



Date: August 28, 2022
To: Dr. Angela Whitelaw, MSCS Deputy Superintendent
From: Dr. Yolanda Finnie Martin, MSCS Chief of Human Resources
CC: Attorney Kenneth Walker, MSCS Chief Legal Officer
Mrs. Michelle McKissack, MSCS School Board Chair
Dr. Althea Greene, MSCS Board School Board Co-Chair

Greetings Dr. Whitelaw,

I have been a dedicated educational leader with a stellar record of effectiveness in Memphis-Shelby County Schools (MSCS) since January 2005. My 17 years of school/district leadership experience in various capacities, coupled with an additional four years of teaching service in other states, has been my life's calling and purpose for the past 21 years. I am saddened to have reached the point where the ability to serve effectively has been compromised due to extreme discrimination, intimidation, and continuous attempts to undermine my leadership, productivity, and mental health. I have experienced ongoing harassment, intimidation, and discrimination by my direct supervisor, Dr. John Barker, which has been exacerbated over the past few weeks. I am writing this letter to file a formal complaint against my immediate supervisor, Dr. John Barker, with whom I have worked for three years since August 2019.

Since my assignment to my current position, I have experienced numerous instances of being treated less favorably than my colleagues and subordinates. Throughout my time reporting to him for the past three years, I witnessed a black female cabinet member resign and she told me Dr. Barker's leadership was the reason for her resigning. Another black cabinet-level female requested to be removed from his supervision as well and was eventually assigned a different reporting structure. At the onset of my promotion to this position, I was allocated a vehicle as a part of my hiring contract; yet he repeatedly refused to provide me with a car that was earmarked for me. Once I shared his refusal to his supervisor, Dr. Ray, he eventually issued me the company vehicle that was supplied to other c-suite level employees as a part of their negotiated contracts.

Dr. Barker makes me feel as though my voice does not matter and my thoughts are irrelevant as a black woman, while taking close interest when white people offer comments/commentary. In most cases, when I attempt to speak one-on-one with him or in public, he consistently motions or

gestures to cut off my speaking. He immediately silences me in public and, in many cases, gives me (and other black females) one or two minutes to "make your point," which publicly humiliates me and other blacks/females to whom he frequently does this. I have received other complaints from black female leaders about his behavior and how offensive he is when he does this. I shared my concerns with the Superintendent, and it is my understanding that the Superintendent addressed them with Dr. Barker early on. However, over time, the Dr. Barker's pattern of discrimination and hostility began to re-escalate.

When Dr. Barker hired a white employee _____ into a cabinet-level position, I noticed that unlike when he engaged in dialogue with black females, he took great interest to pay attention to any commentary that _____ provided. He consistently leaned forward any time she spoke and did not restrict her time to speak. When _____ was initially hired, he required that I type an offer letter that provided her over \$15,000 more than my salary. This employee had less experience and education than many black female members of the cabinet yet paid more than many of us. Moreover, the complexity of her job/scope of her role was much less than other cabinet-level female employees who were minorities, in comparison to their roles/responsibilities. In addition, _____ demanded that I simultaneously produce an employment offer letter for _____ white husband that was at the top of the principal pay scale and provide for an additional \$12,000 a year stipend. No interview was required (we have a principal hiring process in place for school administrators) for the hiring of _____ husband, although policy requires that we follow consistent hiring processes.

_____ was quickly removed from the job duties for which he was initially hired and shifted to work directly for Dr. Barker in a lesser role as his assistant, although he was allowed to keep his salary but had little/no job responsibilities. _____ primary task was to compile submissions for monthly board meetings, and Dr. Barker directed _____ to visit various school sites to obtain feedback about my work and the Chief of Business Operation's work. I noticed that Dr. Barker and Mr. _____ would pay close attention to supporting the white principals' concerns. Dr. Barker regularly

took interest and followed up with me with a sense of urgency when a white principal was unhappy about an issue. Rather than serving as a mediator between my department and principals, I was directed to contact Dr. Barker instead of following the appropriate communication chain. Although advisors and managers had the authority to solve most low-level concerns, Dr. Barker insisted that all small matters regarding HR be routed through him. His actions undermined my ability to leverage my managers and directors to do their jobs to solve low-level problems.

Dr. Barker has made additional efforts to undermine my ability to lead effectively on an ongoing basis. When I (or the assigned supervisor within my department) addressed performance issues in accordance with the District's Progressive discipline protocol, I noticed a consistent pattern of the employees reporting to him any instances whereby they were uncomfortable or unwilling to meet their job responsibilities (all the while, Dr. Barker was insistent that I hold employees accountable for their work). He reached out to my subordinates and came to various department meetings offering his cell phone number, so my subordinates could communicate with him without my knowledge. I later learned that this was a mechanism for him to encourage my employees to connect with him to undermine my authority when their performance discrepancies were addressed. When performance discrepancies were reported about my subordinates by school leaders and HR data metrics, Dr. Barker demanded that I address them. Upon administering discipline per his guidance, he would later work with the subordinates to paint a picture of me being a villain and him being the savior.

Dr. Barker took a distinct interest in any white employees in my department who experienced performance issues but quickly supported the termination/discipline of any black employees who did not improve. He met numerous times with white employees and overlooked when white employees blatantly violated company policy and/or performance expectations. In November 2021, Dr. Barker insisted that I meet with the instructional staffing team to address their poor performance. He required that the whole team be put on an improvement plan. The manager/leader of that team, _____ (a white employee), whose leadership played a key role in why the team was not functioning adequately, took FMLA instead of staying and leading her team through the improvement

plan implementation. While Dr. Barker was adamant that I terminate the whole team (all black employees except for one person), I begged him to allow more time for me to work with the employees so that they could have an adequate opportunity to improve.

Although Dr. Barker acknowledged that [redacted] leadership was inadequate and a detriment to the team's performance, he took particular interest in ensuring that he maintained a connection with her, even while on FMLA. In one text message to me, Dr. Barker revealed that [redacted] was doing well and even "painted her whole house" while on FMLA. While he demanded that we proceed with immediate disciplinary action for all other employees on [redacted] team, he ensured that she, as manager, received a new position with the same pay, despite decreased job complexity and responsibility for her. Her pay was equal to and, in some cases, more than black employees who worked with her in his ELC department, although she only had a high school diploma and all the black employees had master's/doctorate degrees and many more years of leadership experience.

In another case, I had a subordinate, [redacted], who had highly deficient performance issues and was placed on an improvement plan. Although [redacted] was unsuccessful and violated multiple performance metrics/policy (including possible attempts to interfere during a significant healthcare RFP process), Dr. Barker allowed her to remain employed for many months after she failed to meet the performance improvement plan objectives. On the other hand, Dr. Barker was in full support of removing black people immediately when performance improvement plans were not completed satisfactorily.

There were several instances over the past three years where I attempted to respectfully remind Dr. Barker that his directives were not in compliance with policies and guidelines. He would assert that I must do what he requires. He has made comments regarding my attempts to adhere to staffing and compensation guidelines by stating comments such as "you are military" in a derogatory manner insinuating that my veteran status implies that I am obstinate and/or incapable of flexibility. As a protected veteran with a documented diagnosis of service-connected disabilities, this dominating

man's unscrupulous remarks and demands for me to deviate from guidelines caused extreme anxiety and workplace stress.

I have consistently received information that Dr. Barker repeatedly attempted to terminate my employment for not remaining silent when he issued unethical directives, but his supervisor would not allow him to proceed in terminating me. I have also received information that some male (chief-level or possibly below that level) employees have commented on my physical appearance and made sexual innuendo and remarks about my bodily figure. This is extremely hurtfu

Due to his ongoing lack of support and the environment of distrust that he created, I did not feel comfortable expressing my concerns with him as my supervisor.

In my current role, I have successfully led the transformation of a department that experienced decades of dysfunction and low productivity. Although I received stellar performance evaluations in the past and by him (i.e., all level five ratings and exceptional qualitative feedback narratives), received multiple national, state, and local awards/recognition, and received some of the highest staffing rates in the nation (even during the pandemic), Dr. Barker has consistently worked to undermine my ability to lead and attempted to compromise my professional reputation. My department and the work I have led with my team have resulted in me be recently nominated for Supervisor of the Year (nominated by him, letter attached), and I am currently in the running as a semi-finalist for the State of Tennessee.

The years of workplace discrimination and intimidation under Dr. John Barker have come to a head over the past few weeks upon the exit of the school district's Superintendent, his supervisor. After one of my white directors recently resigned from her position, Dr. Barker told me he was going to reach out to her to ensure that "she was ok." When I asked why he would reach out to an employee when they resigned (although I have never heard of him doing this for any black employees who resigned), Dr. Barker stated that he wanted to ensure that I don't have any "white woman issues" and that I have an appearance of having issues with white women. This statement was extremely hurtful,

and demeaning given that I have a history of leading people of all demographics successfully. I strongly embrace diversity, equity, and inclusion as I know this positively impacts organizational culture and performance. I take pride in my record of providing praise, support, and accountability equitably in an inclusive environment.

After a recent incident where I had to address an employee who made an egregious error and subsequently threatened to leave during the middle of a company event on August 12, 2022, she reported to Dr. Barker that I scolded her at the event. This employee who has worked closely with me is fully aware of the "undermine to escape accountability blueprint," as she frequently witnessed and told me how other employees had gone to Dr. Barker to escape accountability for their work over the years. Since she has seen this tactic work with other employees who he solicited, she decided to leverage the same strategy when I finally addressed her performance deficits. During that conversation, Dr. Barker told my subordinate that I was a "vindictive" person and made other disparaging remarks (as it has been reported that he has done over the years with my other subordinates). He told her that other employees came to him over the years, and he would deal with me. After that conversation, Dr. Barker immediately telephoned my executive director and attempted to get him to turn against me (although he refused and confirmed that he witnessed a discussion that needed to be conducted due to the error that the employee made). Prior to this incident, I texted Dr. Barker and indicated that I wanted to modify the reporting structure to allow this employee to report to a director (due to her insubordination and inability to be coached any further by me). Since all managers reported to directors anyways, I figured this would give her a fresh start with a new supervisor and align with the structure of the rest of the department. Dr. Barker agreed with the realignment of the reporting structure and did not indicate to me that there were any concerns about the incident with the employee.

On Tuesday, August 16, 2022, I was pulled out of a meeting and called to a conference room with Dr. Barker. He immediately stated, "this is a disciplinary conference." He went on to state, "you are a bully." At that time due to my dismay at the allegation, I took out my notebook and asked him

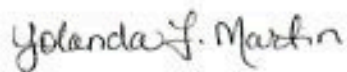
what characteristics he was referencing to constitute me being labeled as a bully (so I could document what the characteristics were). He named three white employees who allegedly reported to him over the past years that I was a bully; yet, he had not informed me or addressed (nor did he include any of this as a part of my performance evaluations) any of those allegations with me in the past. However, he could not or did not provide concrete descriptions of any actions that would constitute bullying. Although one of the three employees reported directly to me for a short period of time (i.e., whom he ordered that I put her and her team on a plan), the other two did not report to me. Because they are frontline employees, I rarely engaged in any interactions with them, and had not seen one of them for many months. Though Dr. Barker could not provide any concrete instances, evidence, or documentation of bullying, it was clear that he had stereotyped me as such. I told him that I would refrain from speaking with passion or further addressing employee performance issues as it will lead to him seeing me as an "angry black woman." I told him that I understood my place with him, and I would be mindful of my communication with him and all others who communicate with me.

Recently my personnel and labor file was requested by the media. I submitted a request to our legal department for me to review the documents that were released. Upon my review, I noticed that illegal documents had been placed in my file. These illegal and damaging documents were distributed to two white journalists who are known to have a close relationship with Dr. Barker. I provided documentation that the possession and distribution of these records were a clear violation of the law and my rights as an employee. I notified Dr. Barker and the district leadership/legal team of my concerns, and Dr. Barker proposed a remedy via text that could potentially negatively impact me as the Chief of HR. His proposed remedy was to release a statement to the media about the district's file inaccuracies. I've had to secure legal counsel at my own expense to address these negligent practices that violate my employee rights and the law.

The actions by Dr. John Barker encompass a blatant case of discrimination and intimidation, and he has significantly undermined my leadership, productivity, and mental health. I would like to have the ability to continue my work effectively in my current role without his ongoing efforts to villainize

me, sabotage my employment and destroy my professional reputation. Therefore, I am asking for your help in resolving this issue. I ask that I be immediately removed from reporting to him as my supervisor, and that I am not punitively placed on leave, or retaliated against so I can continue the great work that has been thoroughly documented over the years and in my recent performance evaluation that was recently completed by him on June 22, 2022 (see attachment). I hope we can move this case forward so I may continue in my lifelong commitment to serve the children of the Memphis-Shelby County community that I was born and raised in.

Respectfully,

A handwritten signature in cursive script that reads "Yolanda F. Martin".

Dr. Yolanda Finnie Martin