

BACKGROUND

During the July 20, 2020 Board of Supervisors meeting, County management requested and CCPS administration agreed to an internal audit to evaluate allegations that Chesterfield Education Association (CEA) members are bullying CCPS teachers.

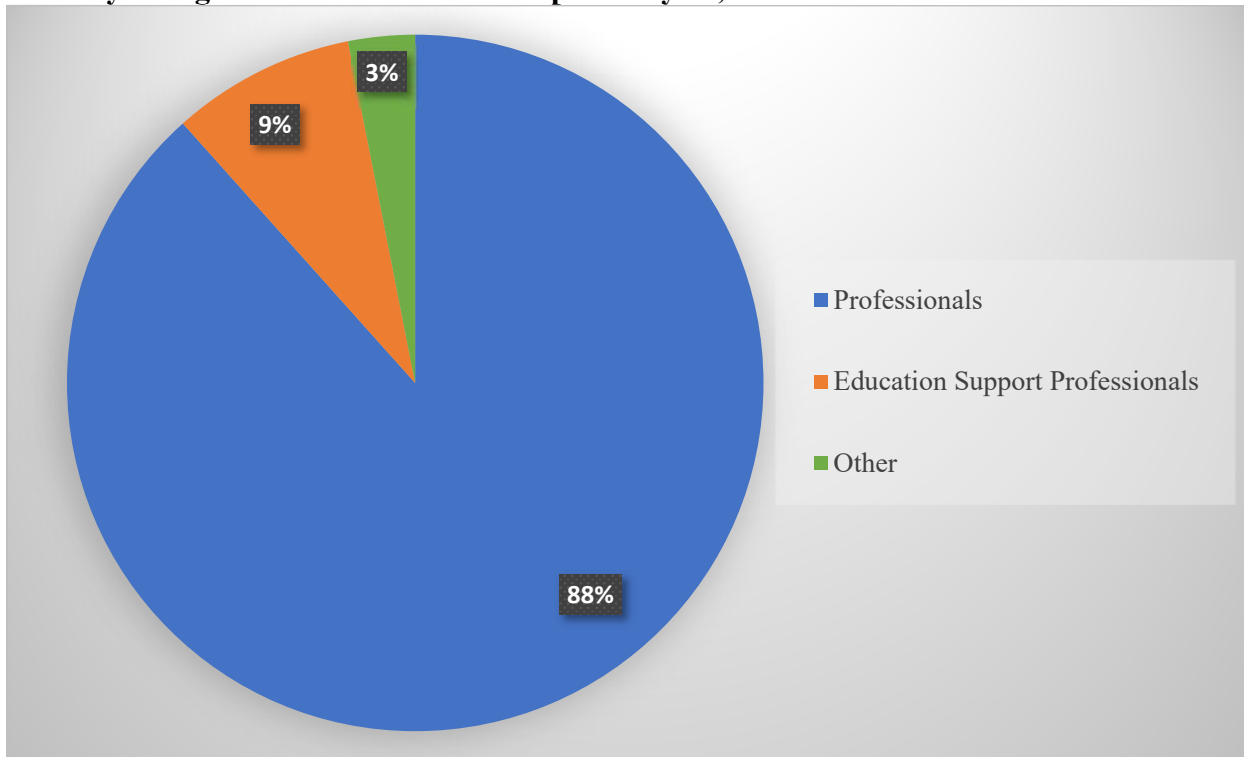
Chesterfield Education Association

The Virginia Education Association (VEA) was founded in December 1863. The association's mission is to advocate for students, education and support professionals to realize the promise of a high-quality public education that successfully prepares students to achieve their full potential. The VEA has more than 40,000 members and 133 local associations around the Commonwealth.

The CEA is a local VEA association. According to July 30, 2020 CCPS payroll records, 1,325 (16.5%) of 8,029 CCPS contracted employees are CEA members. The figure below shows primary CEA membership categories for current CCPS employees:

- Professionals (i.e. classroom teachers and counselors)
- Education Support Professionals (i.e. bus drivers, paraprofessionals and food service workers)
- Other (i.e. principals, directors, specialists, students and retired educators)

Primary Categories of CEA Membership on July 30, 2020



CEA membership is voluntary and after joining, members pay dues through automatic payroll deduction. Per the CEA website member application, dues vary based on employment classification from \$8.02 per pay period for part-time support professionals to \$27.92 per pay period for full-time professionals. Membership includes benefits such as: professional development, member rights and legal protection, regular communications and advocacy services for better salaries, improved working conditions and increased school funding.

The CEA and CCPS are two separate organizations. The CEA organization consists of leadership positions, not employed by CCPS and volunteer representatives throughout the district who are CCPS employees. CEA does not have the authority to represent CCPS administration or make CCPS management decisions.

The organization provides a variety of membership opportunities such as: new employee orientation information tables, bulletin board postings, school building drop-in opportunities, and staff meeting presentations. Upon request, CEA leadership meets with CCPS administration and comments at School Board meetings in the citizen comment period. These activities are not unique to CEA and are available to other external organizations.

Bullying

According to a 2017 Workplace Bullying Institute survey, 63% of survey participants acknowledge that workplace bullying occurs and almost 20% have experienced it. Currently, no federal law specifically applies to bullying; however, all 50 states have passed school anti-bullying legislation. Although bullying behavior is often associated with children, adults are not immune. There are various forms of bullying including; verbal, physical, cyber, and workplace. In general, bullying is when an individual or a group of people repeatedly and intentionally cause hurt or harm to another person or group.

Bullying is not:

- a single incident between equals, whether in person or online;
- a single episode of social rejection or dislike;
- a single act of nastiness or spite;
- a random act of aggression or intimidation; or
- mutual arguments, disagreements or fights.

These actions may cause distress; however, they do not meet bullying criteria and they are not bullying unless someone is deliberately and repeatedly doing them.

OBJECTIVES, SCOPE & METHODOLOGY

Objectives:

Objectives of this project were to:

- Review state regulation and CCPS policies for ensuring a safe workplace.
- Collect and evaluate submissions to board members that allege CEA members are bullying CCPS teachers.
- Anonymously survey CCPS employees to determine if CEA members are bullying them.

Scope:

Information from FY20 and FY21 school years and current environment. We considered the following standards and policies:

<i>Virginia Code §22.1-291.4 Bullying and Abusive Work Environments Prohibited</i>	<i>Virginia Code §22.1-276.01 Definitions</i>
<i>Virginia Code §15.2-2511.2 Duties of Local Government Auditors</i>	<i>School Board Policy 5015: Prohibition of Abusive Work Environments</i>
<i>School Board Policy 5030: Professional Ethics</i>	<i>School Board Policy 7230; Acceptable Use, the CCPS - NET</i>
<i>School Board Policy Appendix A – Section 19; Discipline</i>	

Chesterfield County Internal Audit is a department within the organization of Chesterfield County/Schools and has the authority and responsibility to conduct audits of County and School departments and activities per Chesterfield County Charter §6.12 *Internal Auditor*. Therefore, scope does not include auditing procedures for the CEA organization or externally administered social media sites.

Methodology:

Our methodology included:

- Inquiry with school administration and staff.
- Background research on CEA organization and definition of bullying.
- Review of state regulation and CCPS policies.
- Analysis of bullying allegation submissions from board members and anonymous sources.
- Developing, distributing, collecting and analyzing a CCPS employee survey.

We conducted this special project as a performance audit in accordance with generally accepted government auditing standards, except the risk and internal control assessment was more targeted for CEA members bullying CCPS teachers versus a comprehensive evaluation. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Khara Durden, Internal Audit Director, performed the audit work. Chesterfield County Internal Audit is a department within the organization of Chesterfield County/Schools.

FINDINGS

State Regulations and School Board Policies

Virginia Code §22.1-276.01 *Definitions*, defines “bullying” as any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a power imbalance between the aggressor and victim; and is repeated over time or causes severe emotional trauma. Bullying does not include ordinary teasing, horseplay, argument, or peer conflict.

The state of Virginia references bullying in Virginia Code §22.1-291.4 *Bullying and abusive work environments are prohibited* and states the School Board shall adopt policies to:

- Prohibit abusive work environment in the division.
- Provide appropriate discipline of employees who contribute to an abusive work environment.
- Prohibit retaliation or reprisal against an employee who alleges an abusive work environment or assists in the investigation of an allegation.

To meet the requirements outlined above, the School Board has implemented the following policies:

- School Board Policy 5015 *Prohibition of Abusive Work Environments* prohibits abusive work environments in the school division. Any School Board employee who contributes to an abusive work environment will be appropriately disciplined. Retaliation or reprisal against employees who make allegations of abusive work environments or assist in the investigation of allegations of abusive work environments is prohibited.
- School Board Policy Appendix A Section 19 *Discipline* describes the process for CCPS employee discipline for those who are in non-compliance with school regulations.

Allegations Submitted to Board Members

Internal audit requested Chesterfield Board of Supervisors and School Board members to forward known bullying allegations to our department for review. Those with allegations were provided the Fraud, Waste, and Abuse Hotline number and option to email or mail documentation to remain anonymous.

Internal Audit collected allegations and documentation for one week resulting in 17 allegations consisting of 14 emails and 6 phone calls. We requested bullying documentation (or support) during each phone call and received 51 items for evaluation.

For all documentation, we compared names (if provided) to a current CCPS employee list to determine if teachers or CEA members were involved. 12 (23%) of items involved CCPS employees and only 4 (8%) items involved CEA members.

Seventy-five percent of the documentation reviewed was from social media sites. Screenshots of comments did not always include where the posts originated but when known we were able to determine that submissions were from Facebook pages or groups unrelated to CCPS. All social media comments related to the return to school debate that occurred over the summer and escalated prior to the July 20, 2020 School Board decision. After review of all social media documentation and comparison to the bullying definition, we could not substantiate that CCPS teachers were bullied by CEA members.

In addition, we were provided emails and videos alleging CEA members bullied return to school supporters immediately prior to the July 20, 2020 School Board meeting. After reviewing documentation, we inquired with law enforcement about CEA members bullying others prior to the School Board meeting. Sheriff Department deputies were providing security for the meeting and County courtyard; Chesterfield County Police Department were assigned to the surrounding areas. There was no criminal conduct witnessed from law enforcement, nor were any criminal complaints filed. After review of emails and video documentation and comparison to bullying definition, we could not substantiate that CCPS teachers were bullied by CEA members.

We received six emails for one bullying allegation. The emails were sent from a CEA member using their CCPS email address from July 17th through July 30th, 2020. CEA emails were forwarded to CCPS email groups and related to CEA meetings, meeting actions, return to school position statements and recruitment efforts. After review of these emails and comparison to bullying definition, we could not substantiate that CCPS teachers were bullied by CEA members. School Board Policy 7230-R *Acceptable Use* does not address if employees' use of internal email for external organization promotion is appropriate.

Chesterfield County Public Schools Employee Survey

Allegations of bullying by CEA members of CCPS teachers made to the Board of Supervisors and School Board members could not be substantiated based on documentation provided. Therefore, Internal Audit conducted a CCPS employee survey to determine if CCPS employees were bullied by CEA members.

Internal Audit independently developed, distributed, collected and analyzed a CCPS employee survey. We received a comprehensive CCPS employee email listing and compared it to a current employee payroll list. We reconciled these two lists by removing group emails and those emails that had not been accessed for more than one year. The survey was developed and administered through Checkbox, an online survey software product. To ensure we conducted the survey appropriately, surveys were limited to one submission per email address and all results remained anonymous. All employees were included regardless of classification (Full-time, Part-time, Substitutes and Temporary Work Assignments). Surveys were sent to 9,333 emails on August 26th and collected through September 4th. The survey was distributed during this time to ensure employees had reported to work after summer break. Designed to allow quick response, the survey consisted of six questions. At the end of the survey, Internal Audit contact information was provided if respondents wished to contact the department with additional information.

We received 4,014 total submissions (43% response rate). CCPS management indicated this was higher than other employee surveys conducted internally. Because all employees are assigned an email address, email surveys are the most common type of survey conducted at CCPS. Although all employees have email, some positions may not regularly check for messages because of job duties. CCPS employee survey results are summarized on the following pages.

Survey Question #1. What is your employee classification?

Employee Classification	Number of Responses	Percent of Total Responses
Administration	167	4%
Clerical	201	5%
Finance ¹	23	1%
Food Service	70	2%
Human Resources ²	21	1%
Operations	59	1%
Student Support ³	606	15%
Teachers	2,632	65%
Transportation	203	5%
Blank	32	1%
Total	4,014	100%

¹Finance and Budget & Management

²Human Resources and Compensation & Benefits

³Instructional Assistants, Counselors, Special Education and Technology

Internal Audit analyzed current employee classifications and provided a drop-down menu of options for the main classifications of employment at CCPS. All categories of employment classifications had responses. 80% of responses were from teachers and student support employees.

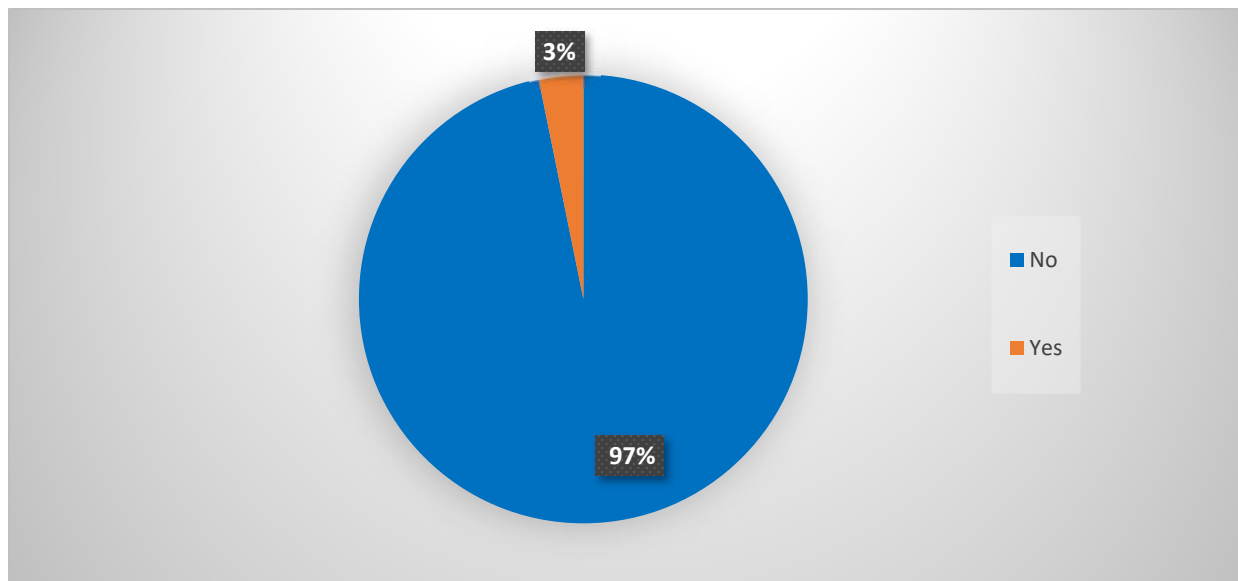
Survey Question #2. What is your workplace location?

Internal Audit asked survey participants to enter work location. 3,930 (88%) of respondents listed a school building as their location. The remaining responses included those who worked at multiple locations (1%), department names rather than specific location (6.5%), other responses (2%) and not answered (2%).

Top 10 Survey Participant Locations

School Location	Number of Responses
Career and Technical Centers	187
Thomas Dale High School	138
Manchester High School	122
Cosby High School	108
Meadowbrook High School	93
Midlothian High School	92
Bailey Bridge Middle School	90
James River High School	88
Tomahawk Creek Middle School	83
Bird High School	82

Survey Question #3. Have you felt bullied by members of Chesterfield Education Association (CEA)?



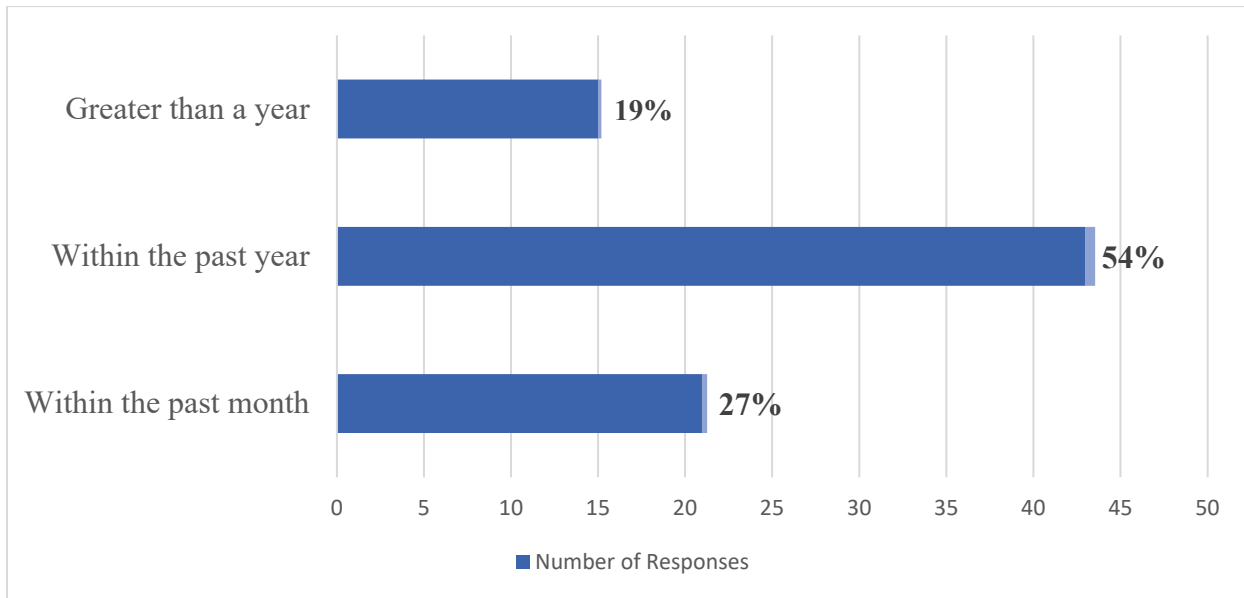
Out of 4,003 survey responses, 3,875 (97%) answered that they did not feel bullied by CEA members, 128 (3%) respondents indicated they had felt bullied. 11 survey participants did not answer this question.

For the 128 surveys that indicated there was bullying by CEA members, Internal Audit analyzed by job classification and workplace location. 122 (95%) of participants answered the question about job classification. 6 participants left this question blank. The majority of respondents classified themselves as teachers (63%) and student support (8%) including instructional assistants, counselors, special education and technology employees. 117 (91%) of participants answered the question about workplace location. 11 participants left this question blank. Most respondents are working in schools (79%). 42 (64%) schools had at least one survey participant who felt bullied by CEA members but there was no identified pattern of CEA members bullying CCPS teachers by job classification or location.

If you responded “yes”, please describe how your experience was repeated over time or caused severe emotional trauma.

128 of survey participants indicated they had felt bullied by CEA members. We asked those 128 to provide a description of their experience and how it was repeated over time or caused emotional trauma. 74 (58%) comments were received; 54 participants left this question blank. Most remarks related to issues outside the authority of CCPS, CEA social media activities related to the FY21 School Board return to school decision (40 comments), and CEA Leadership (16 comments). After analyzing comments and comparing to the bullying definition, we were unable to substantiate allegations of CEA members bullying CCPS teachers.

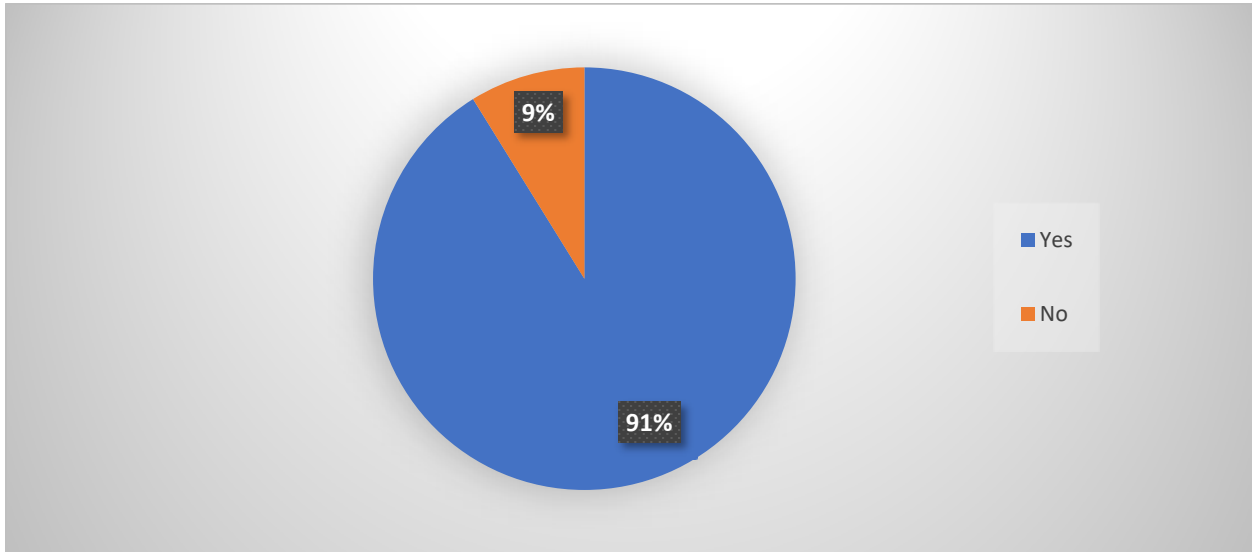
Survey Question #4. If your answer to number 3 was “yes” when did this occur?



For the 128 surveys that indicated there was bullying by CEA members, Internal Audit attempted to determine when it occurred. The survey question provided a drop-down box with one of three answers shown in the chart above. Only 79 (62%) answered this question.

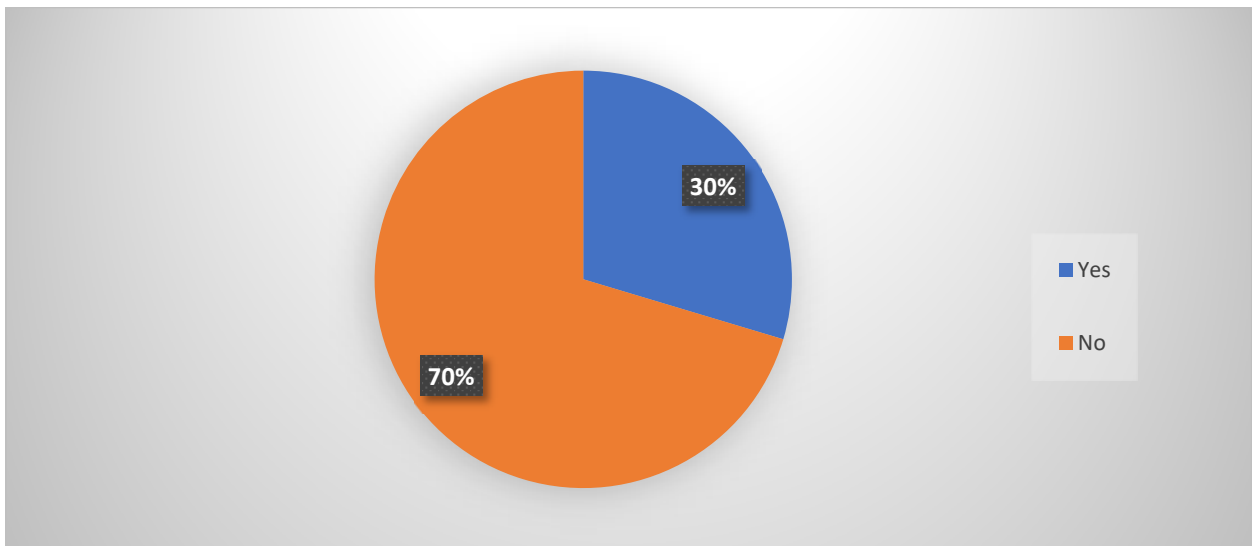
For respondents that described being bullied within the past month, 58% of the supporting comments related to the recent School Board decision on return to school. For the respondents that indicated they had been bullied within the past year, 95% of the comments related to the School Board decision to return to school virtually, CEA social media activities and membership and participation pressures.

Survey Question #5. Do you feel comfortable reporting allegations of bullying by Chesterfield Education Association members to your supervisor or the CCPS Human Resources Department?

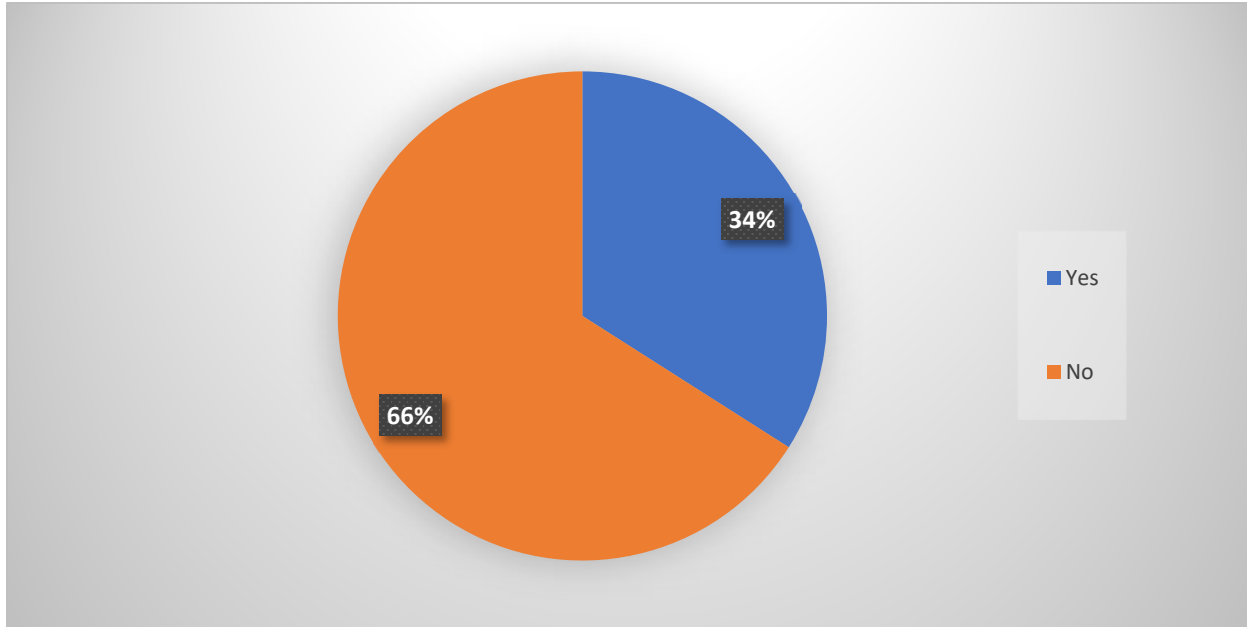


When CCPS employees have reportable concerns, they should report to their supervisor or the Human Resources Department when necessary. Internal Audit attempted to determine if the CCPS reporting process was working for those who have concerns related to bullying. 3,635 (91%) responses were received for this question, 379 (9%) surveys did not include a response. The chart indicates that 91% of respondents feel comfortable reporting their concerns to their supervisor or the Human Resources department.

Additionally, for the 128 surveys that indicated there was bullying by CEA members, Internal Audit attempted to determine if those participants felt comfortable reporting their concerns. 81 (63%) participants answered this question. The following table indicates that for those that feel bullied, only 30% feel comfortable reporting their concerns to their supervisor or the Human Resources Department.



Survey Question #6. Are you aware of the Chesterfield Fraud, Waste and Abuse Hotline program which provides CCPS employees a way to anonymously report concerns?



When CCPS employees do not feel comfortable reporting to their supervisor or the Human Resources Department, the Internal Audit Department provides a confidential way for all employees to report allegations. Internal Audit tried to determine if CCPS employees were aware of this additional resource. 3,813 (95%) responses were received for this question, 201 (5%) surveys did not include a response. The chart indicates that 66% of total survey participants are not aware of the ability to report anonymous concerns through the Fraud, Waste and Abuse Hotline.

Virginia Code §15.2-2511.2 *Duties of local government auditors*, mandates that auditors provide a fraud, waste and abuse hotline for citizens and employees to anonymously report concerns. In Chesterfield, the Internal Audit Department administers the hotline for both County and School employees in addition to citizens.

In the past, the Superintendent’s Monday message and principals staff meetings were used to communicate Fraud, Waste, and Abuse Hotline information to all staff members. There is no centralized location for staff to access Fraud, Waste and Abuse Hotline services using CCPS resources.

Following the survey questions, Internal Audit requested participants confidentially submit any bullying documentation to our office for analysis. We received 25 responses. 12 of the responses were survey related questions or blank emails. The remaining 13 were analyzed to determine if they met the definition of bullying. Internal Audit could not substantiate that CCPS teachers were bullied by CEA members.

RECOMMENDATION(S):

We recommend:

1. Internal Audit coordinate with Communications and Community Outreach Department to implement access to Fraud, Waste and Abuse hotline services on CCPS platforms.

MANAGEMENT'S RESPONSE(S):

1. *Concur. Assistant Director of Internal Audit, Steve Sanderson, is responsible for implementing 7/1/2021. Internal Audit will collaborate with the Communications and Community Outreach Department to ensure Fraud, Waste and Abuse hotline services are easily accessible to employees on CCPS platforms.*

CLOSING

We appreciate the cooperation and assistance received from CCPS administration and employees throughout this special project.

Copy: Dr. Thomas Taylor, Deputy Superintendent
Tim Bullis, Executive Director Communications and Community Outreach
Steve Sanderson, Assistant Director of Internal Audit