



Michael Clara <donmiguelslc@gmail.com>

Re: Hearing Officers

1 message

Michael Clára <donmiguelslc@gmail.com>

Fri, Oct 7, 2016 at 8:43 AM

To: Lexi Cunningham <Lexi.Cunningham@slcschools.org>

Cc: Byron Garritson <Byron.Garritson@slcschools.org>, Tina Hatch <Tina.Hatch@slcschools.org>

Bcc: "J. Michael Clára" <donmiguelslc@gmail.com>

Dr. Cunningham,

You will recall, that on July 31, 2016 - I sent you a memo that you acknowledged receiving, yet you never replied to the concerns that I raised. At that time, I stated the following:

"I find it curious that you would offer to meet to with the Tribune Editorial Board to *"answer questions that they may have, including questions about the district's recent actions."* If you do indeed have that meeting, I would like to be there in the hopes that I can get some of my questions answered; I remain baffled as to what reasonable explanation you or anyone in your administration can offer as to why Dr. Kathleen Christy has been treated so harshly by you and your predecessor. As a member of the Board, I am frustrated and angry that every time I ask for clarification on her due process rights, I am given a different explanation on what appeals procedure she needs to follow. I can accept that you are not responsible for the 11th hour actions of your predecessor. The part that I find unacceptable, is how a new Superintendent, new HR Director and four attorneys cannot determine what due process rights Dr. Christy should follow in order to address these false charges. That is not only inexcusable it is utterly ridiculous. Moreover, I believe it was wrong of you to allow a demotion to stand prior to the yet to be determined appeal process to be fully understood or completed."

It seems, that no matter how much you try evade questions and concerns that I present to you, we eventually come full circle wherein you have to respond. It would seem easier for all of us, for you to extend the courtesy to me, of responding to my concerns in the first instance.

On the issue of the Hearing on Tuesday, it appears that you and your administration are in a drunk stupor stumbling around with such a weighty matter. You and your administration need to get your act together on this issue. Please clarify the following:

BYRON MEMO

On 10/04/16 -the Board received a memo from Byron titled: "Hearing Officer Recommendation from Appeal..." The associated email states that the Byron memo "will be submitted for approval in a public board meeting. The Board letter is no encrypted and will open without a password".

The agenda for the meeting was posted yesterday and does not show this memo as an exhibit. It instead shows a different memo by you. **I am requesting that the Byron memo also be posted on the**

public agenda as an exhibit.

This Byron memo is referencing section D of Procedures P-4. Which he outlines the responsibility of the Board. My version of P-4 Section D is under "Dismissal Procedures" - it is my understanding that this is an appeal to a demotion not a dismissal. Why does Byron think the Board should use the "dismissal procedures" to have a hearing on a demotion?

According to P-4 VI ...Demotion: "The district will comply with the "demotion," "suspension," or "termination for cause" provisions in the applicable employee written/negotiated agreement, and as provided for by law."

PLEASE PROVIDE ME A HARD COPY OF THE VERSION OF THE P-4 YOU ARE READING

PLEASE PROVIDE ME A HARD COPY OF THE WRITTEN/NEGOTIATED AGREEMENT THE DISTRICT USED TO INFORM THIS DUE PROCESS

CUNNINGHAM MEMO

On 10/06/16 - The Board is advised that the public agenda is posted with its associated exhibit/memo. When I look at that, it is not the memo that we were previously told would be "submitted for approval in a public board meeting". The memo currently attached to the agenda is to the Board from you. That memo is states: "As per Section II of the Employee Handbook, the hearing officer's decision shall be subject to board approval." and that "This memorandum will serve as the exhibit for the board's action as part of the Action Agenda on October 11, 2016. "

Why are you operating off of two separate set of procedures? You quote Section II of the Employee Handbook, what subsection are you referring to? The copy of the Employee Handbook that I find on the District's web page has a section II with subsection by letter beginning with A and ending with M. Each of those subsections are divided even further with other subcategories. Please provide me the exact reference under Section II that states the Board's responsibility in this cause.

PLEASE PROVIDE ME A HARD COPY OF THE EMPLOYEE HANDBOOK

TRANSCRIPT & EXHIBITS

What is the status of my receiving the exhibits and transcripts? This is highly inappropriate that this information was not included with the hearing officer's decision that you provided Board members on Tuesday. According to the Byron memo and Policy P-4 "The board will review the hearing officer's recommendations and either accept them, or prepare its own findings and conclusions based on the record of the hearing." How can the Board make a decision on this issue if you have not provided us with a "record of the hearing"?

PLEASE PROVIDE ME A HARD COPY OF THE TRANSCRIPT AND EXHIBITS

HEARING OFFICER

P-4 -States "superintendent shall appoint an impartial hearing officer consistent with any applicable

written/negotiated agreement." -Can you send me a copy of the 'negotiated agreement that was used". In an email exchange with Byron earlier this week, he stated the following: I have a list of qualified hearing officers that I rotate through;

This past Tuesday, you sent me a list of the following hearing officers:

Doug Larson
Kirk McRae
Carol Lear
Cal Evans
Lynn Trenbeath
Dave Sperry
Scott Ferrin
Barry Gomberg

I am wanting to confirm Byron's statement that he rotates through the list:

Please provide me the dates and times that these hearing officers conducted hearing for the District?

Please provide me any type of contract that the District has with these hearing officers, whether it is in their capacity as a hearing officer or not.

Please provide me with dates and amounts of payments the District has given these hearing officers and tell me what type of service they were providing.

I am also being told that McRae is related to Withers. If true, it seems to be that McRae should have disclosed that when asked to preside at this hearing.

HEARING ON TUESDAY

What is the format for the hearing on Tuesday? Who will be in the closed door meeting with the Board members?

Un abrazo,

Michael Clára

M: 801-205-0389

BB:5EF20737

Board Member, District 2

§ 53-3-401, Utah Code: Notwithstanding a local school board's status as a body corporate, an elected member of a local school board **serves and represents the residents of the local school board member's district**, and that service and

representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board. HB 250 - Local School Board Amendments /2014 Legislative Session

On Wed, Oct 5, 2016 at 11:52 AM, Lexi Cunningham <Lexi.Cunningham@slcschools.org> wrote:

Mr. Clara,

We are working on the exhibits and transcript and hope to have that ready to go by Friday.

Lexi

From: Michael Clára [mailto:donmiguelslc@gmail.com]

Sent: Wednesday, October 5, 2016 10:04 AM

To: Lexi Cunningham <Lexi.Cunningham@slcschools.org>

Cc: Byron Garritson <Byron.Garritson@slcschools.org>; Tina Hatch <Tina.Hatch@slcschools.org>

Subject: Re: Hearing Officers

Dr. Cunningham,

Thank you for this information. When can I expect copied of the exhibits and hearing transcript? Or is that documentation I should obtain from Dr. Christy's attorney?

Un abrazo,

Michael Clára

M: 801-205-0389

BB:5EF20737

Board Member, District 2

§ 53-3-401, Utah Code: Notwithstanding a local school board's status as a body corporate, an elected member of a local school board **serves and represents the residents of the local school board member's district**, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board. HB 250 - Local School Board Amendments /2014 Legislative Session

On Tue, Oct 4, 2016 at 5:45 PM, Lexi Cunningham <Lexi.Cunningham@slcschools.org> wrote:

Mr. Clara,

The SLCSB uses the following hearing officers –

Doug Larson

Kirk McRae
Carol Lear
Cal Evans
Lynn Trenbeath
Dave Sperry
Scott Ferrin
Barry Gomberg

Lexi

Lexi Cunningham, Ed.D.

Superintendent

(801) 578-8349

lexi.cunningham@slcschools.org

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