



PLAIN LOCAL SCHOOLS

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August 19, 2019

Paul Wackerly
[REDACTED]
[REDACTED]

Re: Final Decision – Complaint Regarding Bullying and Verbal Abuse/Harassment

Dear Mr. Wackerly:

In accordance with Board Policy 5517 – *Anti-Harassment*, I am issuing a final decision concerning the Plain Local School District's investigation into a formal Complaint of bullying and verbal abuse/harassment made against you. As you are aware, External Investigator Sarah Kutscher of Lindsay Gingo Law, LLC conducted an investigation into the Complaint filed by Complainant on June 18, 2019, alleging that you engaged in verbal, emotional, and psychological abuse of the Glen Oak girls' basketball players.

Ms. Kutscher's investigation consisted of a review of pertinent documents and interviews with Complainant, you as the Respondent, and sixty-nine (69) individuals, including students, who were either: (1) Identified as possibly having relevant information and were contacted as part of this investigation; or (2) Reached out to the investigator and/or District on his/her own to share information regarding this investigation.

Ms. Kutscher also reviewed Board Policy and Administrative Guideline 5517 – *Anti-Harassment* in order to conduct the investigation and reviewed Board Policy 5517.01 – *Bullying and Other Forms of Aggressive Behavior* to determine whether your alleged actions violated Board Policy. Ms. Kutscher considered each of the nine (9) separate allegations that were listed in the Complaint, as well as two (2) additional allegations that were brought to the School District's attention, to determine whether such claims were substantiated and/or violated Board Policy.

At the outset, it is important to note that this has been a difficult and lengthy investigation because of the competing and often completely contrary versions of events and occurrences. While it is clear certain current and former players and parents unequivocally support you, it is equally clear that certain current and former players and parents feel great disdain toward you. The External Investigator received extensive testimony from individuals with both viewpoints, as well as with individuals having personal knowledge of the program but without a strong opinion on one side or the other. Many people shared their beliefs about why this is happening now, versus a few seasons ago, considering that the allegations stem from your entire tenure at Plain Local. Many people also shared their opinions about the complex

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interests of everyone involved. During this investigation, the External Investigator focused on the facts and statements of first-hand witnesses to reach her conclusions, while keeping in mind the diametrically opposing views and opinions held by some with whom she spoke.

I also recognize that the investigation process itself has impacted District families, with some individuals, including Complainant and you as the Respondent, being concerned for the wellbeing of the players, regardless of the outcome.

Based on my review and consideration of the *Independent Investigation Report*, I find that there is sufficient evidence to conclude that you violated Board Policy 5517.01 -- *Bullying and Other Forms of Aggressive Behavior* by engaging in harassment, intimidation, or bullying. I concur with the thorough analysis and findings of the External Investigator. In particular, I find that, based on the totality of the circumstances, two (2) of the allegations are substantiated and rise to the level of harassment, intimidation, or bullying under Board Policy. I also find that while four (4) of the allegations were substantiated, they do not rise to the level of harassment, intimidation, and bullying under Board Policy. Nevertheless, I find that your actions and behavior as set forth in each of those four (4) allegations are unprofessional and inappropriate. Therefore, the Complaint against you will be recorded as substantiated and in violation of Board Policy 5517.01 as to two of the allegations. Additionally, the Complaint against you will be recorded as substantiated, but not in violation of Board Policy 5517.01 as to four of the allegations. Finally, the Complaint will be recorded as unsubstantiated as to the remaining allegations.

It is important to note that the substantiated incidents (including the two that violated Board Policy) appear to be infrequent and do not appear to happen at all (or even most) practices or games. It appears that, when aggregated over the past few years, the uses of profanity and the critiques viewed as harsh seem to be more pervasive to the players and parents. Additionally, despite the External Investigator's repeated requests to keep this matter confidential, there appears to have been some coordination between witnesses that could not be ignored during the course of the investigation. Further, I find the statements of support that the External Investigator received from current and former players to be compelling. These individuals contacted Ms. Kutscher out of genuine desire to support you based on their overwhelmingly positive experience with you as a coach.

The Complainant will receive a separate letter regarding my final decision concerning this investigation. Given that the some of the allegations in the

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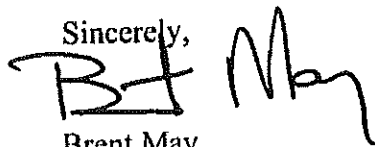
Complaint of Bullying and Verbal Abuse/Harassment against you have been substantiated, appropriate corrective action will be taken. Further, you are specifically directed to refrain from using inappropriate language and making any demeaning comments towards players

Finally, let me note the provisions in Board Policies 5517 and 5517.01 which prohibit retaliatory behavior against any person who makes a discrimination or harassment complaint or participates in the complaint process in any way. I call this to your attention because I believe that this anti-retaliation prohibition applies not only to the Complainant and each individual who participated in the investigation, but also to you as the Respondent. Thus, you are specifically directed not to discuss this Complaint or the investigation or the results of same with the Complainant, students, parents, staff members, or the media. Also, pursuant to Board Policy, this letter will not identify any of the individuals who were participants in this investigation (other than the Investigator). Further, a copy of this letter shall not be placed in your personnel file, but will be maintained by the Board separate and apart from your personnel file.

This letter closes the matter. Please note that any information related to this matter, including the identity of the parties, and any witnesses who participated in the investigation, will be kept confidential by the Board to the extent permitted by law.

Should you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent May". The signature is written in a cursive style with a large, stylized "B" and "M".

Brent May
Superintendent