines were dramatic among economically-disadvantaged students of all backgrounds as well."⁵²

The Commission had the opportunity to examine these issues in February 2021. Interim recommendations could have been provided to the School Board and the BOCS to directly address the impacts of remote learning on students of color. The Commission leadership and supporting staff shut down any discussions, including blocking a motion (in a clear violation of Roberts Rules of Order) that would have allowed the Commission itself to make the decision.

The enormous negative impacts on students of color resulting from the decision to place students in a virtual learning environment during the pandemic is only one part of a longer-term problem. First, the decision to put students in a virtual learning status was heavily influenced by the teacher's association/union and ignored the foreseeable unique challenges this teaching model for students of color. Second, the School Board was acutely aware of the learning achievement gaps for economically disadvantaged and minority students and failed to provide any needed solutions to those issues.

6.1.2 The pre-pandemic learning achievement gap for students of color showed a long-standing pattern of failure by the School Board and School Administration

⁵² https://www.insidenova.com/headlines/prince-william-hiring-tutors-math-coaches-to-help-offset-learning-loss-caused-by-pandemic/article_3b468090-3338-11ec-af72-cb66d8174739.html

The Prince William County Schools Equity Scorecard⁵³ shows systemic failures by the school system over multiple years (pre-dating the COVID-19 pandemic) to address significant gaps in achievement and performance metrics by ethnicity. The standards of learning (SOL) pass rate for minority students have, over a three-year period pre-pandemic, consistently lagged behind white students. The School Board and School Administration failed to make these abysmal failures a priority to identify solutions to this crisis that denies minority students the opportunity to compete.

Reading SOL Pass Percentages by Ethnicity

	Black	Hispanic	White
<i>2016-17</i>	75%	71%	90%
<i>2017-18</i>	76%	69%	89%
<i>2018-19</i>	76%	69%	89%

Math SOL Pass Percentages by Ethnicity

	Black	Hispanic	White
<i>2016-17</i>	71%	71%	88%
<i>2017-18</i>	69%	67%	86%
<i>2018-19</i>	78%	76%	90%

Another critical failure impacting minority students is the SAT score disparity and the rate of advanced diplomas earned by Prince William County graduating seniors, and the persistent gap between white and minority students that the School Board and School Administration have failed to address.

While colleges consider a lot of factors when they make admissions decisions, standardized test scores are an important piece of your college application. Higher scores mean expanded college options for students, and more scholarship opportunities.⁵⁴ The failure of Prince William County Schools to recognize and provide needed remedial programs or curriculum solutions to help minority students demands some review and examination. The Commission, under pressure from the School Board representative, refused to open any serious examination of these issues.

Graduating Seniors SAT Scores by Ethnicity

⁵³

https://p9cdn4static.sharpschool.com/UserFiles/Servers/Server_340140/File/Advisory%20Councils/SACE/Equity%20Scorecard%202018-19%20updated%20March%206%202020.pdf

⁵⁴ <https://www.princetonreview.com/college-advice/good-sat-scores>

	Black	Hispanic	White
2016-17	1015	1056	1152
2017-18	1017	1069	1159
2018-19	1014	1054	1165

Advanced Diplomas by Ethnicity

	Black	Hispanic	White
2016-17	43%	36%	65%
2017-18	42%	37%	62%
2018-19	41%	35%	62%

Early childhood education has become the predictor for later school outcomes, career and work options, economic stability, health, and social opportunities. It is well understood that school performance is the gateway for success in life, but the gap in Prince William County for minority students versus white peers qualifying for gifted programs is significant. More troubling is that the School Board has clearly failed to act in identifying and implementing programs to close that gap.

Participation in gifted programs at both the elementary and middle school levels is an obvious indicator of a need to address a problem where minority students are not given the opportunity to excel.

Elementary Schools Gifted Program Participation by Ethnicity

	Black	Hispanic	White
2016-17	12%	11%	29%
2017-18	12%	11%	28%
2018-19	12%	10%	28%

Middle Schools Gifted Program Participation by Ethnicity

	Black	Hispanic	White
2016-17	11%	10%	29%
2017-18	12%	11%	30%
2018-19	13%	11%	30%

In both pre-pandemic learning achievement gap and the remote learning failures for minority students, the decisions by the Chairman and Vice-Chairman of the Commission, with the vocal intervention of the School Board representative, were deliberate actions to suppress dissent on any issue that would subject the BOCS or the School Board to

criticism. The use of a procedural maneuver to block a properly placed motion before the Commission to recommend immediate action by the BOCS and the School Board, that is not grounded anywhere in Roberts Rules of Order, was a deliberate act to protect the governing bodies from criticism for their lack of action on these important issues.

6.2 Commission Chairman Grants Veto Power to School Board Representative on Addressing Critical Race Theory Issues

Chairman Rock has repeatedly referenced her reliance on the pronouncements of School Board Member Loree Williams, who serves as the representative of the School Board on the Commission, to limit discussions by the Commission on educational issues, including questions on critical race theory, culturally responsible teaching practices, and policies implemented by the prior School Administrator that were alleged by the president of the Prince William County NAACP to have created a “culture of racism and corruption” in the school system. In effect, the Chairman gave the School Board representative a veto on issues of controversy in education that she did not want to have discussed.

To illustrate, Chairman Rock issued a press release on October 4, 2021 (no longer available on the RSJC website) disavowing a Town Hall Meeting held by Commissioners Haddow, Tredinnick, and Steverson that addressed, among other issues, Critical Race Theory:

“Loree Williams, the school board’s appointee to the Commission, and the School Board have stated that Critical Race Theory is not being taught in Prince William County Public Schools, and the Racial and Social Justice Commission respectfully accept their position.”⁵⁵

In fact, there was no vote taken by the Commission to accept Ms. Williams position, and the Chairman usurped the authority of the Commission to make such a determination without placing the matter on the agenda for a vote of the Commission itself. Instead, Chairman Rock unilaterally accepted the pronouncement of School Board member Williams that Critical Race Theory is not being taught in the Prince William County schools and issued her decision without any vote of the Commission itself. There can be no dispute that Critical Race Theory had become a divisive political issue for the

⁵⁵ <https://www.dropbox.com/s/3fweru96ch9oqx0/Press%20Release%20from%20Chair%20-%20LH%20%281%29.pdf?dl=0>

community, and Chairman Rock's decision to limit discussion by the Commission improperly provided political cover on a highly controversial issue for the School Board.

The bias of the statements made by Chairman Rock on the issue of Critical Race Theory and her unilateral decision to not allow the Commission to investigate this issue is found in the way the press release was distributed to the local media. The County maintains a list of numerous media outlets who cover the Prince William County area and who regularly receive press releases from the County. Chairman Rock specifically directed the county staff to distribute her press release only to three media outlets: (1) InsideNova; (2) Prince William Times; and (3) PWPERSPECTIVE.

No other media outlet was included in the distribution list, including Prince William County based media like Potomac Local or Bristow Beat. None of the regional television or radio media outlets who routinely cover Prince William County were included. Chairman Rock did, however, direct that PWPERSPECTIVE be included on the distribution list, a political advocacy organization that touts itself as "Virginia's Anti-Racist Voice"⁵⁶ and is an openly pro-Democratic political advocacy website. If activist organizations were of interest to Chairman Rock to be informed about the activities of the Commission, why not include some of the conservative advocacy websites that are popular in Prince William County, i.e., Daily Wire or Daily Caller? Chairman Rock apparently perceived that InsideNova and Prince William Times coverage of the Commission had been, up to that point, "friendly" to her views.

The Commission cannot maintain any integrity in reporting on the state of racial and social justice impacting communities of color in Prince William County when members of the BOCS and the School Board strip the Commission of its independence to examine all issues impacting communities of color, including those subjects that may be politically embarrassing for the majority political party affiliations of members of those elected bodies or issues those bodies simply do not want to discuss.

⁵⁶ <https://pwperspective.com/category/politics/>

7. THE RSJC REPORT IS NOT AN EVIDENCE-BASED ASSESSMENT OF THE STATE OF RACIAL AND SOCIAL INJUSTICE IN PRINCE WILLIAM COUNTY

This is no disagreement that actions by some individuals in our society, and in the Prince William County community, are based on racial bias. All such attitudes and actions based on such prejudices should be condemned. But a community cannot, and should not, be judged on the actions of a small number of individuals who engage in racially biased actions and behaviors.

7.1 The RSJC prevented discussions on possible issues of concern to protect the BOCS and the School Board.

The RSJC compromised its independence and the integrity of its report to the BOCS and the School Board with transparently political decisions and actions that served to protect both elected bodies who set the policies and govern the delivery of services to residents for their actions, or lack thereof, from assessments of their policies that negatively impacted communities of color in Prince William County.

7.2 When evidence and data did not support the thesis of the RSJC majority, the Report uses anecdotal and personal opinions as facts.

When the evidence and data was unavailable to support this progressive agenda, the Commission Leadership substituted anecdotal reports or simply expressions of personal opinions by presenters or Commission members themselves. In addition, the Commission routinely excused the lack of evidence and data with claims there were unreported complaints of racial bias or discrimination.

In some cases, individual Commissioners offered personal life experiences where interactions with police officers and other government officials were based on race. These painful descriptions of biased misconduct were, in every case, representative of experiences in other jurisdictions or at a time prior to the implementation of protective measures to prevent such conduct by government officials that are in place today in Prince William County.

If such conduct or incidents were to take place today in Prince William County, there are structures in place where complaints can be made and processes for the fair investigation

and adjudication of each complaint that would hold those engaged in such improper conduct accountable.

7.3 Subcommittee recommendations are flawed by the criteria for selection of the Committee Leads for their past political and advocacy activities.

The subcommittee recommendations that were considered by the full Commission, and the biased assignments of the Committee Leads whose selections were based on their former grassroots and organizing advocacy experiences, cannot be discounted as improper influences on the final recommendations.

8. THE RSJC REPORT IS COMPROMISED BY CONFLICTS OF INTERESTS HELD BY COMMISSION MEMBERS AND IMPROPER INTERFERENCE IN COMMISSION BUSINESS

The Commission is frequently subject to intense public scrutiny, particularly where the issues surrounding an examination of systemic racism in the delivery of government services or educational program. A conflict of interest occurs where an individual's obligation to further their professional responsibilities where they are employed or serve on an elected body is at odds with the Commission's mission to investigate policies or practices in those entities.

8.1 Conflicts of Interest

The Commission refused to adopt a reasonable conflict of interest policy that would prevent individual members from voting on issues where they have a professional or personal conflict.

Some Commission members took exception to the proposal to adopt a conflict-of-interest policy on the premise that it was an offense to their personal or professional integrity. This position ignores the purpose of an organization to adopt a conflict-of-interest policy to protect the integrity of the organization and to give the public complete confidence in any actions it takes.

For example, the following Commission members have actual or apparent conflicts:

- The School Board representative voted on educational issues at both the subcommittee and Commission level, including those that would identify issues where the School Board has either adopted policies or failed to act on issues that raise questions on possible racial or social injustice in the school system.
- The Vice Chairman of the Commission and the Committee Chairman for the Education subcommittee is a schoolteacher currently employed by Prince William County schools, and who has stated he serves on a committee of the "teacher's union" addressing racial and social justice issues. This individual voted on education issues at both the subcommittee and Commission levels.
- The Police Chief voted on police issues, including use-of-force policies, at both the subcommittee and Commission levels.

- The County Executive voted on government services issues possibly involving racial and social justice issues in programs that he personally administers.

These obvious conflicts could have been avoided, or at least mitigated, either by the individual decisions of the Commission members to recuse themselves from votes where there was an actual or appearance of a conflict, or for the Chairman to make subcommittee assignments that would have allowed for that Commissioner to not be placed in a conflict position in the first place.

The Commission Chairman made no attempt to avoid the actual or even the appearance of these conflicts in subcommittee assignments. For example, the Education subcommittee assignments included the School Board member and the schoolteacher on the 3-person subcommittee where the 2 individuals with obvious conflicts held the majority on every vote. This subcommittee assignment constructively blocked any independent review of educational issues where School Board or teacher's school-based issues or union policies negatively impacted communities of color.

The Police Chief was assigned to the Policing Subcommittee, and the County Executive was assigned to the Government Workforce subcommittee, where both assignments put these members in direct conflict positions.

8.2 Biased Actions by the Chairman and Political Influence Eroded the Credibility of the Commission

The integrity of the Commission requires its independence from improper political interference or making decisions based on biased considerations based on personal opinions or philosophical differences.

The Chairman, in consultation with Mr. Torres, devised a strategy to inappropriately limit any amendments to the final Report prior to its passage. At the November 18, 2021 Commission meeting, Chairman Rock proposed a "Special Order" that set procedures for the Commission meetings on November 18 and December 16 to review and approve the 2021 Report from the Commission.⁵⁷ The limitations on amending the report in the Special Order included the following provision:

⁵⁷ Email sent by Theresa M. Kimble on behalf of Chairman Rock to Commission members with the revised agenda for the November 18, 2021 meeting, and a proposed "Special Order for Consideration of RSJC Draft Report."

5. The Commissioners may propose amendments to the report on December 16, 2021. These proposed amendments will be submitted in advance to all commissioners and the Commission's staff by December 6, 2021.

This procedure clearly provides that the draft Report would be available to the Commission prior to the deadline for proposed amendments on December 6, 2021. However, the draft report was never sent in its entirety to the Commission for the required deadline to make amendments.

- On November 16, 2021, Theresa M. Kimble sent an email to all Commissioners with the Education and Policing Committee draft reports.⁵⁸
- At the Commission meeting on November 18, 2021, there was a detailed discussion on each of the subcommittee reports where each Committee Chairman was presented with numerous recommendations for changes to the written reports that had been submitted prior to the meeting.⁵⁹
- On November 18, 2021, Commissioner Erica Tredinnick sent an email to Chairman Rock, copied to all members of the Commission, requesting that the "equity impact analysis from each sub committee" be sent to all Commissioners.⁶⁰
- On November 19, 2021, staffer Theresa M. Kimble sent a message from Chairman Rock instructing the staff to "reach out to the leads (committee chairs) to obtain this information and for the Commissioner."⁶¹
- On November 19, Commissioner Allen sent an email to all Commissioners with a draft report from the Government Workforce Committee.⁶²
- On November 30, 2021, Education Committee Chairman Akbar sent an email with the draft Education subcommittee report to Chairman Rock,⁶³ but it was only copied to the two other subcommittee members, not the entire Commission.
- On December 6, the date set in Section 5 of the Special Order, the Chairman had not sent out a final complete draft report. The Education subcommittee report had only been sent to the Chairman and the subcommittee members, not the entire Commission. The Chairman did not fulfill on the commitment to send all

⁵⁸ Email from Theresa M. Kimble to all commissioners with the Education and Policing Committee draft reports.

⁵⁹ Video of November 18 Commission meeting, https://pwcgov.granicus.com/MediaPlayer.php?view_id=35&clip_id=2969

⁶⁰ Email sent by Erica Tredinnick to Chairman Rock and all Commissioners on November 18, 2021.

⁶¹ Email sent by Theresa M. Kimble on behalf of Chairman Rock on November 19, 2021.

⁶² Email sent by O.C. Allen to all Commissioners on November 19, 2021.

⁶³ Email sent by Jahanzeb Akbar on November 30, 2021 to Chairman Rock, copied to Loree Williams and Mac Haddow, with the subject line "Updated Education Committee Report."

reports to the Commission as she had promised in her email response to Commissioner Tredinnick on November 18, 2021.

- On December 15, 2021, staffer Theresa Kimble sent an email to the entire Commission with a “draft PDF copy of Amendment 1 for the GWC section. This amendment was sent nine (9) days after the deadline provided in Section 5 of the proposed rule.

During the December 16, 2021 Commission meeting, the Chairman refused to accept any amendments to the Report despite the failure to provide the final draft of the entire Report to the entire Commission. A claim was made that the full report had been sent by email to the Commission on December 10, 4 days after the deadline for submission of written amendments (a claim that is not supported by any public record). Raul Torres acknowledged during the meeting that he had authored the Special Order language and stated that since the full draft Report had not been available to the Commissioners until 4 days after the deadline, the deadline was extended for those 4 days. Setting aside there is no record of any transmission of the draft Report on December 10, Mr. Torres’ claim that a deadline is somehow automatically extended without any subsequent action by the Commission is not provided for in the Special Order or in the RSJC Bylaws.

These actions by the Chairman and Mr. Torres, including the false claim the Report was sent on December 10, were clearly taken to limit any amendments to the final Report that might dilute the embedded progressive national agenda contained therein. These irresponsible actions irreparably undermine the credibility of the Report itself.

8.2.1 Biased Committee Assignment Process Undermine the Public Trust in the Commission and Irreparably Damage the Credibility of Any Recommendations Presented

The Commission Chairman made subcommittee assignments transparently based on politics. It is a fact that none of the Commissioners appointed by Republican Supervisors was named by the Chairman as a Committee Chairman. But the political manipulation was worse on the committee assignments.

The Chairman used a politically tainted criteria in the selection of Committee Leads that she publicly stated was based on prior community organizing and advocacy activities. The Chairman blatantly admitted when challenged on the appearance of a bias in committee assignments required, based on her personal observations, specific partisan support for progressive or equity issues that none of the appointees of a Republican

Supervisor would likely have been engaged or been a political activist for as defined by the Chairman.

The RSJC was not intended to be a partisan political organization. The Chairman's actions undermine the obligation that Commissioner's represent the public in the conduct of Commission business. Unbiased and nonpartisan public service has been a goal of government almost since the nation's inception. The Chairman's transparently political criteria to appoint Committee Leads deprives the public of the trust

Based on records released pursuant to a Freedom of Information Act (FOIA) request, the records show Commission Chairman deliberately engaged in a pattern of conduct that undermined trust and confidence in the impartiality, fairness, integrity and upholding the ethical standards that should be maintained by the Commission. The Chairman developed and executed a scheme for making appointments to the committees of the Commission to create the illusion that the process was fair and transparent.

In fact, the Chairman engaged in a deliberate ruse to give the appearance of fairness in subcommittee assignments when those assignments have the clear appearance to have been based on political considerations and personal biases held by the Chairman. When confronted with questions about the process being unfair, the Chairman provided explanations that materially misstated the facts, and it was only after a FOIA request was made did the truth emerge.

The Chairman based subcommittee assignments on purely partisan and personal biases, favored Commission members appointed by Democratic members of the BOCS and refused to grant similar accommodations to Commission members appointed by Republican members of the BOCS.

In the Chairman's response to questions on the process for subcommittee assignments, the Chairman sent the following email:

"Multiple people chose the same assignments so I used my discretion to match people where I thought they would fit best, and based on the observations from the last two meetings. Leads [committee chairmen] were chosen based on previous demonstrated experience in the organizing/advocacy in those areas."⁶⁴

⁶⁴ Email on February 23, 2021 at 9:39 AM from Chairman Rock to Commissioner Tredinnick and copied to Mr. Torres, Ms. Venning, Ms. Athan, and Commission members.

The mission of the Commission is not to organize any community grass-roots effort or to advocate for any social justice agenda, it is to conduct an objective review and assess the state of racial and social justice issues in Prince William County. By her own admission, the Chairman selected organizers and advocates on these issues, laying bare the fact the Commission is being used to promote the leftist progressive agenda that is purely political.

The Chairman, in using this political criterion for the selection of Committee Leads that she knew would influence the recommendations of the Committees, violated the oath the Chairman took to “impartially discharge all duties” as a Commissioner.⁶⁵ That oath is unambiguous in its intent to bar the very activity the Chairman engaged:

Every person before entering upon the discharge of any function as an officer of this Commonwealth shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me as _____ according to the best of my ability, (so help me God).

In the broad view of the purpose of the RSJC, the administrative procedures used in the assignment of Commissioners to subcommittees is as important as the recommendations that flow from those subcommittees. The Chairman certainly knew that the biases of these Committee Leads, and her deliberate use of a partisan criteria for their selection, would deliver a politically tainted set of recommendations.

However, the conduct of Chairman Rock in administering the operations of the Commission with such a lack of integrity, and the conduct of Vice-Chairman Akbar, Mr. Torres, Ms. Athan, and Ms. Venning who made themselves a part of the scheme to mislead the Commission with their silence and/or complicit behavior, undermines the integrity of the Commission and the recommendations in the Report.

The complete record of this unfair subcommittee assignment process can be found in the Appendix to this Minority Report

⁶⁵ <https://law.lis.virginia.gov/vacode/49-1/>

8.2.2 Political interference With Business of the Commission

The Chairman reported on several occasions that she had engaged in consultation(s) with one or more members of the BOCS that influenced her decisions on issues before the RSJC, including the Chairman's claim during a discussion on a motion to disband the Commission during the December 16, 2021 Commission meeting, that she had "spoken with some of the Board of County Supervisors and there are others and they do not want to see this Commission disbanded."⁶⁶

8.2.3 County Staff Supporting the Commission Acted Unprofessionally and with Clear Bias

At the November 18, 2021, meeting of the Racial and Social Justice Commission (RSJC), during the statement being made by Commissioner Steverson⁶⁷ in response to the presentation by the Police Committee Chairman, Commissioner Frederick, Ms. Venning began to make obvious non-verbal gestures showing her disagreement with Commissioner Steverson (waving her arms, rolling her eyes, vigorously moving her head from side to side in obvious disagreement with what was being stated). While Ms. Venning has acted in similar fashion in other meetings, her actions were more pronounced in this instance and completely inappropriate.

During a statement being made by Commissioner Haddow to the Commission⁶⁸ regarding a Special Rule that was proposed for adoption, Mr. Torres began visibly gesturing to get the attention of a member of the Commission on the dais, and then initiated a nonverbal "mouthing" of some direction or advice to that Commissioner to refute or respond to the objections being raised to the Special Rule. Such conduct is completely unprofessional, distracted from the work of the Commission, and was clearly providing some advice or direction to another Commissioner on how to respond to the statements on the Special Rule that Mr. Torres acknowledged he had authored and that was being debated by the Commission. Mr. Torres serves the entire Commission, not any individual member or group of members. Equally important, Mr. Torres should not allow his actions to give the appearance of taking sides or showing favoritism on any debate or issue under discussion by the Commission.

⁶⁶ Video of RSJC Meeting on December 16, 2021, at 1:29:42:
https://pwcgov.granicus.com/MediaPlayer.php?view_id=35&clip_id=2975

⁶⁷ Video of RSJC Meeting on November 18, 2021, at 2:49
https://pwcgov.granicus.com/MediaPlayer.php?view_id=35&clip_id=2969

⁶⁸ Video of RSJC Meeting on November 18, 2021, at 58:04
https://pwcgov.granicus.com/MediaPlayer.php?view_id=35&clip_id=2969

8.2.4 The County's Equity and Inclusion Officer Inappropriately Dominated Subcommittee Deliberations and Commission Business that Materially Interfered with Deliberations

The BOCS created the Office of Equity and Inclusion to serve Prince William County government in partnership with the Board of County Supervisors, executive management, departments, and the community to provide leadership, guidance, and coordination for the organization's continuing efforts toward building an inclusive culture, where diversity is leveraged as a strength to promote an equitable and inclusive culture for both our workforce and how we deliver services to residents, businesses, and visitors.⁶⁹

As such, this County office is directly involved with community stakeholders, including providing services and support for these groups to expand their focus on racial and social justice issues, and then purports to provide support for the Commission on those same issues. In each of the subcommittees of the Commission, Ms. Burgos established the framework for all the deliberations and guided the issues for deliberation by the subcommittees.

On the Education subcommittee, the Committee Chairman granted Ms. Burgos unprecedented authority to participate in questioning presenters with the same standing as members of the Commission. The Committee Chairman stated that he had asked Ms. Burgos to prepare to interrogate this presenter, a request that was not done for any other presenter. In her exchange with this targeted community presenter who offered a viewpoint different from one held by Ms. Burgos, she directly challenged the credentials, the research, and the credibility of the community presenter clearly because of her personal disagreement with the content of the presentation, not the interests of the residents of Prince William County.

More broadly, Ms. Burgos was granted a disproportionate role in the conduct of the other subcommittee and full Commission business and formulating its conclusions that appear to support her role as a County staffer than any independent investigation of the state of racial and social injustice in the County.

⁶⁹ <https://www.pwcva.gov/departments/office-equity-and-inclusion>

9. RECOMMENDATIONS

The recommendations offered here are limited to administrative and structure issues. The mission of the Commission, and the issues discussed in this Minority Report, speak for themselves. The Commission would, however benefit from the following recommendations:

9.1 The Commission Should be Disbanded and the Review of the State of Racial and Social Injustice Assigned to the Human Rights Commission, or a Task Force Under That Commission

The Commission has concluded, after 12 months of investigation, that Prince William County is a quality community free from systemic racism and social injustice. In the Report approved by the Commission, the Government Workforce Subcommittee concluded “GWC’s overall assessment of the state of racial and social justice for people of color in government services determined that the programs and plans of the PWC services were mainly exceptional.” While there are some challenges that still need to be addressed, the BOCS has sufficient resources, programs, and staff in place to identify and address solutions for those challenges.

A motion to disband the Commission was made at the December 16 Commission meeting, a motion that only failed on a 6-5 vote. The Chairman intervened with the argument that there were members of the BOCS who did not want the Commission to be disbanded.

9.2 The Commission Should Be Staffed with Independent County Employees Whose Jobs Are Not Related to the Issues Under Review by the Commission

The assignment to the Human Rights Commission staff, and the Equity and Inclusion Officer, present unique conflicts that prevent the Commission from access fair, independent, and unbiased support services. The senior staff are equally as biased as administrative and program staff in their interactions with Commission members they disagree with. Additionally, the current staffers have clear conflicts between their County responsibilities and providing unbiased and independent support for the Commission.

The Equity and Inclusion Officer cannot disentangle from the conflicts with community stakeholder groups who make presentations to the Commission, and that disqualifies that person from the independence needed to support the Commission in its review of issues related to racial and social injustice in the County.

9.3 The Structure of the Commission Needs to be Changed to Remove Voting Powers from Ex-Officio Members

Granting voting powers to the County Executive, the Police Chief, the Chairman of the Human Rights Commission, and the representative of the School Board creates irresolvable conflicts of interest, individually and collectively. Those 4 ex-officio members constitute a full third of the current voting members of the Commission and undermine the independence of any review of County government. The experience and expertise of these individuals would benefit from the continued engagement of each of the ex-officio members to advise the Commission on the subject matter expertise they can provide, but granting a vote to them on all Commission business is no more justified than granting them votes on the BOCS itself. The 8 members of the Commission appointed by members of the Board of County Supervisors should be trusted to conduct the business of the Commission.

9.4 The Commission Should be Staffed with an Experienced Professional Parliamentarian

The BOCS appointed individuals to the Commission based on a variety of criteria, none of which involves any professional experience with Roberts Rules of Order. A good deal of time of Commission meetings has been consumed with procedural matter complicated by numerous errors in addressing rules of procedure. This issue has been exacerbated by the controversial issues that the Commission was tasked to evaluate.

In two specific cases, the decisions by the Chairman, the appointed parliamentarian, and the opinions of Mr. Torres who is often called upon by the Chairman to provide professional advice, were so clearly wrong that an opinion was solicited from a professional parliamentarian (see the Appendix for the opinions on these issues). In both cases, the Mr. Torres, the appointed Commission parliamentarian, and the Chairman, were wrong. There are a significant number of other rulings that are open to question based on the plain language of Roberts Rules of Order, but the Chairman refuses to acknowledge any mistakes made by the appointed parliamentarian or Mr. Torres, including the two mistakes affirmed by the professional parliamentarian.

The basic integrity of the Commission's recommendations, and the public trust in the Commission's ability to operate in a fair and professional manner has been impaired by the current reliance on an unprofessional structure in addressing parliamentary issues.

10. APPENDIX

10.1 FOIA Report on Unfair Subcommittee Assignment Process

Chairman Rock circulated a survey form to Commissioners soliciting their preferences for subcommittee assignments. However, the records disclosed in a FOIA show the Chairman never intended to consider the responses of individual Commissioners on committee preferences. In fact, the Chairman had already made the committee selections, and the ruse provided plausible deniability for the Chairman from any criticism that the committee selections were designed to deliver a specific set of tailored recommendations aligned with a pre-determined agenda.

The Chairman acted in concert with the Vice-Chairman of the Commission, the Executive Director of the Prince William County Human Rights Office, and two staff members of that office, to materially mislead duly appointed Commissioners on the integrity of committee assignments process. While the Chairman holds the authority to unilaterally make these appointments under the Commission's By-Laws, the Chairman elected to create a scheme to make the selection process appear to be responsive to expressed preferences of Commission members and avoid any future criticism on the recommendations if the Chairman had unilaterally made the committee appointments. In fact, the Chairman avoided that legitimate conclusion by attempting to orchestrate a false impression that the committee appointments were the result of each Commissioner prioritizing their committee selections.

The breadth and scope of the workplan adopted by the Commission requires committee action to formulate a set of recommendations in specific subject areas to allow for a report to be adopted presentation to the Prince William Board of County Supervisors in December 2021. It is foreseeable the discussion on recommendations will involve any number of controversial issues that will engage debate, and the Chairman adopted a plan to limit discussion in committees and control the content of recommendations through strategic placement of her allies on those committees. An essential part of that scheme is to make the appointment of members of the committees to appear to have been an open and fair process free from political interference.

In this context, the Chairman's deliberate attempts to attach a false narrative about the fairness of the committee assignment process was essential to the scheme to suppress genuine and good-faith debate on the issues the Chairman believes are important to be

a part of the final recommendations. The Chairman’s transparent manipulations of the committee appointment process undermines the legitimacy of the Commission and any recommendations it will present to the BOCS.

Where the Chairman should be acknowledging the limits of her authority, she chooses instead to cynically manipulate a routine administrative process to claim power she does not have over a process that should assure a set of non-partisan recommendations that truly would serve communities of color in Prince William County, not political gamesmanship to pursue a national progressive agenda.

The Prince William Board of County Supervisors (BOCS) created the Racial and Social Justice Commission (RSJC)⁷⁰ that included, among other issues, a charge to examine how “county government delivers its services and the diversity and inclusion in the workforce providing these services.” The BOCS specifically charged the RSJC with examining ways to “treat all residents equally and proactively give all residents the chance to fully participate in County programs, services and benefits.”⁷¹

The Commission determined it was necessary to appoint subcommittees to assist in fulfilling the mission given the breadth of issues established in its Mission Statement. The Commission Chairman announced that each Commissioner would be allowed to express a preference for Committee assignments that would be accommodated based on an allocation of those interested in subject areas for each Committee. At the request of Chairman Rock, the staff circulated the final Committee Assignments⁷² as follows:

Police Committee	Education Committee	County Services
Commissioner Porter (Lead)	Commissioner Williams	Commissioner Martino
Commissioner Castro	Commissioner Akbar (Lead)	Commissioner Allen (Lead)
Commissioner Steverson	Commissioner	Commissioner Tredinnick
Police Chief Newsham	Haddow	
Commissioner Frederick		

⁷⁰ <https://www.pwcgov.org/government/dept/hrc/Documents/Res%20No.%2020-725%20-%20Create%20a%20Racial%20Justice%20Commission.pdf>

⁷¹ <https://www.pwcgov.org/news/pages/Board-Creates-Racial-and-Social-Justice-Commission.aspx>

⁷² Email on Tuesday, February 23, 2021 from Crystal Athan to all RSJC members providing committee assignments

These committee assignments mirror the original decision by Chairman Rock, with only Commissioner Frederick's original assignment being changed based on a personal communication between Chairman Rock and Commissioner Frederick that led to his reassignment from the Education Committee to the Police Committee.

Here is a chronology of events based on the FOIA documents:

- Crystal Athan, who is an Administrative Specialist in the Prince William County Human Rights Office⁷³, and who provides staff support for the Commission, circulated an email to Commission Members on February 12, 2021⁷⁴ at the direction of Chairman Rock inviting each Commissioner to fill out and return a committee preference form no later than February 19, 2021.
- Ms. Athan circulated the February 12 email at the specific direction of Chairman Rock who issued the instruction in an email on February 10⁷⁵, two days before Ms. Athan emailed the committee preference form to all of the Commissioners. This email was copied to Jahanzeb Akbar, Vice-Chairman of the RSJC, and Raul Torres, Executive Director of the Prince William County Human Rights Office⁷⁶, and each was fully aware of the fact that Chairman Rock had already made the committee assignments (allegedly in "draft").
- In the February 10 email, Chairman Rock clearly stated that the committee assignments were "pretty much set" and then instructed Ms. Athan to "wait a day or two before sending the assignments."
- Ms. Athan, Vice-Chairman Akbar, and Mr. Torres did not make any objection on the record to the clear intent of Chairman Rock to mislead the Commissioners that their listed committee preferences actually would be considered.
- Operating under the misimpression that the committee selection forms would actually impact the assignment to a preferred committee, each of the Commissioners submitted forms except for County Executive Martino.
- On Monday, February 22, 2021, Ms. Athan sent an email to Chairman Rock⁷⁷, copied to Shelia Venning, Human Rights Manager in the Human Rights Office⁷⁸, with the preferences from the Commissioners on their committee assignments (see Exhibit 5) with the exception of Commissioner Tredinnick and Mr. Martino who did not submit committee preference forms by the due

⁷³ <https://www.pwcgov.org/government/dept/hrc/Pages/Staff.aspx>

⁷⁴ Email from Crystal L. Athan on Friday, February 12, 2021 at 12:23 PM, to Commission Members, with an attached committee preference form.

⁷⁵ Email from Shantell Rock, Chairman of the RSJC, on Wednesday, February 10, 2021 at 11:41 AM, and copied to Jahanzeb Akbar, Vice-Chairman of the RSJC, and Raul Torres, Executive Director of the Human Rights Office.

⁷⁶ <https://www.pwcgov.org/government/dept/hrc/Pages/Staff.aspx>

⁷⁷ Email on Monday, February 22, 2021 at 1:19 PM from Ms. Athan to Chairman Rock and copied to Shelia Venning.

⁷⁸ <https://www.pwcgov.org/government/dept/hrc/Pages/Staff.aspx>

date. Chairman Rock confirmed receipt of the email at 2:35 PM on the same day.⁷⁹

- After an apparent review of the committee preference forms, Chairman Rock, sent an email on Monday, February 22, 2021 to Ms. Athan stating “This aligns pretty well with what we selected. Please circulate the committee assignments.”⁸⁰
- However, on Tuesday, February 23, 2021, Chairman Rock sent an email to Ms. Athan and Ms. Venning⁸¹, copied to Vice-Chairman Akbar and Mr. Torres, stating “I’m going to switch Frederick to Policing.”
- On Tuesday, February 23, 2021, Commissioner Tredinnick sent an email to Ms. Athan⁸² with her committee preference form, and the explanation that she thought she had sent the form the previous Friday.
- Ms. Athan sent an email to Chairman Rock⁸³ on Tuesday, February 23, 2021 asking if moving Commissioner Frederick was the single action or was Chairman Rock switching another Commissioner (to the Education Committee). The reason for the question is obvious given the switch of Commissioner Frederick from the Education Committee created a 5-member Police Committee and a 3-member Education and 3-member Government Workforce Committee.
- On Tuesday, February 23, 2021, Chairman Rock responded by email to Ms. Athan⁸⁴ confirming she was just switching Commissioner Frederick from the Education Committee to the Police Committee and revealed that she had communicated with Commissioner Frederick and concluded “policing is where he needs to be.”
- On Tuesday, February 23, 2021, Ms. Athan sent an email to the RSJC Commissioners⁸⁵ announcing the committee assignments.
- In response, Commissioner Tredinnick sent an email to Ms. Athan and the RSJC commissioners on Tuesday, February 23, 2021⁸⁶, and copied Ms. Venning and Mr. Torres, asking what the point of providing committee preferences if they “were going to be disregarded.” Commission Tredinnick that asked how the Committee Chairmen were chosen.

⁷⁹ Email on Monday, February 22, 2021 at 2:35 PM from Chairman Rock to Ms. Athan and copied to Shelia Venning.

⁸⁰ Email on Monday, February 22, 2021 at 2:37 PM from Chairman Rock to Ms. Athan and copied to Shelia Venning.

⁸¹ Email on Tuesday, February 23, 2021 at 12:56 PM from Chairman Rock to Ms. Athan and Ms. Venning.

⁸² Email on Tuesday, February 23, 2021 at 12:56 PM from Commissioner Tredinnick to Ms. Athan.

⁸³ Email on Tuesday, February 23, 2021 at 1:20 PM from Ms. Athan to Chairman Rock and copied to Ms. Venning.

⁸⁴ Email on Tuesday, February 23, 2021 at 2:01 PM from Chairman Rock to Ms. Athan and copied to Ms. Venning.

⁸⁵ Email on Tuesday, February 23, 2021 at 2:39 PM from Ms. Athan to all RSJC members and copied to Ms. Venning and Mr. Torres.

⁸⁶ Email on February 23, 2021 at 7:12 PM to Ms. Athan and the RSJC Commissioners and copied to Ms. Venning and Mr. Torres.

- On Tuesday, February 23, 2021 (at 8:16 PM), Chairman Rock sent an email to Ms. Athan and Ms. Venning⁸⁷ (copied to Vice-Chair Akbar) proposing a response as follows:

“Multiple people chose the same assignments so the chair used her discretion to match people where she thought they would fit best, and based on the observations from the last two meetings. Leads were chosen based on previous demonstrated experience in organizing/advocacy in those areas.”

- This proposed response failed to disclose that the committee assignments were actually made before the committee preference forms were even sent out to Commissioners, and without any consideration of the committee preference forms. Each of the individuals receiving the email, including Vice-Chair Akbar, knew the draft response to Commissioner Tredinnick was factually inaccurate and was designed to cover up the fact the committee assignments were made before receiving any responses from Commissioners.
- On Tuesday, February 23, 2021 at 8:30 PM, 14 minutes later, Chairman Rock sent an email to Ms. Athan and Ms. Venning⁸⁸ (copied to Vice-Chair Akbar) acknowledging “I didn’t see a form completed by Commissioner Tredinnick.” That fact exposed the inaccuracy of the “suggested response” drafted by Chairman Rock.
- On Wednesday, February 24, 2021, Ms. Athan sent a response email to Chairman Rock⁸⁹, copied to Ms. Venning and Vice-Chair Akbar, that explained that Commissioner Tredinnick had submitted her committee preference form late on Monday, February 22 (the deadline was Friday, February 19). Ms. Athan, rather than send a response that was factually inaccurate, recommended Chairman Rock herself respond to Commissioner Tredinnick.
- Chairman Rock then sent an email to Commissioner Tredinnick shortly thereafter on Wednesday, February 24, 2021,⁹⁰ providing the following factually inaccurate explanation:

“Multiple people chose the same assignments so I used my discretion to match people where I thought they would fit best, and based on the

⁸⁷ Email on February 23, 2021 at 8:16 PM from Chairman Rock to Ms. Athan and Ms. Venning and copied to Vice-Chair Akbar.

⁸⁸ Email on February 23, 2021 at 8:30 PM from Chairman Rock to Ms. Athan and Ms. Venning and copied to Vice-Chair Akbar.

⁸⁹ Email on February 24, 2021 at 8:50 AM from Ms. Athan to Chairman Rock and copied to Ms. Venning and Vice-Chairman Akbar.

⁹⁰ Email on February 23, 2021 at 9:39 AM from Chairman Rock to Commissioner Tredinnick and copied to Mr. Torres, Ms. Venning, Ms. Athan, and Commission members.

observations from the last two meetings. Leads were chosen based on previous demonstrated experience in the organizing/advocacy in those areas.”

- Commissioner Tredinnick responded a few minutes later in an email⁹¹ and objected to Chairman Rock claim of being able to “base anything on the last two meetings.” Indeed, the first meeting was consumed largely with administrative matters where the staff provided instructions to the Commission, and where there was little substantive interaction between Commissioners.
- Chairman Rock then responded to Commissioner Tredinnick⁹² with the following response:

“It’s not a problem at all. For clarity, the committees were established based on my discretion following reviewing everyone’s preference and the entire commission could not work under one committee - policing. In addition, the staff did not receive your preference until yesterday and the deadline was on Friday. Unfortunately the other commissioners submitted their preference by the deadline and I took in account, as much as I could, to put them where they preferred. We need inclusive voices on all committees.”

- The statement by Chairman Rock that the committees were established “following reviewing everyone’s preference” is, based on record disclosed in the FOIA request, completely false. The assignments were actually made before the committee preference forms were even sent out, and Mr. Martino never even submitted a committee preference form but was assigned to the Government Workforce committee despite other Commissioners expressing a preference for the Government Workforce Committee.
- The statement by Chairman Rock that other commissioners submitted their preference by the deadline is false because Mr. Martino never submitted any committee preference form and yet was assigned to the Government Workforce Committee despite the fact that Commissioner Haddow had listed that committee as his #1 priority.
- Chairman Rock stated that “the entire commission could not work under one committee – policing.” In fact, Chairman Rock added a member to the Police Committee on February 23, a day after Commissioner Tredinnick submitted

⁹¹ Email on February 24, 2021 at 9:46 AM from Commissioner Tredinnick to Chairman Rock.

⁹² Email on February 24, 2021 at 9:57 AM from Chairman Rock to Commissioner Tredinnick, and copied to Mr. Torres, Ms. Venning, and Ms. Athan.

her form with the number 1 preference for the Police Committee. That decision was made by Chairman Rock following a conversation with Commissioner Frederick. In fact, Chairman Rock acknowledged she had not seen a preference form from Commissioner Tredinnick until the morning of February 23 and, given the fact that Commissioner Tredinnick had expressed a priority preference for serving on the Police Committee, it is dishonest to blame it on the late submission when Commissioner Frederick was switched after the email sent by Commissioner Tredinnick.

The responses from Commissioners to Chairman Rock's request for their committee assignment preferences yielded the follow responses:

<i>Commissioner</i>	Final Committee Assignment	Police	County Services	Education
<i>Rock</i>	Chairman			
<i>Porter</i>	Police	1	2	3
<i>Castro</i>	Police	1	2	3
<i>Stevenson</i>	Police	1	2	3
<i>Newsham</i>	Police	1	2	3
<i>Williams</i>	Education	3	2	1
<i>Akbar</i>	Education	2	3	1
<i>Haddow</i>	Education	2	1	3
<i>Frederick</i>	Police**	1	2	3
<i>Martino</i>	County Services	NR	NR	NR
<i>Allen</i>	County Services	2	1	3
<i>Tredinnick</i>	County Services***	1	3	2

** Commissioner Frederick was originally assigned by Chairman Rock to the Education Committee (his 3rd preference), but then was switched to the Police Committee (his 1st preference) after a personal communication with Chairman Rock with no justification offered other than the fact Commissioner Frederick communicated with Chairman Rock.

*** Commissioner Tredinnick's request to move from the County Services Committee to the Police Committee was summarily denied ostensibly based on her late committee preference submission (the decision made by Chairman Rock to move Commissioner Frederick to the Police Committee occurred after Commissioner Tredinnick's request). Chairman Rock then refused to accept the request by Commissioner Tredinnick to switch her County Services Committee assignment with Commissioner Haddow who was assigned to the Education Committee, despite the fact Commissioner Tredinnick had listed the Education Committee as her 2nd preference and Commissioner Haddow had listed County

Services as his 1st preference (the Education Committee was Commissioner Haddow's 3rd preference).

In addition, Commissioner Martino never submitted a committee preference form at all but was placed on the County Services Committee despite the timely submission of Commissioner Haddow requesting that assignment.

The foundational premise of the RSJC was to examine the inequality and unfair treatment of county citizens in the interactions with the County, but Chairman Rock and her allies, including County staff members, appear to have exhibited unfair and biased behavior towards those with whom they have political or philosophical differences who serve on the Commission that is tasked with identifying precisely that behavior.

The decisions made by Chairman Rock on the Committee assignments will have a dramatic impact on the way the public will view the recommendations of each Committee, and given the reliance on the Committee recommendations expressed by Chairman Rock, will open the entire Commission's recommendations to legitimate concerns about the credibility of recommendations flowing from Commissioners who have perceived or actual conflicts of interest who are given particularly influential positions on the Committees that will be formulating recommendations.

10.2 Mistakes in Parliamentary Procedures

A fundamental requirement for earning public trust is fidelity to the rules the organization agreed to operate under. The RSJC Chairman, its parliamentarian, and Raul Torres, who was relied upon heavily by the Chairman on parliamentary issues, consistently ignored, rewrote, or blatantly violated the rules to accommodate their own interests.

Here are two examples of egregious violations of the rules the Commission should have been following:



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202-365-0029

September 21, 2021

Commissioner Mac Haddow
Prince William County Racial and Social Justice Commission
Mhaddow1@verizon.net

Dear Commissioner Haddow:

You have requested my professional parliamentary opinion¹ on the following question:
Was it proper to entertain the motion *Object to Consideration of a Question* under the
circumstances occurring at the April 15, 2021 meeting of the Prince William County
Racial and Social Justice Commission?

SHORT ANSWER: The *Objection to Consideration of a Question* was not in order for
two reasons: 1) the motion objected to was an incidental main motion rather than an
original main motion, and such an objection may only be raised against an original main
motion and 2) the objection was untimely.

SOURCES CONSULTED:

Prince William County Racial and Social Justice Commission Bylaws
Commission Meeting April 15, 2021 videorecording available at
<https://www.pwcgov.org/government/dept/rsjc/Pages/RSJC-Archives.aspx>
Robert's Rules of Order Newly Revised (12th ed.) [hereafter cited as RONR (12th
ed.)]

¹My qualifications for rendering a professional parliamentary opinion are that I am accredited as a
Professional Registered Parliamentarian by the National Association of Parliamentarians; I also have
served as a member of the authorship team for the 10th, 11th and 12th editions of *Robert's Rules of Order
Newly Revised*. Further information on my experience and qualifications is available at
www.parliamentarians.org.

FACTS:

You have provided the following summary of the relevant events:

4:21:12: Commissioner Haddow offers the motion, "The Chairman should rescind her accusation that members of this Commission violated the By-laws unless and until she is specifically willing to provide the details and account for that accusation."
4:21:14: Commissioner Steverston offers a second to the Haddow motion.
4:21:20: Chairman Rock opens the discussion, recognizes Commissioner Haddow.
4:23:32: Commissioner Haddow concludes his statement in support of the motion.
4:23:37: Commissioner Williams objects to the consideration of the motion.
4:25:49: Vice-Chair Akbar completes vote on Objection and starts calculation of tally.
4:25:40: Commissioner Haddow offers a Point of Parliamentary Inquiry.
4:25:55: Chairman Rock tries to stop Point of Parliamentary Inquiry stating the vote had been taken.
4:25:58: Commissioner Haddow objects on the basis the Parliamentary Inquiry was timely made and asks the Parliamentarian for a ruling.
4:26:15: Chairman Rock calls on Commissioner Williams to respond to the Parliamentary Inquiry
4:27:00: Commissioner Williams instructs the Parliamentarian to respond to Commissioner Haddow's Parliamentary Inquiry at a later time and moves to close discussion.
4:27:32: Chairman Rock opens discussion on Williams motion to close discussion.
4:28:43: Commissioner Haddow objects to the suggestion by Commissioner Williams that any Parliamentary ruling can be deferred to a later time.
4:30:31: Parliamentarian Allen announces that his review of Rule 26 affirms Commissioner William's motion was in order.

ANALYSIS:

I. BECAUSE THE MOTION OBJECTED TO WAS AN INCIDENTAL MAIN MOTION, RATHER THAN AN ORIGINAL MAIN MOTION, AN *OBJECTION TO THE CONSIDERATION OF A QUESTION* WAS NOT APPLICABLE TO IT

An Objection to the Consideration of a Question can "be applied to original main motions It cannot be applied to incidental main motions." RONR (12th ed.) 26:2(2). "An *original main motion* is a main motion that introduces a substantive question as a new subject." *Id.* 10:3. In contrast, "An *incidental main motion* . . . does *not* mark the beginning of a particular involvement of the assembly in a substantive matter, as an original main motion does. . . . Action that can be proposed by the incidental main motions may relate . . . to further steps in dealing with a substantive matter in which the assembly's involvement has begun earlier. . . ." *Id.* 10:4(2).

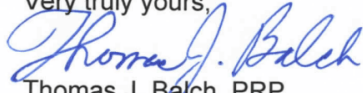
The main motion here in question called for rescinding a prior action unless certain other actions were taken. That main motion thus related "to further steps in dealing with a substantive matter in which the assembly's involvement [had] begun earlier" rather

than introducing "a substantive question as a new subject." For that reason, it was an incidental main motion rather than an original main motion, and an *Objection to the Consideration of a Question* could not properly be raised against it.

II. AN *OBJECTION TO THE CONSIDERATION OF A QUESTION* CAN BE RAISED ONLY BEFORE THERE HAS BEEN ANY DEBATE ON THE MOTION AGAINST WHICH IT IS RAISED

An *Objection to the Consideration of a Question* "can be raised only before there has been any debate . . . ; thereafter, consideration of the main question has begun and it is too late to object." According to the factual summary you supplied, as provided above, you as the maker of the motion had already spoken in debate on the motion before an objection to its consideration was raised. Therefore, even if the motion had been an original main motion, the *Objection to the Consideration of a Question* against it would not have been in order since it was untimely.

Very truly yours,


Thomas J. Balch, PRP



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202-365-0029

September 19, 2021

Commissioner Mac Haddow
Prince William County Racial and Social Justice Commission
Mhaddow1@verizon.net

Dear Commissioner Haddow:

You have requested my professional parliamentary opinion¹ on the following question with reference to procedure at the Prince William County Racial and Social Justice Commission: "I am seeking your opinion on whether Roberts Rules of Order require a motion to be made at the beginning of the discussion of [an] agenda item to allow for the discussion to take place."

SHORT ANSWER: While the rule generally applicable to deliberative assemblies indeed requires the making of a motion prior to debate, under an exception applicable to board meetings at which only about a dozen or fewer members are present, informal discussion of a subject is permitted while no motion is pending.

SOURCES CONSULTED:

Prince William County Racial and Social Justice Commission Bylaws
Commission Meeting July 15, 2021 videorecording available at
<https://www.dropbox.com/s/mt0s09wtfzyotr/RSJC%20July%2015%202021.mp4?dl=0>
Robert's Rules of Order Newly Revised (12th ed.) [hereafter cited as RONR (12th ed.)]

¹My qualifications for rendering a professional parliamentary opinion are that I am accredited as a Professional Registered Parliamentarian by the National Association of Parliamentarians; I also have served as a member of the authorship team for the 10th, 11th and 12th editions of *Robert's Rules of Order Newly Revised*. Further information on my experience and qualifications is available at www.parliamentarians.org.

ANALYSIS:

Under the rule generally applicable to deliberative assemblies, a motion must be made in order for debate to occur. RONR (12th ed.) 4:7 states:

Under parliamentary procedure, strictly speaking, discussion of any subject is permitted only with reference to a pending motion. When necessary, a motion can be prefaced by a few words of explanation, which must not become a speech; or a member can first request information, or he can indicate briefly what he wishes to propose and can ask the chair to assist him in wording an appropriate motion. In general, however, when a member has obtained the floor while no motion is pending— unless it is for a special purpose, such as to ask a question—he makes a motion immediately.

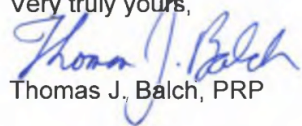
However, because the Prince William County Racial and Social Justice Commission is composed of only 12 members (Bylaws art. III, sec. 1), and has adopted “the latest edition of *Robert’s Rules of Order*” as its parliamentary authority (Bylaws art. VII), it is governed by what are known as “small board rules”: Under RONR (12th ed.) 49:21, “In a board meeting where there are not more than about a dozen members present, . . . [t]he rules governing such meetings are different from the rules that hold in other assemblies, in the following respects: . . . 4) Informal discussion of a subject is permitted while no motion is pending.”

In the recording of the meeting you provided, there was reference to the prospect of a “filibuster” being possible if the substance of this provision were to be followed. While under small board rules, “There is no limit to the number of times a member can speak to a debatable question [except that in debate on an appeal each member may speak only once, apart from the chair who may speak twice]”, *id.* 49:21(3), small board rules do not change the limit of ten minutes per speech, *id.* 43:8, and “motions to close or limit debate . . . , including motions to limit the number of times a member can speak to a question, are in order even in meetings of a small board”, *id.* 49:21(3)n3. That means that by a two-thirds vote members can immediately cut off further debate by adopting an undebatable motion for the Previous Question (see *id.* 16:1ffl.) or otherwise restrict debate by adopting an undebatable motion to Limit or Extend the Limits of Debate (see *id.* 15:1ffl.). These methods can be used to prevent a filibuster.

In any case, the body having voted, in response to your appeal, to sustain the Chair’s holding that any agenda item that appears to call for action by the board requires that a motion be made, “The ruling and its rationale serve as a precedent for future reference by the chair and the assembly When similar issues arise in the future, such precedents are *persuasive* in resolving them—that is, they carry weight in the absence of overriding reasons for following a different course—but they are not binding on the chair or the assembly.” *Id.* 23:10.

Based on this analysis, my conclusion regarding the specific question you asked is that the chair's ruling--that any agenda item that appears to call for action by the board requires that a motion be made and does not allow for discussion without a motion--was not in accord with the provisions for small board rules in *Robert's Rules of Order*. Although the body's sustaining her decision on appeal created a precedent when similar questions arise in the future, that precedent is not binding, only persuasive. From the perspective of adherence to the rules in the Commission's adopted parliamentary authority, it would be desirable if the precedent could be reversed in the future.

Very truly yours,

A handwritten signature in blue ink that reads "Thomas J. Balch". The signature is written in a cursive, flowing style.

Thomas J. Balch, PRP