

April 6, 2020

Dr. Tony Majors

[REDACTED]

[REDACTED]

Tony.Majors@mnps.org

Re: Notice of Intent to Terminate and Notice of Charges for Dismissal

Dear Dr. Majors:

On January 23, 2020, I informed you of three matters: 1) discipline for your insubordination in failing to resign from the Board of Nashville RBI; 2) your immediate transfer from Chief Human Resources Officer to overseeing the Alternative Learning Centers; and 3) the continued investigation into your conduct and the possibility of further disciplinary action.

Today, I am taking two actions. The first is to immediately terminate you from your position overseeing the Alternative Learning Centers for the reasons set forth in this letter and in the accompanying audit report from the Metropolitan Government's Internal Audit Office. The findings of that report are hereby incorporated into this letter.

The second is to inform you that I am recommending that the Board of Education certify charges that justify your dismissal as a tenured teacher based on conduct unbecoming to a member of the teaching profession, insubordination, and neglect of duty pursuant to Tenn. Code Ann. 49-5-501. This letter constitutes written notice of the charges being made against you. Attached to this letter are the findings of the Metropolitan Government's Internal Audit Office. The conduct described in this letter and the attached audit report are sufficient to warrant your dismissal. Accordingly, be advised that I plan to present the charges against you to the Metropolitan Board of Education at its first regularly scheduled board meeting in April 2020.

At this meeting, the Board will vote whether or not to certify the charges against you. If the Board certifies the charges, you will be promptly notified and you may request a hearing before an impartial hearing officer pursuant to T.C.A. 49-5-512 on the merits of these charges.

Further, pursuant to my authority set out in T.C.A. 49-5-511(a)(3), I hereby suspend you without pay, effective today, pending the final disposition of this matter.

Charges are warranted because beginning in July 2019, I raised concerns with you about the possible entanglements between your role at Nashville RBI and your leadership roles at MNPS. You assured me and my staff on multiple occasions that you drew clear lines between your two roles and no conflict of interest existed.

Based on the independent investigation of the Internal Audit Office, you blurred the lines of separation between your two roles and repeatedly abused your position as Assistant Superintendent of Student Services and Chief Human Resources Officer at MNPS to benefit Nashville RBI. The Metropolitan Government's Internal Audit committee substantiated eight policy violations. I plan to hold you accountable for violating MNPS Policy 5.601 Conflict of Interest Policy, MNPS Standard Operating Procedures 5.1219.1p Technology Acceptable Use Agreement 3.h.4, MNPS Policy 2.809 Vendor Relations Policy, MNPS Policy 3.206 Community Use of School Facilities, MNPS Policy 5.602 Staff Time Schedules, MNPS Policy 2.808 Purchase Orders and Contracts, MNPS Standard Operating Procedure 5.611.1p Ethics, and MNPS Policy 5.611 Ethics. Set forth below is a brief summary of the facts justifying termination.

Conduct Unbecoming:

Tenn. Code Ann. 49-5-501 provides several examples of conduct unbecoming a member of the teaching profession. As applicable here, you demonstrated dishonesty multiple times with regard to Nashville RBI. Since I became interim Director of Schools, I personally asked you numerous times if you were paid by Nashville RBI. You repeatedly assured me that you were not financially compensated by RBI and that no conflict of interest existed between your role with Nashville RBI and your role as Chief Human Resources Officer with MNPS. When asked during the investigation by Internal Audit, you maintained Nashville RBI never compensated you. Only after being presented with e-mails that proved otherwise, did you admit to receiving payment for acting as Executive Director of Nashville RBI.

Further, the contracts between the Boys and Girls club and MNPS expressly stated that Nashville RBI would hold summer camps during the summers of 2018 and 2019. Undisputedly, no camps were held, leaving \$30,000 of MNPS funds unaccounted for. During your interview with Internal Audit you claimed that Nashville RBI itself was the program. Your assertion belies MNPS's understanding and the plain language of the 2018 contract between Boys and Girls Club and MNPS that state:

Contractor agrees to provide and MNPS agrees to purchase the sports based summer program

“Reviving Baseball in Inner Cities”(RBI) as outlined below.

Summer Program Details:

Program Dates: ***July 5, 2018 through July 20, 2018.***

Where: Metro Government Park Seven Oaks, Looby Center and Madison Community Center.

For Whom: The program will serve up to 250 MNPS students (boys and girls) in grades 7-12.

Fees: The compensation paid by MNPS (outlined in section 5) will cover all fees for participating students. (emphasis added)

Even if I credit your understanding in 2018, when you spearheaded the 2019 contracting process, you should have revised the contract language to accurately reflect where the grant money would be spent. Instead, you continued to misrepresent that the grant money would fund summer camps for MNPS children during July 2019. You signed the 2019 contract as the senior representative from MNPS, despite your continued involvement with Nashville RBI, knowing that no RBI baseball camp took place in 2018 and without any intent of ensuring MNPS funds were properly used to carry out an RBI camp in 2019.

The above deceptions, coupled with your deceit in failing to resign from Nashville RBI when directed to, justify your termination.

Insubordination

The appearance of a violation of the MNPS conflict of interest policy in January 2020 led me to request that the Metropolitan Government Internal Audit Office investigate your involvement with Nashville RBI. The recently completed report details a multitude of MNPS policy violations which included a violation of the conflict of interest policy. Your repeated and frequent violations of MNPS policies, as detailed in the audit report constitute insubordination.

The statute defines insubordination as “refusal or continued failure to obey the school laws of this state, to comply with the rules and regulations of the board or to carry out specific assignments made by the board, the director of schools or the principal, each acting within its own jurisdiction, when the rules, regulations and assignments are reasonable and not discriminatory.” Tenn. Code Ann. 49-5-501 (7)(A).

I am relying on each and every policy violation set forth in the report and the facts found to justify those violations to support this charge as well as the other charges detailed in this letter.

Neglect of Duty

As you know, all cabinet-level MNPS officials are required to annually sign and file a Disclosure of Interest form with the MNPS Human Resources department. When filling out these forms you had a responsibility to disclose a financial relationship between yourself and Nashville RBI. You neglected to perform that duty in the form you signed on February 11, 2019. The audit report shows that you received at least \$5,000 from Nashville RBI. Additionally, as Chief Human Resources Officer you owed me and my staff a duty of candor regarding the true nature of your relationship with Nashville RBI. You misrepresented the true nature of your involvement with Nashville RBI.

Finally, you had a duty and a responsibility to recuse yourself from contract negotiations with Belmont and MNPS related to the Rose Park batting cages – since Nashville RBI was a beneficiary of that contract. Yet, you acted as lead negotiator for MNPS, while at the same time remaining a Director of Nashville RBI. These repeated instances of neglecting to perform your duties and responsibilities as a cabinet-level official with MNPS constitute neglect of duty and justifies your termination.

Because of the conduct described above and as set forth more fully in the audit report, you must be terminated from your position overseeing the Alternative Learning Centers and as a tenured teacher with MNPS for unprofessional conduct or conduct unbecoming a member of the teaching profession, insubordination, and neglect of duty.

Sincerely,

A handwritten signature in cursive script that reads "Adrienne Battle".

Adrienne Battle

cc: Christopher Barnes, Chief Human Resources Officer

Melissa Roberge, Esq., Department of Law

Enclosure: Internal Audit Report