

FREEDOM FROM RELIGION *foundation*

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March 14, 2016

SENT VIA EMAIL & U.S. MAIL: *mthorsland@oconee.k12.sc.us*

Dr. Michael Thorsland
Superintendent
School District of Oconee County
414 South Pine Street
Walhalla, SC 29691

Re: Investigation of potentially discriminatory hiring practices

Dear Superintendent Thorsland:

I am writing on behalf of the Freedom From Religion Foundation regarding potential violations of the Oconee County School District's Equal Opportunity and Nondiscrimination policies. FFRF asks that you investigate the hiring of Hal Capps for the position of Seneca High School football coach.

First, thank you for providing responsive records to FFRF's FOIA request. While the request was answered promptly, we believe additional responsive records may exist. Specifically, we request copies of any notes taken during interviews with Hal Capps, including any notes of Mr. Capps' responses to questions asked on or about January 27, 2016.

Our review of the records revealed concerning conversations between Seneca High School Principal Cliff Roberts and Mr. Capps. Those records suggest that religion may have been a relevant factor in the District's hiring decision.

We understand that the following conversation, a copy of which is enclosed, took place via text message before Mr. Capps had formally accepted an offer of employment with the District:

[PRINCIPAL ROBERTS]

Even this spring when it is hard, and it will be hard, while you are going back and forth *and the devil tries to let that little bit of doubt creep in.....can I trust you to stay the course?*

[HAL CAPPS]

Yes sir been through that before when I came to Mooreville - I know it's tough - *the devil is powerful - but Our God is mighty*

[PRINCIPAL ROBERTS]

Congratulations Coach! You are my guy! Welcome to Bobcat nation.

[...]

[PRINCIPAL ROBERTS]

Coach, This is a huge risk for me, with the stability that we are looking for.
I am going to trust you and trust the Good Lord through this, and be obedient to what I feel he is leading us to do.

[HAL CAPPS]

Amen

Mr. Capps' Christian beliefs were alluded to in other communications as well.¹ In Mr. Capps' certified application for the position, he said:

If you google 'Coach Hal Capps' you will find some articles about me leading prayers and Baptizing players. Yes I do not hide my faith and I have started letting players lead the prayers and lastly I have never baptized anybody in my life.. at least.. Not yet haha. This was the same group that came after Clemson a few years ago.

In addition, Mr. Capps and Principal Roberts refer to each other as "brother" or "my brother" in text messages, seemingly in reference to being fellow Christians.

We write to bring these statements to your attention and request the District conduct a full investigation into whether religion, specifically the religious beliefs of Mr. Capps and Principal Roberts, were factors in the hiring decision.

The Oconee County School District's Open Hiring policy states, "the district will recruit, hire [...] and make other employment decisions on the basis of individual merit and without discrimination because of race, religion, color, disability, gender, age, alienage or national origin." This policy extends to "recruitment" and "selection and hiring criteria and practices." The District's Nondiscrimination/Equal Opportunity companion policy also makes clear that the "district [...] commits itself to nondiscrimination in all its education and employment activities." Both policies reference the fact that nondiscrimination is required by state and federal law.

Principal Roberts' use of biblical allusion and statement that he is going to "trust the Good Lord through this, and be obedient to what I feel he is leading us to do," creates the undeniable impression that the Principal's Christian faith played a role in the hiring process.

If Mr. Capps was given preferential treatment because of his faith, the District has wronged candidates that were not given due consideration because of their religious beliefs or lack of belief. It is grossly inappropriate and illegal for public school officials to consider religion as part of a public school hiring decision.

¹ In the Feb. 9 press release announcing the decision to hire Mr. Capps, Cliff Roberts described him as, "an outstanding individual with **high moral character** that will be the example for our student athletes."

We ask that you conduct an immediate investigation into whether the District violated its hiring and nondiscrimination policies. Please inform us in writing of the steps you are taking to address this issue. Thank you for your time and attention to this matter.

Sincerely,



Patrick Elliott
Staff Attorney

Enclosure