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ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

TO: Anthony Scholze, President
Sparta Area School District

FROM: von Briesen & Roper, s.c.
By: Jill Pedigo Hall, Esq.

DATE: May 6, 2022

RE: **Summary of Investigation Findings and Conclusions re Complaints Related to Superintendent Conduct and Communications**

The firm of von Briesen and Roper, s.c., and specifically this reporter, were originally retained by the Sparta Area School District ("SASD") to investigate two complaints against Dr. Amy Van Deuren, Superintendent. The complaints were formally filed in writing on March 28, 2022, alleging workplace harassment and bullying and the creation and maintenance of a hostile work environment in violation of SASD policy. Two District Directors – [redacted] Director of [redacted] and [redacted] Director of [redacted] – filed the complaints, alleging, among other things, concerns for their physical safety based upon the Superintendent's actions and communications.

The Directors' complaints were originally noticed to one of SASD's two Compliance Officers, Sam Russ, in a meeting held on Friday, March 25, 2022. One of the complainants, Director [redacted] Upon receipt of the Directors' verbal complaint, Mr. Russ immediately reported the complaints to SASD Board President Josh Lydon. Mr. Lydon, in turn, contacted the Wisconsin Association of School Boards (WASB) and talked with Attorney Scott Mikesh. Attorney Mikesh obtained initial written complaints from Director [redacted] and Director [redacted] on Monday, March 28, 2022. Following receipt of the complaints, and in accord with SASD Policies 329 and 1161, the Board determined it would retain independent counsel to investigate the complaints. Accordingly, on March 31, 2022, following Board approval, SASD retained von Briesen and Roper, s.c., and specifically this reporter, to conduct the investigation.

This reporter initiated communications with the complainants and putative witnesses on April 1, 2022, in order to obtain pertinent policies and other documentation, and arrange times for investigation interviews regarding the Directors' complaints. Interviews into the Directors' complaints commenced on April 5, 2022. On Friday, April 8, 2022, Mr. Lydon forwarded an additional written complaint that [redacted] had received the previous day. That third complaint alleges inappropriate and harsh conduct by the Superintendent toward a District employee, [redacted] during Ms. [redacted] termination meeting. The Complainant is [redacted] SASD elementary teacher who had attended previous performance coaching meetings and the termination meeting upon Ms. [redacted] request. Mr. Lydon suggested that the third complaint was relevant to my investigation based upon the allegations and, thus, was considered and evaluated as part of my investigation into the Superintendent's conduct.

On Sunday, April 10, 2022, [redacted] forwarded a fourth complaint that he had received regarding the Superintendent's conduct and communication. The complaint was made on March 23, 2022, by [redacted] an [redacted] teacher at [redacted]. Among other issues, Ms. [redacted] cites to a school-wide email that the Superintendent had issued a year prior. Ms. [redacted] complains of the email as an inappropriate communication detrimental to SASD staff morale, and also the Superintendent's lack of communication with, and arrogance toward, teachers and SASD Board members. Given that the complaint alleges inappropriate communications from the Superintendent, it has also been evaluated and considered as part of this reporter's investigation into the Superintendent's conduct and communications.

INVESTIGATION PROCESS

This reporter conducted in-person and telephone interviews of the following fifteen (15) individuals in the course of this investigation:

- [redacted] Director [redacted] (Complainant)
- [redacted] Director [redacted] (Complainant)
- [redacted] Director [redacted]
- Josh Lydon, former President of the SASD School Board
- Anthony Scholze, current President of the SASD School Board
- Samuel Russ, Principal - Sparta High School and Acting Superintendent
- [redacted] Principal - [redacted]
- [redacted] Principal - [redacted]
- [redacted] Principal - [redacted]

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- [redacted] Teacher
- [redacted] Teacher - [redacted]
- [redacted] High School [redacted]
- [redacted] [redacted] Teacher
- [redacted] District [redacted]
- Amy Van Deuren, Superintendent

Additionally, this reporter reviewed and considered a substantial number of relevant documents and policies, including the following:

1. March 28, 2022 Summary email complaint from [redacted]
2. March 28, 2022 Detailed written complaint from [redacted] (9 pp.)
3. March 28, 2022 Summary email complaint from [redacted]
4. March 28, 2022 Detailed written complaint from [redacted] (14 pp.)
5. Personal Notes of Sam Russ concerning March 25, 2022 incident in his office involving the Superintendent (2 pp.)
6. March 23, 2022 Email complaint of [redacted] (forwarded on April 10, 2022)
7. April 7, 2022 Email complaint of [redacted] (forwarded on April 8, 2022)
8. SASD Policy 1400.1 – Superintendent Job Description
9. SASD Policy 1230 – Responsibilities of the Superintendent
10. SASD Policy 1662 – Employee Anti-Harassment
11. SASD Policy 100 – Investigating Employee Misconduct
12. SASD Policy 1240 – Evaluation of the Superintendent
13. SASD Policy 0145 – Sexual and Other Forms of Harassment
14. SASD Policy 329 – Harassment of Personnel
15. SASD Policy 1210 – Board-Superintendent Relationship
16. Administrator's Employment Agreement dated June 30, 2021

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17. Policy 2.07 – Harassment and Bullying – SASD Employee Handbook

18. Spreadsheet containing responses to the 2019 Equity Survey of SASD Cabinet

19. November 11, 2021 Email from Amy Van Deuren to Cabinet apologizing for "going off"

20. November 11-12, 2021 Email exchange between [redacted] and Amy Van Deuren regarding meeting scheduling

21. Personnel file of [redacted] including Van Deuren termination letter

22. [redacted] file of [redacted] including complaints and email communications

23. Current resume of Amy Van Deuren.

SCOPE AND NATURE OF COMPLAINTS

[redacted] **complaint:** [redacted]plaint, Director [redacted] alleges that for the last three or more years she has been subjected to a "severe, pervasive and persistent hostile work environment" caused by the actions and communications of Van Deuren. Director [redacted] longer complaint details examples of such harassment in the form of: "persistent invasion of boundaries, use of intimidation, unnecessary isolation from others, offensive conduct, derogatory/aggressive speech and gestures, threatening dialogue, and … misuse of power." Director [redacted] indicates that she made the decision to file her formal complaint following a series of events that occurred on Friday, March 25, 2022, where Van Deuren was "intimidating, aggressive and completely violated [Director [redacted]] right to a confidential meeting." Director [redacted] also expressed that because of Van Deuren's conduct on that day, she did "not feel safe returning to in-building work if Dr. Van Deuren has any access to the building." Director [redacted] detailed complaint is attached here as Exhibit A.

[redacted] **complaint:** In her initial summary complaint, Director [redacted] alleges that "on multiple occasions over the past four years in the District, Dr. Van Deuren has created a hostile work environment of bullying, harassment and verbal abuse towards targeted individuals including myself." Director [redacted] also indicated that the incident of Friday, March 25, 2022, caused "intimidation" and fear for "personal safety" due to Van Deuren's actions. She stated, "At this time, I do not feel safe being in my office or on school grounds if she has access to the district buildings or means of communication with me directly." Director [redacted] detailed complaint recounts a specific series of events leading up to the incident of Friday, March 25, 2022, and also includes, among other inappropriate conduct, instances of inappropriate, aggressive and borderline violent conduct and communications, and repeated negative targeting of selected individuals in the cabinet. Director [redacted] detailed complaint is attached here as Exhibit B.

[redacted] **complaint:** Ms. [redacted] complaints concern the conduct of Van Deuren in two meetings she attended as an observer at [redacted] [redacted] request. The first meeting Ms. [redacted] and Van Deuren attended occurred in December 2021, where Van Deuren outlined

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Ms. [redacted] performance improvement plan. The second meeting occurred in March 2022 when Van Deuren informed Ms. [redacted] that her employment with the District was terminated. Ms. [redacted] alleges that in both meetings, Van Deuren was harsh, negative, and did not allow Ms. [redacted] to speak. Ms. [redacted] indicates that she was so distressed about how Van Deuren was acting in the termination meeting that she spoke up and told Van Deuren that she "was appalled at how the Superintendent of the Sparta School district was treating an employee."

[redacted] **complaint:** Ms. [redacted] complains about an incident that occurred on April 30, 2021, when Van Deuren received an anonymous complaint from "A Anonymous Teacher" at [redacted]. Following receipt, Van Deuren sent an email to the entire staff of the elementary school, including non-teachers, and quoted the concerns stated in the anonymous letter, including that "IEP minutes" were "not being met, and ELL students were not being served" and "they have gone years without receiving services." Ms. [redacted] cites to the content of the all-school communication as an example of Van Deuren's lack of empathy and disregard for District employees. She also cites Van Deuren's choice to send the email to the entire school as inappropriate and representative of Van Deuren's general disregard for staff. As further examples of that disregard she cites Van Deuren's failure to notify staff of decisions before notifying parents, and treating staff and the school board with a "sense of arrogance" which includes treating the board "like a bunch of uneducated fools who couldn't possibly have a better solution than the one she has presented."

This report contains the findings and conclusions of my investigation into these complaints.

PERTINENT SASD POLICIES

The following SASD policy excerpts are pertinent to the question of whether the Superintendent has breached SASD anti-harassment and anti-bullying policies, and as a result, whether she has failed to meet the essential functions, duties and responsibilities of the position of Superintendent.

> Article 329 – **HARASSMENT OF PERSONNEL**
>
> The Sparta Area School District is committed to providing a workplace free of harassment. All employees … are entitled to work in an environment where the conduct of others does not unreasonably interfere with work performance…. For purposes of this policy, harassment refers to conduct that is sufficiently severe or pervasive such that an abusive or hostile working environment exists. Such conduct may be physical, verbal, or written, and includes threats as well as actions.
>
> * * *
>
> A safe and productive work environment must be free of any form of harassment. Conduct that rises to the level of harassment in addition to that detailed in the above definition of sexual harassment includes the following:

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1. Deliberate, repeated making of verbal or written comments that insult, degrade or stereotype an employee or group of employees, volunteer, board member, or applicant.
2. Striking, shoving, kicking, throwing objects at, or any form of physical aggression directed at an employee, volunteer, board member, or applicant.
3. Engaging in or threatening to engage in action (verbal, physical or written) that has no legitimate business purpose and which would reasonably cause an employee, volunteer, board member, or applicant to fear for his or her physical safety or emotional welfare.
4. Posting or circulating any written or graphic materials, sound or video recordings, or any electronic or other materials that attack, defame, belittle, or show hostility to an employee or group of employees, volunteers, board members, or applicants and that have no legitimate business purpose.

Policy 1662 – **EMPLOYEE ANTI-HARASSMENT**

Prohibited Harassment

The Board is committed to a work environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. … The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.

Policy 2.07 – **Harassment and Bullying – SASD Employee Handbook**

The District is committed to … providing a professional work … environment free of all forms of harassment and bullying…. Harassment and other unacceptable activities that could alter conditions of employment, or form that basis for personnel decisions, or interfere with an employee's work performance are specifically prohibited.

Policy 1230 - **RESPONSIBILITIES OF THE SUPERINTENDENT**

Adopted July 29, 2021

Duties and Responsibilities

The Superintendent shall strive to achieve District goals by providing education direction and supervision to the professional staff and supervision to the support staff **by acting as a proper model for staff** and students both in and outside the District.

The Superintendent shall be directly responsible to the Board of Education for the performance of the following assigned duties and responsibilities:

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A. keep the Board informed of school operation…

* * *

J. work to assure, where appropriate, the decision-making process includes the participation of the administration and staff, parents, students and others in the community

K. work cooperatively with parents and community groups concerned with programs in the schools

L. develop personal capabilities in personnel strategies and facility management

M. work cooperatively with the Board and administrative staff

N. strive toward the highest standards of personal conduct

Policy 1400.01 – **SUPERINTENDENT JOB DESCRIPTION**

Adopted July 29, 2021

* * *

Superintendent Job Function:

The Superintendent serves as the administrative head of the District and administrative official of the Board and is directly responsible to it for providing overall leadership and direction for the District's public schools in accordance with School District philosophy, objectives, and policies and in accordance with State and Federal laws and regulations.

Essential Functions:

* * *

C. The Superintendent fosters the success of all students by implementing effective and collaborative **human resources systems** resulting in a student-centered, diverse, high-performing staff. **(Cornerstone: Well Being; Culture)**

D. The Superintendent fosters the well-being and success of all staff … through continuous improvement process for effective **operations and resource management. (Cornerstone: Stewardship)**

E. The Superintendent fosters the success of all students by **communicating, collaborating, and connecting** effectively with the Board, staff, families, community, and other stakeholders. **(Cornerstones: Connections)**

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F. The Superintendent fosters the success of all students and staff by **modeling professional and ethical behavior,** engaging in continuous professional growth, and contributing to the profession. **(Cornerstone: Culture)**

Duties and Responsibilities:

* * *

A. Strategic Leadership

* * *

2. Promotes a culture of respect, trust, innovation, and professionalism with Board, staff, students, and community.

3. Provides leadership to promote effective District change and support continuous improvement.

4. Works collaboratively with Board and stakeholders to identify needs, determine priorities, and implement practices that result in continuous improvement.

* * *

B. Instructional Leadership

* * *

4. Creates and sustains a District culture with expectation that support effective, data-based decision-making and uses multiple sources of evidence to drive school and District goals, improve organizational performance, educator effectiveness, and student learning.

5. Develops and nurtures a culture of continuous learning and professional development and growth in which staff members are reflective about their strategies and use data and various methods to analyze and adapt practices that achieve improved results.

C. Human Resources Leadership

* * *

2. Ensures consistent processes for the recruitment, employment, induction, and mentoring of employees resulting in the retention of high-performing and diverse personnel.

3. Provides the vision and direction for positive employee relationships.

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4. Ensures structure and support for effective conflict resolution.

5. Ensures all employees are evaluated in an effective manner resulting in improved performance.

6. Ensures results-oriented professional development that is aligned with District goals and staff needs.

7. Maximizes human resources based on the strengths of employees, thereby empowering them to seek leadership opportunities.

D. Operations and Resource Management

1. Anticipates and responds to current, emerging, and future needs in a timely manner.

2. Ensures an orderly, safe, and positive environment conducive to teaching and learning through research-based strategies and best practices.

* * *

4. Collaborates and develops internal and external partnerships to enhance operations and resource management.

* * *

6. Integrates and aligns processes and resources for the effective day-to-day ongoing operations of the organization.

E. Communications and Community Relationships

1. Demonstrates and fosters an atmosphere of trust and mutual respect.

2. Promotes and maintains effective communication between and among Board members, staff, and the community.

3. Brings groups together with different interests and works collaboratively in response to challenges.

* * *

5. Works collaboratively with all stakeholders to build community support and secure resources.

6. Demonstrates and adapts the skills necessary to build community support for District goals and priorities.

* * *

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8. Demonstrates governance leadership by supporting the Board (e.g., meetings, workshops, committees, etc.).

F. Professionalism

1. Adheres to legal, moral, and ethical standards and demonstrates personal integrity in all interactions.

2. Assumes responsibility for personal actions and responds appropriately to the actions of others.

3. Models collegial and collaborative approaches with staff and community to advance the mission, vision, and goals of the District.

4. Participates in a meaningful and continuous process of professional development that results in student growth.

5. Provides services to the profession and community through engagement and partnerships.

6. Demonstrates expertise in supporting the development of leadership capacity across the organization.

Executive Summary and Findings

Credible evidence supports a conclusion that Superintendent Amy Van Duren has regularly violated SASD anti-harassment and anti-bullying policies by engaging in a pattern and practice of bullying, and creating and sustaining a hostile work environment for members of the SASD cabinet, most extremely Director [redacted] and Director [redacted] Additionally, the evidence supports the conclusion that she has failed during her tenure to meet, to a lesser or greater degree, those critical essential functions and responsibilities of her position identified in the policy excerpts cited above. The following discussion will outline the findings underlying these conclusions.

Findings on Complaint Allegations of [redacted] and [redacted] Related to March 25, 2022 Incident

Four individuals consistently and credibly recounted a March 25, 2022 incident in which Van Deuren engaged in harassing and threatening conduct toward her Directors. As recounted by the four individuals – the Directors, the District Compliance Officer/High School Principal, and his secretary – the Superintendent engaged in confrontational and physically threatening conduct towards the Directors in a school setting. Standing alone, the Superintendent's March 25, 2022 conduct could be considered not only to violate the anti-harassment and anti-bullying policies of the District, but also could allow a conclusion that in doing so, Van Deuren had significantly failed to meet critical responsibilities and essential functions of her job. It can also be seen as a final unacceptable escalation of the frequent and unpredictable aggressive and intimidating communications and conduct that has characterized Van Deuren's tenure as Superintendent.

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The following account constitutes this reporter's findings regarding the March 25, 2022 incident that was the impetus and one basis for the Directors' complaints considered here.

On the morning of March 25, 2022, Director [redacted] talked with Mr. Russ over the telephone four times regarding a complaint about which she had received notice from a Board member. The Board member told Director [redacted] that the complaint was an email from an employee that concerned hostile conduct by Van Deuren. Because of the third party nature of the information, Director [redacted] had initially telephoned Mr. Russ to ensure that she was interpreting her reporting responsibility under the SASD harassment reporting policy correctly as a compliance officer. Mr. Russ and Director [redacted] agreed that they needed to inform board president Josh Lydon that they had received notice of the complaint even though it was third hand. Mr. Russ offered to join Director [redacted] in the telephone call that day in order to make that report.

Director [redacted] then alerted Director [redacted] to the complaint since Director [redacted] is also the [redacted] They discussed Director [redacted] joining in the meeting with Mr. Russ, but Director [redacted] was uncertain whether she would be able to participate. Just before 1:00 p.m. on March 25, 2022, Director [redacted] left to go to the high school to meet with Mr. Russ regarding the third party complaint, informing her own secretary and Director [redacted] where she was going. Director [redacted] arrived at the high school at approximately 1:00 p.m., parking her car in the lot in front of the high school. She and Mr. Russ had started to discuss the telephone call they would be making when Director [redacted] arrived approximately 5-7 minutes later. When Director [redacted] left the District office for the high school, she did not tell her secretary where she was going. She also parked in front of the high school when she arrived.

When Director [redacted] arrived in Mr. Russ' office, she began by saying, "I don't know my role in this so feel free to kick me out, but I do have some questions." Director [redacted] then shared that she had some of the same concerns regarding Van Deuren maintaining a toxic work environment. She shared a few examples about being cornered in her office, never being able to talk to anyone without Van Deuren walking in, and an incident with Van Deuren in the Meadowview Middle School parking lot that had upset her. Director [redacted] then told Mr. Russ that she had witnessed and experienced very similar situations. In response to the Directors expressing these concerns, Mr. Russ told the two Directors that he would need to address them as employees and complainants and that the meeting would need to shift and proceed as the SASD formal harassment complaint process. Mr. Russ told them that he would need to notify Mr. Lydon about their complaints.

At 1:07 p.m., approximately the same time that Director [redacted] was arriving at Mr. Russ' office, Van Deuren sent a text to her three Directors stating, "I am headed to La Crosse for the job fair." She then asked Director [redacted] secretary where Director [redacted] was and was told she was at the high school. At approximately 1:15 p.m., Van Deuren walked into Mr. Russ' outer office. She approached Mr. Russ' secretary, [redacted] and pointed at Mr. Russ' door saying, "Is he in there?" Ms. [redacted] told her, "Yes, he's in a meeting." Van Deuren then walked to the door and knocked loudly. Inside the office, Director [redacted] and Director [redacted] recognized the distinct loud knock as being Van Deuren's. Director [redacted] became panicked, saying, "I knew we would get caught by her. I knew it." Mr. Russ went to the door and opened it slightly so that only his body could be seen in the doorway, but not who was in his office. Mr. Russ asked Van Deuren how he

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could help her. Van Deuren said, "Is [redacted] in there? Is [redacted] in there?" Mr. Russ answered, "Yes." He did not invite her in, but opened the door so that they could be seen. Van Deuren then walked into Mr. Russ' office. When Van Deuren entered the office she stood behind Director [redacted] and Director [redacted] She asked, "Are you talking about the student situation?" Mr. Russ responded, "No, we're meeting to discuss a few things." Van Deuren then said, "What is this about?" The two Directors remained silent. Mr. Russ repeated, "We're meeting to discuss a few things." Mr. Russ has indicated that he did not tell Van Deuren at that point that it would be "best if you left," but Van Deuren has said that he did so at that point. Van Deuren then said, "I need to talk to [redacted] right now. [redacted] and walked out the back door of Mr. Russ' office, heading to the small conference room behind his office.

Meanwhile, in Mr. Russ' office, Director [redacted] was visibly upset. Mr. Russ told her that she did not need to talk to Van Deuren if it was too much. Director [redacted] responded, "I can't. I can't talk to her right now." Mr. Russ stated, "Okay, I will take care of it." He left the office and walked to the back conference room to meet Dr. Van Deuren. The doors to the principal's office automatically lock when closed.

In Mr. Russ' office, Director [redacted] repeated: "I knew it. I shouldn't have parked there. I knew she would find me." She was panicked. Director [redacted] told her, "Breathe, take deep breaths, I've got you."

Meanwhile, in the back office, Mr. Russ told Van Deuren, "[redacted] is not able to talk with you right now. Now is not a good time; I think it best if you come back." Van Deuren stared at Mr. Russ and said, "What is going on?" Mr. Russ repeated, "Now is not a good time; I think it best if you come back." Van Deuren responded by leaving the room and stormed down the corridor to the front of Mr. Russ' office. She immediately went to Mr. Russ' door and put her master key in the lock of his door. Mr. Russ had followed her out of the back conference room and immediately went to his door, put his hand out and said, "Do not go in there." Van Deuren said, "I need to know what is going on." Mr. Russ repeated, "Do not go in there." This exchange went on a few times more as Van Deuren continued to attempt to enter Mr. Russ' office. When Mr. Russ said, "Dr. Van Deuren, I can't discuss it; it would be best if you left," they moved away from his door. Van Deuren looked at him for a few seconds and walked out. Van Deuren went out to her car and climbed in.

Once in her car, based upon information provided by Van Deuren, she proceeded to make a series of telephone calls. She contacted the University of Wisconsin-La Crosse and told her contact there that she would not be attending the job fair due to an emergency. She then called the Board President Lydon and Board Members Anthony Scholze and John Henricks. As recounted by Van Deuren, she told them, "[redacted] and Sam are meeting and I was told that it would be best if I left. Are you aware of anything going on?" At that time, because Mr. Russ had not yet reached Mr. Lydon, he and the other Board members denied any knowledge of what was happening. She indicates she then called [redacted] Principal of [redacted] School, to find out if there was anything happening involving an employee she had recently terminated. She states she then called Attorney Bob Butler of WASB to find out "what was going on." This

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reporter also finds that she telephoned Director [redacted] to ask the same question, whether she knew "what was going on." Van Deuren indicated that she also called her husband seeking advice.

Immediately after Van Deuren left, Mr. Russ went back into his office to find both directors were upset and shaken. Director [redacted] was crying and visibly scared. Mr. Russ and Director [redacted] worked to calm Director [redacted] When Mr. Russ said that they would be moving forward with the call to Mr. Lydon, Director [redacted] expressed concern that Van Deuren was still in the building or office and could hear the call. Accordingly, Mr. Russ walked out and checked his office and the parking lot. He saw that Van Deuren's car was still in the lot. He called another individual to ask if he could see if Van Deuren was still in her car. That individual reported back to Mr. Russ that Van Deuren was sitting in her car. Director [redacted] remained concerned that Van Deuren would come back and hear their conversation with the Board President. Mr. Russ asked Ms. [redacted] to call his desk phone if Van Deuren came back in so he would know she had returned.

At 1:50 p.m., Van Deuren sent a text message to Director [redacted] Director [redacted] and Mr. Russ that said, "So…what is going on?" They did not respond. Meanwhile, Mr. Russ proceeded to call Mr. Lydon to report that he had been made aware of the two Director complaints of hostile work environment and to advise Mr. Lydon that policy required him to call legal counsel. He stated he had two directors that did not feel safe returning to their offices. He read several aspects from the policy to Mr. Lydon. At approximately 2:15, while on the call with Mr. Lydon, Mr. Russ' desk phone rang showing his secretary's number on caller ID. He immediately put the call with Mr. Lydon on hold with a brief statement and walked out to the main office where Van Deuren had reappeared. Mr. Russ and Van Deuren stood near Ms. [redacted] desk for their exchange. Van Deuren said, "I need to talk to you." Mr. Russ told her that he was previously engaged in a meeting and could not talk at that time. Van Deuren was described as "looking annoyed, appeared to have been crying." She again asked Mr. Russ what was going on. Mr. Russ again stated that he was dealing with a matter. He told her that her questions would be answered, just not now. That exchange was repeated twice. Van Deuren then asked if she needed a lawyer; Mr. Russ did not respond. Van Deuren left and Mr. Russ went back into his office and finished the call with Mr. Lydon.

Director [redacted] and Director [redacted] told Mr. Russ that they did not feel that it was safe for them to leave the high school due to Van Deuren's actions within the context of her conduct throughout the week, so they waited in Mr. Russ' office for approximately an hour. The Directors told Mr. Russ that they could not go back to the District office and were scared of repercussions from Van Deuren. They told Mr. Russ that they felt threatened and scared for fear of what Van Deuren would do. Mr. Russ advised them if they did not feel comfortable going back to work, they should take paid leave, including on Monday, and, as an alternative, offered Sparta High School as a place to work on Monday. Director [redacted] expressed that she did not feel safe at home due to the close proximity to Van Deuren's home.

Approximately an hour after Van Deuren's last visit to Mr. Russ' office, Mr. Russ walked the Directors to their vehicles. Each took the remainder of the day, and the next Monday, as paid leave because they did not feel safe entering the office with Van Deuren present.

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The next morning, March 26, 2022, Van Deuren sent an email to the entire Board indicating that the reason she had stopped in the office was to "check on the progress of a conversation regarding students involved in a fight." In her opening, she stated, "Director [redacted] Director [redacted] and Mr. Russ were meeting and would not tell me what they were meeting about. Mr. Russ said it was 'best if I left.' Director [redacted] and Director [redacted] would not talk to me." Ten minutes later, without explanation, Van Deuren forwarded the same email to Mr. Russ, Director [redacted] and Director [redacted]

In her investigation interview, Van Deuren's accounting of the events on March 25, 2022 differed in some significant aspects from that of the four other individuals involved. This reporter found that her version lacked credibility in those aspects which will be identified below. Van Deuren's demonstrated agitation, emotionality and suggested effort to maintain control during this portion of her interview buoyed a finding of lack of credibility. For example, this reporter observed Van Deuren to begin holding her arms tightly, slightly elevating her voice and vibrating her body in her chair. Additionally, during this reporter's questioning regarding the event, Van Deuren answered a question and abruptly stood up, said "I need a break," and walked out of the room. When she returned approximately ten minutes later, she said, "I was not anticipating this level of moment by moment. It's got me thrown." The following claims made by Van Deuren were either directly contradicted by the other four participants/witnesses to the event or by unequivocal matters of process and procedure in the District.

First, Van Deuren's claimed reasons for going to find Director [redacted] and Director [redacted] at the high school lacked credibility. When asked about why she had gone to the high school instead of going to La Crosse as scheduled, Van Deuren told this reporter (and also the Board in her email of March 26, 2022) that she had gone to the high school to check on the matter of a student's expulsion. She indicated that she was driving by the high school on the way out of town when coincidentally she saw the cars of Director [redacted] and Director [redacted] parked there so she stopped. Van Deuren told this reporter multiple times that she wanted to talk with Director [redacted] and Director [redacted] about the student expulsion when she noticed that both cars were at the high school. She then said, "I was sure they were talking about the expulsion." However, as Van Deuren was aware, Director [redacted] would not be discussing a student expulsion issue because [redacted] Moreover, as previously noted, Director [redacted] had informed her secretary that she was going to the high school and Van Deuren had obtained that information prior to leaving the District Administration building.

As questioning regarding the event progressed, Van Deuren added that she had stopped by the high school because she "wanted to touch base with [redacted] about open records requests she had received that day." When this reporter asked why she wanted to talk with [redacted] at the high school, just before the weekend when she was headed out of town and would be gone for the rest of the day, she said that it was part of her "wrapping things up for the weekend." Van Deuren then verified her familiarity with open records law in Wisconsin, telling this reporter that she "knew" they had ten days for response which would not make her alleged need to discuss the matter with Director [redacted] urgent or required. Notably, at no time after Van Deuren arrived at Mr. Russ' office did she mention the open records request. In light of these discrepancies and what transpired

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when Van Deuren entered the high school principal's office, it can be concluded that Van Deuren went to the high school simply because she wanted to know, and seemingly was concerned, with why the Directors – and specifically Director [redacted] – were meeting with Mr. Russ and the reasons she offered were pretext.

This conclusion is further supported by the fact that, after entering into Mr. Russ' office, and not getting answers from the Directors to her repeated questions of "what is going on," Van Deuren directed, "I need to talk to [redacted] right now." When this reporter asked her why she tried to talk to Director [redacted] alone, Van Deuren stated, "I was trying to bring some normalcy back to the situation. I was there to find out about the expulsion." Again, Director [redacted] did not deal with student expulsions. When asked why talking with Director [redacted] alone would "bring normalcy," Van Deuren responded, "I didn't know what was going on; it was the first thing that came out. No one has ever responded it would be best if you left. I didn't know what to do with that in the moment. Except that I needed to keep my cool." She described being "flooded with being asked to leave." Van Deuren was unable to credibly explain why talking with Director [redacted] alone would have changed the circumstances and given the Director's allegations regarding Van Deuren's pattern of invading boundaries, intimidation and unnecessary isolation from others, Van Deuren's stated motivation for attempting to pull Director [redacted] out of the meeting is suspect.

In her interview regarding the event, Director [redacted] described her concern in that instant, saying, "At that point, I did not know if she might be violent. It was the unpredictability that I did not know what might happen next. It's never been to that level before. … The second time, I questioned whether we needed to be considering a restraining order."

Second, and possibly more concerning, when interviewed by this reporter about this incident, Van Deuren unequivocally denied attempting to go into Mr. Russ' office by using her master key to unlock his door. The Directors in the room have stated that they heard and recognized the sound of her keys in the door. They also heard Mr. Russ attempting to stop Van Deuren by telling her not to go in the door. Mr. Russ and [redacted] saw Van Deuren attempting to enter the office where Director [redacted] and Director [redacted] were still sitting. Despite her knowledge that all four individuals saw or heard her attempting to enter Mr. Russ' office with her master key, Van Deuren twice denied her own actions to this reporter. Her failure to admit to actions that were credibly described by four other individuals demonstrates a concerning lack of a sense of accountability for her actions.

This reporter's findings regarding this incident include a finding that the two Directors involved demonstrated panic when Van Deuren arrived. Such panic would not be unexpected in light of the Directors' claims of the fear Van Deuren had created in their workplace by her intimidating and erratic conduct and communications. Director [redacted] advised Mr. Russ, after Van Deuren left for the second time, that in the two weeks prior to the incident Van Deuren had "constantly yelled at" the Directors and "literally backed [Director [redacted] into a corner," so they did not feel safe.

Findings Regarding Events Preceding the March 25, 2022 Incident

Findings regarding Van Deuren's conduct starting at the beginning of the week of the event, provide important context for the Directors' decision to finally file a harassment complaint. These

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findings are based upon the credible independent recollection and recounting of the events of that week by the three Directors. In short, the following timeline of events, which was credibly recounted by interviewees, allows a conclusion that Van Deuren's emotionality, erratic behavior and communications increased over the week, with the result of the incident on March 25, 2022. The events also display a serious failure of leadership.

In the first event that week, on Monday, March 21, 2022, the three Directors were eating a late lunch in Director [redacted] office prior to the Directors meeting with Van Deuren. A Directors' meeting was scheduled for 2:00 p.m. that day, but they were slightly delayed. At 2:05 p.m., Van Deuren looked in the window of Director [redacted] office and, seeing the Directors there, opened the door and walked in. She was visibly irritated and said, "Will you guys just come down when you are done?" They responded that they were just finishing eating and would be down. Van Deuren left. Within a few minutes, Van Deuren opened the door again and said, "I need to know what you're meeting about." Director [redacted] was on the telephone and the other Directors were visibly eating. They told Van Deuren that they were just waiting for Director [redacted] to get off the phone for a testing issue and they would be down.

On Tuesday, March 22, 2022, despite months of analysis and planning by the Directors and two Board members for possible staff and facility reductions, Van Deuren failed to fulfill critical steps in a carefully orchestrated and planned process and also to provide important detail in a presentation on that possible reduction at the public SASD meeting. Specifically, the planned process required Van Deuren to: (1) inform the Sparta Education Association of teachers of the planned reductions in advance; (2) send out a staff message regarding the reductions the week previous to the Board meeting to provide Principals enough time to talk with individuals that might be potentially impacted before the Board meeting; and, (3) identify to the Board in advance of the meeting, and then in her presentation at the Board meeting, the positions that would potentially be impacted in a reduction. Van Deuren failed to do any of the tasks, and instead gave a generalized presentation where no positions were actually identified. In her interview with this reporter, Van Deuren denied that it was planned that she would identify the positions to be eliminated in the reduction. All other interviewees involved in the planning process indicated otherwise, allowing a conclusion that either Van Deuren was again not credible in her interview or she did not pay attention or disregarded the plan created in meetings she attended over the course of months.

It was reported that Van Deuren's failure to follow the carefully planned process placed principals in a compromised position because they had, as planned, gone ahead to notify those individuals who might be impacted. Principals were frustrated and asking questions in the cabinet meeting such as, "Why weren't lists out there – we talked to all the people. What are next steps? Can we tell their parents?" Interviewees do not recall how much of the time Van Deuren was in attendance at the next day's cabinet meeting or whether she was participating. It was recalled that it was a very long meeting.

In addition, some Board members telephoned the Directors to ask them to take steps to address "fallout" in morale in the District and with the Board. Some called Van Deuren to express their displeasure. Those Board members (Anthony Scholze and [redacted]) who had participated in the planning meeting were upset. Van Deuren is reported to have deflected, saying that the Board

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members were "just new board members who hadn't gone through the process before" and didn't understand.

On Wednesday, March 23, 2022, the Directors and other Administrators spent their workday trying to calm things with staff who were in the dark regarding their positions and with the principals who felt exposed and violated.

On Thursday, March 24, 2022, Van Deuren called a meeting of the Directors in her office, saying the Board was not happy with her. She characterized her actions as a learning experience for "us" (Van Deuren and the Directors). For her meeting, Van Deuren had created her own timeline, ignoring or not even being aware that one existed despite her reported to have been sitting in the meetings. She pivoted to say she had never intended to identify the positions in her presentation and disingenuously said that that was the plan all along to never say the positions. The Directors reported that they tried to make clear to Van Deuren that the list was going to be shared with the Board based upon the months of meetings and process timeline that had been implemented for months. The Directors indicated they would never have had principals go talk to their people if the positions were not planned to be identified. Then, in the midst of that discussion, Van Deuren got up and walked over to her telephone and started calling a number over and over. She said, "I can't get a hold of [redacted] I can't get hold of [redacted]" Director [redacted] asked if they could help. Van Deuren said that she needed the Zoom link for the Board candidate forum that night. One of the Directors suggested calling [redacted] the [redacted] principal, to ask since she was hosting the forum that night. Van Deuren then picked up her telephone with her Directors still sitting in her office and called Ms. [redacted], who told her that the link would not be posted until a few minutes before the forum began that evening.

At some point uncertain, but before the following exchange, Director [redacted] left the meeting. Immediately after the call ended, Van Deuren returned to scrolling on her phone and computer, saying, "I can't find the link for tonight." Director [redacted] reminded her, "[redacted] just said that it would be posted in the usual places just before the forum tonight." At that, Van Deuren said, "Why can't I get to that f***ing registration. I am such a dumba**." Director [redacted] then asked what they could do to support her. Van Deuren responded, "Yes, leave right now so I can have a nervous breakdown."

Director [redacted] reports that when she returned to her office, based upon Van Deuren's communications and state, she felt the need to lock her office door. She stated that she made sure her "double door" was locked. Director [redacted] felt that she needed to leave so she left early for the day. She credibly reported that Van Deuren then called her at home that night about the Board meeting. She displayed the same erratic pattern of communications. She pivoted from saying, "I screwed up," to denying knowledge about the process, saying, "I never knew the intent, we should have had conversations about this." Within the context of her conduct and communications over the last three years, the Directors have described the week of March 21, 2022 and then Van Deuren's conduct on March 25, 2022 as the "last straw."

Van Deuren's conduct on March 25, 2022 could be characterized as physical intimidation. As will be discussed further herein, this conduct could be seen as part of a pattern of physical and mental intimidation that Van Deuren has directed toward the Director complainants, and also members of

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the District cabinet, at a variety of levels of intensity. Such conduct could then be considered to violate SASD Article 329 - HARASSMENT OF PERSONNEL and Policy 1662 - EMPLOYEE ANTI-HARASSMENT- Prohibited Harassment, because in attempting to again isolate Director [redacted] within the context of a history of doing so (which will be discussed below), and then attempting to force her way into Mr. Russ' office, Van Deuren engaged in, and threatened to engage in, verbal and physical action that seemingly had no legitimate business purpose. Credible evidence supports a conclusion that Van Deuren's conduct and communications in the March 25, 2022 incident reasonably caused the Directors to fear for their physical safety and emotional welfare.

Additional Findings Regarding Allegations Regarding Hostile Work Environment

This reporter interviewed eight members of the District cabinet, including the three District Directors, four school Principals, and the District [redacted] Every cabinet member interviewed corroborated and supplemented examples and instances of inappropriate, disrespectful and aggressive conduct by Van Deuren that the Directors alleged in their harassment complaints. The information universally provided by all interviewees supports a conclusion that Van Deuren has engaged in a pattern throughout her tenure of bullying, harassment and verbal abuse toward not just the Complainants, but other employees. Strikingly, not only were the allegations of the Directors' complaints regarding Van Deuren's aggressive conduct corroborated by the interviewees, the interviewees actually supplemented the allegations. No cabinet member denied or qualified any of the allegations of the complaints. The following categorizes Van Deuren's problematic conduct and communications. Additional detail can be found in the attached written complaints of Director [redacted] and Director [redacted]

Verbal Abuse and Aggressive Conduct

Interviewees reported that Van Deuren regularly engaged in aggressive communications and conduct and verbal abuse during cabinet meetings, especially directed toward administrators, with some individuals (Principals [redacted] and Sam Russ) repeatedly identified as her targets. All witnesses indicated that when Van Deuren might become irate and incensed was unpredictable, leading to a high level of tension and discomfort within the cabinet. Van Deuren regularly used aggressive profanity. Many of the participants indicated that they had stopped talking or offering ideas to avoid Van Deuren's ire, belittling comments or sarcasm.

The following example quotes taken from cabinet member interviewees may best illustrate the universal nature of her aggressive, and often abusive, verbal and physical conduct:

- "She yelled, hit the table, pounded on the table."
- "She is ridiculing. She goes off on tirades or tantrums."
- "She has yelled and hit the table."
- "In cabinet meetings she has banged her head on tables when she disagrees and banged her fists to prove points."
- "There were multiple instances of her going off."
- "Overall that's her conduct. She swears in cabinet meetings. I have seen her slap her hands to her head."

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- "She swears in cabinet meetings. It's frequent and then she will say, 'I'm glad I got that out of my system.' She throws 'F bombs' with no filter … It is a frequent event in cabinet meeting, an expected part of her communication."
- "I was criticized 50% of meetings. I would make a comment and she would react. She would have an elevated tone, lean in, make her comment and say, 'you really need to think about what you said.'"
- "She is rude and disrespectful to colleagues in cabinet meetings."
- "She harasses her directors rather than supporting them."
- "At times it's easier to go on a tangent rather than having a personal conversation…. When you do that in front of other people, it's demeaning and a power show…. I feel like cabinet is a platform for her to vent. I feel like it's a platform where she feels entitled to spew at the mouth."
- "If she is upset with something (an area where she is stressed, maybe a Board or community member called her about something) she reacts negatively. I've been on a lot of Zooms where she is yelling and people are walking on eggshells. She is unpredictable.'
- "She has been mean."
- "She's mean."
- "She's not kind to other people."
- "She creates the chaos. There's conflict and chaos half the time."
- "She causes more conflict than she resolves."
- "Before she would arrive at the meeting we would ask, 'Do you think she's in a good mood?' It was all driven by her emotion. You never know. One doesn't know what's going to set her off."
- "She picks on [redacted] [redacted] Sam Russ, and [redacted]"
- "She has attacked [redacted] The comments she makes are not respectful. They are belittling."
- "She has yelled at [redacted]
- "She has had problems in public and private settings being under control."

It was universally acknowledged by all cabinet interviewees that Van Deuren's unpredictable and volatile conduct in cabinet meetings created fear and reluctance among the majority of participants as exemplified by these comments:

- "We never knew which person we're going get. We all walked on eggshells. For me last year was the worst, starting in the summer of 2021."
- "That's when I would choose not to make comments in cabinet. I'd pick my times very carefully."
- "It got hard because there was no logic to her reactions and what she said."
- "I stopped giving input because of how she might react."
- "I think there were times that the Directors felt they couldn't say any more. There were conversations where Dr. Van Deuren would jump in and cut them off."
- "In the future I didn't respond. It progressively got worse to the point where I would not give input at all."
- "She made the administrators feel small."

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- "I think it would be fair to say that all of our principals do not feel that they can trust her. That would be why they would contact a Director."

It is notable that Van Deuren did not deny some of the behavior alleged. Instead, the casual tone and content of her responses to allegations related to her conduct in cabinet meetings can be interpreted to reflect a lack of accountability or possibly understanding of her own aggression and negativity. She gave the following responses to questions about the allegations:

- "I'm told that I bang on the top of the table, but I don't know when I do it."
- "I deny that finger pointing is appropriate. I don't believe I do so, if I did it I hope someone would tell me."
- "I do swear on occasion – much less than I used to … Only once or twice during a meeting. A little language around the Cabinet meeting from more than myself."
- "In the Directors' meetings I will drop an 'f bomb.' No one ever expressed that they were uncomfortable."
- "I'm not aware when I raise my voice. Sometimes things get a little heated and my voice gets louder."

Her denial of knowledge of her own actions and communications could be seen as disingenuous, suggesting an additional problematic lack of credibility. She seemed to suggest that she was only responsible for her actions and communication if someone else pointed out to her that it was inappropriate. This also could be interpreted as reflecting a lack of a sense of responsibility and accountability.

This reporter was provided additional evidence of Van Deuren's volatile conduct in the form of a copy of an email sent by Van Deuren herself to the cabinet on Thursday, November 11, 2021. The email opened with her saying, "First, I'd like to apologize for 'going off' yesterday. I was not at my best self…" Under questioning by this reporter, Van Deuren again seemed to be nonchalant in her response. When asked what had occurred, she represented that she didn't really remember what had occurred, saying, "It might have been the 100%." When asked whether she had been yelling and shouting, she said, "I suppose." She then explained that, "There was one cabinet meeting where [redacted] and [redacted] were running the meeting. The nature of the discussion was "can't make them wear it [a mask]". I had been receiving nonstop community emails and divided board and divided community. To have building leadership talking that way … I probably went off."

Because of Van Deuren's indication that she was unable to have clear recollection as to the circumstances of the meeting on November 10, 2021, this reporter interviewed members of the cabinet who were in attendance. They provided consistent additional detail regarding the occurrence. It was recalled that Van Deuren was very late for the cabinet meeting, which this reporter has established was typical. Much discussion had already occurred during the cabinet meeting regarding the masking issue. As described by witnesses, when Van Deuren arrived late she did not ask anything about what discussion had occurred previously or what factors had been discussed, instead reacting without information and, in her own words, "going off" on the whole cabinet based upon assumptions she made as to what had transpired. Multiple witnesses recounted that she began yelling at cabinet members, pounding her fists and saying something to the effect of, "do you agree to give 100% commitment and 100% compliance?!?" It is reported that she

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insisted that every cabinet member had to respond "yes." In response to additional questioning about this event, Van Deuren admitted as follows: "Yes, I was yelling 100% commitment and 100% compliance. There are times when you have to send a message and you have to be pretty forceful about it. I felt there were Principals adhering to it. I did not yell at a specific person. It's one of times I don't remember. I needed to send a forceful message of I need you to be on board with this."

Following the meeting the Directors told her what had been discussed prior to her arrival to the meeting. This suggests that Van Deuren issued the email because the Directors apprised her of what she had missed and the unfounded assumptions she had made that resulted in her "going off." This is evidenced by the third line of her email where Van Deuren stated, "I was made aware this morning that the discussions I was hoping you would have were the discussions you were having."

Threats and Intimidation

In her summary complaint, Director [redacted] alleged that Van Deuren had created and maintained a hostile work environment through "persistent invasions of boundaries, use of intimidation, unnecessary isolation from others, offensive conduct, derogatory/aggressive speech and gestures, threatening dialogue, and misuse of power." Director [redacted] alleged that Van Deuren created a "hostile work environment of bullying, harassment and verbal abuse." Standing alone, the foregoing examples of Van Deuren's conduct and communication with members of the cabinet and her unequivocal behavior on March 25, 2022 would allow a finding that Van Deuren had engaged in threatening and intimidating conduct that created a hostile work environment. However, additional evidence of her conduct obtained through the interviews bolsters a conclusion that Van Deuren fostered a toxic and hostile work environment that eroded the morale and effectiveness of the Directors and the District.

With regard to allegations of harassment and intimidation of Director [redacted] this reporter finds the following allegations to be supported and credible:

Invasion of Boundaries/Misuse of Power

Based upon the interviews of multiple employees, Van Deuren was credibly described as persistently invading and disregarding Director [redacted] privacy to the point where Director [redacted] was unable to hold a meeting in her office, or elsewhere where Van Deuren was present, without Van Deuren entering – without invitation – and intruding upon, interrupting or taking over the meeting. It was credibly recounted that she did this regularly when Director [redacted] door was shut. Van Deuren would look in through the glass panel next to the door and when she identified someone in the office, or that Director [redacted] was on the telephone, she would enter without invitation, explanation or apology. Van Deuren was reported to persistently enter Director [redacted] office when she was on a telephone call and ask who she was talking with. Van Deuren denied that she interrupted Director [redacted] meetings, but only after an equivocal series of statements that started with her statement that walking into Director [redacted] office without invitation "was the culture." She then appeared to equivocate by saying, "I usually knock." She then returned to her comment about the culture and said, "I thought we had that relationship." When asked about the allegation that she would ask Director [redacted] who she was talking to when she saw that she was on the telephone, Van Deuren said, "I never ask her who she's talking to

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unless I'm pretty sure who's she's talking to." Van Deuren was not able to explain how she would know. She then again pivoted and said, "I see she's on the phone and I go the other direction." Van Deuren's shifting response suggests a lack of credibility, especially in light of the multiple witnesses who provided evidence of Van Deuren's seemingly unrelenting intrusions into Director [redacted] meetings and telephone conversations.

Van Deuren admitted that she went into meetings when she saw them occurring between Board members and Directors, explaining that she did not want Board Members "going to Directors and trying to work things through." Van Deuren characterized her intrusions into meetings between Directors and Board Members as a showing of respect, stating that "it would be disrespectful" if she didn't stop in. Within the context of stringent rules Van Deuren had set regarding communications between any member of administration and the Board, her claim that it was her purpose to be "respectful" when interrupting a meeting between a Board Member and a Director lacks credibility. Directors advised this reporter, and Van Deuren verified, that her rules were that no member of administration could communicate with a member of the Board without her knowledge and her permission. Directors were not allowed to contact or communicate with Board Members independently. It was reported that members of the administration, including the Directors, followed this rule out of fear of repercussions from Van Deuren. On the occasions when a Board member stopped by the District office to specifically talk with a Director about an issue, the Director was not required to notify Van Deuren. The complainants informed this reporter that they had hoped to report the same concerns contained in their complaints to the Board on those occasions, but Van Deuren's intrusion prevented that from happening.

Further, this reporter did not find Van Deuren's justifications for her intrusions into Director [redacted] office to be credible given the contrary evidence provided by others and the example of her attempted intrusion into Mr. Russ' office on March 25, 2022. Director [redacted] significant panic reaction at that time suggested historically based fear of Van Deuren. Again, both Directors expressed extreme apprehension that day based upon their past experiences with Van Deuren and her preceding conduct of the week.

Finally, Director [redacted] has credibly claimed that over the last three years, she has had increasingly uncomfortable and intimidating interactions with Van Deuren [redacted] and consulted legal counsel. In one example, Director [redacted] has identified a significant set of exchanges that occurred over two days as representative of an abusive pattern of conduct. The incident occurred within the last several months, starting with a budgeting/referendum meeting where Van Deuren barraged Director [redacted] with questions, and then verbally attacked her when she indicated she did not have enough information to answer. Director [redacted] credibly indicated that she "mentally shut down," couldn't focus and was visibly shaken. Director [redacted] indicates that she "could barely frame a thought" and was looking down when Van Deuren said, "What, so now you are going to ignore me? That's fine, ignore me then." Following the meeting, however, Director [redacted] recounted that Van Deuren set a Diet Coke in front of her and said, "here is an apology soda." Later that day, following a meeting at the middle school, Van Deuren followed Director [redacted] out to the parking lot. When Director [redacted] told her how uncomfortable she was at Van Deuren's aggressive treatment earlier that day, Van Deuren responded that she needs someone she can "take it out on"

and that her directors "are her place where she can let down her guard." Director [redacted] told Van Deuren that "we deserve better; I deserve better."

Director [redacted] reported that the following day Van Deuren walked into Director [redacted] office and said without receiving any response, "Are we okay? This doesn't work if you and me don't work. Other than my husband, I have you … so you see the worst of me." Van Deuren then went on to tell Director [redacted] how she gets concerned when others are meeting without her, because she is afraid they are talking about her. She then said, "I know you would never turn your back on me."

Van Deuren denied all of Director [redacted] allegations regarding the incidents occurring over the two days except saying that she recalled Director [redacted] telling her the comment about deserving better in her office about three weeks before March 25. She also verified that she made the comment "This doesn't work if you and me don't work."

The detailed complaints of Directors [redacted] and [redacted] contain additional examples of Van Deuren's invasion of the Directors' privacy and aggressive conduct.

Van Deuren was also credibly reported to have made the threat to all three of her Directors, "If I'm going down, you're going down with me." Based upon credible information provided by Director [redacted] and others, it could be concluded that the foregoing examples and more provided in interviews and the detailed complaint, amounted to conduct that was sufficiently severe pervasive and persistent such that it had the effect of unreasonably interfering with Director [redacted] work performance and created an intimidating and offensive work environment.

Director [redacted] and Director [redacted] also reported instances of Van Deuren walking in and inserting herself into their meetings. Director [redacted] credibly recounted a particular meeting where she was having a private meeting with a parent employee about their child and Van Deuren walked in without invitation and sat down at the table. Van Deuren indicated she had an important matter. Director [redacted] had to suggest that she would come down and help with whatever is needed after the meeting. Van Deuren then left and when Director [redacted] stopped down later to help Van Deuren, she found that Van Deuren had just stopped by for a check-in.

Regarding Van Deuren's pattern, Director [redacted] commented, "I have never had a boss walk in on every meeting. It makes me feel like we're not trusted to do our job."

[redacted] *Discipline and Discharge Meeting*

The findings of this reporter's investigation into the complaint regarding Van Deuren's conduct in the [redacted] discipline and discharge meetings mirror findings of the larger investigation – that Van Deuren exhibited inappropriate and escalated verbal aggression toward a District employee. The findings, summarized in the following discussion, are based upon this reporter's interviews of all attendees, except [redacted] who attended the two meetings identified in the complaint, and my review of the pertinent performance and termination documents.

As previously stated, Van Deuren assumed control of both meetings in implementing a performance improvement plan (PIP) and then discharging [redacted] Besides Van Deuren and [redacted] both meetings were attended by Principal [redacted] and former teacher and

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complainant, [redacted] [redacted] District [redacted] also attended the PIP meeting. Witnesses have credibly recounted that Van Deuren was harsh and reactive in each meeting. Instead of remaining calm and allowing [redacted] to question the decisions made, witnesses have confirmed that Van Deuren was reactive and angry in the meetings. As [redacted] attempted to point out things regarding her performance and conduct, Van Deuren reacted, saying at least once, "You need to look in the mirror." The witnesses verified that Van Deuren engaged so aggressively with [redacted] to the extent that in the termination meeting, Principal [redacted] had to interrupt the heated exchange to prevent further escalation. The meeting was characterized by a witness as, "It went to h**l in hand basket." It was reported that [redacted] naturally has a loud voice and that Van Deuren became escalated and loud, so that both voices could be heard outside of the room in which the meetings occurred. One witness said that [redacted] termination "was not done as respectfully as it could have been. Dr. Van Deuren was aggressive … Dr. Van Deuren met her [redacted] with the same, if not more aggressive."

When informed of the claims made regarding her conduct in the termination meeting, Van Deuren immediately and unequivocally denied that she was aggressive and reactive toward [redacted] in that meeting. She denied that she raised her voice or that she told Ms. [redacted] to "look in the mirror." She offered up a description of how she conducts a termination meeting, indicating that she followed that protocol in [redacted] termination, saying, "I do them very prescriptively. I read the termination letter verbatim. I ask if there's any questions. [redacted] had to have her say. … I responded very flatly. I did not get loud and emotional … [redacted] did not have to interrupt an argument between me and [redacted]

For several reasons, this reporter finds that Van Deuren's characterization of her conduct and communication in [redacted] termination meeting lacks credibility. First, [redacted] accounting of the meeting was supported by the other attendees interviewed. For example, Principal [redacted] verified that he had to step in to stop the heated exchange between Van Deuren and [redacted] Second, this reporter finds that the fact of filing the complaint alone provides it credibility. Not only would [redacted] gain no benefit from filing her complaint, but filed it despite her fear that Van Deuren might retaliate against her daughter who is a teacher in the District. Third, this termination took place on Tuesday, March 22, 2022, within the week when the Directors and witnesses had credibly described increasing erratic and aggressive conduct by Van Deuren. This lends more credibility to [redacted] recounting than to Van Deuren's recounting, again suggesting Van Deuren's lack of credibility and accountability around her aggressive conduct.

Findings Regarding Professionalism and Leadership

This reporter's findings support a conclusion that Van Deuren has engaged in a pattern of aggressive and intrusive conduct toward her cabinet and staff such that she has created and maintained a hostile work environment during her tenure as Superintendent. Such conduct violates multiple SASD policies, including those policies setting out the essential duties, responsibilities and functions of her position. However, the findings of this investigation concurrently suggest that she has failed to meet her job duties and responsibilities of professionalism and leadership as detailed in SASD policies, and including specifically her responsibility to promote "a culture of respect, trust, innovation, and professionalism with Board, staff, students and community." Not

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only do the findings regarding her creating and perpetrating a hostile work environment allow a conclusion that she has failed in creating a culture of respect and trust, but the stated opinions of all administration, staff and former staff members demonstrates her wholesale failure in that regard.

As one example of disrespect, the cabinet universally cited that she is never on time for a meeting – whether with the whole cabinet, the principals or the directors. Additionally, she has at times simply not shown up for scheduled meetings with principals. Cabinet members reported that if she attends a meeting, she has been as late as an hour. Multiple members described that when she comes into the cabinet meeting late, the cabinet needs to backtrack for her and get delayed, prolonging the meetings and dealing with matters that have already been discussed by the cabinet. In her interview, Van Deuren admitted that she is sometimes late, and again suggested a lack of awareness for her own actions saying, "I couldn't tell you how late I am or what percentage of the time." She then deflected to again pair her actions with that of Director [redacted] saying, "[redacted] and I have tendency toward lateness." She went further to explain, "Sometimes I have to log out to take a phone call. Typically when an attorney calls."

As another instance, Cabinet members – Directors and Principals alike – reported that Van Deuren regularly would call them at home in the evening or on the weekends, usually regarding items that were not urgent. One Principal described this as follows, "She calls any time she wants an answer when it's in her head. She calls every three weeks about something – Sundays, nights. She'll have multiple questions or say 'I need clarification on this.' She calls at 5 and needs it by 5:30. If it happened once in a while that would be one thing, but it's not." Director [redacted] provided a listing in her detailed complaint of all the calls Van Deuren made, that she could remember, that occurred while she was on vacation or seriously ill with Covid. The frequency of the calls reported by the Principals and the Directors can be seen to reflect a lack of professionalism, a lack of respect for the administrators' personal time, intrusion into their privacy or an exercise of control.

Despite the widespread recounting by interviewees of the habit of Van Deuren to regularly call at night and on weekends, she again denied that conduct to this reporter. Van Deuren said it was not her "habit to call people on weekends." She said that she called Directors in the evening when she needed to "know something tomorrow." She estimated a frequency of once per week when she called her Directors in the evening. She stated that she rarely calls principals in the evening or on the weekends. Again, this suggests either lack of credibility or a lack of insight and awareness into her own conduct. Either reflects a lack of respect for the administrators whose lives she impacts.

Other instances already cited, such as her regular use of profanity and table pounding, to which Van Deuren casually admitted, can be seen to demonstrate a lack of professionalism and disrespect.

As a consequence of Van Deuren's conduct, communications and approach, every cabinet member and teacher interviewed stated that they did not trust or respect Van Deuren as a leader. Almost every individual interviewed expressed fear over retribution or retaliation by Van Deuren for their participation in the interview process. This reporter found that this same fear and lack of trust in Van Deuren prevented the Directors from earlier reporting their complaint to the Board.

The following quotes from cabinet members, other than the complainants, are illustrative:

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- "Our culture must be built on trust. There is no trust with her specifically for anyone in the cabinet. It's apparent it's fallen apart with the Directors."

- "No principal that feels she's demonstrating appropriate leadership."

- "I don't think she's a good human and I don't think she's a good leader."

- "She leads by power, not by leadership or teamwork. She says all the right things but leads by intimidation. I do not respect her as a leader."

- "There's a lot of frustration among the administrators. She doesn't understand the whole organization."

- "Education is a relationship business and she is not good at building relationships. She does not build relationships. She doesn't know anything about me as a human. She has never asked."

- "If Dr. Van Deuren didn't have the directors she would have been gone a long time ago."

- "I don't feel supported by her. Part of me is that I don't care. I care about my kids so much that I won't give up or quit. In my opinion, that is a bad thing. Only thing that I regret is that I didn't call her out a few times."

- "I have seen District morale change since she came in … She's coming in the building. She doesn't even say 'Hi' to the secretary. She runs the school. She doesn't greet the teachers. I have observed her walking through school not speaking to teachers. She has also ignored me."

- "There is craziness going on in cabinet meetings. What did we collectively experience? What did you hear her say? We don't leave with clear direction."

- "I suspected that Dr. Van Deuren put so much on the plates of the Directors that I'm not sure what she does … I think she put so much on the Directors; I'm not sure how comfortable they were to say 'no.'"

- "There is only so much coaching you can do for a Superintendent. She is not being successful. Too much damage has happened from when the community doesn't see the empathy from her and she has too much conflict at Board meetings…. I do not know how she could repair the damage. We will lose many great people who don't need my coaching, who can do their jobs without my coaching. I trust them to be in a meeting without me. It's hard when there's no trust with your people. Do I trust that the right message will be out there? No."

Attorney-Client Privileged

CONCLUSION

This reporter has conducted many investigations into leadership over the last few decades. In such an investigation, there is often equivocation by some interviewees who do not see conduct in the same way as the complainant. Here, strikingly, there was no such equivocation. Each person interviewed reported the same inappropriate, volatile and aggressive conduct, the same intimidation and shared fear and lack of trust of the Superintendent. The Director complainants and several other administrators volunteered to this reporter that they could no longer work with the Superintendent, indicating that if she remained in place, they would leave SASD.

Attorney-Client Privileged

Augmentation
Submitted by Dr. Amy Van Deuren, Superintendent
Dated June 17, 2022

INTRODUCTION

I am grateful for the opportunity to submit an augmentation to the report made by The Investigator from the law firm of Von Briesen and Roper dated May 6, 2022. Issues with my approach and style, especially in the opinions of several leadership team members, are alleged in this report. For instances where I offended anyone or hurt feelings, I am deeply regretful. The smooth operation of the District, the safety and well-being of students and staff, and the best education that the District can provide have always been my priorities.

I would like to begin by unequivocally stating that I did not engage in any Harassment, Boundary Invasion, Isolation, or creating a Hostile Work Environment of which I am accused. I did enter one of the complainants' offices without knocking on several occasions. I did go into meetings of my sudordinates at times. I did use physical gestures when speaking within my own physical space (including pounding a table). I did use profanity in leadership team meetings (as did other team members, although that does not excuse my use of it). These behaviors on my part were due to what I believed was a level of trust and familiarity with the team and a comfort level in speaking to them from the heart and with passion for the District's mission and responsibilities to staff, students and the community. My behaviors occurred while working through particularly difficult issues and having to move leadership team members through decisions that required them to look beyond their school or department to the good of the District as a whole.

I deeply regret that my behaviors were perceived as nefarious, threatening, or intimidating. To read in this report how my behavior was perceived completely breaks my heart. Had the requisite conversations occurred, I would have apologized all over myself and problem-solved with the complainants to make it right. I take great pride in the quality leadership team in place throughout the District, and I have worked hard to put people in the best positions for their ongoing success.

But the requisite conversations and problem-solving with me did not occur. Instead, two employees in high-ranking leadership positions filed a complaint. They did this 10 days before a critical referendum vote, which failed by 39 votes. The complaint investigation process is now going on three months. The stress of going through this process far outweighs any pressure experienced in my role as superintendent.

Contrary to The Investigator's findings, I am not guilty of these offenses, and with my reputation at issue, not addressing the falsehoods and overreaches in the report might be construed as tacit guilt. I have a contract with the Sparta Area School District, which was renewed for an additional year in January of 2022 that extends to June 30, 2024, which I view as a vote of confidence from the Board in my performance as superintendent. Most importantly, my

reputation is at stake. That is worth fighting for; therefore, I cannot let this Draft, Privileged report stand as it is written without responding.

ANALYSIS

The Complaints

The complaints and the report go way beyond issues regarding approach and style. They allege harassment under board policies developed under Title VII and Title IX of federal statutes, including hostile work environment, isolation, and boundary invasion. Title VII and Title IX require that the complainants be members of a Protected Class, such as age, gender, or religion; and that the unwelcome conduct that is alleged is based on the protected class. Neither complainant is a member of a protected class; furthermore, both hold positions of high authority in the areas of personnel and equity and should have known that they were not members of a protected class.

The US Equal Employment Opportunity Commission (EEOC) guidance recommends that an employee who believes they are being harassed inform their harasser directly that the complained-of conduct is unwelcome, but at no point did either complainant *ever once* bring their concerns to my attention, despite having full access to me within the same building during most working days and hours.

Part of due process in a formal complaint is to inform the accused of the nature of the complaint. I have received written notice of two (2) complaints, received by two employees with a great deal of District authority. These complaints were filed under Board Policy Articles 329 and 1662 (the Title VII and Title IX policies discussed above). Each complaint is less than one page and includes no detail of alleged illegal behavior. These complaints are public record. However, the questions asked during my interview and the draft report cite several other policies under review by The Investigator, including the superintendent's job description. I have received no notice that violations of these policies were at issue. I still have not received the "anonymous third-party complaint" emailed to a Board member that was the basis for the March 25 meeting between the two high-ranking administrators and the other Title IX Coordinator. Furthermore, several of the policies referred to in the report were not even mentioned in my interview with The Investigator.

One of the policies cited by The Investigator, but not discussed in my interview, is Policy 110 - Handling of Concerns. That Policy states that "it is the desire of the Board of Education that complaints be handled promptly and as close to the source as possible." The Policy also describes the process through which there should be communication up through the chain of command seeking resolution. Both complainants failed in their respective job duties regarding the additional two (2) complaints by not following this process, and the Board erred in considering these two complaints along with the complaints brought forward under Title VII and Title IX.

Based on the report, it appears that the main complainants' concerns were never brought to my attention per Policy 110 prior to my interview with The Investigator. For example, the report states that the complainants complained that I walked into one of the complainant's offices and I interrupted meetings that the complainants felt that I shouldn't have. I ask, how is the boss walking into an office or joining a meeting hostile behavior? If such behavior was a concern to the complainants, a simple conversation and perhaps a few tools (sign on the door?) could have resolved it.

Additional Complaints

In addition to the two complaints received from high-ranking administrators, two other staff complaints are cited. I received **no notice** of the two staff complaints nor any written copy of either complaint. The first I heard of either of the other two complaints was on April 25, when I was interviewed by The Investigator. To this day, no written complaint from either staff member has been forthcoming. The only information regarding these additional complaints that I received was what I was asked in the interview (first time I heard about them) and what I read in The Investigator's report.

One complaint apparently was from a staff member regarding an anonymous letter I received. The letter contained vague allegations of potential violations of student rights under IDEA and federal Title VI laws requiring ELL services at one of the schools. I shared the anonymous letter with all staff at a school. I did this for the following reasons: 1) to ascertain whether the letter was indeed from a staff member, and 2) to get more specific information about potential violations of federal law that could be investigated. The events in the letter took place a year ago. Furthermore, I sent the anonymous complaint out after conferring with the District's attorney. I told The Investigator this.

The Investigator did not follow up with this complaint in the report after initially mentioning it. However, they do use quotes from the complainant to make serious character accusations against me without supplying evidence. The final quote is particularly damaging, which accuses me of "treating the board like a bunch of uneducated fools who couldn't possibly have a better solution than the one she has presented." This statement is wholly inaccurate – I only have the utmost respect for Board members.

The quote discussed above is just one example of language included throughout the report that is personal opinion not based in evidence, fact, or policy.

The other complaint is from a former staff member who sat in as the support person for an employee during that employee's Discharge Meeting. Again, I was not aware that this event was part of the complaint, and I was blindsided by the questions. Discharging an employee is always difficult and such meetings are fraught with emotions. Upon further reflection, I do remember that I said, "You should look in the mirror." I read the termination letter verbatim, and then listened to the employee berate me for several minutes. I finally said "Maybe you should look in the mirror." The school principal stepped in and told the employee and complainant that he made the decision to terminate, not the superintendent. This was a true statement. At that

point, the complainant started berating me and said they were going to file a complaint. I responded to the complainant's berating and abusive comment by saying "I'm sorry you feel that way."

The Investigator uses this Discharge Meeting to find that my behavior was becoming "increasingly erratic and aggressive" over the week of March 25. This meeting was so incredibly stressful that it did affect me. Having to discharge someone is one of the hardest and most unpleasant parts of my job. In addition, during this meeting, the discharged employee and the complainant were both extremely aggressive toward me, to the point that I advised the leadership team that the meeting and aggression demonstrated to me caused me distress and anxiety.

Policy Language

The two main complainants chose to file their complaints using Policies 329 and 1662, even though that they knew or should have known that they were not members of a protected class, and thus, the policies did not apply. My assertion is based on their roles and duties as high-ranking administrators. That aside, they selected the policies as the basis for their complaint; therefore, it's reasonable that The Investigator should have used those policies as the basis for their investigative process. However, the Board of Education, working through The Investigator, did not follow the policy that they rely on for their complaint in several respects:

- Policy 1662, *Prohibited Harassment* states the following: *The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex, pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices (hereinafter referred to as "Protected Characteristics"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.*

  The complainants are not members of a protected class, and any behavior referred to in the report was not discriminatory or harassing based on a person being a member of a protected class. None of the behaviors in the report were aimed toward anyone based on them being in a protected class.

- Policy 1662, *Definitions* states the following: *"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a school employee on the basis of the employee's Protected Characteristics that:*

- *places a school employee in reasonable fear of harm to his/her person or damage to his/her property;*

- *is sufficiently severe, pervasive, and persistent so as to create a hostile working environment which materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;*

- *has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.*

    - As demonstrated in the report, I have done nothing that would create a reasonable fear of harm to property (or person, for that matter).
    - From a legal standpoint, a hostile working environment cannot be found, because it is a construct of harassment due to being a member of a protected class.
    - In the entire report, only one statement that could be viewed as threatening is identified: "If I'm going down, you're going down with me." No context or timeframe was provided for this comment, either in the report or in my interview. To my best recollection, I did not make this comment.
    - The behaviors reported were the kind of behaviors about which you have a conversation and perhaps an improvement plan to work through.
    - The behaviors did not result in substantial disruption of District operations.

- Policy 1662 *Definitions, Boundary Invasion,* states the following: *Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However, other behaviors might be going too far, are inappropriate and may be signs of sexual grooming. Inappropriate boundary invasions may include, but are not limited to the following: hugging, kissing, or other physical contact with a student; telling sexual jokes to students; engaging in talk containing sexual innuendo or banter with students; talking about sexual topics that are not related to curriculum;* (the examples continue in the policy).

    Boundary invasion has to do with invading personal space, physical contact, or inappropriate questions or dialogue with intent to invade a person's personal life or personal space. I did not engage in such behavior at any time with anyone. In fact, the report alleges that I was impersonal because I didn't ask about family.

- Policy 1662 *Reports and Complaints of Harassing Conduct,* (Letter E) states that *all oral complaints shall be reduced to writing*.

The additional two complaints were never reduced to writing short of their inclusion in the report as far as I am aware, and if they were, they were not shared with me.

- Policy 1662 *Reports and Complaints of Harassing Conduct* states the following: *Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.*

  The two administrator complainants filed their complaints referring back several years. There was no timely reporting, nor attempts to resolve issues. Rather, I approached both complainants on several occasions to ask them what they needed from me. I almost always received a response of "nothing" or "everything's fine." On one or two occasions, one of the complainants did say that they were overloaded and needed more help. The other complainant would not disclose the nature of their issues, although I gave them several opportunities for them to do so.

  I did share the above information with The Investigator in my interview, but they did not include it in the report.

- Policy 1662 *Complaint Procedure* states the following: *Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, Superintendent, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.*

  One of the two additional complaints (regarding possible student IDEA and ELL services violations) were made after a year, while the two complainants allege behavior that goes back years, and never once before had they brought it to anyone's attention for resolution.

- Policy 1662 *Investigation and Complaint Procedure* states the following: *Once the complaint process begins, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).*

  I was not interviewed until after a *full month* of oral notice from the Board President that there were complaints filed against me. The report was not completed until approximately a full 6 weeks after the oral notice of complaint.

- Policy 1662 *Complaint Procedure* states the following: *The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do*

so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint.

I was not told about any specifics of the complaint, except to say that the incidents of March 25 were the basis of the complaint. It was not until the weekend before my interview (on or about April 24) that I received the summary, no-facts-included version of the two complainants' complaints.

Moreover, I was never afforded the opportunity to submit a written response to the complaint. I had no idea where this was coming from. Even if I had been afforded this opportunity, I would have had no idea what to respond to, other than the events of March 25. As evidenced by the report, there was a lot more to this complaint than I was told.

- I was never given an opportunity to submit a response to the written complaint, nor any deadline.

As a result of this omission on the part of the Board of Education and the Board's Attorney (who, by Policy 1662, is the Title IX coordinator for this complaint since it involves the superintendent), when I went in for my interview, not only did I not know what this was about, but ALL of The Investigator's information and documentation were supplied by the two main complainants, whose interviews , to the best of my knowledge, had been completed, or largely completed, 2-3 weeks prior to my interview on April 25.

- Policy 1662 *Privacy/Confidentiality* states the following: *The School District will employ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed.*

The Board of Education failed to make reasonable efforts to protect the rights of the complainants, witnesses, or myself by being careless with the Draft Confidential Attorney-Client Privilege copy of The Investigator's report and failing to consider the impact the numerous flaws and errors would have on those involved, including myself. That being said, it is worth noting that neither myself nor complainants, nor several of the witnesses have an expectation of privacy given the very public nature of our positions in the District.

- Policy 1662 *Reprisal* states the following: *Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's work status or work environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.*

    Both complainants and The Investigator knew or should have known that the complaints do not state valid claims of Title VII or Title IX Harassment, and that they do not rise to the level of policy violations regarding hostile work environment, isolation, or boundary invasion.

The Interview

It is important to provide context for the information I provided in my interview. I was placed on paid leave starting Wednesday, March 30. On March 28 and 29, the Board President asked me to take paid leave days, which I did. The paid leave letter stated that there were two complaints based on the two (2) policies under Title VII and Title IX, and that I was to have no contact with anyone in the district or community who might be part of the investigation. At each instance, when I was given a direction, I followed it fully.

I was not interviewed until April 25, with nothing other than the information I have provided in this response thus far, with the exception of the actual names of the two complainants.

In the interview I was asked to recall the details of several specific meetings that I had not thought about in a very long time. I recalled them as best I could. I was extremely nervous as the tone of the interview was more prosecutorial than fact-finding, including several leading questions that required one-word responses (for example: do you agree that employees should take vacations?). I was told I could take a break if I needed one, yet when I did so (after more than an hour of interviewing), that action was portrayed as negative. In fact, virtually everything I said or did was either portrayed as negative or if my response was positive or appropriate, it was not included in the report. I was never asked for a written statement, nor was I asked if there were any witnesses I would like interviewed on my behalf.

The report insinuates that I engaged in threatening behavior yet there is not one credible claim of a threat or indications of any physical aggression made by me against anyone. As an example, if I "literally backed [one of the complainants] into a corner" as alleged by the other complainant, why wasn't that incident probed, and why wasn't I questioned about it during my interview? I was never asked about backing anyone into a corner, nor did I ever physically back anyone into a corner. No one was threatened with discharge, improvement plan, or other adverse employment action. I did not lunge, kick, hit, or ever threaten to lunge, kick, or hit anyone. I slapped my forehead and pounded a table, and pointed a finger in the air, all actions within my personal physical space. Yet, The Investigator finds credible evidence for a hostile work environment, which cannot be found from a legal sense since the two complainants were not subjected to unwelcome conduct based on a protected class.

I gave specific instances of addressing behavior in the interview that were never mentioned. Specifically, an administrator used a particularly vile profanity regarding female anatomy during a cabinet meeting. Everyone was silent for a second, and several people (me included) nervously laughed it off and kept going. I could see that another administrator was upset with the episode, so I called a recess so I could talk to the upset administrator. That administrator explained that they had daughters and did not appreciate the language and was very disappointed at my laughing and moving on. My response was "You're absolutely right, I should not have done that, and I'm sorry." I called the administrator who made the comment and we both extended our apologies to the rest of the cabinet when the meeting resumed. I went first and then the principal. Nowhere was this stated in the report.

Finally, the Investigator found that the physical manifestations of my medical condition that I unknowingly displayed during my interview were evidence of a lack of credibility on my part. They also took my standing up to take a break (as was instructed) as a lack of credibility. I was a nervous wreck; my anxiety was high and I needed a break.

Meetings Leading up to March 25, 2022

Leading up to March 25, 2022, stress was high for me as well as others as we had difficult work to do to prepare for potential budget reductions. Contrary to statements in the report, we weren't in a position by March 22 to make the recommendations that the cabinet wanted to make. I wanted to get the BOE's approval for staff reductions. Complainants were not happy about that because they wanted as much time as possible to get non-renewal notices prepared. I told them at least twice that we weren't ready to do this on Tuesday.

The meeting referred to on March 22 was one in which the principals and directors were in separate rooms much of the time. I was back and forth between the two. At one point, the directors wanted me to hold a meeting after school for staff for an update. I wasn't sure about that. I went to the principals, who did not want such a meeting.

I'm not sure why everyone was under the impression that the specific positions were coming out on March 22. There was no indication that I was going to do so in my communications, board presentation or other actions, yet principals were under the impression that I was. Not one person said anything to me before the meeting.

I never said that the board members were "just new" and "didn't understand" nor would I say such a thing especially since one of them is the former superintendent of the District.

On Thursday, March 24, I laid out the plan for moving forward with the directors. It was clear-cut and based on where I had been going on this for at least a week. Immediately, one of them started asking several questions. We went through everything to end up back where we started – with what I had laid out. What I anticipated would take 20 minutes took much, much longer.

When I asked complainants to leave, I said “Please leave so I can have a nervous breakdown by myself.” They never asked what they could do to support me. They quietly left. I was left frustrated, bewildered, and confused how no one seemed to get the communication that we were not releasing the positions on Tuesday. I still don’t know why that went forward when I said we weren’t ready.

Problems with the Report

The “facts” presented in The Investigator’s report are significantly flawed in several respects. These flaws have been brought to the attention of the Board President and presumably the Board of Education, yet they are comfortable releasing this flawed report without corrections. Thus, I am crafting this response to address at least some of the more egregious flaws in the report. Specifically, the flaws in this report include (but are not limited to) the following:

- The Investigator shows a bias in the way she references the individuals in this report. Everyone else is always given a title prior to their name; however, I am merely “Van Deuren.” It may be a small thing but does demonstrate her bias.

- The Investigator noted that …[complainant’s] crying was an indication about her being “visibly scared,” whereas The Investigator noted that “Van Deuren’s” crying was her being “annoyed.” There was a clear bias against me and a clear sympathy toward complainants.

- The Investigator includes many statements in which witnesses are editorializing rather than providing facts. Moreover, several of these statements are not backed up by fact, and they do not relate back to the allegations brought forward in the complaint. Further, many of the supposed witness statements are not attributed to anyone, so it is impossible to know the context of the statement nor the number of individuals who made the comments.

- The Investigator uses ascribed inflammatory adjectives to my behavior at every possible opportunity, to the point of clearly biasing the report.

- The Investigator does not appropriately address the allegations of the complaints as follows:

    - The Investigator does not even include the relevant and necessary language of Policies 329 and 1662 that indicate they are based on Title VII and Title IX.

    - The Investigator does not state a clear finding of fact based on policy. The Investigator does not confirm there was no harassment as required by Policies 329 and 1662 although that is clearly the case; rather they report “around” the issue to ascribe as much negativity to me as possible.

- The Investigator included quotes *from me* as remembered by complainants. I corrected those quotes in the interview, but *none* of my corrections were included in the report.

- The Investigator incorrectly finds a hostile work environment, which is a construct of being in a Protected Class and subjected to mistreatment because of one's membership in the Protected Class. This is not legally possible. *See SASD Policy 1662.*

- The Investigator incorrectly identifies walking into offices as invasions of boundaries. Behavior that constitutes boundary invasions are such things as invading personal space, touching, sexual innuendo, etc., not walking into a subordinate's office to chat with them. *See SASD Policy 1662.*

- The Investigator never addresses a finding for the two additional complaints. Rather, these are presented intermittently throughout the report to show that individuals are upset or angry with me.

- The Investigator strays from facts to make singular, unsupported conclusions, going so far as to find that a complaint report from a staff member was credible merely because it was filed.

- The Investigator omits sections of my testimony that demonstrate that I have addressed issues when made aware of them.

- The report characterizes me as engaging in boundary invasions when I sought complaints out when they were in their offices. I entered complainant's office while they were on the phone a handful of times. Most often when a complainant was on the phone, they would usher me into the office with a gesture. When I stopped over, they would most often get up and open the door.

As an example of the bias and the effort to spin every action on my part as a negative action, The Investigator criticizes the way I handled a complaint about services required to be provided to non-native English-speaking students, and students with Individual Education Programs (IEPs). This complaint was delivered in paper format anonymously to my office. It purported to be from a teacher, but there was no proof of that. The allegations were of serious general deficiencies in both departments over time, but no specifics were provided. I consulted with the District's attorney regarding my obligations and options for addressing it. I followed the advice of the attorney and sent the anonymous complaint to all staff at the school asking for the complainant to come forward with more information that would allow me to move forward with addressing the complaint in an appropriate manner. This action led to a complaint filed by a staff member (a year later) whose feelings were hurt, and further alleged that I did not respect staff, and that I considered board members "fools," without providing any evidence on the part of the complainant to back up those claims. As stated above, I would never refer to Board members as fools or in any other way denigrate them.

It should be noted that it is not the Board's role to conduct an investigation. Rather, in order to determine whether an investigation should or could be commenced, I sent the email in an attempt to gather information to either support or negate the serious charges that our staff were not following federal laws when providing services to students. Had I turned a blind eye to the allegations, it could have exposed the District to liability for violating students' rights under federal law.

Because my reputation is at stake, and my credibility is called into question throughout The Investigator's report, I would be remiss if I did not identify significant areas where complainants were derelict in their duties based on their positions as high-ranking administrators. Thus, I provide the following examples.

- Complainants knew or should have known the requirements of their human resources responsibilities and followed the procedures in Policy 110 whenever a concern or complaint was brought to their attention, including when it concerned something I allegedly said or did.

- Both complainants heard me ask them to leave so that I could have a nervous breakdown by myself. I have never made such a remark in my nearly 57 years on this earth. By their own admission, they could see that I was under a great deal of stress the week of March 25. In addition, at least one of them knew firsthand that I was taking medication for anxiety. In their District roles, they did nothing and reported it to no one. Instead, they went to their office and double locked their doors, and/or went home early, then they filed a complaint against me.

- The report states that principals brought concerns to Directors. Instead of abiding by Policy 110 and addressing issues and concerns, the complainants instead enabled principals to bring concerns to them (founded or unfounded) instead of using policy to problem-solve issues in a professional, productive manner.

Much is made of what happened on March 25, and my intentions that day. In this instance, one perspective is taken as total truth, and the other perspective (mine) is taken as wholly "disingenuous" and "not credible." There are several problems with this approach that result in an inaccurate portrayal of the events as follows:

I left that day to travel to LaCrosse. It was not so unusual that I would do so. In fact, one complainant states, "I knew I shouldn't have parked there," knowing that it would not be out of character for me to stop by and check in if I saw their car parked at SHS. At no time did I make any physical move toward anyone, nor did I make any comment that directly or indirectly addressed anyone's physical being or security. Yet, complainants express fear for their physical safety with no actions on my part to substantiate that fear. At all times, I maintained a respectful distance from complainants and other administrators. I remained respectful in my speech to complainants, administrators, and staff at all times, although I grew inquisitive and was unclear as to the reason for their

meeting. A simple, direct answer from any of them that they were processing a complaint about me would have dispelled the lack of clarity.

According to the report, the initial reason for the meeting at SHS was an anonymous complaint allegedly emailed to a Board member. It was allegedly a third-party complaint that was emailed to "a Board member." We do not know which Board member received the complaint, nor have I seen the anonymous complaint. In fact, the anonymous complaint was dropped in the discussion of events on March 25, never to be referred to again in the report. If the anonymous complaint were so concerning, it should have been part of the investigation. Indeed, the anonymous complaint is certainly relevant to what happened that day and should be produced.

When I arrived and asked to speak with the complainants regarding two matters I had pending with them, the Title IX CO stated "it would be best if you left" at least twice while I was in the office. I told The Investigator this. It was not included in the report. This is the only information I was provided as to why the individuals were meeting at SHS that day.

The Investigator stated that my reasons for going to the high school on March 25 "lacked credibility;" yet, the complainants were not surprised when I arrived. In short, I went out for the reasons I said I did. I did not get to address all of the things I wanted to with the directors because when I went into the principal's office, it was clear that something was very wrong.

During the events of March 25, I did not hear the words "private meeting," "confidential matter" or anything of that nature. What I heard (and only the principal spoke) was "it would be best if you left." Yet in my interview, I was repeatedly asked about a person's "right to a private meeting" and the urgency of a matter as it related to interrupting a private meeting. I don't know where the right to a private meeting came from (although it does appear in the complaints), or that I needed a specific level of urgency to check in for the weekend on a few work-related items. The complainants knew what they were doing; I did not know what they were doing. I believed my staff was meeting about work-related business at work, on work time. How would I know this was a "private meeting" if no one told me that it was?

The Investigator emphasizes the allegation that I put my key in a door lock, apparently as evidence of nefarious intent. To be clear, I did not put my key in any door lock while I was at SHS. The Title IX Compliance Officer (CO) in charge of the complaint at the time had his hand on the door. I did not make any physical contact with the CO nor invade their personal space. Two people were behind a windowless wooden door and had no knowledge about who, if anyone, put a key in the lock.

According to the report the two individuals who are the Title IX Complaint Officers of record exchanged four phone calls on the morning of March 25. Yet, neither of them

called the Board President until the afternoon. That hardly qualifies as “immediate” action as described in the report.

I made phone calls in my car after going into the school the first time because I had *no idea* what was going on. I am the superintendent charged with the operations of the district, yet no one would tell me what was going on. My best guesses were that it was a complaint regarding the termination meeting, or that the complainants were concerned about me based on the comment I made the previous day about having a “nervous breakdown.” As evidenced by the email I sent to Board early on the 26th, I trusted my team and thought they were looking out for me.

Even the email I sent to the Board and to the complainant and principal is viewed in a negative light by the Investigator. By the morning of March 26, I knew that there had been a complaint filed against me (nothing more). I did not know what opportunities I might have to communicate with board members before the situation went further, and I wanted them to know a few things: 1) that the WASB attorney was there for *them,* use them; and 2) they are in good hands with the complainants (who I did not know were complainants at the time) and the principal. The Investigator indicates that I “inexplicably” sent the email to the three individuals referenced. I sent it because they were referenced, and I wanted them to have all of the same information that I gave the Board. I also wanted them to know that I trusted what they were doing. What is totally “inexplicable” is The Investigator’s belief that, on March 26, I knew that the 2 directors were THE complainants, and that the principal was the person to whom they brought their complaints.

In short, my actual behavior and the allegations do not align. I did not act out of character by stopping by SHS to see my cabinet members before I left for the weekend, nor did I have nefarious intent. I did not use threatening language, nor make any physical motions that would have indicated that I posed a physical threat to anyone.

Investigator’s Conclusion

The Investigator’s conclusion merits a detailed response herein.

First, she wrote: “*This reporter has conducted many investigations into leadership over the last few decades. In such an investigation, there is often equivocation by some interviewees who do not see conduct in the same way as the complainant. Here, strikingly, there was no such equivocation.”*

I had no say in the witnesses that were called. I presume complainants did. The interviewees were three directors, two board members, four principals, two teachers, one secretary, and [redacted]. Yet the leadership team is made up of 22 people. Only 8 of the 22 were interviewed. It is important to note that each of those 4 principals interviewed are individuals about whom I had concerns regarding some aspect of their performance which I discussed with Directors.

Next she said, "*Each person interviewed reported the same inappropriate, volatile and aggressive conduct, the same intimidation and shared fear and lack of trust of the Superintendent."*

> The Investigator reached the inflammatory conclusion that I engaged in conduct that was "persistently" "intimidating" and "violent," which made coworkers fear for their "personal safety." Those conclusions were leaps of illogical magnitude. I have no criminal record. I have never threatened anyone's physical safety or physical being. I never threatened anyone's employment. In fact, I regularly served as a positive reference for the very individuals who were complaining to have been physically fearful of me.

Finally, "*The Director complainants and several other administrators volunteered to this reporter that they could no longer work with the Superintendent, indicating that if she remained in place, they would leave SASD."*

> At least two directors and two principals had actively sought other positions prior to this complaint being filed, of which I was aware. I wrote very positive letters of recommendation for several of them.

CONCLUSION

Former Board Member [redacted] often referred to the superintendent as the "captain of the ship." In order to effectively steer the ship in a straight and true course, the captain must have all of the information. Most of the comments I read in the report were comments that were never made to me. Directors and principals talking among themselves and identifying potential issues with my approach and style, yet never bringing them to my attention, does not allow for resolution. In fact, suppressing such information only allows dissatisfaction and tension to increase unfettered.

There is no question that complainants and other witnesses summoned by complainants didn't like or agree with some decisions I made or some of the ways I engaged them. That does not mean that the behavior constitutes harassment. The draft report from The Investigator very dangerously proposes a precedent for the District that complainants' subjective feelings constitute harassment, bullying, intimidation, dereliction of duties, and/or physical harm against another. If that is the precedent that the District wishes to create, there is no limit to the violations that would result, and potential liability for the District that they would create. Perhaps even more troubling for the District is that the same lack of definition would apply to student discipline. Any SASD employee who attempts to discipline a student will risk engaging in "physically threatening conduct" if that student "feels" that their personal safety is at risk. That is the standard that is set by the report.

At the end of the day, the Board of Education has one employee: the superintendent. Communications that use backchannels to go around the superintendent without directly addressing potential issues makes unsolvable problems out of solvable

ones. As is clearly reflected in this report, it is reasonable to conclude that such communications were occurring with directors, principals, and perhaps even Board members.

As an employee of the Sparta Area School District, I am entitled to the same due process, fairness, compassion, and empathy as any other employee in the District. I am entitled to be made aware of any failing in the execution of my duties and an opportunity to correct them. The portrayal of my character and my behavior has been extrapolated to an alarming degree based on worst-case scenarios for which there is no evidence nor reason. I have worked hard to earn the experience and credentials to do the work I do. Leading the Sparta Area School District through COVID, political division, and potential (now real) budget reductions has tested the patience and resolve of us all.