

unreasonably interfering with . . . an employee's ability to perform his/her job/ or creates an intimidating, offensive or hostile educational or working environment." While that part of the definition may seem to fit on occasion, "harassment" and "intimidation" is prohibited by that Policy only when it is based on protected class status, such as sex. There is insufficient evidence that Draper's conduct fits that part of the definition.

## **ISSUE: USE OF BOARD POSITION TO ACHIEVE PERSONAL AGENDA**

Policy BBF ("Board Member Standards of Conduct") requires Board members to "[r]efuse to bring personal or family problems into Board considerations," and to "Give the staff the respect and consideration due skilled professional employees."

The "Request" raised issues about Draper's conduct concerning a specific event, during spring 2019 parent/teacher conferences, when he allegedly "*verbally assaulted the choir teacher,*" stating, "*Why would anyone ever put their student in your class*" and "*You took a pristine program created by [former teacher] and destroyed it.*" According to the "Request," this first-year teacher was distraught and felt intimidated, crying in the Principal's office afterward; "*When confronted with this information, Derrick [Draper] did not deny it and his defense of his behavior indicated he felt he had a right to treat our teacher that way and would not hesitate to do so again. When told she cried, his response was 'Maybe she needed to cry', as though she deserved to be punished.*" The "Request" [p. 17] cites a "*long history of this behavior,*" and Draper's using the power of his board position "*to create a fear of retaliation, something he has proven he does which makes it a reality instead of a possibility.*"

Draper responded that he attended the conference with his wife and middle-school-aged child. "I may have said one sentence. My wife was making these statements," he recalled.

The teacher has since quit and moved to Colorado, but was interviewed about the conference, which began with a discussion of how the Drapers' child was doing in choir, then continued with a general discussion of classroom behavior issues and cancellation of some performances. The parents asked why they should put their daughter in choir the next year when she could enroll in Spanish or an AP class instead. She recalls being asked, "Why aren't you able to run the program when it was handed to you [by the former teacher] ." Both parents talked, but the "louder portion was mostly him [Draper]," the teacher recalled. She emphasized that the parents' concerns were appropriate but not the manner in which those concerns were delivered. Other parents had questions as well, she recalls. "I don't fault the Drapers' their concerns, just the manner they were presented." The conversation made her cry, and she went to fellow teachers and the principal for support.

The teacher responded that she did not know at the time of the conference that Draper was a member of the school board.

Draper returned to the topic of the choir teacher in his email of May 30, 2019 to Elizondo, wanting to "have a discussion with whoever hired the last choir teacher. She was absolutely