



PALO ALTO UNIFIED SCHOOL DISTRICT
HUMAN RESOURCE CENTER
25 CHURCHILL AVENUE
PALO ALTO, CALIFORNIA 94306
(650) 329-3958

To: Kimberly Diorio, Principal, Palo Alto High School
From: Anne Brown, Interim Assistant Superintendent, Human Resources
Date: January 11, 2018
Re: Letter of Reprimand

In November of 2016, you failed to provide a Complainant in a Title IX incident with the full range of procedural options available under Title IX, state law, Board policy and administrative regulations. Specifically, it was determined through the Cozen investigation that under your leadership:

- The Principal/designee did not inform the Complainant and their parent/guardian of the resolution options under the UCP, including the right to file a written complaint, as required by AR 1312.3 (the UCP) and AR 5145.3 (Nondiscrimination/Harassment).
- School administrators did not use trauma-informed or effective investigation practices
- School administrators participated in law enforcement interviews, but did not maintain formal documentation as required by Board policy
- School administrators did not conduct a thorough interview of either the Complainant or Respondent that would allow the School to evaluate issues of consent, the potential impact of a power differential between the parties based on age, grade or status, or the welcomeness of the conduct;
- The School did not interview all relevant witnesses (including the first witness to whom the Complainant disclosed)
- The School relied upon written summaries from witnesses (a student and staff members), rather than conducting interviews
- The School did not gather available documentary evidence (text messages)
- The School did not create an investigation report or maintain detailed records of the investigation in a central place
- There is no indication that the School evaluated or assessed the complaint for the potential of pattern conduct by the Respondent
- The School did not conclude the initial investigation or reach a determination, by a preponderance of the evidence, as to whether the underlying conduct violated Title IX, the Education Code or Board policy
- The School did not synthesize or critically analyze the available information to evaluate the totality of the circumstances, welcomeness, the severity of the reported conduct, or whether the conduct created a hostile environment or otherwise interfered with the Complainant's education

These actions are in violation of Administrative Regulations/Board Policies 1312.3 and 5145.3, as well as Board Policy 5145.7.

Failure to meet the legal requirements of Title IX does not provide complainants with their legal rights under the law.

Effective immediately, you are to follow all Title IX procedures and processes as outlined in Board Policy. To assist you in correcting this conduct, I offer the following suggestions:

- Review the Title IX procedures as outlined in the PowerPoint Presentation from the 9/19/17 training, KEEPING OUR STUDENTS SAFE: Title IX, Our Responsibility, and Follow-Up Administrator Training with your administrative staff.
- Reference and share with your administrative staff the Title IX Resources: Digital Binder, when a Title IX complaint has been made, including the Administrator's Checklist. If you have any questions meet with the district's Title IX Coordinator for support and guidance.
- Develop a clearly identified site-based flowchart of responsibilities and communication regarding all Title IX investigations. The Principal must be identified as the first person with whom to report received complaints as well as scheduled updates during the investigation process.
- Ensure all staff attends annual mandated Title IX trainings.
- Maintain centralized records for all investigations and discipline
- Routinely update school administrative staff on all disciplinary actions and investigations

A copy of this letter will be placed in your personnel file ten days from the date of the letter. Prior to that, you may prepare a written response, which will be attached to this document when placed in your file.

Sincerely,



Anne Brown
Interim Assistant Superintendent, Human Resources



1/10/18



PALO ALTO UNIFIED SCHOOL DISTRICT
25 Churchill Avenue • Palo Alto, CA 94306
Telephone: (650) 329.3737 • Fax: (650) 321.3810

OFFICE OF THE SUPERINTENDENT

January 12, 2016

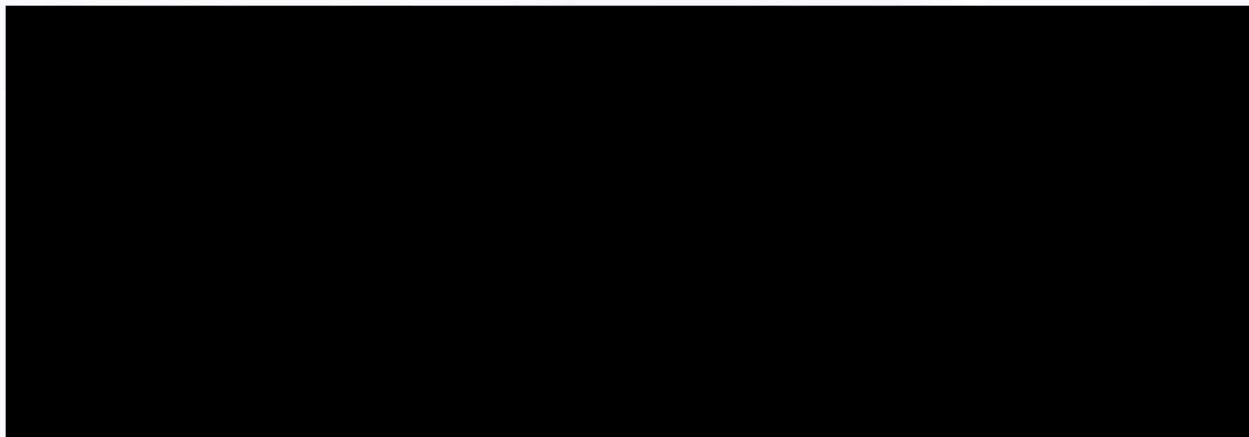
Dear Ms. Wade:

Last month it came to my attention that a document that you had forwarded to me on November 6, 2015 from the law firm of Fagen, Friedman, Frost (FFF) in conjunction with the FOIA information we had received from OCR was identical to a document you forwarded to me on November 18, 2015 in every respect with one exception: the name of Chad Graff had been removed from the "From" line on the email and from above his email address on the letterhead.

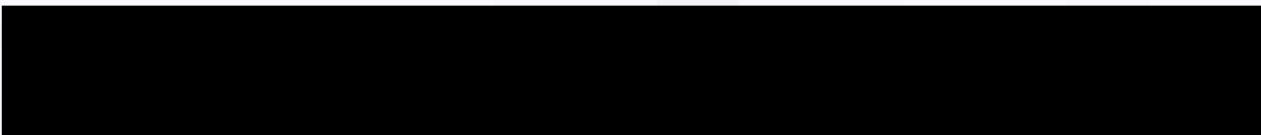
In subsequent conversations with you and Ms. Silverman, as well as a review of email correspondence between you, I have come to understand:

1. Mr. Graff contributed substantially to writing the memo or even wrote a draft of it.
2. Mr. Graff's contributions and/or ghost writing of the memo are understandable given the extensive background he had with these cases and the fact that he authored the FOIA request. In fact, OCR sent the FOIA information to FFF and not to PAUSD.
3. The district was not billed by FFF for Mr. Graff's services or for the memo.
4. Neither you nor any other district personnel directed FFF to write the memo.

5.



6.

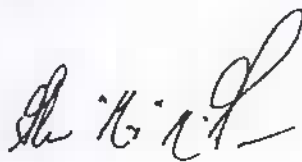


[REDACTED]

While I agree with your contention and Ms. Silverman's that there was no malintent and that Mr. Graff's name was removed because you believed that having it on the memo would have created a time-consuming distraction, the memo should not have been changed. This action is not acceptable and I cannot condone it whatever the rationale may be. As senior leadership we have the responsibility to handle whatever distractions or distasteful matters may come our way in a forthright manner.

As a result of the action you took to alter the memo, I am issuing this letter of reprimand. While I am confident that you have learned from this incident and trust such actions will not be repeated, please be advised that any further similar actions would subject you to progressive discipline.

Sincerely,

A handwritten signature in cursive script, appearing to read "Glenn W. McGee".

Glenn W. "Max" McGee
Superintendent of Schools

To: Dr. Scott Bowers

Re: Superintendent's Letter of Reprimand

From: Holly Wade, Ph.D.
Assistant Superintendent

Date: January 29, 2016

Dear Dr. Bowers,

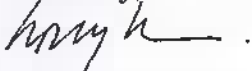
Last week, January 20, 2016 I met with Dr. McGee, to discuss a letter of reprimand dated 1.12.16. Dr. McGee and I had previously discussed the matter and we met to finalize the matter and review the document together.

The information in the letter is accurate, [REDACTED]

It was my intention to inform the Board and Superintendent of the information that was in the memo from the law firm, and remove the name of the attorney who was no longer authorized to work with our district, the memo and supporting documents were provided to the Board as directed. In no way was the removal an attempt to alter or change any of the content of the memo, which was not changed, rather to remove the name of the attorney.

I feel my actions were warranted, and in the best interest of the District, however, I accept the letter of reprimand, and welcome any further discussion on this matter at any time. I will seek full authorization from the Superintendent on any such further actions in the future.

Sincerely,



Holly Wade, Ph.D.