



INTERNAL MONITORING REPORT

To: WSD Board President and Board of Trustees
From: Wilmer Chavarria, WSD Superintendent
Re: **Annual Monitoring Report on Executive Limitations
Policy Title 2.2: Treatment of Staff**
Date: 10/11/2023

Dear Members of The Board,

Below please find my Annual Monitoring Report on your Executive Limitations Policy 2.2 "Treatment of Staff," presented in accordance with your monitoring schedule. I certify that the information contained in this report is true.

Thank you for your work in advancing the mission of our district to form students who will "lead healthy, productive and successful lives and engage with their local and global community."

Respectfully Submitted,



Wilmer A. Chavarria, NBCT
Superintendent of Schools
Winooski School District
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POLICY WORDING

Policy Title: 2.2 Treatment of Staff

With respect to the treatment of paid and volunteer staff, the superintendent shall not:

1. Operate without written personnel rules that:
 - a. clarify rules for staff,
 - b. provide for effective handling of grievances, and
 - c. protect against wrongful conditions.
2. Permit staff to be uninformed regarding the performance standards by which they will be assessed.
3. Discriminate against any staff member for nondisruptive expression of dissent
4. Allow staff to be unprepared for emergency situations
5. Violate any provisions of any negotiated contract

1. INTERPRETATION

"Written personnel rules" is interpreted as all procedures, guidelines, protocols, and expectations related to staff matters that are codified and published in writing and that are based on board-issued policy, collective bargaining agreements, and statute.

"Clarify rules for staff" means that all written personnel rules are not only created and disseminated, but that opportunities exist for employees and volunteers to ask questions and seek clarity regarding said rules so that they are less likely to commit unintended errors.

"Effective handling of grievances" means the strict adherence to agreed-upon rules related to the grievance process at every stage and the maximization of strategies to resolve personnel matters in positive and productive ways early.

"Wrongful conditions" means elements within the employee or volunteer's physical and psychological environment that are detrimental to their wellbeing despite those elements not being a reasonable aspect of the person's duties. Wrongful conditions are avoidable, arbitrary, unfair, and not based on strict adherence to administrative procedures that are policy-based, ethical, and considerate.

1. INTERPRETATION (CONTINUED)

"Nondisruptive" means speech, actions, or their absence that does not result in the willing interruption of one's professional duties to care for every student or the intentional or unintentional alteration of a noticeable portion of the school's regular routines.

"Nondisruptive expression of dissent" means any opinion, expressed in the manner that the staff member believes to be appropriate, which is in opposition to administration or the district as long as this expression, in addition to being nondisruptive as defined above, does not effectively foster an environment in which students or subpopulations of our student body feel intimidated, unsafe, embarrassed, or attacked, especially due to reasons beyond their control. This includes expressing religious nationalism, homophobia, racism, transphobia, or any prejudicial sentiment against historically marginalized populations in the USA while masking this rejective and exclusionary speech as "expression of dissent."

"Emergency situations" includes all safety hazards and situations where the staff member is expected to act outside the routine in a sudden manner.

Being **"prepared"** means feeling confident that, should an emergency arise, one is well informed and ready to make the most effective decision. Confidence in one's preparedness is built when provided materials, expectations, and training well in advance of emergency situations and when the expectations around one's role in such moments are reasonable.

The allusion to a **"negotiated contract"** refers solely to the negotiated agreement between the WSD and the Winooski Education Association and ratified by both parties.

"Violating any provisions" means that both parties accept that an action on the part of the WSD was in contradiction to a specific provision within the contract. This acceptance may occur at any stage of a grievance process or before.

2. COMPLIANCE CONDITIONS

Procedures, guidelines, protocols, and expectations related to staff matters are formally created through collaborative processes, published in writing, made visible and accessible through district channels, and going above and beyond basic requirements established by WSD Board policy, Collective Bargaining Agreements, and the law. After rules are created and disseminated in writing, opportunities are created for staff to receive regular exposure, training, and clarification so that errors are minimized.

Grievances are prevented by ensuring that every portion of the Bargaining Agreement is followed and by establishing a culture of collaboration and open communication with employees. When grievances do occur, the administration approaches the process with humility and an open mind and is willing to admit shortcomings and seek clarity. Additionally, the administration models a high standard of ethics and integrity by not seeking to engage in arbitrary processes that make the agreed-upon rules nebulous. The administration expects the Association to act in a similar manner.

Wrongful conditions are avoided by the constant and regular revision of existing procedures and practices that may result in unnecessarily burdensome or inappropriate expectations for staff and by requesting periodic feedback that is used by the administration to continually improve. Additionally, wrongful conditions are minimized by the open and transparent communication between administration and staff and the periodic revision of duties when they become unattainable or the re-training of staff when substandard performance creates a false perception of a wrongful condition.

Policies and procedures are not enacted that directly or indirectly enable administration and the superintendent to arbitrarily discriminate or retaliate against staff members expressing dissent that is nondisruptive and that centers the needs of students (when “dissent” is at the expense of a subsection of students from a historically marginalized group, the administration may not discriminate but is mandated to consider action). Non-disruptive dissent is protected by clarifying further what it is and what it is not. Clear rules are created to address dissent specific to certain subjects or areas within the school's business, such as library materials, curriculum, traditions, etc., and these rules continue to be created, updated, and properly disseminated among staff.

Two examples of dissent for which no discrimination is allowed, but administrative action may differ based on policy:

1. Teachers strongly objecting the adoption of curriculum that is European and Anglo-centric on the basis that it does not account for the diversity of the student body and the community and that it advances the white nationalist status quo. The administration may not discriminate, instead, it should listen.
2. A group of teachers advocating for the misgendering of trans students in order to protect the "traditional values" of a few objecting students who choose to engage in transphobic hostility against their peers—while this meets the criteria of centering the supposed "needs" of some students to misgender their peers, it does so only for some and at the expense of others, especially of students already consistently attacked and harassed. The administration may still not discriminate, but it should consider policy-based action for the way specific individuals relate to the matter.

3. EVIDENCE OF COMPLIANCE

Procedures are currently being audited and updated, although this is a tedious and lengthy process, especially if done collaboratively and carefully. Because my team is practically starting from scratch for many key rules, we are prioritizing areas that are most pressing to staff, such as evaluation, operations, safety, facilities, and discipline. Rules currently exist at various levels of the organization, but more work needs to be done to systematize and provide unity for all existing procedure regardless of the school site or department.

So far, we have approached grievances as carefully and productively as possible, respecting every word of the process laid out in the CBA, and constantly seeking open and collaborative communication with the union. No grievances have been filed so far for this school year, and issues that the union brings forward are addressed immediately through transparent communication and access to pertinent files. Currently, the union officers, the superintendent, and the HR specialist meet every other week.

Wrongful conditions do not exist in the WSD in the current year as evidenced by the lack of formal complaints from staff and as evidenced by the periodic assessments through formalized meetings and feedback opportunities and more organic data gathering such as observations and one to one conversation with employees. Wrongful conditions have been claimed in the past, however, and no clear and definitive resolution was apparently achieved in a few instances, but, as expressed by a person who holds credibility among staff, "the context, circumstances, and overall conditions are different now." This does not mean that everyone in the staff considers that wrongful conditions are absent, but the urgency to address specific instances has not reached the superintendent's desk.

Due to fast changes and guidelines coming from the state, the staff are not yet fully prepared for emergency situations, especially regarding the protocols sent in September related to Options-based drills. Our safety committee worked diligently to create and issue guidance as quickly as possible for the first drill which was also required that same month by the state. This caused distress in some members. Now we have a few months until the next required drill and we plan to engage in a robust set of training and guidance creation so that the anxiety among staff and students can be minimized.

Despite the grievances filed before this school year, two of which are unresolved, we have begun to implement open communication channels with the union and close reviews of important clauses in the agreement, particularly as they pertain to timely questions.

3. EVIDENCE OF COMPLIANCE (CONTINUED)

So far, not enough procedures and rules exist or are sufficient for some of the most potentially controversial areas of school operations. Guidance for many areas is already established, but much work remains. However, all staff remain covered by non-discrimination laws, the CBA, and multiple layers of administrative accountability and recourse to ensure that staff are protected from discrimination based on non-disruptive expression of dissent.

4. COMPLIANCE STATUS

I report **partial compliance**: The district, under my leadership, is doing its best to comply with this policy but much room remains for procedure building and for formalized guidance around many matters. We have begun an aggressive process of procedure, protocol, and guidance-making that will grow in number and precision over time. It is my aim to confidently report compliance within 12 months.