Corvallis
SCHOOL DISTRICT

# NOTICE

**NOTICE IS HEREBY GIVEN** of a meeting of the Corvallis School District Board of Directors.

| Date & Time | Meeting Type | Location | Agenda |
|---|---|---|---|
| Tuesday, January 28, 2020<br>6:30 PM | Special | District Office Board Room,<br>1555 SW 35th Street,<br>Corvallis, OR 97333 | See attached. |

***Accessibility: To request accommodations for board meetings, please contact Kim Nelson at 541-757-5841 or kim.nelson@corvallis.k12.or.us at least 48 hours before the meeting.***

**If you would like to watch live-streaming of the School Board meeting, please navigate to the District's YouTube channel: https://www.youtube.com/channel/UC9Jtpte5dmilZl9kySBJbVQ?**
**A recording of the meeting will also be posted to that channel.**

**POSTED:** Corvallis School District Administration Building
Hans Boyle, Education Editor, Gazette Times (Via Email)

**For more information, please contact Kim Nelson at 541-757-5841 or at kimberly.nelson@corvallis.k12.or.us**

Corvallis
SCHOOL DISTRICT

Tuesday, January 28, 2020
6:30 PM

**AGENDA**
Special Meeting of the
**BOARD OF DIRECTORS**
Corvallis School District 509J

Meeting Details: Tuesday, January 28, 2020, 6:30 PM in the District Office Board Room, 1555 SW 35th Street, Corvallis, OR 97333.

***If you would like to watch live-streaming of the School Board meeting, please navigate to the District's YouTube channel: https://www.youtube.com/channel/UC9Jtpte5dmilZI9kySBJbVQ? A recording of the meeting will also be posted to that channel.***

I. CALL TO ORDER AND ROLL CALL

II. EXECUTIVE SESSION **Note: this is not part of the public meeting.** The Board will meet in Executive (closed) Session under ORS 192.660(2)(b) -- appeal by an employee regarding termination of employment.

III. OVERVIEW OF HEARING PROCESS

IV. DISTRICT'S PRESENTATION

Corvallis SCHOOL DISTRICT

Prepared for: Corvallis School Board
Prepared by: Jennifer Duvall, Human Resources Director
Meeting Date: January 28, 2020

# Termination of Employment: Probationary Classified Employee

## Background

The employment of a probationary classified employee ("I.J.") was terminated effective November 26, 2019 following an extensive investigation. ORS 332.544 entitles I.J. to a hearing before the School Board. Pursuant to ORS 192.660(2)(b), hearings of this nature are allowed to be held in Executive (closed) Session; however, a dismissed employee has the right to request an open (public) hearing. I.J. has requested an open hearing.

I.J. was hired as a new classified employee effective September 6, 2019. Article 19 of the OSEA bargaining agreement stipulates that all new classified employees serve a nine month probationary period with the District. A copy of that article is attached.

I.J. attended the District's New Employee Orientation and completed the required online trainings on September 10, 2019, including a 29-minute video regarding sexual harassment in the workplace.

## Complaint

In November 2019, a female employee ("C.A."), contacted the school principal ("Principal") to express concerns about comments I.J. had made to C.A. at a training they both had attended that day; those comments had made C.A. very uncomfortable.

On Wednesday, Nov. 13, Principal reported the concerns to the Human Resources Department. As per District practice, I.J. was placed on paid administrative leave and an investigation was initiated. Principal contacted I.J. to notify him that he was being placed on paid administrative leave and that Human Resources would be following up.

## Investigation

Human Resources Director Jennifer Duvall led the investigation in consultation with Principal. Interviews were conducted by Ms. Duvall, and the following individuals were interviewed:

| Name/Position | Date Interviewed | Interviewer |
|---|---|---|
| C.A. | 11-15-19 | Duvall |
| | 11-21-19 | Duvall |
| J.K. | 11-15-19 | Duvall |
| J.W. | 11-15-19 | Duvall |

| Name/Position | Date Interviewed | Interviewer |
|---|---|---|
| J.H. | 11-19-19 | Asst. Principal |
| | 11-21-19 | Duvall |
| I.J. | 11-20-19 | Duvall |
| | 11-26-19 (final meeting) | Duvall |
| J.KY. | 11-21-19 | Duvall |
| I.A. | 11-21-19 | Duvall |
| S.G. | 11-21-19 | Duvall |
| C.F. | 11-21-19 | Duvall |
| I.T. | 11-22-19 | Duvall |

## Interview Summaries

Summaries of the interviews follow, and are provided in chronological order.

**Friday, Nov. 15 – C.A.**

C.A. shared that on three separate occasions, I.J. made inappropriate comments to her (paraphrased below, as she recalled the incidents):

> *Late September/early October 2019*: I.J. commented to her about not being able to keep up with her tight ass (regarding her leading the morning workout).
>
> *Friday, Nov. 8*:
>
> - She ran into I.J. and S.G. after school in the parking lot.
> - She mentioned to them that she had just left a department meeting and they were talking about I.J.'s college and basketball background (the intent was to share a positive of what she heard).
> - I.J. asked who was talking about him.
> - C.A. provided the name of her colleague from the meeting.
> - I.J. commented that he was tripping that she [CA], this hot chick, was talking about him.
> - He commented he had been checking her out at workout, noticed a ring, since she's not talking about him he is just going to stop checking her out.
> - She shared she was so flustered – it was over the top – she just left.
> - She got in her car and called C.F. because she was upset.
> - It bothered her all weekend; she felt violated.

*Tuesday, Nov. 12, 2019*:

- At school, S.G. apologized to C.A. for the interaction with I.J. on Friday after school.
- Said it was inappropriate and he didn't think it was isolated to her.
- C.A. contacted Principal and said she was not comfortable being around I.J.

*Wednesday, Nov. 13*:

- Attended training at Adair Clubhouse.
- Saw I.J. riding his bike; worried about having to interact with him.
- I.J. rode by her as she was standing outside waiting for a colleague and yelled, "Look at that sexy lady, look at those legs. Oh my God."
- She ignored him, but it rattled her.
- She texted Principal right away that morning.
- She stayed by J.K.'s side the whole day to make sure she didn't have to interact with I.J.
- Later in the day, I.J. stood behind C.A., against the wall of the training facility.
- She wondered if it was a power play.
- She was very uncomfortable all day.
- After the training, she drove back to the school to tell Principal what had happened.

**Friday, Nov. 15 – J.K.**

- J.K. shared that she didn't know anything about any of this until Wednesday, Nov. 13.
- She was talking to C.A. on the phone on their way to the training, and described C.A. as positive during the conversation.
- When J.K. saw C.A. in the parking lot at the training, her whole demeanor had changed; she seemed scared.
- C.A. told J.K. that I.J. had ridden by and commented about her physical being, her legs.
- J.K. said C.A. had a noticeable, significant reaction to it; it had impacted her in a negative, fearful way.
- J.K. stayed by C.A.'s side during the whole day's training.
- At one point, J.K. saw I.J. move to a bank of windows near a door, behind C.A., appearing to block the door, which made J.K. uncomfortable.
- After the training, C.A. called J.K. and was crying, very upset about the whole thing.

**Friday, Nov. 15 – J.W.**

J.W. contacted Ms. Duvall while she was at the training facility conducting interviews with C.A. and J.K.

- J.W. shared about an interaction she had with I.J. on Wednesday, Nov. 13 (the first day of the three-day training).
  - I.J. shared that he had concerns about the materials and presenters.
  - He said the slides shared were not equitable; students of color were presented in a more negative light.
  - J.W. commented that she would share that information with the presenters.
  - I.J. then commented that he was sorry to see a ring on J.W.'s finger and that he wanted to ask her out.
  - She responded that, yes, she is married; then she changed the subject.
  - The interaction made her uncomfortable.

**Tuesday, Nov. 19 – J.H.**

J.H. brought a concern to the attention of the school assistant principal ("Assistant Principal") on Nov. 19. J.H. reported the following interactions she had with I.J. this fall that were concerning to her:

- They were having a conversation about Yom Kippur and I.J. stated he supported her right to have her religion that limited her mind.
- I.J. asked J.H. why she was divorced. She shared some personal information.
- I.J. has stated multiple times if a kid hits him too much he'll hit back.
- When J.H. approached I.J. to notify him he would be working with a specific student he said out loud in front of students, "I don't like that kid."

**Wednesday, Nov. 20 – I.J.**

Also present during the interview was a union representative.

- Ms. Duvall told I.J. the purpose of the meeting was to gather information about allegations of sexual harassment.
- She told him that additional concerns had been brought up through interviews with other staff.
- I.J. shared that he has attended the morning workouts and has seen Principal and a few other staff there. He doesn't interact with them, including C.A.
- When asked if he has commented about C.A., such as *nice* or *tight ass* or *hot chick*, his response was *No, I wouldn't say that*.

- He shared that in the upstairs gym one time when he was with students in the program, C.A. came up to him and said someone was checking him out playing basketball. He said he was taken aback; he felt annoyed she would say this.
- I.J. said the interactions he has had with Ms. Duvall have been more than he's had with C.A.
- He commented multiple times through the interview that he does not know these people well enough to have personal conversations. He wouldn't say things like that. He's worked in corporate America, he knows the protocol, how to interact and behave.
- When asked about the training at Adair Clubhouse:
  - He said he did ride his bike and when he saw C.A., he thought he could ask her about carpooling.
  - He shared that he talked with J.W. about his concerns regarding the trainers; they made comments that were politically incorrect and racially insensitive.
  - He denied making any comments to C.A. regarding *sexy lady* or *look at those legs*.
  - He denied making any comments to J.W. regarding *sorry to see a ring on your finger* or that he wanted *to ask her out*.
  - He shared that he did comment on J.W.'s perfume.
- I.J. shared that he lives with a coworker.
  - I.J. shared that he had asked the roommate to get I.J.'s personal belongings (some books, crystals, clothing, shoes) from his desk.
  - The roommate told him that all his stuff is gone and someone else is using the desk.
  - He shared that he feels like he's already been convicted.
- When asked about his conversations with J.H.:
  - He said he knew she was Jewish, but made no disparaging comment about her religion.
  - He said he doesn't have a relationship with her to talk about religion.
  - He said she had shared that she was divorced and shared some personal information.
- I.J. shared that he works with three violent students and there is protocol in working with them.
  - Said J.H. has commented how it concerns her about the level of violence for one of the students. She's been hit by one of them.
  - Staff is reminded to fill out the incident reports.

  - Shared about another student that needs at least three adults working with him and how the adults have all been hit or scratched; it feels like they're always working in survival mode.
  - Said they've all talked about protecting themselves when the students get violent; they don't talk about hitting back but about restraining.
  - He said he hasn't said he dislikes a student, he just talks about protecting himself.
- I.J. said he didn't feel comfortable with the fairness of the investigation.
  - Said his belongings had been removed, which concerned him.
  - He said others at the school are talking about this; they know more than he did.
  - I.J. said he doesn't agree with the process and said he needs to try to figure out how to trust the District and this process.
  - He said he's not going to share who is talking, etc., that's my [Ms. Duvall's] job.
- When asked for clarification about his concerns that others know what's going on, I.J. shared:
  - After Principal called him on Nov. 13 to tell him he's on paid administrative leave, I.J. called S.G..
  - I.J. did not receive a response, so he contacted the office manager at the school; she said she didn't know any specifics but said that I.J. has the right to union representation.
  - I.J. contacted the union president, and was told she can't be at the meeting with Human Resources because he's on probationary status.
- I.J. shared that he applied for a $4,000 education grant for students in his classroom because he wants to provide them support.

**Thursday, Nov. 21 – J.KY.**

The interview with J.KY. was to understand the types of interactions between the coworkers:

- He said they work closely together, it's maybe a family feel.
- There can be tense situations due to some of the students' violent behaviors.
- When he learned that things had been taken out of I.J.'s desk and someone else had "moved in," J.KY. asked if school administration could come talk to the group.
- J.KY. shared he knew this position was new for I.J., so I.J. needed some guidance early on.
- He shared that I.J. would swear a lot around both staff and students, although it was not directed at anyone. Once I.J. was told he couldn't do that, J.KY. saw a change; I.J. is respectful to him.

- J.KY. said I.J. was doing well with a couple of students.
- He heard that I.J. had made a couple of female staff members uncomfortable, but he didn't know details.

**Thursday, Nov. 21 – J.H.**

This follow-up interview was to clarify the information J.H. had shared during her Nov. 19 interview. She reiterated the same information she had provided in that earlier interview.

**Thursday, Nov. 21 – C.A.**

During this follow-up interview, C.A. was asked about a comment I.J. said she had made to him regarding *people talking about him and his basketball skills*.

- She recalled that at her department meeting on Nov. 8, I.J.'s name came up and someone said that I.J. had played basketball in college.
- She shared that when she saw I.J. and S.G. later that day after school, she said, "We were just talking about you."

**Thursday, Nov. 21 – I.A.**

- I.A. described the working dynamics of the group as ok, they get along, but there are some power struggles and several new people.
- She shared that I.J. was added to the team of three adults working with a particular student since that student had hurt a community member.
- She said she felt bad for I.J. because he was already working with two students who are aggressive.
- She shared that I.J. had asked her if she was afraid of the student; she told him she was traumatized.
- She said I.J. played the role of keeping I.A. and J.H. safe.
- I.A. shared that I.J. was a good colleague, one of the hardest workers on the team, and that she had shared personal information with him.
- She said she felt like things were being talked about regarding I.J. being out of the building but she didn't know specifics (like who was talking about it or what was being talked about).

**Thursday, Nov. 21 – S.G.**

- S.G. shared that the team had good interactions but there was some stress with I.J.
- He said I.J. made a comment to a student *get back or I'll knock you down*. S.G. told I.J. he couldn't say that.

- S.G. shared that I.A. told him she knew what was going on and he needed to stop, it wasn't fair to throw I.J. under the bus because he's Black.
- S.G. shared that on the Friday before Veteran's Day, S.G. and I.J. were leaving school at the end of the day and they saw C.A.
  - I.J. said to C.A., "I could take you home tonight. What's the matter, don't want to go? Could show you a good time."
  - S.G. shared he was very uncomfortable and wanted to end the conversation.
  - On the following Tuesday, S.G. saw C.A. and apologized to her for what his co-worker had said on Friday.
  - He shared that C.A. had commented that it bothered her, caused issues with her husband over the weekend, and that she is afraid of I.J.
- S.G. said I.J. tried to contact him Wednesday night but he didn't respond.
- S.G. shared that on Monday, Nov. 18, staff were talking about where I.J. was.
  - S.G. sent an email to administration stating that his co-workers were upset with him [S.G.] regarding the situation.
  - He told administration that people were spreading rumors and asked for a statement to be made to staff about the situation to reduce some of the stress.
  - Later that day, J.KY. read to staff a statement from administration regarding not talking about personnel situations.

**Thursday, Nov. 21 – C.F.**

- Ms. Duvall asked C.F. about C.A. calling him after school on the Friday before Veteran's Day.
- He said C.A. shared that I.J. made a weird comment to her that he liked getting attention from her; something like she was hot or attractive.

**Friday, Nov. 22 – I.T.**

- Ms. Duvall said she heard that I.T. moved work spaces and asked why he did this.
- He said I.J.'s desk was a bigger space and it appeared vacant.
- He shared that he thought I.J. had quit.
- He shared that there was nothing in the desk but ketchup packets, [classified bargaining] contract and some IEP information.
- He said he thought I.J. or his housemate had cleaned out the desk.
- Shared that he heard people wondering what was going on, and a statement was read to the group that people need to not talk about the situation.

## Findings

I.J. denied making any inappropriate comments to staff. However, on November 8, 2019, a comment I.J. made to C.A. was witnessed by S.G. Even though C.A. and S.G. described the specifics of the comment differently, both were negatively impacted by the nature of it.

C.A. has been traumatized by the multiple comments made by I.J. Additionally, the comments have created an offensive and intimidating work environment for multiple staff members, and will interfere with the ability of the team to work closely together as is necessary in the program and the school.

To ensure that all laws and process related to probationary classified employees were met, Ms. Duvall sought review of the matter by two legal firms that represent the District. Additionally, Ms. Duvall consulted with Principal, Superintendent Ryan Noss, and Assistant Superintendent Melissa Harder.

It was determined that I.J.'s behavior violated the District's workplace expectations and performance standards. Therefore, as a probationary employee, I.J.'s employment was terminated effective November 26, 2019.

## Attachments:

1. Article 19 of the OSEA bargaining agreement
2. CSD Employee's Workplace Expectations

# CONTRACT AGREEMENT

between

# CORVALLIS SCHOOL DISTRICT 509J

and

# OSEA Chapter 2

## July 1, 2019 through June 30, 2022

The Corvallis School District does not discriminate on the basis of age, citizenship, color, disability, gender expression, gender identity, national origin, parental or marital status, race, religion, sex, or sexual orientation in its programs and activities, and provides equal access to designated youth groups.

The following person has been designated to handle inquiries regarding discrimination: Jennifer Duvall, Human Resources Director and Title IX Coordinator, jennifer.duvall@corvallis.k12.or.us 541-757-5840 | 1555 SW 35th Street, Corvallis, OR 97333

# 19 Article 19 Probationary Period

## 19.1 New Employees

The parties recognize that the probationary period is an integral part of the employee selection process and provides the District with the opportunity to upgrade and improve operations by observing an employee's work, training, and aiding employees in adjustment to their positions, and by providing an opportunity to reject an employee whose work performance fails to meet required work standards. Thus, every new employee hired into the bargaining unit shall serve a probationary period of nine (9) working months on the job. During the probationary period, one (1) formal check in will be made at the mid-point of probation with the probationary employee by the supervisor and submitted to Human Resources.

## 19.2 Status

The District has the unrestricted right to terminate new employees on a probationary status. The Association also recognizes the right of the District to demote an employee on promotional probationary status to his/her previous position if, in the District's judgment, the employee's work performance fails to meet required work standards. The right to demote a promoted probationary employee shall not be construed so as to prevent the District from dismissing such an employee pursuant to the provision of Article 20.

# Workplace Expectations

All employees in the Corvallis School District are expected to meet the following workplace expectations as a basis for continued employment:

**Attendance and Punctuality:**
The employee has regular attendance at work and work activities and is punctual in meeting deadlines, attending meetings, following schedules and responding to communications. The employee is responsible for following the district procedures for documenting your absences.

**Confidentiality:**
The employee maintains the integrity of confidential information relating to a student, family, colleague, or district patron. The employee uses or relays personal information only in the course of performing assigned responsibilities and in the best interest of the individuals involved.

**Effective Work Relationships and Collaboration:**
The employee will maintain work relationships that are characterized by mutual support, cooperation, and respect, and that contributes to a collaborative school culture focused on student learning. The employee will communicate directly with a colleague, whenever possible, if/when an issue arises with the goal to resolve the matter in a positive respectful, and timely manner.

**Following Policies and Directives:**
The employee follows all district and supervisor policies, rules, regulations, memos, bulletins, announcements, applicable position description, professional standards, and reasonable requests by administrators/supervisors.

**Personal Appearance:**
The employee is dressed and groomed in a neat, clean, appropriate and professional manner for the assignment and work setting.

**Setting Appropriate Personal Boundaries with Students:**
The employee maintains professional boundaries in his or her relationships with students, including use of appropriate language, appropriate physical contact, and in the use of technology such as email, text messages or social networking internet sites.

**Use of Technology:**
The employee will appropriately use internet, e-mail and electronic communication with students only for educational purposes or sharing information about school-sponsored events. The use of personal electronic devices for personal use are not allowed during class or meeting time.

I received and understand Workplace Expectations listed above.

_____ _____

Print Name Date

_____

Employee Signature

Corvallis
SCHOOL DISTRICT

V. DISMISSED EMPLOYEE'S PRESENTATION

VI. DISTRICT'S ADDITIONAL INFORMATION

VII. BOARD DELIBERATION

VIII. BOARD VOTE

IX. ADJOURNMENT

*All times are approximate.

*Note: The Chair of the Board may alter the order of business as they deem proper and necessary.*

Corvallis
SCHOOL DISTRICT

Agendas – Agendas and supporting materials are available online at https://v3.boardbook.org/Public/PublicHome.aspx?ak=1000829 a few days before each School Board meeting. For more information, please contact Kim Nelson at kimberly.nelson@corvallis.k12.or.us.

Communication With The School Board – Communication with the Board can be made by telephone, letter, e-mail and public testimony. Letters may be addressed to individual Board members or the Board as a whole and sent to 1555 SW 35th Street, Corvallis, OR 97333. E-mail may be sent to schoolboard@corvallis.k12.or.us and will be sent to all board members simultaneously as well as to key District Office staff. For more information, please contact Kim Nelson at kimberly.nelson@corvallis.k12.or.us.

Consolidated Action Agenda – The purpose of the consolidated action agenda is to expedite action on routine agenda items. All agenda items that are not held for discussion at the request of a Board member or staff member will be approved/accepted as written as part of the consolidated motion. Items designated or held for discussion will be acted upon individually.

Public Comment –
Guidelines are at: https://www.csd509j.net/about-us/school-board/provide-input-and-be-informed/

Executive Session – Permissible purposes of Executive Sessions include: ORS 192.660(2)(a) – Employment of Public Officers, Employees and Agents; ORS 192.660(2)(b) – Discipline of Public Officers and Employees; ORS 192.660(2)(d) – Labor Negotiator Consultations; ORS 192.660(2)(e) – Real Property Transactions; ORS 192.660(2)(f) – Exempt Public Records; ORS 192.660(2)(h) – Legal Counsel; ORS 192.660(2)(i) – Performance Evaluations of Public Officers and Employees; ORS 192.660(2)(j) – Public Investments.

Grievance Process - ORS 192.705
Grievances alleging a violation by a governing body of provisions in Public Meetings Law may be submitted in writing to Kim Nelson at kim.nelson@corvallis.k12.or.us or submitted between 8:00 am – 5:00 pm Monday through Friday at 1555 SW 35th Street, Corvallis, OR 97333. Additional information is available on the district website.

| SCHOOL BOARD MEMBERS | | | |
|---|---|---|---|
| Judah Largent | 541-231-8415 | Terese Jones, Co-Vice Chair | 541-230-1673 |
| Sami Al-Abdrabbuh | 541-283-6611 | Shauna Tominey, Co-Vice Chair | 541-829-8411 |
| Chris Hawkins | 541-602-2045 | Luhui Whitebear, Chair | 541-714.3305 |
| Bernie Wang | 541-704-7298 | | |

| EXECUTIVE STAFF MEMBERS | |
|---|---|
| Ryan Noss, Superintendent | 541-757-5841 |
| Melissa Harder, Assistant Superintendent / Human Resources Director | 541-766-4857 |
| Lauren Wolfe, Finance Director | 541-757-5874 |
| Byron Bethards, Student Growth & Experience Director | 541-757-5470 |
| Kim Patten, Operations Director | 541-757-3849 |
| Kim Nelson, Executive Assistant to the Superintendent; Board Secretary | 541-757-5841 |