

March 1, 2022

VIA EMAIL

Dr. Tom Bailey, Superintendent
Washington Court House City Schools
306 Highland Avenue
Washington Court House, OH 43160

Re: *T. Rose Investigation Report*

Dear Tom:

As you know, a formal written complaint dated February 15, 2022 was submitted by [REDACTED] against Tracy Rose, Principal. [REDACTED] had previously given you a copy of her notes that contained several complaints about Mr. Rose. It was unclear whether she intended those notes to constitute a formal written complaint under Board policy.

Mr. Rose and [REDACTED] are both listed as compliance officers under your Board's non-discrimination and harassment policies. This rendered them unable to serve as compliance officers for purposes of investigating these allegations. As a result, you asked me to investigate [REDACTED] allegations.

I met with [REDACTED] on February 15, 2022 to review her notes and to determine if she wished to file a formal written complaint. She agreed that nothing in her notes indicated that Mr. Rose's actions were discriminatory in nature based on her membership in a protected class (e.g. sex, race, religion). As such, I explained to her that the Board's Anti-Harassment policy would apply and that my investigation would proceed thereunder. I also confirmed with [REDACTED] that she wished for me to summarize her complaints against Mr. Rose and include her notes and a written statement she provided, all of which (my summary, her notes, her statement) would constitute her formal written complaint under Board Policy 1662.

I summarized [REDACTED] complaints as "a claim that Mr. Rose created a hostile work environment through bullying or harassing behavior." You can refer to her notes and written statement for additional detail. When I met with [REDACTED] on February 15th, she provided me with additional detail and context for her complaints.

Given the nature of [REDACTED] hostile work environment claims and her belief that many other employees would have similar complaints, you wanted to provide all teaching staff with the opportunity to speak with me to express any concerns or complaints about the high school work environment. Staff were not required to speak with me and were also given the opportunity to

express praise or support for the high school work environment and Mr. Rose. Other administrators, classified staff, and former employees were also interviewed. In total, I spoke to 50 people. Including ██████████ 17 people expressed varying degrees of concerns or complaints. 33 people expressed praise or support for Mr. Rose and the high school work environment.

I also met with Mr. Rose on February 25, 2022. Mr. Rose was given the opportunity to address the complaints made against him by ██████████. He also had the opportunity under Board policy to submit a written response to ██████████ complaints, but he did not do so.

I. Overview of Board Policy

Board Policy 1662 states that it is the policy of the Board "to maintain an education and work environment that is free from all forms of unlawful harassment ..." "The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects." "Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action."

Board Policy 1662 defines "Bullying" as:

Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation, or unreasonably interfere with the individual's school or work performance or participation, and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

The term "Harassment" is defined as:

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

At the conclusion of an investigation, Board Policy 1662 requires me to prepare and deliver a written report to you that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as to whether [REDACTED] has been subjected to unlawful harassment. My recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within five business days of receiving my report, you must either issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of your final decision must be delivered to both [REDACTED] and Mr. Rose. The policy provides that your decision is final.

II. Complaints

[REDACTED] complaint is primarily based on personal notes she began taking in August, 2019. There are 48 separate entries. Not all of them are the subject of my investigation because various allegations about an alleged inappropriate relationship with an office secretary were previously investigated by another investigator. It is my understanding that those allegations have been dealt with. Eliminating those entries results in 29 remaining entries. I discussed those entries in greater detail with [REDACTED] on February 15, 2022. I also discussed them with Mr. Rose on February 25, 2022. I have grouped her complaints into four categories: (A) General Complaints Regarding Alleged Hostile Behavior; (B) December, 2019 Incidents; (C) Leave/Absence Complaints; and (D) Other Entries.

A. General Complaints Regarding Alleged Hostile Behavior

Many of [REDACTED] entries involve comments that Mr. Rose allegedly made to [REDACTED] that she believed were nasty, hostile, or unprofessional. I placed [REDACTED] entries of August,

2019, September 13, 2019, September 2, 2019, October 17, 2019, October 22, 2019, December 1, 2019, December 2, 2019, December 4, 2019, December 6, 2019, March 2, 2020, and August 30, 2021 in this category.

Most of these entries are general in nature, which makes them difficult to investigate or corroborate. For example, an entry dated August 2019 says "TR talked to me about keeping my phone in my office. Said he doesn't care that I have kids- I'm at work. He had this conversation with me after a BLT meeting - I was Fixing a google drive during the BLT meeting. He told me to Bring paper and do it later."

I asked Mr. Rose about this incident, and he recalled that she was very good at fixing these issues on her phone but did not recall this specific incident. He remembered that he received complaints about her using her phone in a professional development and that others on the DLT complained to him about that as well. He also claimed he knew she texted someone during a meeting he was hosting where she said he was being long-winded or taking too long. Without corroborating evidence, I am unable to conclude that a preponderance of evidence exists to prove that Mr. Rose made the statements alleged in this particular incident.

The entries also relate to alleged anger or outrage expressed by Mr. Rose. For instance, her October 17, 2019 entry alleges that Mr. Rose was "flaming mad first thing in the AM" and that he said: "I run this place. I am the top of the pyramid. I'm in charge." She claimed he was screaming when he said this and that it was "absolutely a hostile work environment." Mr. Rose did not recall this incident and told me that he can't imagine saying something like this. As with the incident described in the paragraph immediately above, I am unable to conclude that a preponderance of evidence exists to prove that Mr. Rose made these statements, or the others grouped in this category.

B. December, 2019 Incidents

Several entries in [REDACTED] notes related to two specific instances of alleged bullying or harassing behavior.

December 3, 2019 Incident

[REDACTED] alleged that Mr. Rose "yelled in front of Mr Bailey and Mark Bihl about letting Sam leave early yesterday. (less than 10 minutes early- she has a kidney infection and was running to the dr before basketball. I would let anyone in the building do this if they were sick) Said to Kylie when talking about me, "you're a fucking assistant- stay in your lane"

Mr. Rose admitted to me that he made a statement at the end of the day that was very similar to what [REDACTED] alleged he said. He claimed he wasn't talking to anyone and made the statement out loud to himself in frustration.

December 5, 2019 Incident

██████████ alleged that Mr. Rose screamed at her in front of her children about how her plan to deal with a tardy student was bad. She claims that he was screaming "what is your plan? How are you going to deal with this? You don't understand how to do your job- I've been at this X amount of years and you need to start taking notes. You can't just expect this to fall into place." This occurred early in the morning when ██████████ children were in her office because her grandmother was sick and could not get them to school in the morning.

██████████ claimed that his screaming affected her children, and that one child woke up at about 2 a.m. sobbing and said "I don't want you to go to school- I don't want him to yell at you". She also produced a picture of a note from one of her children that said "I Love you. sooo much. Aand I am sorry for not saying stop. to Mr. Rose, stand up for your self. From ██████████

A video of this incident was also provided to me. Although it does not contain audio, Mr. Rose was clearly upset. ██████████ appears calm in the video. There were at least three other individuals in the office when this occurred.

██████████ claimed that Mr. Rose acted like nothing happened and did not apologize on December 6th. On December 7th (a Saturday), she complained that he belittled her in front of others when she was in the school kitchen helping bake cookies for a swim team event. Mr. Rose was there because his son was on the swim team. She claimed that he asked in front of someone else "you really want us to believe you know about these ovens?" "How would you know about these ovens?" "Do you have a timer on the cookies?" She then claimed that she said hello to him later that night at a girl's sporting event and that he said nothing to her. She said she was afraid to walk to her car so she called her husband so that he could be on the phone with her as she walked. She claimed her girls were with her at this event and they were afraid as well.

██████████ claimed that Mr. Rose apologized to her on December 9, 2019. Mr. Rose confirmed that he apologized to ██████████ and that he also called her husband ██████████ down to his office and apologized to him as well for how he treated ██████████. However, Mr. Rose claimed that ██████████ was yelling in his office as well before she left for her office. He recalls hearing that her children were in her office and then claimed to ask her to return to his office. She said no and then he admitted to saying that they'd have to do it there (meaning in the high school office in front of her office door). He admitted that his volume was too high, and he should have been calmer. He said he did not immediately apologize because he wanted to reflect on the situation.

I spoke to Nyleah Trimmer who confirmed that this incident occurred. She was found to be a very credible witness. She did not state that ██████████ was yelling at Mr. Rose when they were in his office.

C. Leave/Absence Complaints

There are several entries regarding [REDACTED] use of leave and decision to work from home in the Spring of 2020 when schools were closed due to Covid mandates. These are:

- "2/18/20 guilt trip for missing school when I was sick and my kids were sick with the flu and strep. Told me I could not go to the girls game tomorrow if I stayed with them today."
 - [REDACTED] explained to me that Mr. Rose routinely made comments about the use of sick leave, such as: couldn't your spouse stay home?, and asking her to schedule appointments for her daughter for another time

Mr. Rose does not specifically recall this event and noted that he let her take sick leave. He also noted that her husband is a teacher so he would need to find a substitute for him, which is why he seemed to doubt that he'd say something to her about her spouse staying home with their children rather than her.

- "2/24/20 more comments about missing last week for sick kids. Trying to make me feel bad for not being here."

This allegation lacks specifics that did not allow Mr. Rose to recall it.

- 2/25/20 - [REDACTED] included a copy of an email she sent to Mr. Rose with the subject: "Mark will not be at ACT". She explained that Mark told her he would not be able to cover the ACT because of a sick child. [REDACTED] was the ACT coordinator, which is why Mark informed her about his absence. She explained that it was early in the morning (approximately 6:40 a.m.) and that she sent this quick email to Mr. Rose to let him know. He responded as follows:

"1. You should have checked with me before saying anything.

2. We'll see if someone else doesn't show, we can use them-

3. I understand they have a sick child and they have two adults in the home."

Her notes further state: "We don't say no to sick kids. Ever. So mad this morning. Hostile work environment. He's truly like a workplace bully."

Mr. Rose did not deny sending this email. He said he likes to know what is going on and that Mark had specific training on the ACT, which was why they needed him.

- 4/27/20 – This complaint involves the fact that [REDACTED] (and others) were given the opportunity to work remotely when schools were closed because of Covid mandates. [REDACTED] chose to work from home because she has a daughter in a high-risk category. Although [REDACTED] decided to work remotely, she decided to attend graduation ceremonies for seniors. She claimed in her notes that Mr. Rose said: “you don’t have the decency to come in for a meeting with Tom but you would come to graduation? I just don’t get it, so you pick and choose? You get to just work when you feel like it? I’m here busting my tail while you ...”

Mr. Rose did not believe that these notes accurately reflected what he said. However, he did admit to being frustrated because she would not come to work to be near him but she did agree to attend graduation with large groups of people. He said he needed help planning for graduation and she was not physically present to help him. He thought her decision to attend graduation was not consistent with her decision to work remotely.

- 1/19/22 – [REDACTED] alleged that Mr. Rose asked her how her watch could indicate she was working out while she was out sick. [REDACTED] explained that she shares her workout data from her watch with an office secretary (Regan Fabb). [REDACTED] stated she was out sick with Covid (but did not know she had Covid at the time) and that her watch must have measured her high heart rate as a workout. She also claims that Mr. Rose asked her how she could take her mother to an appointment when she was sick with Covid. [REDACTED] explained that she laid in her car while her mother was in the hospital.
- 1/25/22 – [REDACTED] alleged that she was taking a personal day on a Friday and that Mr. Rose asked her what she was doing on her personal day. Mr. Rose explained that he remembers saying something such as: “I hope you are doing something fun on your personal day.”

D. Other Entries

There were two other complaints that [REDACTED] had that did not fit neatly into one of the above categories.

Swim Team Issue

This issue arose on February 12, 2020. [REDACTED] explained that the Athletic Director wanted to punish students involved in an issue on a bus by preventing them from swimming at an upcoming meet. Mr. Rose’s son was on the swim team and was one of the students who was going to be prevented from swimming. [REDACTED] claimed that Mr. Rose thought the Athletic Director was out to get him and that he was terrible at his job. He allegedly told [REDACTED] that “we all need to stay in our lanes and let him do his job.” [REDACTED] claimed that Mr. Rose spent all day rehashing the situation and left her alone at lunch duty without telling her. She said that Mr. Rose couldn’t

believe how she handled other student athlete situations and that she would take the Athletic Director's side in this situation. She claimed that Mr. Rose said he is the best at investigating, not the Athletic Director or her.

Mr. Rose was asked about this issue and explained how his son informed him that he was going to tell an adult about who did the act in question on the bus, but he was stopped from doing so by the student who did it. Mr. Rose said he felt this matter was rushed and mishandled so he called you to discuss the matter. He said he is a father and wanted you to review the issue and decide the matter rather than the Athletic Director. Mr. Rose reported that you determined that his son could swim and would not be punished.

Verbal Reprimand

██████████ complaint brings up a verbal reprimand she received on or around August 23, 2021. She printed an email her husband sent to Mr. Rose from Mr. Rose's computer. This was done without his knowledge. ██████████ said that Mr. Rose discussed the email with her previously so she did not think it would be a big deal. ██████████ claimed that she has "touched his computer 1000 times" and never gave it a second thought. She believed that something was different and that the rules have changed. She questioned why. She reportedly also saw an email from his wife indicating that he was trying to obtain his Superintendent's license. She reported seeing this email to the secretaries in the high school office. ██████████ also complained that Mr. Rose told her that he called OASSA to seek advice on the situation and the level of discipline that should be imposed on her. She claims that Mr. Rose told her that the person he spoke to recommended termination. She did not believe him because she had tried to call OASSA at some point around that time and was told that they were not taking calls.

Mr. Rose recalled this incident and was adamant he did call someone at OASSA (Tom) and that termination was recommended. He even contacted Tom again after reading ██████████ complaint. Tom recalled the telephone conversation according to Mr. Rose. Mr. Rose explained that he went as lenient as possible on ██████████ by issuing only a verbal reprimand for her breach of his privacy. He claimed that she initially denied accessing and printing his email during a pre-discipline due process conference with you. He said that she caught a glance that he gave to you after hearing her initial response and immediately admitted what she did.

E. Discussions with Staff

As mentioned above, my discussions with staff included both complaints and praise about the work environment at the high school. Teachers noted that Mr. Rose has been very supportive, easy to work with, passionate about his job, willing to listen, fair, helpful, professional, kind, respectful, and honest. Mr. Rose asked me to speak with Tracy Semler, Union President. Ms. Semler indicated that she has never had a teacher complain to her about Mr. Rose while she has been Union President (approximately 4-5 years). She said she has been in disciplinary hearings with him and has been impressed with how he has handled tough situations. She said he's been professional in those interactions.

In contrast, other employees indicated the following:

- A teacher feels more like a student than a teacher with the way she gets called to his office via a note in the middle of class that says: "go to the principal's office." This feels condescending to her.
- Teacher reports that she has seen Mr. Rose yell at another teacher and belittle a teacher in a meeting because he's annoyed by her question and answered it in a rude manner.
- Teacher reported being nervous talking with him because she doesn't know what type of reaction she will get. This teacher reports talking to him with a concern and leaving feeling like it was her fault. She also believed that he was short and annoyed with her when she asked a question.
- A teacher explained that she felt nervous and uncomfortable talking with Mr. Rose. He was described as unapproachable and condescending toward staff. She said if something is not his idea, he hates it. He cannot handle not knowing everything that is going on in the building. She described Mr. Rose as unprofessional and lost in his leadership role.
- Another teacher said that the way he talks with people is demeaning or aggressive. This teacher also noted that the way he calls her to the office makes her nervous because he will say: "I need to speak with you" or he will have a student tell her that he wants to speak with her without providing details. She said he's tense in staff meetings and makes people feel stupid.
- One employee said she feels angst when around him. He's angry, intimidating, and manipulative. His mannerisms are aggressive.
- Another employee said that Mr. Rose has to have power over people and is manipulative.
- One employee expressed shock that there was a lack of people-managing training for district leaders. He said that you never know what you're going to get when you enter the high school office because Mr. Rose might be in a bad mood. Although this employee said he can handle it, he indicated that he understood how others might not be able to.
- One employee reported a separate instance where Mr. Rose disagreed with a decision and told him to stay in his fucking lane and know his fucking role.
- A teacher reported that he tried to be proactive and fix a situation for Mr. Rose. However, Mr. Rose was upset that he "went behind his back" and raised his voice at him on a phone call. This upset the employee who reported that the way he was addressed was not acceptable.
- One employee said he's not easy to work with, doesn't fit in with the culture, and power hungry. She said she could not trust him and has seen him yell and act unprofessional.

The following is a summary of my conversations with Ms. Trimmer and Ms. Fabb. I broke them out because they work in the same office as Mr. Rose and [REDACTED]. They interact with both of them on a daily basis so their perspective is important.

Nyleah Trimmer

Ms. Trimmer is a secretary in the high school office and works near Mr. Rose and [REDACTED]. She reports that there has not been enough professionalism in the high school office over the past couple of years. She told me that she comes to the office to work and does not want "any extra" and that there has become a lot of "extra" that she does not appreciate. The "extra" she refers to involves a lack of professionalism between Mr. Rose and Ms. Fabb as well as the animosity between Mr. Rose and [REDACTED].

Ms. Trimmer explained that Mr. Rose has never yelled or been aggressive with her. She thinks that is because she is a no-nonsense person and holds herself with a lot of respect. In addition to confirming the story from December 5, 2019, Ms. Trimmer reported seeing Mr. Rose shoot [REDACTED] glances and stares the way a husband looks at a wife when he's mad at her. She believes that there is constant animosity between them and that it is always obvious when Mr. Rose does not appreciate something [REDACTED] did. Ms. Trimmer said she understood how other employees can think that Mr. Rose is not very approachable. Employees are always concerned with the way he will react. She said: "he always reacts the wrong way to the wrong thing at the wrong time." For example, she will see something serious happen with a teacher and wonder why he won't discipline them. However, something insignificant will occur and he will get really upset about it. She said this happens a lot.

Ms. Trimmer reported that she considers leaving the employment of the Board of Education because she wants a simpler work environment without "the extra."

Regan Fabb

Ms. Fabb has been a high school secretary for one and a half years. She said there is no toxic or hostile work environment. She enjoys her job and commutes 50 minutes each way to get to work. She had nothing but praise for Mr. Rose. She said he is one of the hardest working people she has met and that he is very open and asks others for input. She said he collaborates well, brings energy, and students love him. She admitted there are days that he is upset when something doesn't go as planned. However, she said that he just pushes people to be the best that they can be. She has seen him get upset but has not seen him yell.

Ms. Fabb explained that Mr. Rose's relationship with [REDACTED] is messy. She believes that he asks her to do tasks such as not holding detention in the office or allowing students to wear hoods and she doesn't do what she is asked. She has never seen Mr. Rose yell or be aggressive toward [REDACTED]. She told me that she feels "this is a witch hunt" and that it is a personal attack on Mr. Rose. She noted that this is the second complaint in a month and that [REDACTED] seems to be out to get him.

Ms. Fabb admitted that Mr. Rose and [REDACTED] do not have a normal Principal [REDACTED] relationship. She believed that Mr. Rose was approachable to teachers but admitted that teachers will ask her if it is a good time to bring something up to Mr. Rose. She believed this is because they wanted to be courteous and make sure he wasn't busy.

III. Conclusions and Recommendations

I do not believe that [REDACTED] allegations meet the definition of "bullying" under Policy 1662 because they do not involve an allegation that Mr. Rose's actions were done because of a protected class that [REDACTED] is a member of. As for harassment, your policy appears to differentiate between "unlawful harassment", which is harassment based on a protected class, and "harassment." As with the definition of bullying, I do not believe that these allegations meet the definition of "unlawful harassment" since they are not based on a protected class.

I do believe that [REDACTED] complaint alleges that "harassment" has occurred (as that term is defined). Her complaint alleges insulting or dehumanizing gestures and/or verbal conduct directed at her that has the effect of substantially interfering with her work performance or has the effect of substantially disrupting the orderly operation of a school. With that determination, it must next be determined whether Mr. Rose committed harassment against [REDACTED] as that term is defined in Board policy.

A. December, 2019 Incidents

Mr. Rose admitted to the December, 2019 incidents described above, although he indicated that [REDACTED] was also loud with him in his office during the December 5, 2019 incident. However, the video shows that [REDACTED] remained relatively calm while Mr. Rose did not. Further, Ms. Trimmer was present when this incident occurred and did not inform me that [REDACTED] was loud or yelled at Mr. Rose.

These two incidents occurred within two days of each other. They occurred while [REDACTED] had only been working for Mr. Rose for slightly more than one year. Given that, I can certainly understand how [REDACTED] felt that those incidents were insulting, dehumanizing, and constituted verbal conduct that substantially interfered with her work performance and disrupted the orderly operation of a school. Mr. Rose admitted that he should have remained calmer. Although the December 3rd incident was not directed toward [REDACTED] another employee nonetheless heard his comment and informed [REDACTED]. Given the admissions obtained and the temporal proximity of these two events, it is my conclusion that they constitute harassment under the policy. Even if they did not constitute harassment, Mr. Rose was clearly unprofessional.

B. Leave/Absence Issues

Although I do not believe that these incidents rise to the level of harassment as defined under Board policy, Mr. Rose had some issues with employee use of sick leave and [REDACTED] decision to work from home during the beginning of the pandemic.

Mr. Rose's email about Mark being absent to proctor the ACT indicates that he believed Mark's spouse should have been the one to stay home with their sick child. [REDACTED] alleged that he said similar things to her about her use of sick leave, although Mr. Rose denied those allegations.

Further, Mr. Rose admitted to being frustrated with [REDACTED] decision to work from home but attend graduation. On the one hand, it might appear that [REDACTED] decision to attend graduation conflicted with her decision to work from home. However, you gave employees such as her a choice to work from home but did not prevent them from attending District events. That was your decision to make as Superintendent and Mr. Rose should have kept his thoughts about her decisions to himself or raised them with you privately.

One can understand why an [REDACTED] would want to attend a graduation ceremony to honor seniors during what was certainly a very difficult year. Furthermore, her decision to work from home came in March, 2020. At that time, it was unclear how Covid spread so the risks to [REDACTED] and her family likely felt greater than they did later in the pandemic. It is possible that [REDACTED] relied upon subsequent knowledge to determine that the risk of attending graduation at the end of May, 2020 was negligible. That was a personal decision for [REDACTED] to make and she was understandably hurt by Mr. Rose's comments.

Although these incidents do not constitute harassment, they are important to address because questioning the use of sick leave without suspecting falsification or abuse can lead to grievances from your teacher's union and complaints from employees who are not represented by a union. Asking why a spouse cannot stay home instead of a District employee could also lead to claims of gender discrimination. For these reasons, the District is advised to address these issues with Mr. Rose to ensure that properly taken sick leave is not being questioned.

C. Remaining Issues

It is difficult to conclude whether the statements [REDACTED] alleges Mr. Rose said under the General Complaints heading described above were said exactly as she recorded them because Mr. Rose did not admit to making most of the statements he was alleged to have said. Furthermore, even if he did make those statements or similar statements, the context and tone is missing. Nonetheless, it is clear that the working relationship between Mr. Rose and [REDACTED] is severely damaged. It is unknown whether they can continue working together. There is animosity and a lack of trust between them. That was verified by Ms. Trimmer.

Mr. Rose is the leader of the High School. As the leader, he should not have permitted his relationship with [REDACTED] to degrade to its current situation. Mr. Rose undoubtedly

believes that [REDACTED] deserves some of the blame, which is likely true. For instance, she was certainly wrong to access his computer to print an email and to comment about the contents of another email she saw. Mr. Rose also reported that [REDACTED] has told him that she does not like constructive criticism. Most employers view constructive criticism as critical to improving employee performance. [REDACTED] should be open to constructive criticism and suggestions from Mr. Rose and others.

Multiple people, including [REDACTED] and Ms. Trimmer, reported that there is animosity in the high school office. Employees other than [REDACTED] felt he was condescending, demeaning, and unapproachable. Others thought he could act rude on occasion, displayed aggressive mannerisms, and was power-hungry. On at least three occasions, people reported that Mr. Rose made comments about employees "needing to stay in their lanes." Although Mr. Rose was extremely professional and did not display any of these characteristics when I met with him, and most employees in the high school like Mr. Rose and have no issues with the work environment, there were more than enough descriptions of a toxic environment or unprofessional behavior to be concerned about.

There is also the issue with Mr. Rose's involvement in the swim team issue described above. If what Mr. Rose is reporting is true, you were made aware of the issue and have presumably addressed it. If not, it is recommended that you do so to ensure that the appropriate administrators are making the decisions with respect to athletics and that an employee's bias as a parent does not enter into any decisions that are made.

Although I am unable to conclusively determine by a preponderance of the evidence whether the remaining allegations constitute harassment, the working relationship of Mr. Rose and [REDACTED] must be changed or improved. In addition, there are enough concerns about the work environment in the high school to warrant intervention.

Board Policy 1662 states that the Board will vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further harassment. It provides:

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by

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the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Whether disciplinary action against Mr. Rose is taken is up to your discretion. Board Policy requires appropriate action that is reasonably calculated to stop harassment and prevent future harassment. These actions can include formal discipline and the potential transfer of employees in accordance with Ohio law and contractual obligations. At a minimum, it is strongly recommended that Mr. Rose be required to attend professional development and leadership training in the areas of supervision, communication, conflict resolution, and professionalism. You may also wish to implement an improvement plan in accordance with OPES evaluation requirements. Given the issues at the high school described herein, it is not unwarranted to consider whether Mr. Rose is the type of leader you want in charge of that building. If he is not, you will need to consider whether he can change his behaviors to match the ideal leader you desire.

In addition, you may also wish to review [REDACTED] evaluations and determine if any professional development or additional training are needed. She is also an [REDACTED] who is seen as a leader of the building, and she can certainly benefit from similar areas of professional development and training.

Please let me know if you have any questions about anything in this report or my investigation.

Very truly yours,

ENNIS BRITTON CO. LPA



Gary T. Stedronsky