

# **2012-2013 GRAND JURY REPORT**

## **Murrieta Valley Unified School District**

### ***Human Resources Complaint Investigation Process***

#### **Background**

The Murrieta Valley Unified School District (MVUSD) (District) is located in Murrieta, California, at the southwestern edge of Riverside County. The District has oversight of eleven elementary schools, four middle schools, three comprehensive high schools, one continuation school, and one independent study school. MVUSD is governed by a five member Board of Education, a Superintendent of Schools, principals over each of the schools, and four assistant superintendents overseeing the following departments:

- Educational Services
- Human Resources (HR)
- Facilities/Operational Services
- Business Services.

The focus of this report will be twofold:

1. The inadequacy of, and absence of, impartiality in an investigation conducted by the MVUSD Assistant Superintendent and the Director of Human Resources in response to an employee complaint against a colleague.
2. The immediate need for MVUSD to review, update, and bolster all policies and add specific techniques to follow during investigations together with recommended corrective action.

On October 18, 2009, after attempting to resolve an issue at the school site level, a teacher sought resolution at the higher District level. A formal complaint was filed by a teacher with the Assistant Superintendent in charge of Human Resources (HR) against a colleague for unprofessional conduct, harassment, bullying, and intimidation.

On October 26, 2009, the complainant was notified, in writing, by the Assistant Superintendent that he and the Director of HR would be jointly conducting the investigation into the allegations.

On December 8, 2009, in a memorandum to the complainant from HR, the District provided a summary of the results of the investigation.

For the purposes of this report, the following labels will be used:

1. **The complainant**
2. **The accused party**

## **Methodology**

Sworn testimony was collected by the Grand Jury from the Assistant Superintendent over Human Resources, MVUSD Director of Human Resources, Principal of Shivela Middle School, and the past Principal, several assistant principals and all but one of the PE staff at Shivela Middle School, including the **accused party** and the **complainant**. The Grand Jury's findings are based on the interviews conducted by the Grand Jury coupled with examination of memorandums, as well as, written and electronic communication provided by the involved parties.

## **Findings**

1. Through investigation, it was found that the District did not have policies and procedures to cover employee against employee conflicts.
2. The investigation conducted by MVUSD by the Assistant Superintendent and the Director of HR concluded that of the 18 allegations submitted by the complainant, 12 were unsubstantiated, 2 were substantiated, 2 were substantiated, but unrelated to the complaint and 2 were found to be inconclusive.

The following is a brief summary of the 18 allegations.

**U (unsubstantiated) S (substantiated) I (inconclusive)**

#	Allegations	Findings
1.	Hostile body language...yells and slams doors...	U
2.	Speaks in hostile tone...yells to one colleague	S
3.	Screams and yells at his classes and other adults loudly	U
4.	Hoards new equipment in his office and it is not accessible to others	U
5.	Lied regarding a sufficient amount of locker latches	U
6.	Left classes completely unsupervised on 4 separate occasions	U
7.	Threatening behavior toward a specific colleague	I
8.	Sarcastic and rude e-mails to the PE staff	U
9.	Harasses and torments colleagues	U
10.	Solicits food and gifts on a regular basis from students and parents	U
11.	E-mails to staff soliciting them to buy Mary Kay products	U
12.	Sent numerous e-mails to staff to donate to the SMS (Shevila Middle School) scholarship fund	S
13.	Exhorts money from students for misplaced locks from gym lockers	U
14.	Encouraged female TA to walk through the boys' locker room	U
15.	Undermines and interferes with his colleagues' classes	S
16.	Attempts to damage and harm relationships between colleagues using sarcasm and inappropriate comments	I
17.	This conduct was reported to the Assistant Principal's office on October 2, 2009	U
18.	As Department Chair, he repeatedly chastises and belittles his colleagues during department meetings. He especially singles out one of his colleagues, going out of his way to bully and harass	S

The Grand Jury investigation found four of the eighteen allegations that were first found to be unsubstantiated by MVUSD, and the Grand Jury found these allegations to be substantiated.

For reference purposes, the allegations investigated were numbered 1, 3, 5, and 10. These allegations and the Grand Jury investigation showed the **accused party** had behavioral issues that were apparent throughout all allegations. Each of the allegations investigated by the Grand Jury and findings are listed below:

Allegation 1:

The **accused party's** body language is hostile. He yells and slams doors...when he sees or hears something he doesn't like...the **accused party** speaks in a loud voice.

Grand Jury Finding: Substantiated. Four employees interviewed by the Grand Jury under oath testified they had witnessed the alleged behavior.

Allegation 3:

The **accused party** screams and yells at his students and adults so loudly he can be heard from the Sports Park.

Grand Jury Finding: Substantiated by sworn testimony.

Allegation 5:

**Accused party** lied about not having a sufficient number of locker latches to replace broken ones. The **accused party** stated he had a few left when sworn testimony from other involved parties indicated there were a sufficient number of latches available.

Grand Jury Finding: Substantiated by sworn testimony.

Allegation 10:

Solicits food and gifts from students and parents...the **accused party** offers special favors to anyone who brings him cookies.

Grand Jury Finding: Substantiated by sworn testimony.

The Grand Jury's findings after interviewing the same MVUSD staff four years after the original complaint substantiated the four allegations investigated. It appears that the Assistant Superintendent and HR Director were not forthcoming with investigative findings nor were they impartial.

3. The Grand Jury found that on September 9, 2011, the **complainant** observed and reported to the site administration, an incident which occurred when the **accused party** opened the door to the girl's locker room causing the students to become upset that a man was standing at the door while female students were in various stages of undress. The **accused party** remained standing in the doorway for a full minute, which was recorded by a security camera. The District did not remove the **accused party** from the site, nor place the **accused party** on Administrative Leave, while they conducted their nearly month-long investigation.

4. On October 5, 2011, the site administrator conducted an interview with the **accused party** during which the **accused party** was advised of an impending involuntary transfer.

In a Notice of Involuntary Transfer to the subject of the complaint, the District stated, in part:

*The reasons for the involuntary transfer are poor staff relations and interactions, poor e-mail communications, and poor judgment related to student privacy...Despite specific efforts undertaken a year and a half ago, to see positive change emerge for the PE department, those efforts have been unsuccessful.*

*The sole intent of the District is to solve what you (the accused party and others have identified as an unsolvable situation).*

*We cannot have this type of environment continue for either staff or students.*

## **Recommendations**

**Murrieta Valley Unified School District - Board of Education**  
**Murrieta Valley Unified School District – Superintendent of Schools**  
**Murrieta Valley Unified School District – Director of Human Resources**

1. MVUSD shall establish policies and procedures for employee against employee conflicts within work sites. The policies and procedures shall:
  - Ensure that all complaints made by an employee against another employee shall be investigated thoroughly and without bias.
  - Ensure that the investigative process includes administration recommendations for corrective action.
  - Ensure language is in place regarding appropriate follow-up action for substantiated allegations.
  - Require issuance of a Final Resolution Letter to be sent to both parties.
2. Policies and procedures shall be developed for employee against employee conflicts. An all-inclusive training program for investigation of complaints shall be devised to ensure future complainants' concerns are addressed and the complainant receives a fair and impartial result.

3. MVUSD shall take immediate action when such indiscretions are identified. The employee shall be placed immediately on Administrative Leave pending the outcome of an investigation. At the conclusion of the investigation, if the allegation is substantiated, the employee shall receive disciplinary action as opposed to an involuntary transfer.
4. Ensure District employees are aware of the expected behaviors required of all employees. An Employee Handbook shall be developed, if it is not already in place, with an annual review and update of acceptable and unacceptable behaviors. A similar writing shall be made available of the necessary steps needed to file a formal complaint with the District. Information regarding these steps shall be given to all employees on an annual basis.

The complainant shall be provided with the proper actions necessary to secure the required information to appeal an investigation.

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