

Notice of Grievance Gary Ponder

The purpose of this document is to provide a brief summary of the information you will find in the pages to follow in order to offer a more chronological account of the events that led to my decision to file this grievance. I have been targeted, retaliated against, and terminated from my position at Westlake Academy by Mayor Sean Kilbride for my working relationship with Councilman Kim Greaves, the key contact for Westlake Academy Athletics. This liaison position to Athletics in which Councilman Greaves was assigned was mandated and announced by the Mayor and Council during the fall of 2022. Since that time, despite the many positive developments in the athletic program, Mr. Kilbride abruptly directed Interim Head of School Carolyn Anderson to advertise for the position of Director of Athletics and then tampered in the selection process to achieve his goal of terminating me from the position. Here is the sequence of events that led to my termination.

There are three parts to this grievance:

Part 1...Retaliation

1) Retaliation...My abrupt and unexplained termination from the position of Director of Athletics. This retaliatory action was a direct result of my previous disagreements with Mayor Sean Kilbride and my positive working relationship with Councilman Kim Greaves.

Summary of Events:

*September 27, 2023...

I submitted a report to the Town and Mayor Kilbride disagreeing with the mayor's assessment that there was a safety issue for the cross country team at the crosswalk on Ottinger Road.

*October 25, 2023...

The Mayor requested to speak at the athletic banquet but was denied due to a concern he would politicize the event. He became angry about this outcome as his emails will validate. He did not attend the banquet.

November 7, 2023...

The mayor showed up during football practice and called me on my cell phone during practice. However, I did not have my phone on my person so I did not know this until later. When practice was concluded, as I was leaving the field, (5:00-5:30 pm) the mayor was still present and requested I meet him at Town Hall the next morning at 9:00am. There was no indication what the meeting was about.

November 8, 2023...I was at Town Hall at 9:00am for the meeting. The mayor was a no show, no call. At 9:50am, I called the mayor. He said he got the days confused.

*At this point, please note that my positions regarding the events of September 27 and October 25 were also supported by Kim Greaves which I believe strongly contributed to Mr. Kilbride's decision to retaliate against me by terminating me from my position. Also, during this time period, although no official announcement had been made, citizens were learning of Kim Greaves planned candidacy for mayor.

January 9, 2024...

I was informed by Interim Head of School Carolyn Anderson the mayor had directed her to advertise for Director of Athletics. She also said she was not going to do that to people. I asked Mrs. Anderson if he said why and she did not know. Later in the conversation she did say the mayor had mentioned my friendship with Kim Greaves.

January 10, 2024...

I sent an email requesting to meet with Mayor Kilbride. He did not respond.

January 15, 2024...

I sent a follow up email to Mayor Kilbride and copied it to the members of Council expressing my disappointment that he chose not to respond. He finally responded, telling me to direct my questions to Carolyn Anderson.

This concludes the events in Part 1 that contributed to the mayor's act of retaliation. After almost 3 years of service as Director of Athletics without incident, it is very obvious that Sean Kilbride retaliated against me by ordering the posting of the position of Director of Athletics and then tampered in the selection process to insure I was not selected back to the position. The mayor chose to retaliate against me because I had disagreed with him, told him no, and established a positive working relationship with Kim Greaves, the Councilman he placed in a position to oversee the athletic program. Mr. Kilbride should not be permitted to personally remove employees from their positions just because they don't agree with him or they associate with those he considers his adversaries. The termination of an employee should be considered and decided by a vote of all members of the Board of Trustees.

Names of Individuals with knowledge of these incidents:

Carloyn Anderson/Interim Head of School

Kim Greaves/Town Council

Anna White/Town Council

Component 2...Bullying

2) Bullying...Prior to the selection process, Mayor Sean Kilbride publically gloated to my co-workers about getting a new Director of Athletics.

Summary of Events:

After the advertisement for the position of Director of Athletics was posted and before interviews, on at least on 2 occasions that were reported to me, Mayor Kilbride was on campus publicly gloating about opening the Director of Athletics position. However, his terminology was reported to be, "I'm getting you a new athletic director." Although I don't recall the exact dates, this was before the application period was closed and interviews had began. The phrase "new athletic director" certainly implies he did not intend on the selection being me. Not only was this pre-interview conduct highly unprofessional and deplorable, it felt like school yard harassment, bullying, or just rubbing it in your face rhetoric, especially since it was directed at coaches that he knew would be interacting with me. This was much the same feeling I had the day he showed up at practice and called me on the phone while I was on the practice field. It is my observation that Mr. Kilbride prides himself in his ability to bully and intimidate others (ex. board meetings) and I believe these actions on his part were a conscious attempt to bully or harass me.

Names of Individuals with knowledge of these incidents:

Franco Deras/Head Girls Soccer Coach

Amanda Cawthra/Head Cross Country Coach

Chad Nothe/Head Boys Basketball Coach (reported Cawthra incident)

Component 3...Abuse of Power

3) Abuse of Power...This is the primary ground for my grievance. Mayor Sean Kilbride ordered the Interim Head of School to advertise for the position of Director of Athletics, tampered in the interview process while it was underway, and then went directly against the selection of the committee to deny me the opportunity to regain and continue in the position.

Background:

Despite the retaliation and attempts to bully that had already occurred against me, I chose to proceed with applying for the position. Unfortunately, although the final outcome should have been good for me, the selection process turned out to be equally corrupt. Sean Kilbride designated Interim Head of School, Carolyn Anderson, as the person leading the process and a selection committee was identified.

Summary of Events:

March 8, 2024...

The first round of interviews were conducted.

March 16, 2024..

I was contacted by Carolyn Anderson and invited back for a 2nd interview. It is my understanding the mayor was very upset that I had not been eliminated from the process in the 1st round. It was at this point of the process that 2 original members of the committee were replaced. One of the replacements was Gail Krieger, a parent who has publicly berated and criticized me to the Mayor and Town Council for poor leadership. Mrs Kriege has been my strongest and most vocal critic. There is absolutely no way Mrs. Krieger's late appointment to the Committee was a coincidence. I shared my concern with Carolyn Anderson in an email but never received a response.

March 28, 2024...

Final interviews were completed.

At this point in the process things were quiet from March 28 until April 3. No information regarding the interview process was shared.

April 3, 2024...

Ray Cheatham came to my office to inform me that he had received a telephone call on the evening of April 2 and been offered the position. Ray went on to say that he had countered with some questions regarding salary and job description.

April 4, 2024...

Kim Greaves informed me that I had actually been the selection of the Committee and Mayor Kilbride had gone against the committee selection and issued the directive to offer the position to Ray Cheatham..

This continued pattern of retaliation and abuse of power through the use of bullying and intimidation of employees by Sean Kilbride is beyond corrupt and has now resulted in me being denied a position I was forced out of but rightfully gained back even in a selection process that he tampered with. Once he had exhausted his options, Sean Kilbride had no other choice to keep me terminated from the position but to ignore the selection of the committee, and that is what I was told he did. The potential for discrimination is now in question as well.

Names of Individuals with knowledge of these incidents:

Carolyn Anderson/Head of School

Kim Greaves/Town Council

Kramer Chung/Parent

Members of Selection Committee

The procedure identified in Employee Complaints and Grievances for filing a grievance includes: 1) provide the nature of the matter 2) provide the act or acts of commission or omission out of which the dispute rose 3) the exact date (if uncertain, the approximate date) of the act or acts of commission or omission 4) The identity of the employee who claims to be harmed 5) The identity of the party or parties alleged to have caused the problem 6) the remedy which is sought. This document and the attached pages address questions 1-5.

Question 6...The remedy which is sought:

- 1) I request the process for filling this position be put on hold and a full investigation conducted regarding the misconduct of the mayor.
- 2) I request to be reinstated as Director of Athletics
- 3) I request my salary be increased to the range that was advertised for this position and set appropriately to match my total years of service and education
- 4) I request the Town leadership structure for governing Westlake Academy be clearly identified, including duties, particularly in the areas of Superintendent, Board President, and CEO.

Thank You,
Gary Ponder