

NOTICE: This opinion is subject to motions for reargument under V.R.A.P. 40 as well as formal revision before publication in the Vermont Reports. Readers are requested to notify the Reporter of Decisions by email at: Reporter@vtcourts.gov or by mail at: Vermont Supreme Court, 109 State Street, Montpelier, Vermont 05609-0801, of any errors in order that corrections may be made before this opinion goes to press.

2026 VT 48

No. 25-AP-448

Steve Perrin

Supreme Court

v.

On Appeal from
Superior Court, Bennington Unit,
Civil Division

Windham Southeast Supervisory Union et al.

June Term, 2026

David A. Barra, J.

Theodore C. Kramer and Tucker C. Kramer of Kramer Law, P.C., Brattleboro, for Plaintiff-Appellant.

Zachary I. Handelman and John H. Klesch of SP&F Attorneys, P.C., Burlington, for Defendants-Appellees.

PRESENT: Reiber, C.J., Eaton, Waples, Nolan and Drescher, JJ.

¶ 1. **NOLAN, J.** After an internal investigation into complaints that plaintiff Steve Perrin, a high school principal, mistreated a female student on multiple occasions and attempted to prevent a mandatory report of child abuse, the Windham Southeast School District Board terminated plaintiff's employment. The civil division upheld the decision. On appeal, plaintiff challenges the sufficiency of the evidence and argues that there were constitutional inadequacies with both his pre-termination process before the Board and with the discovery process in the civil division concerning the issue of the Board's alleged bias against him. We discern no constitutional deficiency in either the termination or discovery process and conclude that sufficient evidence supported the Board's termination decision. We therefore affirm.

I. Facts

¶ 2. These were the undisputed facts at summary judgment. From 2012 through November 14, 2022, the Windham Southeast School District employed plaintiff as principal at Brattleboro Union High School (BUHS). In January 2022, in response to reports of staff misconduct, the Windham Southeast School District Board retained an independent attorney to investigate. The investigator received a complaint from former BUHS student Jane Doe alleging plaintiff engaged in past misconduct toward her. The investigator also received a complaint about plaintiff from former BUHS school counselor Rhonda Winegarner. In April 2022, the District placed plaintiff on administrative leave.

¶ 3. The investigator interviewed Doe, Winegarner, plaintiff, and other witnesses about the allegations. She provided reports about the two investigations to the Board. On September 30, 2022, the Board sent plaintiff a letter outlining the allegations, informing him the allegations could be grounds for termination, and inviting him to submit a written response. Plaintiff submitted a written response along with letters of support.

¶ 4. The Board decided to dismiss plaintiff and informed him by letter dated November 14, 2022. The letter stated three grounds for plaintiff's termination: his inappropriate and harmful investigation of an alleged sexual assault involving Jane Doe; a pattern of harassment, abuse, and unprofessional conduct toward Doe from 2009 until she graduated in 2012; and his instruction to at least one employee not to make a report of suspected child abuse even though she believed that her profession required such a report.

¶ 5. Plaintiff timely appealed the dismissal to the Board pursuant to 16 V.S.A. § 243(d). Pursuant to the Board's prehearing order, the District provided plaintiff with unredacted copies of the two investigative reports. It also set dates for submission of witness and evidence lists and prehearing objections and permitted the parties to file memoranda of law. The Board held a hearing over six different sessions from January 6 to January 23, 2026, which lasted more than twenty hours in total. Plaintiff had counsel before and at the hearing. The District and plaintiff

each presented witnesses who testified under oath and were subject to cross-examination. The Board also admitted several exhibits.

¶ 6. The Board issued a written decision in February 2023 containing the following findings. Jane Doe attended BUHS from 2008 to 2012. In the spring of 2009, she was the victim of an off-campus sexual assault by two other BUHS students. Plaintiff, who was then an assistant principal, interviewed Doe about the assault. He conducted most of the interview behind closed doors in his office with no one else present. He did not immediately notify Doe's parents about the interview despite her request that he do so. When she refused to answer his questions, he threatened to tell the police that she had made a false report.

¶ 7. After the interview, during the remainder of Doe's time at BUHS, plaintiff repeatedly called Doe to the office. Some of the meetings concerned her absences and graduation requirements but often he had no specific reason. Plaintiff would call Doe to the office and make her wait on a chair outside, then meet with her alone. He told her that he kept her outside on the chairs to make others see what a "bad girl" she was. Plaintiff often walked with Doe between classes. He made unwelcome comments about her physical appearance. On one occasion, he touched her hair. Doe felt plaintiff had an inappropriate sexual interest in her. Plaintiff's administrative assistant confirmed that plaintiff met with Doe more than once in his office and that she saw Doe waiting outside his office. Doe told her friend Elizabeth Howes about plaintiff's conduct near the time that it occurred, and Howes viewed plaintiff as a predator.

¶ 8. The Board further found that Rhonda Winegarner worked as a BUHS school counselor from 2008 to 2020. In March 2020, she learned of an incident where BUHS students were taking sexual photos or videos in a school bathroom. She and others consulted plaintiff, who told the group that the incident should not be reported to DCF because he did not view as credible the teacher and student who reported the incident. Winegarner contacted DCF and her union representative, who confirmed that the report should be made. Winegarner told this to plaintiff and a report was later made to DCF.

¶ 9. The Board concluded that just and sufficient cause supported plaintiff's termination. It found by a preponderance of the evidence that plaintiff had conducted an inappropriate and harmful investigation of Jane Doe's sexual assault, subsequently engaged in a pattern of harassment, abuse, and unprofessional conduct toward Doe, and instructed staff not to make a mandatory report. The Board determined that this conduct, together and independently, was egregious enough to support dismissal. The Board further concluded that plaintiff received adequate pre- and post-termination due process. It noted that plaintiff did not challenge the Board's ability to impartially consider his termination or seek recusal of any Board members.

¶ 10. The following month, plaintiff filed a complaint in the civil division naming as defendants the District, the Board, and the Board members in their individual and official capacities. Plaintiff sought review of the Board's decision pursuant to Vermont Rule of Civil Procedure 74; he also asserted claims of breach of contract, wrongful termination, denial of due process, intentional infliction of emotional distress (IIED), and defamation.

¶ 11. In December 2023, the court granted defendants' motion to dismiss the wrongful-termination claim, concluding that 16 V.S.A. § 243(d) superseded the common-law claim. In October 2025, defendants moved for summary judgment on the remaining claims and the Rule 74 action. The civil division issued a written order in November 2025 in which it determined that the record supported the Board's factual findings and its conclusion that just cause existed to dismiss plaintiff under 16 V.S.A. § 243(d). The court held that the Board afforded plaintiff the process he was due in the form of pre-termination notice and a post-termination hearing. It rejected plaintiff's claims that the Board was biased against him, concluding that he had waived any claim of actual bias by failing to seek recusal of any Board members, and that the Board's performance of the dual roles of investigator and adjudicator conformed with due process under this Court's decision in Burch-Clay v. Taylor, 2015 VT 110, 200 Vt. 166, 130 A.3d 180. The court also concluded that plaintiff failed to allege or demonstrate facts to support his IIED or defamation claims. It therefore granted summary judgment to defendants. This appeal followed.

II. Analysis

¶ 12. Plaintiff argues that the court erred in granting summary judgment to the Board. He contends that the Board denied him due process in the pre-termination stage because it did not provide him with the evidence supporting the charges and the investigation was “one-sided and stacked against him.” He further argues that the Board was biased against him and the trial court abused its discretion in denying his motions to compel discovery related to this facet of his due-process claim. Finally, he claims that the record did not support his termination, specifically challenging the Board’s findings regarding Jane Doe and its conclusion that his instruction to Winegarner—which she ultimately disregarded—was adequate to justify dismissal.¹

¶ 13. When reviewing a decision granting summary judgment, this Court applies the same standard as the trial court. Herrera v. Union No. 39 Sch. Dist., 2006 VT 83, ¶ 9, 181 Vt. 198, 917 A.2d 923. Summary judgment is appropriate “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” V.R.C.P. 56(a).

¶ 14. In a Rule 74 appeal from a school board’s decision to terminate a principal under 16 V.S.A. § 243(d), review is “on the record developed in the administrative hearing.” Burch-Clay, 2015 VT 110, ¶ 14. “The standard of review in the superior court is deferential, and our review on appeal is the same as that of the superior court.” Id. ¶ 15 (citation omitted). The Board’s factual findings must be upheld unless clearly erroneous, and its conclusions of law will be affirmed if “reasonably supported by the findings.” Id. However, “[o]ur review of matters not within the scope of the Board’s expertise, including alleged due-process violations and other questions of law, is plenary.” Id.

A. Adequacy of Pre-Termination Process

¹ Plaintiff does not challenge the court’s judgment in favor of defendants on his breach-of-contract, IIED, or defamation claims; we therefore do not address those claims.

¶ 15. We begin by addressing plaintiff’s claim—independent from his Rule 74 appeal—that he received a constitutionally inadequate pre-termination process. The Fourteenth Amendment guarantees that no state shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1. “To show a violation of procedural due process, an individual must (1) identify a protected property right[;] (2) show that the state or a state actor has deprived the individual of that right; and (3) show that the deprivation was effected without due process.” Hallsmith v. City of Montpelier, 2015 VT 83, ¶ 10, 199 Vt. 488, 125 A.3d 882.

¶ 16. Plaintiff had a property right in continued employment to the end of his contract with BUHS because, under 16 V.S.A. § 243(d), he could be dismissed only for just cause. See Hallsmith, 2015 VT 83, ¶ 11 (explaining that city employee had protected property interest in continued employment because city’s personnel plan provided she could only be terminated for justifiable cause). The Board deprived plaintiff of that right when it dismissed him. At issue, then, is whether Board provided plaintiff with sufficient pre-termination process.

¶ 17. Section 243(d) of Title 16 sets forth the following procedure for terminating a public-school principal:

During the term of a contract, a principal may be dismissed by the board for just and sufficient cause by written notice setting forth the grounds therefor. The board may provide that its order shall take effect immediately, or following a hearing. In either case, the principal shall be given an opportunity to request in writing a hearing within the 15 days following delivery of the notice. Within 15 days following receipt of a request for hearing from the principal, the board shall conduct such a hearing. The clerk of the board shall advise the principal and the superintendent of the time and place of hearing by written notice at least five days before the date of the hearing. The hearing shall be in executive session unless both parties agree in writing that it be open to the public. The principal and any member of the board may present witnesses and written evidence and cross-examine witnesses, and the principal and the board may be represented by counsel. Either the principal or the school board may arrange for the taking of a verbatim record of the proceedings. After the hearing, the board shall affirm, modify, or reverse its earlier action. Within five days after the conclusion of evidence in the case, the board shall issue a written decision that

includes findings of fact and conclusions of law. Within 30 days of the day the written decision is delivered, the principal may appeal to the Superior Court under the rules for appeals from decisions in contested cases.

The undisputed facts demonstrate that the Board followed the procedure set forth in § 243(d). However, plaintiff claims that the Board deprived him of due process by failing to provide him with the evidence supporting the charges before terminating him, and by conducting a faulty investigation.

¶ 18. “The essential elements of due process are notice and an opportunity to be heard.” Rich v. Montpelier Supervisory Dist., 167 Vt. 415, 420, 709 A.2d 501, 504 (1998). In the public employment context, “the U.S. Supreme Court has held that, given the government’s interest in quickly removing an unsatisfactory employee, due process may be satisfied by a combination of a pre-termination opportunity to respond, coupled with more extensive post-termination procedures.” Hallsmith, 2015 VT 83, ¶ 13 (citing Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 546-47 (1985)). Prior to termination, the employee “is entitled to oral or written notice of the charges against him, an explanation of the employer’s evidence, and an opportunity to present his side of the story.” Loudermill, 470 U.S. at 546. Where, as here, the operative statute entitled plaintiff to a “full administrative hearing and judicial review” after termination, a pre-termination explanation of the charges and opportunity to respond sufficed to meet pre-termination constitutional due-process requirements. Id. at 545-46.

¶ 19. The Board provided plaintiff with written notice of the charges against him in the September 2022 letter, which described the allegations of Jane Doe and Winegarner in detail and invited plaintiff to respond. Plaintiff responded in writing, denying the charges, and went on to participate in a multi-day post-termination merits hearing where he cross-examined witnesses and presented his own evidence. Due process required nothing more. See In re Hurlburt, 2003 VT 2, ¶ 29, 175 Vt. 40, 820 A.2d 186 (“Notice under Loudermill requires no more than notice of the charges, an explanation of the evidence and an opportunity for the employee to present evidence.”);

see also Chaney v. Suburban Bus Div. of Reg'l Transp. Auth., 52 F.3d 623, 630 (7th Cir. 1995) (“Due process requires only abbreviated pre-termination processes where full post-deprivation processes are available.” (quotation omitted)).

¶ 20. Plaintiff nevertheless insists that the District needed to provide him with a copy of its file containing the underlying evidence—rather than mere notice and a detailed description of it—prior to termination, and that without such evidence he could not respond accurately to the Board’s allegations. Plaintiff fails to provide support for this assertion, and we see none in the law. The due-process command to provide an employee with “an explanation of the employer’s evidence” prior to termination, Loudermill, 470 U.S. at 546, does not amount to or create a pre-termination obligation to furnish him with a copy of the evidence file supporting the employer’s allegations. See In re Towle, 164 Vt. 145, 153, 665 A.2d 55, 62 (1995) (rejecting claim that employee was provided inadequate pre-termination process when State explained evidence relevant to charges but refused to provide employee with another employee’s medical records); Fridenstine v. Idaho Dep’t of Admin., 983 P.2d 842, 845 (Idaho 1999) (holding state employee received adequate pre-termination process where he was provided detailed notice of allegations of misconduct, and rejecting claim that state was required to provide him with all supporting evidence prior to termination).

¶ 21. In any event, plaintiff cannot show how receiving a copy of the evidence, instead of a detailed summary of it, would have altered his response or made the Board less likely to terminate him. His October 2022 responsive letter to the Board’s pretermination notice belies his assertion that he was made to answer “blindly.” The letter presented his version of his interactions with Jane Doe in extensive detail, highlighting what he called “glaring inaccuracies” in her account, including her statement that he summoned her to his office over the loudspeaker and kept her in his office for “several hours.” He also denied that he directed staff not to make a mandatory report to DCF and claimed he would never have done so. After considering his response, the Board did not credit plaintiff’s version of events, but that does not demonstrate a violation of his

pre-termination due-process rights. McDaniels v. Flick, 59 F.3d 446, 456 n.5 (3d Cir. 1995) (explaining that college’s rejection of professor’s responses to pre-termination notice “is irrelevant for purposes of determining whether his procedural due process rights were offended”).

¶ 22. Plaintiff further asserts that the pre-termination investigation deprived him of due process because the investigator interviewed only adverse witnesses and did not seek out witnesses who could rebut the accusers’ claims. But again, plaintiff offers no authority to support his attack on the way the Board conducted its internal investigation. Even if he could demonstrate that the Board had breached some obligation in this regard, the record demonstrates that plaintiff received copies of the investigation reports before the post-termination hearing. At the hearing, he called witnesses who provided testimony intended to rebut statements contained in the investigation reports, and cross-examined Jane Doe and the other Board witnesses. The Board, moreover, did not rely on the investigation reports in its decision. Under these circumstances, plaintiff has failed to demonstrate that the conduct of the pre-termination investigation deprived him of due process.

¶ 23. The Board afforded adequate process by giving a detailed explanation of the allegations in its September 2022 letter and providing plaintiff with an opportunity to respond. “To require more than this prior to termination would intrude to an unwarranted extent on the government’s interest in quickly removing an unsatisfactory employee.” Loudermill, 470 U.S. at 546. The civil division therefore did not err in granting summary judgment to defendants on plaintiff’s due-process claim.

B. Discovery Requests

¶ 24. Plaintiff next claims that the trial court abused its discretion in denying his motion to compel defendants to produce information concerning alleged bias by the Board and in prohibiting him from questioning the district superintendent, a Board member, or the investigator about evidence of bias. Defendants respond that under Rule 74, the trial court’s review of the Board’s decision was limited to the record developed during the post-termination hearing, and, for this reason alone, plaintiff was not entitled to any discovery. See Burch-Clay, 2015 VT 110, ¶ 14

(explaining that review under Rule 74 of principal's termination was on record developed before school board). While we take this point, Rule 74's limited review procedure does not entirely resolve the issue here because plaintiff also asserted an independent claim in the lower court that the Board's alleged bias violated his right to due process. We therefore review the trial court's discovery rulings in the context of that claim.

¶ 25. Vermont Rule of Civil Procedure 26(a)(1) sets forth the scope of discovery in a civil case:

Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

"The trial court has discretion to limit discovery requests." Lay v. Pettengill, 2011 VT 127, ¶ 39, 191 Vt. 141, 38 A.3d 1139 (applying abuse-of-discretion standard to uphold discovery ruling in a case alleging constitutional violations). "Discovery rulings are within the sound discretion of the trial court and will not be disturbed on appeal absent a clear abuse or withholding of that discretion." Lamare v. N. Country Animal League, 170 Vt. 115, 124, 743 A.2d 598, 604 (1999).

¶ 26. During the trial court proceeding, plaintiff asked defendants to produce all emails or text messages discussing plaintiff's job performance, the allegations against him, the investigation, the post-termination hearing, witnesses, evidence, or commentary of legal counsel, newspaper articles and petitions about plaintiff, and the handling of other allegations of sexual misconduct. He further requested production of communications with the district superintendent, Jane Doe, or Jane Doe's attorney; a video of Jane Doe's interview with the Brattleboro Police Department; and any "exculpatory evidence" relating to plaintiff. Defendants refused to produce these materials, asserting that the information sought was irrelevant and the requests were overbroad. Plaintiff then moved to compel defendants to produce the materials.

¶ 27. The trial court denied plaintiff's motion because plaintiff had waived his claim of Board member bias against him by failing to seek recusal at the hearing. The court therefore concluded that information relating to potential bias was irrelevant to the issues before the court.

¶ 28. Plaintiff subsequently requested a discovery conference to address defendants' objections to his questions about bias during his deposition of defendant school board member Lana Dever. He indicated that he intended to subpoena the district superintendent and the attorney who conducted the investigation of him to question them about potential bias and asked for a trial court ruling permitting such questions. The trial court denied this motion as well. It held that plaintiff was not permitted to question Dever or the others about alleged bias in the conduct of the investigation or hearing because that issue was irrelevant to the pending proceeding.

¶ 29. On appeal, plaintiff argues that the trial court abused its discretion in denying his requests for discovery into the issue of actual bias because, without the requested information, it could not meaningfully review whether he received due process. He further asserts that the structure of the termination process, with the Board in the role of investigator and adjudicator, created an intolerable risk of bias such that he should have been permitted to investigate whether the Board prejudged his claim. We agree with the trial court's assessment of the irrelevancy of the information plaintiff demanded. Well-settled law precluded a showing of structural bias, and plaintiff waived any claim of actual bias.

¶ 30. As to actual bias, we acknowledge that "[a] fair trial before an impartial decisionmaker is a basic requirement of due process, applicable to administrative agencies as well as to the courts," Sec'y, Agency of Nat. Res. v. Upper Valley Reg'l Landfill Corp., 167 Vt. 228, 234-35, 705 A.2d 1001, 1005 (1997), and that "[t]he presence of bias—or prejudgment, a form of bias—may preclude a fair and impartial hearing" and violate due process. Burch-Clay, 2015 VT 110, ¶ 23; see Withrow v. Larkin, 421 U.S. 35, 47 (1975) ("Not only is a biased decisionmaker constitutionally unacceptable but our system of law has always endeavored to prevent even the probability of unfairness." (quotation omitted)). We need not reach the merits of these questions

here, however, because plaintiff, having failed to seek disqualification of any Board member at the administrative proceeding, waived any claim of actual bias. There can be no legitimate ground, due process or otherwise, to demand permission from the trial court to take discovery on an issue not pursued before the Board. Casavant v. Allen, 2016 VT 89, ¶ 24, 202 Vt. 606, 151 A.3d 1233 (“To preserve the issue of judicial bias, a litigant must seek to disqualify the presiding judge in the trial court.”); see also In re Amend. #1 to FY23 Accountable Care Org. Budget Ord., 2024 VT 38, ¶ 19, 219 Vt. 461, 323 A.3d 969 (explaining that preservation rule applies in administrative proceedings); In re Holland Cannabis, LLC, 2025 VT 61, ¶ 30, __ Vt. __, 350 A.3d 397 (“Because [a]bsent a legal disqualification, the existence of disqualifying prejudice becomes a question of fact, the movant’s burden includes the obligation to make a record on which a decision could be reached.” (alteration in original) (citation and quotations omitted)). Accordingly, having made no recusal demand before the Board, plaintiff failed to preserve this issue for further review.²

¶ 31. As to structural bias, plaintiff asserts that the Board could not fairly adjudicate the post-termination hearing because of the dual role it played in investigating and terminating him. But we have already considered and rejected a virtually identical claim. Burch-Clay, 2015 VT 110, ¶ 27. In Burch-Clay, which also involved a public-school principal seeking review of a school board’s decision to terminate her contract, we held that the board’s prior involvement in the subject matter of the hearing did not constitute unconstitutional bias. Id. We emphasized “that the statutory scheme [set forth in 16 V.S.A. § 243(d)] charged the [b]oard with the dual role of making nonrenewal and termination decisions and adjudicating the sufficiency of the grounds for termination.” Id. The board therefore had to discuss the principal’s performance with the superintendent and others, which led to the decision to terminate the principal. Id. We explained

² Plaintiff contends that the Board was required to recuse itself sua sponte. However, he identifies no rule or ethical code that would require automatic recusal by the Board or any individual member. Cf. Velardo v. Ovitt, 2007 VT 69, ¶ 29, 182 Vt. 180, 933 A.2d 227 (reversing and remanding for retrial of custody decision signed by assistant judge who violated Canon 3E(1) by failing to disclose that she was sister of guardian ad litem).

that the board’s prehearing involvement in assessing the plaintiff’s performance was “not dispositive, so long as it was open to consider the matter based on the evidence at the hearing.” Id.

¶ 32. In reaching this conclusion, we relied on two U.S. Supreme Court decisions, Withrow v. Larkin and Hortonville Joint School District No. 1 v. Hortonville Educational Association. In Withrow, a doctor brought a claim of bias against a state medical board, arguing that its role in investigating the doctor precluded it from conducting a fair adjudicatory hearing. The Court disagreed, describing it as “very typical for the members of administrative agencies to receive the results of investigations, to approve the filing of charges or formal complaints instituting enforcement proceedings, and then to participate in the ensuing hearings.” 421 U.S. at 56. The procedure, the Court reasoned, did not violate due process because “there is no incompatibility between the agency filing a complaint based on probable cause and a subsequent decision, when all the evidence is in, that there has been no violation of [law].” Id. at 57.

¶ 33. Similarly, in Hortonville, schoolteachers who had gone on strike asserted that the school board was insufficiently impartial to conduct disciplinary hearings against them because the strike had arisen from the board’s failure to meet their demands. 426 U.S. 482, 487 (1976). The U.S. Supreme Court disagreed, observing the absence of evidence that the board members “had the kind of personal or financial stake in the decision that might create a conflict of interest, and there is nothing in the record to support charges of personal animosity.” Id. at 492. The Court stated that “[m]ere familiarity with the facts of a case gained by an agency in the performance of its statutory role does not . . . disqualify a decisionmaker.” Id. at 493. “Nor is a decisionmaker disqualified simply because he has taken a position, even in public, on a policy issue related to the dispute, in the absence of a showing that he is not capable of judging a particular controversy fairly on the basis of its own circumstances.” Id. (quotation omitted). The Court concluded that the pre-discipline involvement of the board—which had statutory authority over the management of the

school district—did not “overcome the presumption of honesty and integrity in policymakers with decisionmaking power.” Id. at 497.

¶ 34. Burch-Taylor, moreover, was not our first decision to uphold a board’s dual role in pre- and post-disciplinary proceedings. In In re Davenport, 129 Vt. 546, 283 A.2d 452 (1971), a superintendent and school board suspended three teachers for their participation in a student walkout. They appealed to the school board, which conducted hearings and issued orders dismissing the teachers. The teachers argued that the board’s participation in their suspension denied them an impartial post-disciplinary hearing. We concluded that the board’s dual role did not deprive the teachers of due process. Id. at 555-56, 283 A.2d at 456. We observed that a “mixture of administrative and judicial authority . . . is permissible when the combination is incidental to the primary governmental function of the administrative body.” Id. at 555, 283 A.2d at 456. While the teachers were entitled to a hearing before an impartial decisionmaker, “[p]rior involvement in the subject matter of the hearing, of itself, will not work a judicial disqualification. And a claim of prejudgment founded on prior participation will not oust the only tribunal that has the authority to act in the premises.” Id. Because they made no showing of actual bias by the board, the teachers’ due-process claim failed. Id. at 556, 283 A.2d at 456.

¶ 35. Here, the statute vests the Board with the authority both to make termination decisions and to conduct hearings to review those decisions. 16 V.S.A. § 243(d). The statute necessitated the Board’s involvement in the initial decision to terminate plaintiff and that involvement cannot, by itself, overcome the “presumption of honesty and integrity in those serving as adjudicators.” Withrow, 421 U.S. at 47. Thus, because plaintiff cannot sustain a claim of structural bias under Burch-Clay and related precedent, the trial court properly denied his request to conduct sweeping discovery into the Board’s internal discussions and communications about the proceeding in support of that putative claim. The trial court correctly concluded that issues of bias, whether actual or structural, fell outside the purview of plaintiff’s civil division proceeding and acted within its discretion in denying plaintiff’s request for discovery on this topic. See

V.R.C.P. 26(b)(1) (requiring discovery to be “relevant to any party’s claim or defense”); In re Cathedral of Immaculate Par. Charitable Tr. Appeal, 2024 VT 77, ¶ 20, 220 Vt. 320, 328 A.3d 1206 (affirming trial court’s denial of motion to compel discovery of terms of purchase and sale agreement for trust property where identity of proposed buyer and potential future uses of property were irrelevant to issues on appeal); Lay, 2011 VT 127, ¶ 39 (holding, in action against police alleging retaliatory prosecution, that trial court acted within discretion in denying as irrelevant plaintiff’s request for additional discovery to obtain all communications describing criminal offenses stated in probable-cause affidavit against him, because criminal court’s probable-cause decision was based on affidavit alone).

C. Board’s Findings and Conclusions

¶ 36. Having concluded that plaintiff’s independent due-process claim fails as a matter of law, we turn to his Rule 74 appeal of the Board’s decision. Plaintiff brings two challenges to the decision. He contends that insufficient evidence supported the Board’s findings regarding his conduct toward Jane Doe, and that it erred in concluding that his instruction to Winegarner constituted just cause for dismissal.

¶ 37. We review factual findings “in the light most favorable to the prevailing party below, disregarding the effect of any modifying evidence, and we will not set aside the findings unless they are clearly erroneous.” Solsaa v. Solsaa, 2008 VT 138, ¶ 6, 185 Vt. 587, 969 A.2d 116 (mem.) (quotation omitted); see also Burch-Clay, 2015 VT 110, ¶ 15 (explaining that clear-error standard applies to school board’s factual findings in post-termination proceeding). We have reviewed the hearing record and conclude that plaintiff has not demonstrated clear error. Jane Doe’s testimony is consistent with the Board’s findings about plaintiff’s interactions with her. The Board was obviously entitled to believe Jane Doe’s testimony and so this alone resolves plaintiff’s evidence-sufficiency challenge. Cf. State v. Brink, 2008 VT 33, ¶ 10, 183 Vt. 603, 949 A.2d 1069 (mem.) (explaining that testimony of victim that met all elements of charges against defendant was sufficient to support conviction).

¶ 38. Doe’s testimony had substantial corroboration, in any event. Elizabeth Howes and Doe’s friend Laura Erlanger testified that Doe told them years earlier about plaintiff’s private interview with her about the sexual assault. In addition, Howes saw plaintiff pull Doe out of class on one or two occasions and saw Doe waiting outside plaintiff’s office. Doe also reported to Howes that plaintiff had made Doe sit outside the office so everyone could see what a “bad girl” she was. The evidence, viewed in the light most favorable to defendants, was quite sufficient to support the Board’s findings regarding Jane Doe.³

¶ 39. Plaintiff argues that Jane Doe lacked credibility for several reasons. He points to other witnesses’ testimony that students did not get called to the office by loudspeaker; a principal’s supposed inability to keep a student in his office for the length of time Doe claimed; and office staff’s apparent lack of observation of any public shaming of Doe. Plaintiff also asserts that Howes lacked credibility in agreeing that BUHS was “full of sexual predators,” and highlights Erlanger’s testimony that she had no firsthand knowledge of Jane Doe’s accusations—without explaining why either point matters.

¶ 40. These arguments are unavailing on their face and because conflicting evidence and inconsistencies in testimony do not render findings clearly erroneous when they are otherwise supported by the record. See Gilbert v. Davis, 144 Vt. 459, 461, 479 A.2d 159, 160 (1984) (“The ruling of the court must stand if supported by credible evidence, even though there may be inconsistencies or substantial evidence to the contrary.”). The Board’s findings here have ample support. Moreover, the assessment of witness credibility and the weight given the evidence fall exclusively in the Board’s purview, and we will not revisit its determinations of those matters on appeal. See Vance v. Locke, 2022 VT 23, ¶ 12, 216 Vt. 423, 279 A.3d 689 (rejecting defendant’s argument that plaintiff was untruthful during testimony and court failed to give sufficient weight

³ Plaintiff does not specifically challenge the findings that he instructed Rhonda Winegarner not to report an incident that allegedly involved sexual abuse of a minor. The testimony of Winegarner and another employee with whom she discussed the incident supports those findings.

to certain evidence because “this Court does not reweigh the evidence or make findings of credibility de novo”).

¶ 41. We turn lastly to plaintiff’s attack on the Board’s conclusion that just cause supported his termination. The test for just cause is “(1) whether the employee’s conduct was egregious enough that the discharge was reasonable and (2) whether the employee had fair notice, express or implied, that such conduct could result in discharge.” Burch-Clay, 2015 VT 110, ¶ 45 (quotations omitted). But plaintiff concedes that if true—and the Board found they were—Jane Doe’s allegations describe conduct egregious enough to warrant termination and that he had fair notice that such conduct would result in discharge. Indeed, plaintiff and each of his witnesses agreed that it would be inappropriate for a principal to act toward a student in the manner Jane Doe reported.

¶ 42. Instead, plaintiff maintains that his instruction to Winegarner to forgo a mandatory report could not constitute independent just cause for termination, because the report was eventually made. We disagree. To begin, plaintiff has effectively acknowledged that the Board’s finding that he abused Jane Doe satisfies the legal standard for termination, which would appear to make this argument moot even if it had merit.

¶ 43. In any event, we conclude that the argument is not meritorious. BUHS staff’s final decision to deviate from plaintiff’s directive does not somehow vitiate the egregiousness of plaintiff discouraging them from reporting suspected child abuse—their statutory obligation—in the first place. See 33 V.S.A. § 4913(c) (“Any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of section 4914 of this title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed.”); Sabia v. Neville, 165 Vt. 515, 525, 687 A.2d 469, 475 (1996) (“The duties imposed by the [reporting] statute are clear and mandatory.”); see also Struble v. Blytheville Sch. Dist., 2017 Ark. App. 99, at 6, 516 S.W.3d 269, 273 (affirming just-cause dismissal of principal for failure to report child sexual abuse); Crenshaw v. Columbus City Sch. Dist. Bd. of Edn., No. 07AP-

883, 2008 WL 802708, at *1 (Ohio Ct. App. Mar. 27, 2008) (holding high school principal's failure to report sexual assault of student constituted just case for dismissal). The Board's finding that plaintiff engaged in such serious misconduct, in addition to his abuse of Jane Doe, gave it ample basis for plaintiff's dismissal. The trial court therefore properly granted judgment in favor of defendants in plaintiff's Rule 74 challenge.

Affirmed.

FOR THE COURT:

Associate Justice