

BEFORE THE IMPARTIAL HEARING OFFICER

In the Matter of the Grievance of

CHERYL MORGAN

Under the Grievance Procedure of

MILWAUKEE PUBLIC SCHOOLS

Case ID: 22.0102

Case Type: IHO

DECISION NO. 41318

Appearances:

Samantha R. Foran, Attorney, Pines Bach LLP, 122 W. Washington Ave., Suite 900, Madison, Wisconsin, appearing on behalf of Cheryl Morgan.

Gary Johnson, Attorney, 5225 West Vliet Street, Milwaukee, Wisconsin, appearing on behalf of the Milwaukee Board of School Directors and Milwaukee Public Schools.

DECISION OF THE IMPARTIAL HEARING OFFICER

On May 30, 2025, the Wisconsin Employment Relations Commission received a joint request from the Milwaukee Public Schools and Cheryl Morgan to appoint Katherine Scott Lisiecki, a member of the Commission's staff, to serve as the Impartial Hearing Officer (IHO) in a proceeding concerning Morgan's suspension. A hearing was held on October 30, 2025, by video conference. The parties made oral closing arguments at the hearing, and the hearing was transcribed. Having considered the evidence, the arguments of the parties, and the record as a whole, I issue the following decision.

ISSUE

Did the Milwaukee Public Schools have just cause to issue discipline to Cheryl Morgan in the form of a one-day unpaid suspension and a disciplinary letter? If not, what is the appropriate remedy?

FACTS

Cherly Morgan (herein, Morgan) worked as a science teacher at the Milwaukee School of Languages, part of the Milwaukee Public Schools (herein MPS). She has been working for MPS,

in various positions, since 1989. *See* Transcript, pg. 58. Morgan had no previous discipline. *See* Transcript, pg. 38.

After two students reported concerns about Morgan, Principal Juan Baez collected statements from Morgan's students and forwarded the statements to Employment Relations for review. *See* Transcript, pg. 14. Baez asked the students whether they had noticed anything out of the ordinary in Morgan's classes, and many of the students said they hadn't noticed anything unusual. *See* Exhibit 4. However, there were many consistent student reports of Morgan behaving in an unprofessional, harassing, or bullying manner. Five students reported that Morgan told a student he was "stripping for Skittles" after he removed his hoodie in class. *See* Exhibit 4, pgs. 7, 8, 10, 12, 45. Three students reported that Morgan nicknamed a student "Georgie Porgie" because "she made a comment about how he liked kissing girls" and "apparently he gets lots of ladies and men." *See* Exhibit 4, pgs. 8, 10, 11. Eleven students reported that Morgan's jokes about killing her husband or threatening to kill students in class were strange or made them uncomfortable. *See* Exhibit 4, pgs. 5, 6, 7, 8, 10, 11, 12, 70, 71, 73, 74. Two students reported that she claimed to practice voodoo. *See* Exhibit 4, pgs. 70, 72. Four students reported that Morgan yelled at students. *See* Exhibit 4, pgs. 50, 67, 68, 69. Five students reported that she cursed at students. *See* Exhibit 4, pgs. 43, 46, 47, 65, 66. Five students reported that she did not teach or answer questions, instead telling students to read the book. *See* Exhibit 4, pgs. 7, 67, 68, 69, 79. Two students reported that Morgan shared too much about her personal life. *See* Exhibit 4, pgs. 6, 12.

Morgan testified that she talked about murder after a lesson about forensic science. *See* Transcript, pg. 63 – 64. She testified that her jokes about killing her husband and buying him under the floorboards were about Edgar Allan Poe's short story, "The Tell-Tale Heart," which she knew her students had read (Morgan testified that she has never been married). *Id.* at 65 – 66; Transcript, pg. 68. Morgan claims that she never said a student "stripped for Skittles," but instead just called him "Skittles." *Id.* at 69.

A disciplinary hearing was held on December 13, 2024. *See* Exhibit 5, pg. 1. On February 13, 2025, Hearing Officer Marshall Traster issued Morgan a one-day suspension and a letter of reprimand. *See* Exhibit 5, pg. 4. On February 20, 2025, Morgan filed a grievance regarding her discipline. *See* Exhibit 6, pg. 1. On April 2, 2025, Employment Relations Specialist James Dunn issued a written decision denying Morgan's grievance. *Id.* at 2. On April 11, 2025, Morgan filed a grievance regarding Dunn's decision. *Id.* at 4.

DISCUSSION

The Standard of Review

I begin my discussion by first addressing the standard of review. Part II (B) of MPS' Employee Handbook states that "non-probationary employees shall only be disciplined or discharged for just cause." Thus, employee discipline will be reviewed under a just cause standard. Although the Handbook does not define just cause, a finding of just cause generally requires the employer to prove that (1) the employee committed conduct for which discipline is warranted and (2) the discipline issued is consistent with the seriousness of the misconduct.

Part II (B) of the Employee Handbook further states that MPS has a policy of progressive discipline, which depends “on the specific behavior and the frequency of occurrences.” In other words, serious behaviors may justify departure from progressive discipline, though the provision does not specify which behaviors may warrant departure from progression.

MPS bears the burden of proving that there was just cause for the discipline. *See* MPS Exhibit 1, pg. 37.

The Merits

The first issue is whether Morgan committed misconduct for which discipline is warranted. Admin Policy 6.07, Employee Rules of Conduct (2)(n) prohibits “threatening, harassing, intimidating, interfering with, coercing, injuring, or using abusive language towards students...” *See* Exhibit 4, pg. 87. The policy also prohibits “failure, refusal, or negligence in the performance of assigned duties.” *Id.* Admin. Policy 6.03, Anti-Harassment/Anti-Bullying Staff, prohibits repeated unsolicited, inappropriate sexual comments, harassment, and bullying, especially harassment based on race, age, or gender. *Id.* at 89. The MPS Employee Handbook requires all employees to model professional behaviors at all times while in the workplace, and to be professional and courteous when interacting with students. *Id.* at 92. The Employee Handbook further prohibits harassment and bullying, both sexual and non-sexual. *Id.* at 95 – 96. Lastly, the Employee Handbook’s Workplace Violence Prevention policy prohibits all District employees from threatening, abusing, harassing, or injuring students. *Id.* at 97.

Here, Morgan’s students consistently reported that Morgan acted in an unprofessional, harassing, or bullying manner towards them. Students reported that Morgan told a student he was “stripping for Skittles” after he removed his hoodie in class, and that she nicknamed another student “Georgie Porgie” because “he liked kissing girls.” They reported that Morgan yells and curses at students. Students reported that Morgan’s jokes about killing her husband or threatening to kill students in class made them uncomfortable. They reported that Morgan shared too much about her personal life. These are only the allegations that were made by multiple students; there are other, individual student reports that Morgan was rude or inappropriate to students. Altogether, these statements are consistent and show that Morgan repeatedly behaved in an unprofessional, harassing, and bullying manner towards students in the classroom. Her interactions with students were neither professional nor courteous.

Morgan argues that she never said a student “stripped for Skittles,” but instead just called him “Skittles.” *Id.* at 69. However, five separate students reported that Morgan told a student that he “stripped for Skittles.” *See* Exhibit 4, pgs. 7, 8, 10, 12, 45. Taken together, these separate, consistent statements are more credible than Morgan’s testimony. It is clearly inappropriate for a teacher to make a sexual comment like this to an eighth grade student.

Morgan argues that she was joking about murdering her husband and that her comments about murder were related to a lesson about forensic science and a horror story on the school curriculum. However, twelve separate students reported that these jokes were “out of the ordinary” and made them feel uncomfortable. *See* Exhibit 4, pgs. 5, 6, 7, 8, 10, 11, 12, 70, 71, 73, 74. Several mentioned Morgan including bizarre and unsettling details, such as that she poisoned her husband,

chopped him up, and hid him under her porch, or that she prefers killing in winter because it “stinks less.” *Id.* at 8, 10, 11, 12. Morgan seems to believe that the connection to the curriculum makes her jokes appropriate, but referencing the curriculum does not automatically make an employee’s comments appropriate or professional.

The preponderance of the evidence establishes that Morgan committed the misconduct of which she is accused. The discipline issued was consistent with the seriousness of the misconduct, because although Morgan has no previous discipline, she behaved in a consistently inappropriate, unprofessional, and discourteous manner towards her students.

For the reasons set forth above, I find that MPS had just cause to suspend Cheryl Morgan. Accordingly, I issue the following:

DECISION

MPS had just cause to issue discipline to Cheryl Morgan in the form of a one-day unpaid suspension and a disciplinary letter. Therefore, the discipline stands, and her grievance is denied.

Issued at Madison, Wisconsin, this 25th day of February 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Katherine Scott Lisiecki

Katherine Scott Lisiecki, Impartial Hearing Officer