**Case Brief on the Topic of Racial Discrimination/Demotion**

**Contract Non-Renewal**

**ELP 518: Law for School Administrators**

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**Date 8/04/2017**

**IN THE UNITED STATE DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

**WESTERN DIVISION**

***WANZA COLE V. WAKE COUNTY BOARD OF EDUCATION***

Civil Action No.:5:16-CV-765

Case 5:16-CV-00765-D Document 19 Filed 01/06/2017

**NATURE OF THE CASE:** This case alleged violations of Title VII of the Civil Rights Act of 1964, as an amended action against the defendant, Federal Law and North Carolina common law. Typically, Wanda Cole alleges that her civil rights as an African-American were violated, and that she was retaliated against when was forced to be demoted or be contractually non-renewed in her employment with the Wake Schools of North Carolina as a Principal for reasons which cannot be justified according to due process.

**PROCEDURAL SUMMARY:**

**Plaintiff (P):** Wanza Cole, Principal, West Cary Middle School, Wake County Public Schools

**Defendants (D):** Wake County Board of Education

**Wake County Superior Court – August 25th, 2016** Case originated in this venue; moved to U.S. District Court according to 42 U.S.C. 2000e, *et. Seq.*

**United States District Court** – January 9th, 2017 Original case was amended

**Defended Answered** – to the amended complaint, then filed a Motion to Dismiss

**Plaintiff Filed** – A Memo of Law in Opposition of the Motion to Dismiss

***This case is ongoing is yet undecided by the Court; The Honorable Chief Judge James C. Dever III.***

**FACTS OF THE CASE:**

Wanza Cole (Plaintiff) is an African-American female and a resident of Wake County, North Carolina. She was hired by the Wake County School Board as a teacher in 1992, and promoted to an Assistant Principal position at Garner High School. During the 2007-2008 school years she was contractually committed to the Principal ship of West Cary Middle School (WCMS). According to the Plaintiff’s documents, WCMS was one of the highest performing schools in the Wake County Public School System (WCPSS).

Around December 16th, 2014, Wanza was informed by Dr. Bryan Martin, Senior Director of Employee Relations, that two teacher had shared that they were dissatisfied with the way SCMS administration conducted its observation and evaluation system for teachers.

Dr. Martin also informed Wanza that he would send Mary Swann, an African-American female, to meet with and interview select staff regarding the observations and evaluations, and he would also contact Wanza’s direct supervisor, Timothy Locklair, a Caucasian male, then the new Western Area Supervisor, who replaced Jackie Ellis, an African-American female and Wanza’s immediate former supervisor.

Upon information known by Wanza, she was never informed by any person, including Jackie Ellis, that there were performance issues related to evaluations and observations. Even Locklair, Wanza’s new supervisor, had rescheduled several “mid-year” reviews yet never mentioned any performance issues.

Wanza did state in her complaint, however, that WCMS may have gotten behind on some of the evaluations as would be the case with numerous schools within the WCPSS. On February 11th, 2015, a meeting was held with Wanza, Dr. Martin and Locklair, of which the results of the teacher / faculty review conclusions gleaned by Martin after the interviews with the selected teachers. The review noted a “widespread lack of fidelity with regard to the online system. Dates were incorrectly input . . . observation data was input well after the observation took place … etc.”

According to Plaintiff’s Complaint, Wanza’s performance on the job had never been previously questioned and had been more than satisfactory during her entire tenure at WCMS – up to and until the very first evaluation completed by Locklair. This first and only negative performance review was signed off on by Locklair, who had never even met with her prior to the meetings with Dr. Martin and Douglas Thilman, a Caucasian male, and Assistant Superintendent of Human Resources.

Wanza also states, but could possibly be speculation, that these actions were particularly suspect in that Thilman, was removed as principal of the same school (WCMS) because of testing improprieties under his administration, and Wanza Cole was *his* immediate replacement back in 2007.

During the meeting and review, Wanza Cole was informed that she would be removed as the principal of WCMS, and offered a position in the WCPSS Central Office as the Director of Intervention Services and retain her current salary of +119,000 until her contract expiration in June 2017.

Wanza considered this a demotion, and based on her knowledge of Due Process and the Civil Rights Act of 1964, she filed this civil action.

**ISSUE:** Was Wanza Cole’s demotion and subsequent removal as principal of WCMS collusion by a group of Caucasian men with the authority & power to use unsatisfactory job performance as a means to force removal of minority class(es)?

**HOLDING AND DECISION:** The case is yet undecided.

**MY COMMENT:** This case, on the one hand, is somewhat suspect only if Wanza had no previous indications that her performance as an administrator was being documented and under review for this subsequent demotion. I believe that the excuse, “…well, other schools can be flagged for the same offense,” is a weak argument for poor performance, and I’m not aware of how critical school district superintendent’s and executives look upon the timelines of the NCEES evaluations and observations as a means to demote or non-renew a school administrator contract. I do agree that the former principal of WCMS and present Assistant Superintendent signing off on the administrator that replaced him because of his own indiscretions cannot look good.

I have two takeaways for this particular case:

1. It is going to be difficult to prove Racial Discrimination with this case based on the facts as they are. Unless someone reveals the motives behind replacing key district positions with Caucasian men that African-American females once held, is iffy at best.
2. DO MY EVALUATIONS AND OBSERVATIONS ON TIME (AS A PRINCIPAL)!! Then, that excuse cannot be used…

[https://www.pacermonitor.com/public/case/17932346/Cole\_v\_Wake\_County\_Board\_of\_Education#](update%20of%20case)

[http://www.newsobserver.com/news/local/education/article161244288.html](n%20and%20o%20case)

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