



Executive Summary

Antioch Unified School District
Concerning Employee Complaint
June 13, 2017



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I. Brief Introduction

Antioch Unified School District (“AUSD” or “District”) retained Van Dermyden Maddux Law Corporation to conduct an independent investigation into an employee complaint against Antioch Unified Board Member Debra Vinson. The investigation commenced on February 28, 2017.

By letter dated February 21, 2017, Employee 1 alleged that Trustee Vinson instructed Employee 1 to engage in unethical conduct contrary to District policy and practice. Specifically, Employee 1 said that Trustee Vinson directed them to effect an intra-district transfer to [REDACTED] in a manner that was contrary to Board Policy and practice. Employee 1 felt bullied and pressured by the manner in which Trustee Vinson pressed Employee 1 with this request.

During the course of this investigation, another employee (“Employee 2”) alleged that Trustee Vinson had engaged in bullying and intimidation related to the same issue. Specifically, Employee 2 said that Trustee Vinson gave Employee 2 the same directive regarding the same request for an intra-district transfer. Employee 2 also felt bullied and pressured by the manner in which Trustee Vinson approached this issue.

This serves as the Executive Summary of my investigation. It is not intended to be a comprehensive recitation of the evidence. Instead, it provides an overview of the investigative methodology and a summary of my findings.

II. Investigative Methodology

A. Witnesses and Process

I conducted four interviews of three individuals. Witnesses were given admonitions regarding confidentiality and anti-retaliation. I reviewed relevant documentation provided by the parties and witnesses.

I reviewed, compared, and analyzed evidence using a preponderance of the evidence standard. “Preponderance of the evidence,” for purposes of the Confidential Investigative Report (“Report”) and this Executive Summary, means “more likely than not” or, put another way, that the evidence on one side outweighs the evidence on the other side. This is a qualitative, not quantitative, standard.

The conclusions were drawn from the totality of the evidence, credibility determinations and a thorough analysis of all the facts. I did not reach conclusions of law.

AUSD and its representatives allowed me discretion to conduct the investigation as determined to be necessary. I was given complete access to all requested witnesses and documents. No party interfered with, or attempted to influence, the findings reached.

B. Attempts to Interview Trustee Vinson

I made several attempts to interview Trustee Vinson, which delayed the completion of the Report. Despite extensive efforts to provide her with an opportunity to provide her perspective, by her actions, she declined to do so.

On March 28, 2017, I left a voicemail for Trustee Vinson, and sent her the following email message:

Trustee Vinson:

As you may be aware, I have been retained by Antioch Unified School District to conduct an independent investigation. I am investigating a complaint raised by District employees, who allege that you have engaged in conduct that may violate District policies. I would like to meet with you at your earliest convenience to discuss the allegations with you.

Please let me know when you might be available to meet with me.

I did not receive a response to my email or my voicemail. I sent a follow-up email to Trustee Vinson on April 19, 2017, that read:

Hi, Trustee Vinson:

I am checking in again about meeting with you. I can finish the investigation and make findings without your input, but would really like to hear your version before drawing conclusions.

Please let me know when you might be available.

On April 27, 2017, I sent another email message to Trustee Vinson, which read:

Hello, again.

I need to complete this investigation, but have not heard from you regarding scheduling an interview. Please let me know if you are available to meet with me next Wednesday, May 3rd. I can be flexible to accommodate any time that works for your schedule.

If I do not hear from you before close of business tomorrow, I will assume that you do not want to participate. At that point, I will move forward and make findings about your conduct without your input, which is certainly not my preference.

I will also call you to see if we can discuss this.

Trustee Vinson did not contact me by close of business, as requested. Instead, she left me the following voicemail at 9:22 p.m.:

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Hi, this is Ms. Vinson calling for Ms. Maddux. I just wanted to let you know that I'm trying to coordinate and work out a couple things and will hopefully be able to reach out to you within the next couple of weeks. You've received...you've been given my email, you've been given my personal contact information, so just wanted to follow up regarding your phone call today. Thank you, and I will reach out to you again regarding my scheduling when I'm able to connect. Bye bye.

Around this time, the District reached out regarding the status of this matter. Upon learning that Trustee Vinson had not yet made herself available, Board President Walter Ruehlig sent her a letter dated May 11, 2017, which read:

Dear Ms. Vinson:

As you know, Antioch Unified School District is investigating complaints received alleging that you have engaged in harassing and intimidating conduct.

AUSD takes such complaints seriously and has retained the services of an independent neutral party to investigate the allegations. I understand the investigator has attempted multiple times to secure your participation, and that, to date, you have not cooperated. I further understand that you are now willing to meet with the investigator and the investigator will contact you in the near future to arrange for an interview.

It is critically important that witnesses feel free to candidly speak during the investigation without fear of intimidation, harassment, or retaliation, and it is obviously inappropriate for anyone to destroy, falsify, or cover up evidence. During the course of this investigation, please refrain from any conduct that could impede the investigation. Please also refrain from discussing the investigation or the complaints against you, to the extent it could affect the integrity of the investigation.

Finally, be reminded that the AUSD prohibits retaliation against anyone who brings a complaint or otherwise participates in these types of investigations.

For any questions regarding this letter, please direct in writing to my attention.

My staff and I continued to attempt to schedule an interview, as summarized next. (Note: the shaded areas are responses by Trustee Vinson):

Date	Type of Correspondence	Message
May 10, 2017	Phone	Staff: Left voicemail
May 11, 2017	Phone	Staff: Left voicemail
May 12, 2017 12:53 p.m.	Email	Staff: Please advise your availability for a meeting with Ms. Maddux Wednesday, May 17 th . Currently Ms. Maddux is available from 9 am to 3 pm. I will place a hold on her calendar awaiting your response. Thank you so much.
May 12, 2017 2:25 p.m.	Email	Vinson: I will get back with you. I have a very tight schedule.

Date	Type of Correspondence	Message
May 23, 2017 10:19 a.m.	Email	Maddux: I will conclude the investigation this week and make findings without your input if you are unable to meet with me between 10:00 a.m. and 1:00 p.m. this Thursday, May 25th. I would prefer to hear your perspective before drawing conclusions, but the process allows for me to do so if you are unable to participate.
May 23, 2017 10:26 a.m.	Email	Vinson: Unfortunately, I work during the day and can be available after 4 pm. It takes almost 2 hours for me to commute into the area. Can this be done via email or over the phone?
May 23, 2017 10:30 a.m.	Email	Maddux: Yes, of course, if that works better for you. Do you have Skype capability? I can do 4:00 p.m. on Thursday [May 25, 2017]. Let me know if Skype will work for you. If not, we will confirm the interview by phone.
May 24, 2017 2:53 p.m.	Email	Maddux: Hello: I'm following up on tomorrow's interview. Does Skype work for you?
May 25, 2017 11:05 a.m.	Phone	Staff: Left voicemail. Suggested 4:30 or 5:00 today if she is not able to make the 4:00 p.m. Skype or phone call
May 25, 2017 12:43 p.m.	Email	Vinson: I do not have access to Skype. More than likely, I will be driving so I am tentatively planning to speak with you at 4 pm via telephone. What is the best contact number?
May 25, 2017 12:47 p.m.	Email	Maddux: Telephone is fine, then. You can reach me at my office number, highlighted below. Talk to you at 4:00.

When Trustee Vinson called in for her interview on May 25, 2017, she informed me for the first time that she had retained counsel and wanted him or her to participate in the interview. She said she would have her counsel reach out to me as soon as possible. I requested that she do this promptly, given the delays in this process. I also offered to contact her counsel to arrange the interview.

I made two final attempts to schedule a meeting with Trustee Vinson and her counsel. On May 30, 2017, I wrote to her:

Hello, Ms. Vinson: I am checking in regarding contact information for your counsel. Please forward as soon as possible.

Finally, on June 1, 2017, I wrote:

I wanted to be sure you had an opportunity to have counsel present or involved in this investigation, as you requested when we spoke last week. However, since I have not heard any response or update from you or your counsel, I can only conclude that you continue to be uninterested in participating in the investigation.

I plan to conclude the investigation this week. I regret that I was unable to hear your perspectives.

I then completed the Report.

III. Summary Of Findings

After a full review of the record, and based on the preponderance of the evidence, I find that Trustee Vinson has engaged in the conduct, as alleged, for the following reasons.

First, the versions of the interactions provided by the witnesses were consistent, credible, and corroborating.

Second, despite every opportunity to do so, Trustee Vinson did not provide any information to the contrary.

Third, Trustee Vinson's conduct in this investigation tended to support the overall allegation that she considers herself not bound by policies and processes. This is troubling for someone serving as a Trustee. Trustee Vinson was asked to participate in this process, which is required by policy, but she did not do so. Even after the Board President encouraged her cooperation, and reminded her of the importance of the process, she failed to participate. Trustee Vinson may complain that she did not have an opportunity to have her counsel participate. This argument is not credible. She was advised of this process on March 28, 2017, and did not advise me that she wanted her counsel to participate until May 25, 2017, over eight weeks later. Even then, she continued to be non-responsive about this process. Trustee Vinson also mentioned on May 25, 2017, that she had been in a car accident, in an attempt to explain her lack of responsiveness. This again is not credible for two reasons. First, the excuse was tendered several months into the investigation. Second, it is clear that Trustee Vinson was well enough to continue conducting District business over the last few months, such as meeting with a District employee to question the employee at length regarding the issue under review in this investigation.

Based on the conclusion that Trustee Vinson engaged in the conduct as described, I make the following specific findings of fact:

- Trustee Vinson engaged in intimidating conduct towards two District employees

Both employees described feeling intimidated by Trustee Vinson's order to transfer the eighth grade student to [REDACTED]. Their perspective was reasonable under the circumstances, given the power dynamics of a Board Member directing a staff member. Indeed, one of the District employees felt so uncomfortable about potential consequences to him or her personally (if this employee did not follow Trustee Vinson's instructions) that the employee thought about looking for other employment.

- Trustee Vinson improperly attempted to exercise administrative responsibility and commanded the services of two school employees

The record demonstrates that Trustee Vinson asked both employees to approve the transfer, an administrative responsibility. Both credibly stated that they felt this was a directive, they felt pressured and bullied, and it was uncomfortable. As Trustee Vinson was repeatedly told (and should have known), her request should have been presented to the entire Board, and the Board's decision would then direct the Superintendent, who would in turn direct staff.

- Trustee Vinson used her position to pressure two District employees into making a decision that was contrary to Board policy

The record demonstrates that several District employees informed Trustee Vinson that an intra-district transfer to [REDACTED] was contrary to Board policy. Indeed, this is easy to confirm and quite clear on the District's website, and should have been known to Trustee Vinson given the decision to close [REDACTED] was a Board decision. In asking employees to make the transfer, she was requesting that they violate Board policy.



This concludes the Executive Summary.

Respectfully Submitted,

Deborah Maddux