



Volume

REPLY TO:
401 Davis Avenue
Suite 315
Elkins, WV 26241
Telephone: 636-1123

Members
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**WEST VIRGINIA EDUCATION AND
STATE EMPLOYEES GRIEVANCE BOARD**

ARCH A. MOORE, JR.
Governor

Offices
240 Capitol Street
Suite 508
Charleston, WV 25301
Telephone: 348-3361

JACKLIN L. ROMEO

v.

DOCKET NO. 17-88-013

HARRISON COUNTY BOARD OF EDUCATION

DECISION

Grievant, Jacklin Romeo, is employed by the Harrison County Board of Education as a teacher assigned to Norwood Elementary School. Ms. Romeo filed a level four grievance on January 26, 1988 in which she alleged that an observation completed by her principal was not honest and constituted harassment and reprisal. Both parties determined that a decision could be based upon the record developed at level two. The transcript was received on August 3 and proposed findings of fact and conclusions of law were filed by August 9, 1988.

At the level two hearing the grievant gave a detailed account of the math class observed by Principal Philip Brown on December 15, 1987.¹ The observation form completed by Mr. Brown was

¹This recitation was from a detailed account which she had written following the observation.

addressed statement by statement and the grievant indicated which comments she believes to be inaccurate. She argues that completion of the observation form in such a negative manner constitutes harassment and reprisal and requests that those comments which she perceives to be negative be removed from the report and that the principal cease his harassment.²

Principal Brown's account of what occurred during the classroom observation differed somewhat factually from that of the grievant. He states that he objectively recorded what he observed to occur, some questions about the activities, and the progress made by the class. He denies that he harassed the grievant or was acting in retaliation for a prior grievance but contends that he was merely fulfilling his responsibility as a principal.

This grievance and a prior matter (Romeo v. Harrison County Board of Education, Docket No. 17-86-208-2) leaves little doubt that the grievant and Principal Brown cannot, or will not, work cooperatively. This is the second time in two years in which the grievant has objected to her evaluations/observations. She apparently does not expect to be evaluated fairly as she indicated that she wrote the detailed summary of the observed class in

²Many of the contested comments are trivial in nature. Examples are whether or not the grievant hesitated when regrouping the students for an activity, whether or not a fun sheet was collected and that an assignment of ten problems was suddenly changed to five.

anticipation of a problem. (T. 14) Mr. Brown indicated that he was particularly careful with the grievant so that he could not be blamed for doing something to her that had not been done to any other teacher in the building. (T. 79)

While the grievant and the principal obviously perceived the situation differently it also appears their philosophies and methods of teaching differ. Disagreement cannot be construed as dishonesty or that the principal intended to use the observation to harass or serve as reprisal for the grievant's prior activities.³

In addition to the foregoing it is appropriate to make the following specific findings of fact and conclusions of law.

Findings of Fact

1. The grievant is employed by the Harrison County Board of Education as teacher assigned to Norwood Elementary School.

2. The grievant was observed by Principal Philip Brown on December 15, 1987.

³An objective review of the observation form did not indicate the lesson was anything less than satisfactory. Although the grievant stated in the prior grievance that she believes herself to be an excellent teacher this does not mean that she is perfect and cannot benefit from suggestions. By the same token suggestions should be made in a positive, constructive manner and should not imply a problem or weakness unless it actually exists.

3. The grievant characterizes the comments made on the observation form as dishonest as she asserts the lesson was taught properly and that Mr. Brown indicates it was not.

4. The portions of the form which the grievant wishes to be deleted are the principal's characterization of class activities and comments which generally are in the nature of suggestions or pose questions. While he does not indicate the grievant's performance to have been unsatisfactory the comments are phrased in a manner conducive to negative implications.

Conclusions of Law

1. It is incumbent upon an employee seeking relief pursuant to W.Va. Code, 18-29-1 et seq. to prove all of the allegations constituting the grievance by a preponderance of the evidence. Kirk v. McDowell County Board of Education, Docket No. 03-87-178; Bulford v. Preston County Board of Education, Docket No. 39-87-203.

2. The grievant has failed to prove that the comments were a result of dishonesty, reprisal or for the purpose of harassment.

Accordingly, the grievance is **DENIED**.

Either party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Harrison County and such appeal must be filed within thirty (30) days of receipt of this decision. (W. Va. Code, 18-29-7). Please advise this office of your intent to do so in order that the record can be prepared and transmitted to the Court.

DATED

September 30, 1988

Sue Keller

SUE KELLER
HEARING EXAMINER