



McFadden Davis, LLC

TO: WonderRoot Board of Directors

FROM: Jamala McFadden, Esq. and Raquel Crump, Esq.
The Employment Law Solution: McFadden Davis, LLC

DATE: April 29, 2019

RE: Open Letter to WonderRoot Board of Directors:
Executive Summary

Per your request, below is an Executive Summary of our findings and conclusions concerning our investigation into the issues raised in a letter titled “Open Letter to the WonderRoot Board of Directors” emailed to members of WonderRoot’s Board of Directors on February 7, 2019 (“Open Letter”).

SCOPE OF ASSIGNMENT

A Special Committee of WonderRoot’s Board of Directors (“Special Committee”) asked the Employment Law Solution: McFadden Davis, LLC (“ELS”) to conduct an independent review of issues raised in the Open Letter, including (1) discovering specific events that form the basis of the issues described in the Open Letter; and (2) Board member’s knowledge about those events. The Special Committee also asked ELS to make recommendations for the Board to consider in light of our findings.

SOURCES OF INFORMATION

During the course of the investigation, Jamala McFadden, Esq. and Raquel Crump, Esq. (“Investigators”) completed a total of 35 in-person and telephonic interviews with the seven named signatories to the Open Letter; current and former WonderRoot employees; current and former members of the WonderRoot Board and Advisory Board; and members of the arts community.

The Investigators reviewed and relied upon material that included, but was not limited to, the Open Letter; social media posts written in response to the Open Letter’s circulation on social media outlets; WonderRoot’s Employee Handbook (2015 and 2017 versions); Board meeting agendas and minutes; WonderRoot’s financial/accounting

documents; WonderRoot bylaws; employee stay and exit interviews; and relevant email communications by, between and about WonderRoot's current and former staff and Board members.

SUMMARY FINDINGS

Based on the information gleaned through the interviews and review of relevant documents, the Investigators found and concluded:

- (1) Unprofessional behavior. The Investigators concluded that Mr. Appleton repeatedly behaved in an unprofessional manner with staff during his tenure as WonderRoot's Executive Director. His behavior included becoming irate with staff, yelling, outbursts, and using profanity when upset. The Investigators did not find that this behavior was targeted to any particular group of individuals – women, men, minorities, non-minorities, heterosexuals and members of the LGBTQIA community alike experienced Mr. Appleton's unprofessional behavior. The Investigators did not find that Mr. Appleton subjected WonderRoot employees or others to racial insults.
- (2) No inappropriate sexual behavior. The Investigators found no evidence that Mr. Appleton engaged in inappropriate sexual behavior, unlawful sexual harassment or other sexual misconduct during his tenure with WonderRoot. He was not involved in romantic relationships or the pursuit of such relationships with any WonderRoot employees or interns during the time they were employees or interns.
- (3) No inappropriate credit for others' work. The Investigators concluded that Mr. Appleton did not inappropriately or intentionally take credit for the work of others or affirmatively presented others' work product as his own. Work product was appropriately presented publicly under the WonderRoot name to the extent it was produced by WonderRoot staff as part of their job duties.
- (4) Poor financial management practices. Within the scope of this investigation, the Investigators found no evidence of financial theft or misappropriation. However, the Investigators found that Mr. Appleton repeatedly engaged in poor financial management practices, including, for example, late payments to employees and vendors.¹
- (5) Board members had knowledge of concerns. The Investigators found that at least

¹ We found that employees were paid late on occasion, but it appears that late paychecks were no longer an issue by Fall 2017. We understand that the Board has addressed all outstanding invoices that were brought to its attention and that since February 2019, WonderRoot's Acting Executive Director has worked with an accountant to cleanup WonderRoot's accounting. Financial management policies and procedures for the organization are forthcoming. We understand further that the Board has undertaken a separate financial review to take a deeper look at financial issues that are beyond the scope of this investigation.

six Board members and one Advisory Board member had knowledge of concerns about the workplace culture at WonderRoot, Mr. Appleton's behavior and Mr. Appleton's poor financial management practices at various times between 2014 and 2019.² Many of the concerns that were brought to board member's attention lacked specificity and the individuals with direct experiences often asked not to be identified. Individual Board members addressed the concerns they received to varying degrees but did not bring those concerns to the Executive Committee or full Board until 2017. In April 2017, the Board met in Executive Session and devised four specific steps to address the issues, including executive coaching for Mr. Appleton; formation of an HR Committee to strengthen WonderRoot's HR functions; recruitment of Board members with HR experience; and prioritizing the hiring of a Chief of Operations (or similar role) to handle WonderRoot's operational affairs. These actions were implemented but not conveyed to employees, however, which, in part, led to the perception that no action had been taken. In addition, current staff and former staff reported that they had seen no sustained change in Mr. Appleton's leadership style or operational management practices, which also contributed to the perception that the Board took no action.

RECOMMENDATIONS

The findings above have been shared with the Board. The following are the recommendations that the Board has agreed to implement:

- (1) Begin the search process for a permanent Executive Director for WonderRoot.
- (2) Continue the process of reviewing and strengthening WonderRoot's financial management functions, processes and procedures.
- (3) Create and implement a Performance Review Process for the Executive Director. The Investigators suggest a 360-degree Performance Evaluation that includes a self-assessment and input from staff and Board members.
- (4) Modify the complaint procedure outlined in WonderRoot's Employee Handbook to extend the time-period for submitting a complaint; include a procedure for following up with the complainant after an investigation; and provide for notification to the Executive Committee of any material workplace complaint.

² WonderRoot's Employee Handbook has, since at least 2015, included an "Anti- harassment Policy and Complaint Procedure," which provides that complaints against the Executive Director be made to the Board President within 48 hours of an incident and that allegations of harassment, discrimination or retaliation will be investigated promptly. It is not clear whether employees (or other Board members) were aware of the complaint procedure. It was not consistently utilized.

- (5) Train WonderRoot's Board members about the complaint procedure and communications with complaining parties.
- (6) Train WonderRoot's staff on the Employee Handbook, with emphasis on the Anti-harassment and Complaint Procedure, Workplace Bullying, and Professional Development policies.
- (7) Train WonderRoot's organizational and Board leadership about handling/investigating complaints of workplace harassment, discrimination, retaliation and bullying.
- (8) Restart and recommit to the Board development process with an eye toward expertise and equity concerns.
- (9) Create or revise the strategic plan with input from WonderRoot employees and members of the community that WonderRoot serves.
- (10) Due to WonderRoot's unique purpose as a social justice organization, WonderRoot should provide an opportunity for staff and Board members to participate in social justice training, which may include the following objectives: understanding the dynamics of racial, gender, and LGBTQIA oppression at various levels (individual, group, cultural, systemic); exploration of dominated and subordinate group dynamics; exploration of institutionalized racism and classism; exploration of self-bias; and the identification and management of personal triggers.
- (11) As soon as practicable, host a retreat with WonderRoot staff and Board members that would include an open discussion about the concerns in the Open Letter, the Board's response and the future of WonderRoot.
- (12) Communicate the findings, conclusions and recommendations in this Executive Summary to the Open Letter signatories.