

Public Records Request #2363

The following materials have been gathered in response to public records request #2363. These materials include:

- Charlotte Mecklenburg Public Access Corporation Grievance Committee Report – April 17, 2019

This information was provided as a response to a public records request on 6/14/19 and is current to that date. There is a possibility of more current information and/or documents related to the stated subject matter.

Further Information

For further information about this request or the Citywide Records Program, please contact:

Cheyenne Flotree
Citywide Records Program Manager
City of Charlotte/City Clerk's Office
600 East 4th Street, 7th Floor
Charlotte, NC 28202
Cheyenne.Flotree@charlottenc.gov

Amelia Knight
Public Records Specialist
City of Charlotte/City Clerk's Office
600 East 4th Street, 7th Floor
Charlotte, NC 28202
Amelia.Knight@charlottenc.gov



April 17, 2019

**Board of Directors
Charlotte Mecklenburg Public Access Corporation**

On October 17, 2018, a group of Producers submitted written concerns and appeared in person at the October Board of Directors meeting for the Charlotte Mecklenburg Public Access Television Corporation. At the conclusion of the bi-monthly meeting of the Board, and following the spoken testimony of all of the complainants, the Board empanelled a Grievance Committee to further look into the allegations contained in the grievances.

The Committee requested and received written observations from the producers, as well as written responses from the Executive Director of Access 21 and staff. Additional emails were exchanged in response to questions from the Committee. On January 26, 2019, in-person interviews were conducted by the Grievance Committee with staff and some of the producers who filed their concerns.

Summary of Findings:

Following the review and investigation of the concerned producer's issues submitted in October 2018, the written documents in November 2018 solicited by the Grievance Committee, as well as the in-person, recorded interviews with producers and staff in January 2019, the Grievance Committee finds no evidence of racial discrimination nor other intentional or malicious behavior. This conclusion is based on the Committee's investigation, including the testimonials of the concerned producers and staff who participated in the in-person interviews.

However, the Grievance Committee did discover evidence of miscommunication, inadequate record keeping, inconsistent application of policy and procedures, as well as employees who need further training in engaging with a culturally diverse membership. Procedures should be put in place to ensure fair and equitable treatment is afforded to every Access 21 employee, producer and volunteer. We recommend an ongoing audit of human resources, information technology and organizational change to ensure operational consistency and promote professional growth. This would help Access 21 become a more modern workplace and sustain the station as a valuable community asset.

Respectfully,

Leslie Pedernales, President
Tommy Nichols, Vice-President
Todd Muldrew, Treasurer
Jill Sochacki, Secretary
Kris Chambers-Woodruff
Theresa Halsey

Jamal Harvey
Keema Mingo
David Phillips
Edward Pickett
Melvin Rivers
Bernie Simmons

Objective

To independently investigate the validity and root cause of the concerns presented by the CMPAC producers with grievances (collectively “Producers”) regarding current, and recommended changes to, policies that govern operations at Access 21 as well as submission procedures of recorded content; to research the alleged mishandling of projects created by the CMPAC producers with grievances; to explore the current state of relationships between staff, producers and volunteers; to probe claims of racist, discriminatory and malicious practices at Charlotte Mecklenburg Public Access Channel Station.

Statement of the Problem

CMPAC Producers with grievances submitted charges to the CMPAC Board that allege lost/missing/mishandled show submissions by the staff; unfair suspensions; lack of accountability of employee misconduct toward producers; racial discrimination; deletion of records; no proof provided for project submissions; and the facilitation of a hostile environment.

As a result of being presented with their concerns, the CMPAC Board created a subcommittee, The Grievance Committee, to focus on investigating the accusations. The Grievance Committee consisted of Board members Keema Mingo as the committee chair with Kris Chambers-Woodruff, Jamal Harvey, David Phillips and Jill Sochacki.

Over the course of this investigation, the Board was made aware of concerns by the following Producers:

Written Testimonials: Paul Brown, Artie Thompson, JoAnne Williams, Katifra Simpkins, Morrell Burrough, Bruce Spencer, Cray Francis.

In-Person Verbal Accounts: Sonya Roberts, Cray Francis, Paul Brown, Artie Thompson, Ausere El, Morrell Burroughs, Lincoln Scott, Belinda Mazyck, Joseph Ashley for Bruce Spencer, JoAnne Williams, Kellie Talley-Mason, Lillie Ellis, Plez Adams, Valerie Scott.

Emailed Testimonials: Cray Francis, Stan Jacques, Donna Dye, Floyd Strother, Belinda Mazyck, Ausere El.

Petition 1: Belinda Mazyck, JoAnne Williams, Morrell Burroughs, Plez Adams, Paul Brown, Lincoln Scott, Joseph Ashley, Valerie Scott, Lillie Ellis, Gladys Woodward, Artie Thompson, Bruce Spencer, Kay Bost, Linda Sutton, Cray Francis, Kellie Talley-Mason, Cathy Ashley, Paul Osbourne.

Petition 2: Derek Williams, Sakani Allen, Ira Quinn, Larry Williams, Sean Miles, Kebba Janneh, Charles Rosser, Jay Frost, Aboubakr Sidik Sanon, Norman Sellers, George Battle, Jay Wallace, Joshua Snyder, Shawn, Kevin Gonzalez, Fredy Mendoza-Cruz, Gilbert Yseen, Anthony Davis, Doreman Pigatt, Demetrius McKinnon, Evone Jones, Melissa Bary, Anita Hill, Sister Rose, Brian Jones, Adams King, Plez Adams, Jr., Pastor Anthony Jones, Apostel Chapman, Charles Baskin, Lavonda Alexander, Sarah Page, Jackie Boulube, Larry, Fester, David Reed, John Hancock, Eugene Wright, Marry Ann, Frazier, Stanley Pettice, Edwin Dean, Oscar Miller, Beverly Miller, Michoke Alford, Gina Billings, Jae

Alexander, Mary Alexander, Mattie McClurkin, Jessie McClurkin, DeLores Teasley, Eric Worthington, Mary Hoyle, Stan Bledsoe, Dale Carnegie, Cadorro Twitty, Ronald Web, Morrell Burroughs, Theresa Moore, Irene Rodriguez, Marc English, James McGlown, Reba Jackson, Geraldine Alexander, Alecia Mitchell, Paul Vickers, Norman Smith, Deborah Chisholm, Gail Robinson, D. Henton, Danetta Connor, Sheila Morrison, Harry Fuller, Jr., Renee Fuller, Kimberly Tejada, Jessie Ford, Andrew Ford, Jr., Lacy Smith, Danaye Connor, Jordan Bailey, Bridget Black, Felecia Armstrong, Curtis Paige, Sr., Brandon Bennett, Tashima Brazil, Jaya Emerson, Kevin Hendon, Terry Smith, Jeffrey Johnson, Jester McGlown Linda Howell, Diamond Blair, Leeanna Davis, Mary Aery, Joyce Hayes, Joseph Hayes, Marcella Lindo, Zelda Jae, Gwen Thompson, Renee Sanders, Robert Mitchell, Bishop Artie Thompson, Bishop C. McArthur Sander, Lisa Sanders, Tracy Sanders, Robin Mobley, William Mobley, TJ Sanders, Robert Washington, Jr., Darby Sanders, Kathy Hall, Ronald Clements Pastor Trent Hall, Charlie Childs, Jerry Lee Woodruff, Willie C.

In-Person Interviews: Producers: Paul Brown, Ausere El.

CMPAC staff members: Executive Director John Rocco, Operations Manager James Rossi, Technology Coordinator Bren Long, Studio Coordinator John Voncannon, Administrative Assistant Rose Lillia.

Significance of Investigation

The investigation will benefit four main parties:

1) The Charlotte City Council: As the legislative body, information of the investigation's findings and suggested changes should be provided being that the producers advanced their concerns to the highest level.

2) The CMPAC Board: As a committee of the Board, details of the investigation, suggestions for corrective policies, ideas for preventative practices and opportunities to implement and streamline processes and procedures to create a better user experience will be submitted for approval.

3) CMPAC Employees: An independent review of policies, processes and procedures with suggested upgrades will aim to improve productivity, streamline methodologies and enhance relationships amongst the team and with community producers.

4) CMPAC Producers: After bringing concerns to the attention of the CMPAC Board, the Grievance Committee has taken steps to investigate the grievances, address the issues and find solutions.

Scope of Investigation

This investigation is based upon a variety of factors:

- 1) The initial submission packet from the original set of Producers who brought their grievances to the Board's attention.
- 2) The perspectives of Producers who provided verbal testimonials of their experiences and written grievances.
- 3) Rebuttals to producer statements and testimonials by employees and staff.
- 4) Findings of the in-person interviews on Saturday, January 26, 2019.

Note: The following were not considered in the findings: producers who did not file complaints or raise grievances; former producers; staff who opted out of the interviews.

Process of Investigation

The following process was used to ensure that each Producer was given a fair and equal opportunity to present their gripes to the Grievance Committee.

- The Grievance Committee listened to the in-person verbal accounts of Producers (see names above) at the October 17, 2018 and December 17, 2018 Board meeting. They provided a packet that included their desired changes to policy and written testimonials of Producers who had issues at the station (see above). Those who spoke but had not provided written testimonials were asked to provide one.

- The Grievance Committee asked Producers to contact other producers who had concerns but were not present at the Board meetings to have them submit their testimonials via email. Those testimonials were considered in the Grievance Committee's investigation.
- With the written testimonials and verbal accounts provided by Producers, the Grievance Committee set a date to further investigate the issues by hosting in-person interviews with the original group of Producers who initiated the investigation.
- An email detailing how the in-person interviews would be conducted was sent to Producers who had provided a verbal account AND a written testimonial. To ensure the investigation was free and clear of intimidation, groupthink, or bias, an honor code was included with the email. Producers who emailed an agreement to the honor code were given a link to set an appointment for an in-person interview.
- The Grievance Committee conducted in-person interviews with Producers and staff (see names above).

Key Points from Investigation

- Two producers participated in the in-person interviews. While we collected information through interviews and written testimonials in an effort to resolve Producer concerns, as we move forward to improve CMPAC performance, we must acknowledge that our are a sample that may or may not reflect the opinions of the majority of producers. We need input from a larger number of participants for a more accurate appraisal of any concerns.
- There was a concerted effort by certain Producers to control the investigation and curtail the Grievance Committee's contact with all producers. During the October 17, 2018 and December 17, 2018 Board meetings, Sonya Roberts guided producers' verbal accounts. She chose which producer spoke when and before each producer spoke to the Board she whispered to them instructions on what they were to speak about. Also, a directive was sent from Producer Cray Francis to Grievance Committee Chair Keema Mingo that stated "Please refrain from contacting individual producers regarding an in-person interview."
- No blatant discrimination issues were uncovered, nor evidence of intentional or malicious sabotage but there is strong evidence that there have been clashes between certain producers and staff members.
- False or misleading information has been circulated by both employees and volunteer-producers.
- Neither acceptance letters, paper trails nor physical receipts are given to producers for their show submissions to the station.
- Some producers have difficulty differentiating between staff, volunteers and other producers because some producers conduct themselves as employees.
- Employees are paid by producers to do side work, which could cause a conflict of interest. There is evidence that one employee's lack of completing a job on one producer's project, caused the producer to have his show suspended. The producer's production was subsequently reinstated.
- Producers have filed grievances about employee conduct toward them. In the instances brought to the attention of the Grievance Committee, no evidence of follow-up with the producer by the administration and no accountability of the employee concerning the filed grievance were shown.

- Despite requests from the Grievance Committee to allow us time to investigate and execute the process, some Producers continued to file complaints with the City.
- In the wake of the grievances being brought to the Board, Rocco has taken actions that were viewed as questionable by the producers. Immediately after the initial complaints, Rocco installed additional cameras in the studio. Producers viewed this as retaliatory and a way to monitor the producers more. In the interview, Rocco said they were getting quotes to upgrade the 10-year old security system back in the spring and summer of 2018 and all of the security companies said that because there are rooms full of equipment there should be security in there. He acknowledged that the timing caused an issue.
- After the investigation began, Rocco emailed the City Council and City Attorney to provide his perspective and opinions concerning the investigation and producer actions as well as emails to the Grievance Committee with explanations for and opinions about producer complaints and producer actions.
- Based upon the interviews, there is a subtle yet firm resistance from the staff to transition to an updated system of submissions and a streamlining of processes. Those who should be well-versed in technology, i.e. the staff IT person, are not. There is not a culture of continuing education nor staying abreast of the ever-evolving technological field. Before the current upgraded system, the Operations Manager James Rossi admitted that he and the Executive Director John Rocco tried to download a show one time from a cloud-based system. Because it took half a day, four hours, they tabled the idea of finding a system that will work with their bandwidth. That was a year ago. They did not attempt to use a digital format for uploading and downloading content even after the system had been upgraded. One employee, Administrative Assistant Rose Lillia, stated that nothing should be changed at the station, including the paper and DVD submissions, because everything works fine and doesn't need to be changed.
- Part of the resistance to the Producers' transitioning from DVDs to SD cards is the cost of the cards. On January 26th, 2019 CMPAC was selling 128 GB SD cards for \$70. On eBay, we found high quality, 128 GB SD cards for \$34.99. Multiple producers are concerned that SD cards don't hold the capacity of DVDs because that's what some producers and staff members have told them. Producers were told that SD cards would hold one, maybe two shows. That information is false. A 128 GB card will hold hundreds of photos and multiple hours of video.

Recommendations

The committee conducted an exhaustive fact-finding investigation, including an in-depth look at procedures and functions of staff members and relationships between staff and volunteers. The Board has reviewed these findings and recommendations are as follows:

1) Producers requested changes to the Bylaws. After review, the Board determines that is not the appropriate place for those requests. The Bylaws are for the running of the Corporation. The appropriate place for any recommended changes would be to the CMPAC Regulations & Procedures.

2) There are two producer representatives on the board. Currently, the Executive Director recommends both based upon producer interest and his selection processes. We suggest that the Executive Director pick one and producers elect the other. This will give the producers a chance to select a representative that they believe represents their concerns and beliefs.

3) The Board believes that streamlining the content submission process is needed in an effort to eliminate the drop box show submission system. It is antiquated, lacks a chain of custody and has the potential to cause mistrust, mishandling and redundancy in operation.

Here are the recommendations:

- Create a digital form for producers to fill out with each digital show submission. Each field will be required to be filled out. If something is

missing, the producer cannot move on. This will curtail incomplete submission forms.

- Upgrade the system to a digital/cloud-based program with appropriate bandwidth. There are problems with old technology, such as DVDs. They are subject to being lost, scratched or broken. DVD players can be glitchy and are becoming obsolete. The transfer to SD cards should be a first step to a move to a digital platform. SD cards will be available for use by producers who cannot afford to buy them.
- Have a confirmation email sent to staff and producers after content uploads. This will prevent surprises like missing shows. The producer will know immediately that their show's upload is complete and received. Staff will be alerted when a show has arrived. They can check for any technical problems within a specific timeframe, giving the producer time to correct them.

4) With the implementation of the SD cards, CMPAC should hold at least 3 instructional meetings before full implementation to show producers how to import, export and save their material. CMPAC staff should, for a set period of time, help producers transfer shows from older formats to a compatible digital file so that producers can access them for future broadcasts. Accurate information concerning the size and file capability of SD cards must be a part of the educational process.

5) A formal grievance procedure and escalation policy needs to be established and implemented. An easy to complete, detailed form should be electronic. It will be time stamped when submitted, reviewed and adjudicated. Once submitted, a copy will be sent to the complainant's email. The Executive Director shall direct all employees, producers, and volunteers to submit all grievances in writing and electronically.

The Executive Director will keep notes in relation to resolution of grievances, especially with regard to specific employee files. The Executive Director will provide written responses to complaints providing resolution, while respecting all applicable employment laws, e.g. employment records, privacy.

6) Eliminate private work done by employees for producers. This has caused issues for a producer and is a potential conflict of interest. The CMPAC Board should rescind an earlier decision allowing producers to pay \$50 to the station to direct their shows.

7) Update the Code of Ethics to include addressing discriminatory practices.

8) Develop training programs for staff including yearly Code of Conduct and Non-Discrimination training updates. The employees must be educated on new ways of streamlining their jobs/responsibilities and making processes current, digital and efficient. Their education must include diversity and sensitivity training as well as information that trains them on how to work, connect and thrive with those from backgrounds and experiences other than their own. Education for employees must be ongoing to keep them abreast of the changes in society, growth in programming and the developing world of television production and technology.

9) Supply ID badges for employees.

10) Develop more robust communication between the Executive Director, employees, producers, and volunteers including frequent contact informing everyone about changes or issues that impact operations including equipment failures, major upgrades such as security system, etc. This should be done in addition to the monthly newsletter.

11) Representation is important. The station needs to hire talented individuals who are up-to-par with current trends in the media that are from various minority and ethnic groups. Part of the tension at the station (and a part of the producer grievances) is that the majority black producer group deals with an all-white staff that they feel doesn't represent them, doesn't reflect them and isn't interested in connecting with them. Having a team of individuals from various backgrounds and life experiences adds to the wealth of creativity and connectivity amongst a team. The station should strive for a more diverse staff.

12) We did not find grounds for immediate termination of any staff member at this time.