

FEBRUARY 3, 2023 CLOSED SESSION MINUTES

Wiskus – So Lisa’s going to pass around, we have a resignation of employment and release agreement and I guess we have...you don’t have a signed copy but we have a copy signed from Mr. Hodges already.

Swarts – Did I not print out the signed copy?

Wiskus – You do have a signed copy?

Taylor – You do have a signed copy?

Swarts – Shoot, should I go...

Wiskus – Yeah, oh, are we recording yet?

Swarts – Yeah, yeah

Wiskus – Yeah, do we need to have that one here?

Swarts – Yeah. Do you want me to go get the signed one?

Taylor – Yes.

Wiskus – Let’s do that please. Take a minute go ahead and read this so you’ll understand and then when Lisa gets back, Mark’s going to walk us through a couple things.

Taylor – I want to print this and get a copy for everybody.

Wiskus – Okay

Taylor – Because there may be some slight differences to the unsigned copy.

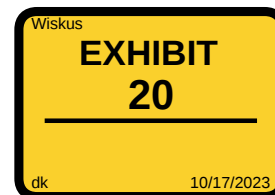
Wiskus – Yeah, because we need to get....because paragraph 11 changed.

Taylor – Right, that’s the difference **inaudible**

Wiskus – So as you read through just know when you get to the 11, that’s been eliminated because Mr. Hodges is not over 40 years old. And that is a paragraph that is, those timelines are only needed, for if your over 40 for age discrimination.

Taylor – That’s the change.

Wiskus – Not age discrimination, what do you call it?



Taylor – Yeah, you’re right.

Wiskus – Yeah, at 40 you become a protected class, employee by age.

Taylor – Lisa, I forwarded that to you.

Wiskus – Basically as we, prefer not to have 2A in there, 2A gives us paragraphs 4, 5, and 6.

Swarts – Sorry, here **inaudible**

M. Thomas – So this is....

inaudible

Taylor – Yes do you guys want me to start going through some bullet points from that lawyer. Or do people need another minute still? Okay. Alright, so these are the items from the lawyer on this that I kind of draw your attention to.

So he will be officially on leave through the 13th, that’s when we would officially approve his resignation. Even though it will technically take affect now in terms of things like being able to go post and start look for a replacement, which is important for that position.

And the reason for the 15 days which is the item that is to the end of February is the case is because in doing termination we would have ended up paying him pretty much through the end of March to follow timelines. So to get him to give up a slight amount of the money he was going to be able to get from us to go through a termination, to get this done quicker for us and in his case, for him. So that is what Item 2 does. It also is an item that causes Item 4.

As you are probably aware, there was a leak of a document should not in any way, shape or form, been leaked from the investigation from some party. That has traveled through social media and to the media as well. There’s a desire to get this done quickly. An agreement does another important thing for us. Allowing for this agreement, doesn’t only save us paying some days, and gives us release from potential lawsuit from him, for any wrongful termination that he may try to bring, but it also makes it where we don’t have to bring a victim, a young, teenage, female victim to sit in that chair in a hearing in front of a group of us men to be re-victimized, which could then also again happen on appeal, should we issue a ruling and he appeal. And potentially other young female witnesses to have to talk about their story. So that helps us to keep victims out of the limelight. Let me find the right one here.

There will likely be some initial media coverage or social media talk and it will die down as the news cycle moves along. Because that form got leaked to the public, undoubtedly we will hear some backlash.

Wiskus – Does everybody know what got leaked?

M. Thomas – You know, I have no idea what’s going on.

Taylor – It was the Level 2 investigation on allegations of sexual harassment. The question was whether it was sexual abuse, but sexual harassment was what it was founded as on Ryan Hodges with a 17-year old student. The report talks about a couple of witnesses and what they had experienced in previous years from him. Unfortunately, doxing is the term in this case. There was another witness who didn't want to tell her story from some sexual contact. Now her graduation year and her initials are out in the public because this document was released and she's now doxed and people will probably figure out who she was and what happened to her. She wasn't ready to tell her story.

Wiskus – She's trying to move on in life and doesn't want to relive it. But somehow the County Attorney's investigative report got released and is floating around on social media.

Taylor – We have suspicions. We've checked our side. We've checked any place that it was received here, any place it went from here. From our office, it is not possible for it to have gotten anywhere. There are still a couple of other parties who did receive by law a copy of that level 2 report. And they're not required by law to keep it confidential either. There's no law stating that they can't share that with somebody. It's just unfortunate because it kind of outs a couple of other young ladies and what happened to them. So that is something that could come out of this here. I will tell you for the sake of the district there's an item in there that says that the young lady who is the center of the investigation had claims of staff members bullying her about the issue and some students bullying her about the issue. We did deal with some student bullying. There is an investigation on a staff member. I will tell you it's not concluded yet, however what we're finding is it sounds more like the girl had heard from a friend that they were talking about the issue in class. The teacher said "knock it off, don't talk about that, that's not true." But again, I take it seriously so if we find out there was bullying, then I'll come right back to this table with a name if I have to because I'm not going to let a victim be bullied by somebody in our school. I don't believe it's that but because we can't comment on it, the story may very well be that Centerville staff bullies victim. So you may want to be prepared for that. So ending this quickly and getting the story done benefits us in that way.

So bullet point 5, "the leak is very concerning, once this is over I'll continue to investigate as appropriate." We have no authority over the other parties. So there's not a discipline that we can issue over that but we'll continue to investigate because we want to know how the leak happened so we know if we ever have to do another investigation again we can try to avoid that if possible.

We have a statement that Danielle has written that I will share with any media that requests additional information on this. This, because it's a voluntary resignation, we're not allowed to discuss the specifics of the resignation. Danielle puts clearly with the information already out in the media people will already know what transpired. They'll have a pretty good idea. But that statement was given to his attorney to look at and agree to because of the fact that the information was released out there and we wanted to act in good faith to show we're not trying to trick anybody here, we are appalled by the fact that, that was released as well, covering ourselves with them, to be honest with you.

If an employer calls, we will simply advise of his dates of employment with the district. I will tell you as an educational leader, when you hear that someone was allowed to leave from a position in February as important as a high school counselor, that says a lot.

We've also filed two separate complaints with the Iowa Board of Educational Examiners regarding the outcome of our investigations and will continue to investigate any allegations of bullying and

harassment toward the victim. I'm told by the BOEE that because they're in the process of changing lawyers and very backlogged that it will likely be months before they're able to get to reviewing that case.

Any questions?

B. Thomas – So he will continue having a teaching license?

Taylor – Until the BOEE reviews.

B. Thomas – Got you.

Taylor – Yeah.

Carter – One question I would have is, where does the District sit as far as possible legal action from the family of said victim?

Taylor – Yeah, and that's why it's important we do and have investigated the claims of bullying and properly document those. In terms of legal action against the district, I mean you would need to prove negligence in that case. Properly investigating, placing somebody on leave...what we did on the first day, protected us from most of the potential damages, by placing them on leave and removing that student from an unsafe situation. We also provided the student with a safety plan. There's a family member that teaches at the high school, an associate that the student feels very safe with that if she ever felt unsafe in a class or felt like a kid was talking about it or something was coming up or she needed to be somewhere safe, she could go there and we worked that out with the parent so that would be something that we would certainly bring up on our behalf for what we're doing.

Obviously I take really seriously that there is a concern that there is a staff member that may have potentially allowed talk in their classroom about this topic either with a student there or not there. You know, I take issue with that. Andy Hotek is conducting that investigation because I'm the appeal level. So I've learned a lot through this process. When we started into this I thought "alright it's my job, I'm going to go out there, I'm going to be hands on, first line of defense." Technically that takes away an appeal that a teacher's supposed to have.

Wiskus – I think that's a policy we reviewed this summer, isn't it?

Taylor – Yeah

Wiskus – This is how important board policy is. We updated these policies this summer.

Taylor – And probably some revision for bullying and harassment policies are going to come of this. Obviously some training for our staff is going to come out of this. I think some reporting on bullying and harassment and what we should do if we see things in classrooms. A lot of work to do, coming off of this. But it's the right work to do and I think in some cases it's work that may have been needed for a while.

Wiskus – Okay. What other questions do you got?

B. Thomas – Now who all investigated this? So there was an investigation by the police department.

Taylor – Well that was short-lived because it wasn't determined to be criminal activity at that point. There was no real proof to actual criminal activity. Ann Morgan works for Great Prairie AEA and also does investigations for school districts, serves as a lot of districts Level 1 investigator. In this case we had Ann serve as our Level 1 Investigator because when we approved Level 1 investigators this year, we approved me, with my alternate being Ryan Hodges. So we thought it best to go outside to pull in a person for that. And actually as we move forward, I'm really thinking we'll probably name, I'll probably recommend that we name Andy Hotek as our Level 1 investigator next year with an alternate of another assistant principal or dean.

Wiskus – Is that action we just need to take up and do since Hodges is gone?

Taylor – Well with him resigning we might need to actually. That's a good point. But really, I probably really shouldn't be Level 1 at any point. But that's something you live and you learn. I took an investigation class. I think you guys probably saw that a couple of weeks in a row on my agenda. I took that this year and that's something Ann Morgan happened to be a teacher of that class and she said if your district has your superintendent as your Level 1 investigator, you need to get that changed right away...about a week before this came out.

B. Thomas – Okay now there's an investigation by the County Attorney, you're saying?

Taylor – Yep, so when Level 1 was concluded by Ann, she refers it, because it was founded with her. She refers it to Level 2. And our Level 2 is the county attorney, who then conducted her, really review of the documents and determined if a crime was committed or if, really how did they word that? So, Level 1 determines if the behavior would rise to the level of being some form of abuse or harassment. Level 2 determines, did this person actually do it intentionally. And in this case, it was founded as sexual harassment. So that's where we get the Level 2 report. So that, along with our Level 1 report, all text messages and interview notes that we have, were forwarded to the Iowa BOEE for them to review in terms of licensure.

Burger – And they'll make a determination on whether or not what Level it's founded?

Taylor – Right, well and if they think it's worthy of loss of license and for how long.

Wiskus – Yea, so at this point, his license is in their hands and what they do is, you know, if we were not to do this and we were to wait for the BOEE to come back and say they were pulling his license, then we'd have to terminate because he doesn't have a license. In this case, we're getting in front of that. So whatever they do with his license is no longer a district matter because we approved for him to no longer be a district employee.

Taylor – And if they don't pull his license, which I would find hard to believe, but if they don't, we would be past the date I would, we have to tell certified employee that they don't have a contract for the next year, and we would be on the hook for his contract for next year. So in this case, waiting for the BOEE wasn't something that we could do for the sake of the district.

Burger – A concern that I have, is that he has two children in the district.

Taylor – Yeah

Burger – And, I would hate for any backlash to happen to them **inaudible** fired.

Taylor – And I know through this, that they’re both, I think Lakeview. Well at least one’s at Lakeview and I think things have been pretty good. They’re littles still so not a lot of their friends know about this. I’d be really concerned if they were junior high or high school age. I really would worry about that. I know Terri is...Terri is aware to watch out for the kiddos to make sure their alright.

Burger – And as this being a voluntary thing, any events that they had or anything, he could walk right in. We might hear something.

Taylor – Even if it weren’t voluntary, our power on that one is kind of limited in the case where someone has guardianship of a student. So like if he wanted to go to a concert for his kids or something, our powers would be limited in that area.

Burger – But it could be frowned upon by people in the community and we would hear about it.

Taylor – Oh I would guarantee we would. Unfortunately, the law doesn’t give us power on that one.

Wiskus – I think there needs to be an important terminology brought up here. Because Mr. Hodges voluntarily offered his resignation, and again you guys have been great about not talking to the media, and I haven’t been asked by anybody, but you’ve been trying to remain impartial and unbiased and I appreciate all the efforts on that. We will not be using the term resign in lieu of termination.

Taylor – So that has a very specific, in the eyes of Iowa law, that has a very specific connotation. And so because this came prior to the commencement of termination proceedings, if the media would contact us on employment status, it would be voluntary resignation.

Wiskus – Okay, now if we were sitting at, in a closed session, looking to terminate him and he says “I resign” that would be a resignation in lieu of termination because at that point we would have started termination proceedings. Because the District has not done that, this is just a straight voluntary resignation. And part of the expectation of the agreement is that the term resign in lieu of termination will not be used. So please don’t slip up and use that term.

M. Thomas – He just resigned.

Wiskus – Yep. So if somebody says, “he resigned because he was going to get terminated,” don’t say yes. You can just say it’s a voluntary resignation because that’s legally the terminology that we’re working under.

Burger – I’m glad you brought that up because I’m not the greatest with words.

Shondel – I’ve had two people contact me today and basically tell me he’s taking the easy way out.

Taylor – So and I will tell you for your conscience, because this was a hard one, this was a tough pill to swallow in some ways too. This allows a 17-year old girl to not have to sit in front of us and then again in front of a judge and talk about it.

Wiskus – Because in his defense, for those of you who were in a previous termination closed session and if you remember what, you know what the employee’s attorney was going through and saying to basically defend his client, could you imagine what an attorney was going to do to a 17-year old girl whose already been victimized? And so, yeah this is...

Taylor – I can tell you after my discussions with the investigator it was not going to be pretty what he planned to say about that young lady and her relationships.

Wiskus – So, so a lot of this is we're protecting a teenager.

Carter – Seriously?

Wiskus – Yeah. Now what I will say about Mr. Taylor's handling of this, I've had to remain unbiased too. My supervision of Mark through this process has been basically through Danielle because I have the duty to be unbiased too. Early on I saw a couple of texts just to say "Yep, Mark you're on the right track." My supervision of Mark has been through: what is going on with the timeline, where are we at, what is the process. It was all "what is the process we are going through to do this. Okay so this has started, okay so now we have this, what are we doing this." It's all been process. It's not been any evidence at all. So I've been kind of closed out of all the evidence that you guys have had. And my, I guess supervision has come through the discussions with the District's attorney saying "Are we on track, are we doing the right things." And all along she's assured me that we're doing the right, we're handling this the right way.

Taylor – This would be a super clean process if it weren't for whatever leaked that Level 2 report in the end there. And that's the part that kind of sticks in my mind is something that I want to know what we can do to prevent that in the future. Not because I want to hide something or cover anything up just because it's not clean in our process.

Carter – So I will assume that this, that report will probably actually hit the news media **inaudible**

Taylor – Yes

Wiskus – Probably

Carter – Because I haven't seen anything across any of my...

Taylor – I mean I saw it on Emily's **inaudible** so I would guess.

Wiskus – So this is why we'll all turn these back in to Lisa. And as I understand it, that, because we just want to make sure that nobody walks out with this, right? So we're all clean. But this could be released under Freedom of Information Act request.

Taylor – I think there may be some debate on that now.

Wiskus – Is there, okay? We would, only if our attorney said release it, would we release it.

Taylor – Yeah, and so just so you know, like because of the sensitive legal nature on this one, if there's a request for any comment, that comes to me, I'm actually going to have Danielle craft that comment to send out. Because we just want to make sure that we're completely in the clear as you pointed out too there's not just potential for a suit from a perpetrator in this case, a potential from the victim as well too. Making sure too that we also protect the District.

Wiskus – Any other questions? Are we missing anything from process **inaudible.** Anything else? Anybody got any questions? Okay. So the way we'll....

Taylor – The motion has to be very specific.

Wiskus – Right, so actually, Derek has a motion that was actually prepared for by the attorneys, very short, very brief.

Taylor – Do you want to let them know what it is?

M. Thomas – We can't make a motion in closed session.

Wiskus – Correct. (Taylor talking in the background) When we come out of closed session, correct.

M. Thomas – Okay

Wiskus – Okay, We're getting good at this closed session stuff.

inaudible talking over each other

Carter – Motion says: motion to approve resignation and release agreement with Ryan Hodges as presented.

Wiskus – That would be the motion.

Taylor – That sentence will be the only thing in this meeting that includes his name so that will probably be the item that gets quoted.

Carter – Consensus to come out of closed session.

Taylor – Thank you for your patience through this.

M. Thomas – This is the ugly part of it.

Wiskus – Mhmm

Shondel – Thank you for your work.

Taylor – Thanks

Carter – I would echo that **inaudible** seven months in **inaudible** and I think you from what I've hear **inaudible** predecessor so...

Wiskus – Okay, so we have consensus to come out of...are there any objections to coming out of closed session?

B. Thomas – We don't move on that?

Wiskus – No, no don't, we cannot, because we can't have a motion to second and a vote. It's a weird one. Alright.

Taylor – Are you guys ready?

Wiskus – Okay

Taylor – Alright, here goes.