



National Association
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2022 LEGAL & GOVERNANCE TRENDS SESSIONS:
SCENARIOS FOR DISCUSSION



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Introduction

Thank you again for joining us to explore legal and governance trends. This booklet contains several scenarios that are inspired by situations that occurred at one or more schools. Please note that no school-specific details or dilemmas are included in this document. Any similarities to situations in your own school, or another in the community, are purely coincidental.

These scenarios represent (just some of!) the types of sticky risk-related situations that school leaders are dealing with right now. Our goal is that you can use them to think through how you would tackle these issues—or ones like them—and how you would support each other in this work.

When working through these, please consider the following:

1. The word “you” is purposefully used throughout these hypotheticals. We encourage you to each answer the question as if you, in your role as a school administrator or trustee (or other) were in this position (e.g., receiving the telephone call or witnessing the incident), unless we indicate otherwise.
2. What is your role in this situation?
3. How do you support others on your team as you/they navigate this situation?
4. What are some of the steps and strategies you would take or encourage others to take?
5. How would you communicate with your partner about these issues?

Thanks, and have fun dialoguing. We are big believers that talking through hypothetical issues now makes us all better prepared to tackle real ones later.



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Welcome to Bayside K-12!

Trustee & Tennis Coach

- Bayside trustee Tom has beef with the tennis coach Carl. He is regularly seen by other parents fighting with the coach and disputing his authority. The tennis team is not thriving and there is a rumor among the parents that coach Carl is the issue. Tom approaches the board, calling for coach Carl's termination.

Discuss:

1. How would each of you respond in this meeting?
 2. What steps would you take if trustee Tom had emailed you about this, rather than raising it at a meeting?
 3. Are there any other issues or steps to consider?
 4. What if trustee Tom is the board chair? How would you as a head of school navigate this?
- It turns out that Tom and Carl used to be friends, and, therefore, are connected on social media. Tom sees that coach Carl shared on his personal social media account that he uses marijuana recreationally, celebrating the recent marijuana legalization legislation in your state. Trustee Tom cites this as the reason to terminate Carl's employment immediately.

Discuss:

1. Does this new fact change the analysis in any way?

Notes:



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What's in a Name?

→ A group of teachers at Bayside form a Diversity, Equity, and Inclusion team dedicated to exploring ways to support DEI work at their school. A trustee learns of this group and demands a vote to remove the word “equity” from any official or pseudo-official school groups or documents. She wants to replace all uses with the word “equality” and demands that the teachers change the name of their group.

Discuss:

1. Thoughts on how you would respond if this happened unexpectedly in a board meeting?
2. Would your response change in any way if you were approached directly via email? Directly—but individually—in person or via any communication medium?
3. Any other considerations?

Notes:



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One Saturday Night (Part 1 of 2)

- One Saturday night, a Bayside student has a party at her house while her parents are out of town. All of the kids in attendance also attend Bayside and they are all drinking. Two of the kids, Zach and Kelly, start making out in front of everyone, and then they go into a bedroom. What happens after that is unclear.
- The following week, you get a call from Kelly's parents, saying that Zach sexually assaulted Kelly in the bedroom during the party. The parents want the school to call the police.

Discuss:

1. What issues are you considering when you get this call and what are your next steps?
2. What is your role in this work and how are you supporting your partner's involvement?
3. Does anything change if either of you are related to Zach or Kelly?

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One Saturday Night (Part 2 of 2)

- Kelly and her best friends start a social media campaign against Zach. They claim Zach is a rapist. Zach's parents call the school and say their child is being bullied online.
- Separately, Kelly's parents call and say Kelly does not feel safe at school when Zach is there. Kelly's parents are irate that Zach was permitted to attend school after Kelly's allegation, and they go on Facebook and announce that your school, Bayside, is committed to protecting sexual predators.

Discuss:

1. What are your respective roles in this work?
 2. What steps should you be considering?
 3. Does it matter if there is a criminal investigation underway?
 4. How do you partner in this?
 5. Is the analysis different if Bayside accepts federal financial assistance that ties it to Title IX (e.g., a PPP loan that had not yet been forgiven during this time)?
- You determine that this situation highlights the need for a change in the Bayside's conduct-related policies.

Discuss.

1. What is your role in this work and what, if anything, are you communicating to your partner about this?

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The Big Game

- It's Homecoming! And election season! Woo Hoo! Just before the big football game, you are scrolling through your social media account and see a picture of your head of school/board chair dressed head-to-toe in their favorite politician's merchandise with a caption that reads "headed to the big game now" and tagging Bayside's official account.

Discuss:

1. Any issues to consider or steps you might want to take?

Notes:



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Affinity Group Space

- Bayside's Black student affinity group regularly meets in a spare room on campus often used for miscellaneous activities. They started hanging lights, decorations, and inspirational questions. They approach you to ask if the space can be designated for use only by the affinity group, even when they are not meeting, and whether the school will communicate this to the community, and ask others, including white allies, not to enter the space. This group also runs a social media account and reports on school inclusion developments in the school newsletter.

Discuss:

1. Considerations and next steps?

Notes:



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New Head Fires School Matriarch (Part 1 of 2)

- Bayside's new head of school excitedly starts a new school year. Almost immediately, she discovers that the front desk assistant—a beloved elderly member of the community—needs to be terminated for using the school credit card on hand creams.

Discuss:

1. Is this the head's decision to make? If so, is she the final word on this?
2. What are some of the next steps the head of school should take or things she should consider?
3. Does her board or board chair have a role? If yes, what is it?

Notes:



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New Head Fires School Matriarch (Part 2 of 2)

- Word gets out quickly, and parents and employees alike are outraged that the “face of the school” has been summarily dismissed, and allegedly for doing nothing more than being “old.” A group of parents signs a petition, which they send to the board, demanding an appeal of the termination. Trustees are being contacted directly on an individual basis as well.

Discuss:

1. What things are you each considering at this point and what, if any, steps do you each take if you are the head/board chair here?
 2. How, if at all, does the petition impact the analysis?
- Following the employment termination, the head of school excitedly presents a solution to this new staffing issue—her husband. He’s qualified, wants the job, and applies.

Discuss:

1. Are there any steps the head or board chair should take? Considerations?

Notes:



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Bayside Bully (Part 1 of 2)

- One of the parents, David, who was upset about the departing “community grandma” at the beginning of the year has become a real Bayside bully. He’s suspicious about any employee turnover and he keeps emailing all of this daughter’s teachers asking if they are teaching CRT. His kid is great, but his aggression towards the teaching staff has been mounting all year. One teacher shares with you that she is starting to feel nervous about meeting with him for the upcoming parent-teacher conference.

Discuss:

1. What do you do with this request and what are some of the things you are considering at this point?
2. What is your role in this situation and how do you support or loop in your partner (if at all)?
3. What if David is a major donor? On the board?

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Bayside Bully (Part 2 of 2)

- David approaches you and demands that no one meet with his daughter, Andrea, about any conduct issues, without either David or David's attorney present. Shortly after, you discover that Andrea has committed plagiarism in the school newspaper.

Discuss:

1. What do you do with this request and what are some of the things you are considering at this point?
2. Does it matter if other parents have asked to have their attorneys present at student discipline/conduct meetings?
3. Does it change anything if David threatens to sue the school?
4. What if he yells at you that he "no longer trusts the school" and leaves slamming the door?

Notes:



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Speaking of Bullies ...

- Bayside is seeing a major uptick in bullying complaints from parents. The words “bully” and “bullying” are being associated with all kinds of behavior, from isolated, arguably “age-appropriate” incidents to clear cases of bullying in violation of the school’s policy. As the head of school, you think it’s time to revisit how Bayside defines “bullying” and how you talk and educate families and employees about the topic.

Discuss:

1. What are your next steps and do you communicate with your partner about this?

Notes:



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Gender Identity (Part 1 of 2)

→ One of your students, Lisa, tells a math teacher, Cindy, that they would like to use the name Noah at school and that they prefer he/them pronouns. Noah also shares that he hasn't told his parents and wants to keep it that way. Cindy wants to support Noah and sends an email to all of his teachers, telling them to no longer call him Lisa. You learn about this in the carpool line, from one of Cindy's colleagues.

Discuss:

1. What, if anything, do you do with this information?
2. What, if anything, should the school be considering at this point?
3. Is there anything else you both should communicate about with each other?

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Gender Identity (Part 2 of 2)

- This all occurs just weeks before the upper school beach trip, where housing assignments have historically been made according to biological sex. Noah would like to know what his beach house assignment is.

- Noah would also like to make sure that their school documents, including their transcript and diploma, have their preferred name.

Discuss:

1. What are some of the things the school should consider here?
2. Do these decisions rest with the leadership administration or the board? Does the other group have a role?

Notes:



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Dress? Code

→ Bayside has a long-standing tradition of having both a gender-specific dress code and also requirements for what students wear at graduation. This includes specific dresses that girls may choose from. Boys may wear a suit of a certain color, and they have a choice of ties. Dozens of students band together to write a very eloquent plea for a gender-neutral dress code and more options at graduation. They include with this plea a petition signed by over 50% of the junior and senior classes. The students cite the need for gender inclusivity, options that might promote more body positivity, and even hint at a potential legal issue. They share their plea on social media, with the head of school, and the board. You are, admittedly, intrigued, as you read this next to a Bayside trustee—who also happens to be a major donor, a descendant of the original founding family, and who openly talks at board meetings about the “good old days” when “things were simpler.”

Discuss:

1. What are the considerations here for Bayside?
2. What next steps, if any, are you taking?
3. Did the petition impact your analysis?
4. The social media post?
5. The donor?
6. Did any of the reasons the students cited impact your analysis more than others?

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Historic Abuse Claim

- You receive a communication from an alum who alleges they were sexual abused by a former Bayside educator in the early 1990s. The communication includes a copy of the draft complaint that the victim intends to file in court if you do not offer a proper settlement and conciliatory or healing steps.

Discuss:

1. What are things the school should be considering and what are your next steps?
2. What next other steps should the school be considering?
3. Is your analysis, or are your next steps, impacted if the victim posts about the incident on social media?
4. What if the news media picks it up?
5. What would you do if the local media did pick up the story, and a Bayside trustee decided to post a response to the story on their personal social media account defending Bayside?
6. What if a group of trustees propose using the school's account to respond?
7. Now imagine you learn that a Bayside trustee was best friends with the victim and knew about the abuse but the victim swore the trustee to silence?

Notes:



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Delivery Dilemma

- Bayside's policy permits boarding students to order food to be delivered to campus. You receive an anonymous tip that a student met someone on a dating site and paid them to leave a stash of marijuana and vape pens on campus and drive off.

Discuss:

1. What are you doing with this tip/complaint?
2. What are some of the things the school should be considering?
3. What is your role and what is your partner's role in this work?

Notes:



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Morning Prayer

- Bayside is secular, but with religious origins. As a result, some teachers lead class with a religious prayer, as they consider it to be a nice tradition. Others lead it with the pledge of allegiance, including the phrase “under God,” while others just observe a moment of silence. Several parents have expressed that they feel uncomfortable with their children being forced to cite religious phrases from a religion other than what they practice at home; other families have started requesting the religious teachers, to ensure that their children start their days off with prayer.

- You’ve received complaints from both groups.

Discuss:

1. What are you doing with these complaints?
2. What are some of the things the school should be considering?
3. What is your role and what is your partner’s role in this work?

Notes:



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Neurodiversity

- Bayside has traditionally and successfully supported a variety of mainstream learners, without offering learning support services. However, an increasing number of families have either left to attend learning differences schools, schools with learning support centers, or they are coming forward to demand accommodations that the school is considering. The demands (and some legal threats) call into question issues of liability, the school's interest in or commitment to neurodiversity, and its mission to "foster learning."

Discuss:

4. What are you doing with these complaints?
5. What are some of the things the school should be considering?
6. What is your role and what is your partner's role in this work?

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Books & Bans (Part 1 of 2)

- Over the course of the year, your elementary school invites children's book authors to join the lower school via Zoom to talk about their books. On the slate are two authors who openly identify as, and use the term "queer" in their bios; one is a trans female author and the other identifies as nonbinary.

- Outraged that their children are exposed to these authors, three families threaten to withdraw their children.

Discuss:

7. What are you doing with these complaints?
8. What are some of the things the school should be considering?
9. What is your role and what is your partner's role in this work?

Notes:



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Books & Bans (Part 2 of 2)

- This inspires several families to start combing through the list of library books in the lower school. Unrelated to the guest authors, they stumble upon a book depicting a same-sex relationship. They then start a petition, which they send to the board, demanding parent approval of all school library books and calling for the resignation of the librarian, whom they claim has inappropriately set a sexual agenda for their students.

Discuss:

1. Thoughts on next steps for the school and things to consider?
2. What is your role in this work?

Notes:

- Ultimately, at the end of the year, two of the three families decide not to renew their enrollment agreements and they move to another school, citing this as the reason for their departure and letting you know that “dozens” of families feel the school is moving on DEI matters too quickly and aggressively.

Discuss:

3. Thoughts on next steps for the school and things to consider?
4. What is your role in this work?

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Boarding Boundaries

- A teacher overhears a student talking about how she couldn't sleep last night and was wandering around her dorm until she texted her favorite dorm faculty member who "is like an older brother to her." She explains that he stayed up until 1:00 a.m. listening to her and talking to her, until she fell asleep on his lap on the dorm's hallway bench. She was embarrassed because a few people saw them and she was only in her sports bra. The teacher who heard this is also a parent at the school and shares this accounting with another parent. It's *that* parent who contacts you.

Discuss:

1. What, if anything, are you doing with this information?
2. What are some of the things the school should be considering?
3. What is your role and what is your partner's role in this work?

Notes:



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It's Always Right Before the Weekend

- One Friday night, after a big Bayside event, a student reports to their parents that they saw offensive language on the wall of the school bathroom. This language includes racist, misogynistic, and homophobic slurs. One of the parents calls you that Friday night to report this.

Discuss:

1. What, if anything, are you doing with this information?
2. What are some of the things the school should be considering?
3. What is your role and what is your partner's role in this work?

Notes:

- Now let's assume that your partner in this exercise has expressed that the boundary they want is no communication after 7:00 p.m. on weeknights and no communication on the weekends.

Discuss:

1. Does this impact your next steps?

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