

Summary Report of Findings Regarding Technology Use Complaint

Complainant	[REDACTED]		
Subject:	Andrew Harris		
Location of Incidents:	GCMS		
Dates of Incidents:	10/7/09 & Other dates prior		
Type of Complaint	Inappropriate use of technology; violation of AUP		
Complaint Received	10/7/09 by Principal Keeler; 11/25/09 by Don Johnson & Tabatha Gundrum		
District Staff Investigating Complaint	Tabatha Gundrum, Director of Human Services assisted by George Mavroulis, Denise Herrmann and Timothy Keeler		
Staff notification of Investigation	12/3/09		
Summary Report	2/8/10	Notification Letter to Complainant	2/8/10

Summary of Complaint

On October 7, 2009, Tim Keeler received a complaint from a staff member, [REDACTED] at GCMS that Andrew Harris had received and viewed an image attachment in an email that was inappropriate and in violation of the District Acceptable Use Policy (AUP).

Relevant Background Information

Summary of Timothy Keeler's processing of the concern

Keeler followed up with [REDACTED] again on 10/21/09 and 10/27/09 to notify the person of the next steps that he was planning to take due to the complainant wishing to remain anonymous if possible. Keeler spoke with Andrew Harris about the concern on or about 10/28/09 and directed that he refrain from similar future conduct (future violations of the policy). Further, Keeler requested that Harris issue an apology to [REDACTED]. Harris issued an apology to [REDACTED] via email on 11/4/09. The apology also contained criticism of the complainant's decision to report the behavior to the Principal (Appendix A). The complainant responded to the apology email directly to Harris on 11/4/09 (Appendix B).

Summary of Investigation and DAC Administrative Actions

Harris is a 7th Grade Science teacher at Glacier Creek Middle School and has been employed by the Middleton-Cross Plains Area School District since 8/26/1993. Harris' evaluations are generally positive with no on-going concerns related to performance.

Harris was placed on a paid administrative leave on 12/3/09 pending this investigation. A series of interviews were conducted with staff members to gather further background information and understanding of the facts of the case. Additionally, work with our technology department staff to conduct a review of Mr. Harris' email content was commenced immediately upon learning of the situation. Superintendent Johnson notified the MEA on 12/23/09 that Harris would be transitioned to an unpaid leave of absence as of 1/4/10 (Appendix L). The MEA replied to this notice of unpaid leave on 12/30/09 and waived the opportunity to meet with the District/Board regarding this change (Appendix L).

All notes that were taken during the investigation interviews for this report are included in Appendix M of this document. This report provides summary information only and does not necessarily recapitulate each and every aspect of this investigation. In addition, this report is primarily concerned with information and facts that were found in the course of this investigation and is not necessarily an exhaustive statement of the concerns that might arise from that information.

Summary of Interview with Complainant

I spoke with [REDACTED] on 11/30/09 in my office at the DAC. Harris reportedly received an email from his sister on the morning of 10/7/09. Toward the end of the scheduled team time period (approximately 9:25 am), Harris opened the email and attachment and shared the picture from the email with the other team members on his computer screen. The picture shows a woman lying face down on the grass with her legs open and genitalia exposed with a multiple colored target painted around her genitalia. The subject in the picture has her head turned to look back toward the

camera (Appendix C). The email message subject stated "Fw: Image XXXXXXX" and the message reads "Happy Wednesday!!!! I've been out practicing with my bow".

Upon questioning, [REDACTED] shared information related to the overall relationship and rapport between the team members. She indicates that she has become the "odd man out" overall because of changes to her family situation. The other three team members still regularly socialize on weekends by playing poker together at bars occasionally and at Harris' house. She indicates that Harris often "swears like a sailor" and has shared off color jokes and comments. An example of this behavior was exhibited a few days prior to our meeting during a team meeting when the complainant was at the white board drawing an illustration of an upcoming SET project. As she was drawing the layout on the board, Harris commented that she should give one a dick. Most staff members that observe Harris in this manner just "swallow it because 'It's Andy'." She believes that very few staff members have ever actually addressed these behaviors with him.

[REDACTED] indicated that Harris has received these types of images from his sister in the past and has shared them with the female members of their team as well. This has happened maybe six times or so previously and it has occurred maybe 1-2 times per year. [REDACTED] indicated that it seems to be getting more frequent, but she hasn't really kept track of when. She indicated that she didn't make an effort to tell him that she didn't like them. "He's kind of intimidating" because he is loud, big and overpowering according to [REDACTED]. She further indicated that she is most concerned that kids might see these materials, especially in situations like this because he opened this one when the classroom door was open and students had begun to pass in the hallways.

[REDACTED] reported the concern to Principal Keeler that very same day. Keeler asked [REDACTED] if she had addressed the matter with Harris directly and she told him she had not. She preferred to not be identified if possible. Keeler told her it would be difficult for him to talk with Harris about the situation without identification of her. [REDACTED] indicated that they spoke about the possibility of addressing it with him from the standpoint of an IT review; however, no decision was reached during their conversation.

Keeler stopped in to [REDACTED]'s classroom later in October and she inquired with him about the concern. He indicated that he would be talking with Harris about the issue and would follow up with her. [REDACTED] reported to me that she "felt like a rape victim with the frat buddies that are all "in" on it." She felt like she couldn't go to anyone, even in the union, because they all know Harris and she felt so alone.

On November 4th, [REDACTED] received an apology email from Harris. [REDACTED] indicates that he never really apologized or admitted that he was wrong in the email though. [REDACTED] responded to Harris' email apology on 11/5/09, but did not receive any further reply from Harris following that message.

[REDACTED] approached her two female team members on 11/5/09 and brought up why she felt a need to move forward with Keeler. She indicated that she hoped it didn't affect her relationship with them. From her perspective, they both seemed understanding during [REDACTED]'s conversation. She shared some examples of conflicts that she has had with her team members related to times when she needed to stay home with a sick child and missed specific days of work.

[REDACTED] wants Harris' behaviors to cease to assure that neither staff members nor students are potentially exposed to these types of images in the future. [REDACTED] reports that she currently has a concern with working with the team and specifically working with Harris if it turns out that he is not terminated. We discussed options that may be looked at including her switching blocks, but she would rather not switch to a new grade level. She expressed some level of fear of Harris and possible retaliation. An example of why she feels this concern is because of a conversation that took place one time during their team meeting. During this meeting, Harris indicated that if he wasn't teaching, he would be a hit man and he would start by taking out one of the teachers that works in another building for free. Although she doesn't think that Harris would take any type of action, [REDACTED] indicated that it is hard to know.

Harris, through his counsel, was given a subsequent opportunity to respond to this allegation; however, Harris' counsel responded by asking for specific information regarding the time and place when the comments ostensibly occurred, as well as for identification of the source of the allegations. Harris' counsel also stated that the allegations were not "germaine (sic.) to anything," and that it was time to move forward with the MEA's pending grievances and prohibited practices complaint.

Initial Meeting with Subject of Complaint

Harris was initially placed on administrative paid leave during a brief meeting at GCMS on 12/3/09 at 10:05 am. Those present at that meeting included George Mavroulis, Tabatha Gundrum, David Dahmen & Andrew Harris. Following that brief meeting, Harris left the building. An attempt to meet later that day with an MEA attorney present was discussed with the understanding that we would confirm once we knew if the attorney would be available.

Summary of Initial Interviews with Staff on 12/3/09

A total of five staff members were interviewed by Director of Employee Services, Tabatha Gundrum, as part of this investigation. Staff members to be interviewed were selected based upon either being part of the block that Harris teaches in or based on specific email exchanges that were discovered during the review of Harris' email account.

Those present during [redacted]'s interview were George Mavroulis, Tabatha Gundrum, David Dahmen & [redacted]. [redacted] indicated that she is aware of both the Acceptable Use Policy (Appendix D) and the Harassment Policy (Appendix E) that the District has. [redacted] indicated that Harris has opened an email from his sister. [redacted] reported that he has done this a couple of times in the past 10 years. Upon being shown the image (Appendix C), she confirmed that this was the image that he showed to the team members at the end of their team time on 10/7/09. [redacted] indicated that Harris clicked on the image, laughed and moved to show the image to the others. [redacted] believes that she may have said something like "Oh nasty"; however, there was no other discussion about it. [redacted] indicated that it "doesn't offend me" and that she is not a picky person regarding this type of thing. Following showing the image, Harris closed the email, deleted it and "that was it" – they got back to work. [redacted] did not tell anyone else about the image because it was deleted and it was the "end of story". Upon being asked if [redacted] has ever observed/heard Harris making any sexual references in his conversations, she reports that she has only heard this on their own time, but not at school that she recalls. Near the end of the interview, [redacted] shared that Harris has a good sense of humor and they take everything in jest – he is a nice guy.

Those present during [redacted]'s interview were George Mavroulis, Tabatha Gundrum, David Dahmen & [redacted]. [redacted] indicated that she has read the Acceptable Use Policy (App D) and she is aware of, but hasn't read the Harassment Policy (App E). [redacted] reported that Harris has shared an emailed image meeting this description with the team on one occasion and confirmed the image (App C) was the image she was speaking about. She didn't remember exactly when, but thinks it may have been during the current school year. [redacted] said the email image was opened and deleted right away and was not forwarded to anyone. [redacted] does not remember ever seeing other images at other times and indicated that it was nothing that was offensive to her. [redacted] believes that she may have said that it "was disgusting" but that they didn't "go on" about it or stare at the image – it was opened and closed quickly. [redacted] did not tell anyone else about the image. [redacted] also reported that she has a great relationship with Harris, he is great with kids and a great teacher. She further indicated that he is very caring and that she has no problems at all with him.

Those present during [redacted]'s interview were George Mavroulis, Tabatha Gundrum, David Dahmen & [redacted]. [redacted] indicated that she was aware of both the Acceptable Use Policy (App D) and the Harassment Policy (App E). [redacted] indicated that Harris has showed images to the team in his classroom during their team time when he would occasionally receive them. She stated that there was one earlier this school year and was able to confirm the image (App C) was the image from that event. [redacted] believes that Harris has shown the team "maybe one per year – sometimes less and sometimes more". [redacted] indicated that the image from this year was shown at the end of the team time and that Harris had told them to wait to see what he had just received from his sister. [redacted] was bothered by the image and the fact that he would open it while the door was open when students could have walked in the room. [redacted] reported that she did not say anything to Harris and just walked away. She did not share the information with any other staff members. Upon being asked if [redacted] has ever observed/heard Harris making any sexual references in his conversations, she reports that earlier that morning he had been throwing sunflower seeds at [redacted] during team time and commented that one of them had hit her "boob". He has also made other references over time; however, to her knowledge he has not done so outside of team time or around kids. Although she wasn't completely sure, [redacted] indicated that [redacted], [redacted] and/or [redacted] may have heard similar types of comments while attending some of their team meeting times.

Summary of Interview with Subject of Complaint

Harris was interviewed at the District Administrative Center on 12/3/09 at 4 pm. Present were Tabatha Gundrum, Director of Employee Services; George Mavroulis, Assistant Superintendent of Educational Programs; Andy Harris; David Dahmen, MEA representative, and Attorney Lauri Roman, MEA attorney.

Harris reported that he knows about the Acceptable Use Policy (AUP) and Harassment policy. Harris further confirmed that he had received emails from his sister that had content that was in conflict with the AUP. Harris believes that the emails were sent during the past year, but is unsure of how many he may have received. Some of the emails were identified as inappropriate by an "XXX" or "something along those lines" being identified in the subject line. Harris reports that he asked his sister to stop sending them to him many times. Most recently, Harris indicated that he talked to his sister over the Thanksgiving holiday and told her that he "could get in trouble over this". At this point in the interview, Harris asked if he could get his sister blocked from sending any emails to him at work. When asked if he had ever sent the images to others via email, Harris replied that he didn't recall, but probably had. Harris further added that if he had, it may have been to his friend in Idaho.

Harris indicated that he opened one email at the end of a team meeting earlier this school year and he had showed the image to the other three team members. To the best of his knowledge, Harris indicated that he didn't show the image to anybody else. Harris describes the setting as being at the end of the team meeting and when he opened the email, he said "Hey [REDACTED]", showed her the picture and immediately deleted it. When asked if the image may have made anyone uncomfortable, Harris replied "Absolutely not." Harris indicated that "never in a million years" would he have thought it to be offensive because it "fit" in the nature of their team meetings.

Harris believes that he probably has made jokes or other comments with sexual connotations while at work. Specifically, he stated, "I'm sure I have" during team meetings. No one ever felt that the conversations were objectionable during team meetings according to Harris. According to Harris, after being together with their team for nine years, he "hears all kinds of sexual stories" from the team as well as information about menstrual cycles, kids, and bedroom stories of team members. Harris reported that he believes the relationship with one of his team members is part of the issue because he is not deliberately a mean person and doesn't seek to hurt anyone. Harris expressed that it was disingenuous to feel it was objectionable after the fact.

Harris strongly expressed his view that students were "never" exposed to any of the images or emails sent from his sister. Harris was able to confirm the image from the 10/7/09 team meeting as one that was sent from his sister. Harris also reaffirmed that he had always deleted the emails and images that she sent to him and none of them were saved in any way.

Harris further reported that the sexual harassment part of this "makes me very angry" because he could file the same thing against [REDACTED].

At this time during the interview, I shared with Harris that the concerns were with the emails and attachments that were received, viewed, and/or potentially forwarded, the volume of the email information and that the content itself violated all acceptable use policies. Additionally, I shared the general concern about the number of email exchanges with staff members during student time, including the overall content of the email discussions during these student times. Further follow-up will be necessary regarding the content of team meeting discussions and the overall team atmosphere in the near future.

Summary of Follow-Up Interviews with Staff

[REDACTED] [REDACTED]
A follow-up meeting with [REDACTED] [REDACTED] was conducted on 12/7/09. David Dahmen, union representative, George Mavroulis, Assistant Superintendent of Educational Programs and Tabatha Gundrum, Director of Employee Services were all present for the interview.

After 9 years of working together, [REDACTED] reports that the team members are very comfortable with one another based on meeting with each other every day of the school year. During team meetings, the team members talk about whatever theme they may be working on with the students; however, when they don't have those issues to talk about, the conversation will turn to things such as movies, TV shows, sex, etc. [REDACTED] indicated that she feels comfortable talking about these things with her team members.

█████ referred to her team members with the term of "work spouse". She indicated that all four team members have shared intimate stories with each other and they feel it is not necessary to shield their thoughts and feelings from one another. Despite this perspective, █████ indicates that the relationship among their team has been frayed somewhat over the past three years and █████ has felt more like she is "on the outs". The specific event that started this fraying revolved around █████ creating a MySpace account and befriending students on the site as well as calling and going to movies with some of the students. █████ specifically does not think this is a good idea and the team overall shared this viewpoint with █████. Further, █████ "went missing" during one of their parent conferences. █████ stated that they talked about making a switch within the blocks and splitting the team up at one point with Principal Keeler. Last year, █████ indicated that she spoke with █████ about missing school a lot. During that conversation, █████ indicates that she got mad and said something she shouldn't have regarding █████ dropping the ball with units.

Regarding the relationship between Harris and █████, █████ isn't sure "where it went wrong". Harris told █████ directly that he does not like █████ at all. █████ has told █████ that Harris "can be an ass". █████ has asked questions of both of them over time, but doesn't ask any more. When questioned about potential comments that Harris may have made about students, █████ indicated that the whole team has made comments at times such as feeling sorry for a particular student that may have large breasts. Specifically, when dress code issues come up, Harris does not deal with those because they all feel that it would be easier for the female teachers to address those with females students.

Overall, █████ felt that she may have the better relationship with █████ within the team because they work together on so many projects and share adjoining rooms that open. █████ doesn't see Harris and █████ being able to meet together ever again, stating that "nothing can be salvaged from this." She further stated that both of them are stubborn and she doesn't think they will be able to stay together in the same block. █████ indicated that she doesn't know why █████ needed to do this.

█████ █████
When prompted to speak about the context of the team meetings and conversations, █████ reported the team members do share personal things during meetings with each other. Examples have included things such as: if one of the women isn't feeling well, they might share that it is related to a menstrual cycle with the others; sharing situations that may have occurred with a husband in their bedroom; or a reference to a husband making them "hot". █████ feels she has been more of a bystander in these conversations, but has participated on occasion.

█████ reported that Harris has made some comments during the team meeting and the rest of the team has responded by feeling that "is just not right". An example of this was when he made a comment about a female student that was struggling overall in school and Harris stated that she should brush up on her blow job skills because that's all she'll be good at later in life. According to █████, that comment raised objections from all of the other team members at the time, who added that Harris will also sometimes make mention of female chest sizes or the overall physical appearance of female students. █████ also stated that Harris is uncomfortable addressing dress code issues with female students so he refers those to the female team members. █████ stated that not all of his comments are related to dress code issues though.

Harris, through his counsel, was given a subsequent opportunity to respond to this allegation; however, Harris' counsel responded by asking for specific information regarding the time and place when the comments ostensibly occurred, as well as for identification of the source of the allegations. Harris' counsel also stated that the allegations were not "germaine (sic.) to anything," and that it was time to move forward with the MEA's pending grievances and prohibited practices complaint.

█████ indicates that the conversations related to female students has ebbed and flowed over the 9 years the team has been together. According to her recollection, she believes the conversations may have peaked about 4 years ago and have been gradually tapering off since then. When asked if this is similar to the showing of images to the team, █████ indicates that that is probably similar with less frequent sharing of this information overall – maybe only about one per year recently as opposed to more frequently in prior years.

█████ █████
During the review of Harris' emails, a number of emails were found between Harris and █████ (Appendix F). The nature of the emails appeared to the investigator to be more personal than professional. As a result of the content in the emails, █████ was questioned on 12/10/09 as to her comfort level with the content of the emails that were

discovered. [REDACTED] reported that she was comfortable with the exchanges and that she has a long term friendship with Harris. No further follow-up was conducted.

[REDACTED]
During the review of Harris' emails, emails between Harris and [REDACTED] were discovered (Appendix G). The nature of the emails appeared to the investigator to be more personal than professional, and could on their face be construed as unwelcome. As a result of this, [REDACTED] was questioned on 12/11/09 as to her comfort level with the content of the emails that were discovered. [REDACTED] reported that she was not uncomfortable with the emails that were sent to her from Harris due to the history she has had with him previously. No further follow-up was conducted.

[REDACTED]
During the review of Harris' emails, emails between Harris and [REDACTED] were discovered (Appendix J). The nature of the emails appeared to the investigator to be more personal than professional, and could on their face be construed as unwelcome. As a result of this, [REDACTED] was questioned on 2/17/10 as to her comfort level with the content of the emails that were discovered. [REDACTED] reported that she was comfortable with the content of the emails and they have been friends for a long time. Further questions were asked related to a specific exchange of emails where Harris and [REDACTED] talk about "shunning" and [REDACTED] shared that the conversation was related to Harris being upset with a co-worker he didn't get along with. [REDACTED] reported that Harris is a volatile person and speaks his mind so his "shunning" was a way to stop from doing this.

[REDACTED] was asked about the email exchange that took place between herself and Harris on 11/5/09 where [REDACTED] mentions using photoshop to put [REDACTED]' face on a playboy pinup and "or better yet, photoshop her face onto a picture from one of those nude fatty sites. Something really large and grotesque". [REDACTED] responded that her relationship with Harris is very sarcastic and they've been friends over a long time. She added that nothing was ever done and she now understands that this type of dialogue could be viewed as retribution behavior related to a situation that did not involve her.

When asked about many of the emails being sent during student contact time, [REDACTED] responded that she sends emails to other staff members during student time as well.

Interview with Principal Keeler

The principal, Timothy Keeler, met with Superintendent Don Johnson and me on 12/16/09 to review his knowledge and processing of the concern from [REDACTED]. Keeler reported that he was made aware that an image had been shared with the team members on 10/7/09. He became aware of this from an email that [REDACTED] had sent him asking to talk with him. During the meeting with [REDACTED], Keeler talked with her about the team relationship and [REDACTED] also indicated she would prefer to remain anonymous if possible. Together they discussed the idea of if Keeler would be able to "go behind the scenes" and look at the email information. When Keeler asked [REDACTED] if she was feeling harassed or if her concern was more based on the topic, she was unable to clearly articulate that answer for Keeler. Keeler reports that he sort of "let it go" based on some other issues that he was also dealing with at the time. Keeler talked with [REDACTED] again around 10/21 or 10/22 because he wanted to know from [REDACTED] if there had been any more issues and to let her know that he would be bringing the issue up to Harris; however, he also shared that he was not confident that Harris would not draw the conclusion that [REDACTED] was the person who reported the concern. Keeler believes that this was upsetting to [REDACTED] because there were tears during that meeting.

Keeler shared that he did not view the specific image that was reported to him until around mid-November when he was in Don Johnson's office with Johnson and Gundrum. He indicated that [REDACTED]' description of the image led him to believe the image was very different from the reality of it. Keeler admitted that he didn't read the concern in the way that he should have at the time.

Following his meeting with Harris, Keeler told [REDACTED] that they had met and discussed the concern. According to Keeler, Harris reacted to the conversation with a mixture of acknowledgement and confusion/anger. Harris had told Keeler that he didn't know that "[REDACTED] was insultable". Keeler stated that he had told Harris that this situation wasn't one that was "OK" and that he wanted Harris and the team to work on their overall relationship. Keeler also suggested to Harris that he should offer an apology and the team should have a conversation about appropriate boundaries. [REDACTED] emailed the apology that Harris gave to her (Appendix A) to Principal Keeler so that he could review it. To Keeler's knowledge, [REDACTED] had referenced that there may have been other images, but he wasn't personally aware if there were any.

When asked if Keeler has ever observed/witnessed inappropriate verbal statements from Harris, Keeler indicated that Harris is "very crass" at times and says many things informally that could be construed as inappropriate. Keeler indicated that he has never heard these in the presence of students or related to any students. Harris' comments are not generally intended as a put-down according to Keeler, but sometimes he admits that he has done a little "cringe" and thought "Really?" to himself depending on how the statement was stated by Harris – It is part of his lexicon at times. When situations like this would come up, Keeler indicated that he would give Harris his "evil eye" or something similar as a warning.

Keeler shared that when he was an Assistant Principal in the building, he would sometimes socialize with Harris and the other staff members. Since becoming Principal of the building, he does not do this any more and Harris is more formal around Keeler now as well. Based on how Keeler handled his conversation with Harris about the reported image, Keeler indicates that Harris would not have taken it as discipline, but more as a directed apology and directed comments with the relationship overall. Keeler indicated that he is aware of the policies in the District related to Acceptable Use and Harassment and believes that he shared with Harris directly that his actions were not acceptable.

Summary of Follow-Up Interview with Subject of Complaint

A follow-up interview was completed with Harris on 12/14/09. Those present for this meeting included: Harris; Chris Bauman, MEA President; Willie Haus, MEA Attorney; David Dahmen, MEA Union Representative, George Mavroulis, Assistant Superintendent of Educational Services; Don Johnson, Superintendent; and Tabatha Gundrum, Director of Employee Services. Johnson started the meeting off by sharing that the District wanted to share the information that we had gathered so far in the investigation and asked Gundrum to share that information and the follow-up questions that we had.

Harris confirmed that his schedule for last year had his primary teaching duties in the morning hours and for this year his primary teaching duties were in the afternoon hours (Appendix H). Gundrum explained how the administrative side of the email archive system categorized emails – those emails kept in an inbox for any overnight period into the next day are reflected as "Inbox" and those deleted the same day as received are reflected as "Deleted" or "Archived".

Each of the emails delineated below under the section entitled Summary of the Facts Presented was reviewed with Harris to verify his recollection of each of the emails and attachments. Harris stated that if they were in his email system then he had received them. Harris denied being able to open the website link to hornygamer.com which was confirmed as true through a test of our website filter system. With regard to the email titled "Mistakes in the Family Album", Harris stated that he had seen it before and wasn't sure if it was from this email or not. Harris further confirmed forwarding the email about Boats to one or two of his friends outside of the school district.

One email about a corn maze (Appendix I) was sent by Harris to [REDACTED] and [REDACTED], but not to [REDACTED]. When asked about why this was, Harris replied that he did not want to offend [REDACTED] with the information. Harris did not remember what shape the corn maze was in but did not believe the shape was anything inappropriate. The image was not able to be opened from the archive system.

When showed a copy of the apology email (Appendix A), Harris confirmed that this was the apology that he sent to [REDACTED]. [REDACTED]'s reply to the apology that Harris received was forwarded to [REDACTED] on 11/5/09 according to email records. When asked why he shared this reply with his team member, Harris replied that both [REDACTED] and [REDACTED] had helped him edit his apology before he sent it to [REDACTED] so he was just sharing the reply accordingly. Harris stated that the reply that [REDACTED] sent to him was probably a true reflection of how she feels – ostracized by the block of teachers.

Copies of emails between Harris and [REDACTED] [REDACTED] were shared for Harris to review (Appendix J). The nature of the emails suggests retaliation or hatred and possible personal overtures, with the majority of the emails taking place during teaching time for one or the other of the parties. Harris explained that he has been close friends with [REDACTED] for a number of years and that they were formerly neighbors. He further explains that the chain of emails related to "photoshop her face onto a picture from one of those nude fatty sites. Something really large and grotesque" { [REDACTED] } was a knee jerk response to his being called into Keeler's office – he was upset that she had chosen to go outside of the block to deal with the issue. Harris stated that it was not intended as retaliation. Harris was informed that the District was aware of other emails that the District finds inappropriate for a work setting as well and would be following up further with regard to those.

Gundrum shared copies of the relevant court cases (Appendix K - Cedarburg and Menomonie cases) that the District was aware of related to this situation with Haus and others from the MEA in the event that they would like to review them. Gundrum further shared that the District has not found any evidence that suggests that any legal charges would need to be processed, but there do appear to be District policy violations and possibly some state DPI issues that will require us to report this to them for their own licensing review. Additionally, the District still has some computer diagnostic work that needs to be completed on Harris' computer.

Johnson mentioned the potential of the open records requests that may end up being received and the requirement that eventually, when the investigation is closed, this information will likely be required to be released based on public records.

Haus indicated that he believes the public records issue is probably up in the air and felt that he has seen "much worse". Further Haus mentioned that he sees a significant difference because the information was initiated elsewhere and not that Harris was seeking this out. Gundrum pointed out that the responses to the emails appear to be welcoming or at least tolerant – none of them request that the emails stop. Haus generally commented that there is a general issue with emails because most things get preserved and we shouldn't assume that dirty jokes and these types of images aren't shown elsewhere as well. Haus further observed that people assume the computer information is just what is actively on the machine at that point of time and that is wrong, but it does need some type of perspective beyond Victorian times.

Johnson shared with Harris and his representatives that Harris' future employment with the District may be in jeopardy following a the final review of the data as it has been gathered. The District committed to working through the investigation as quickly as possible in order to not stretch anything out in any intentional way; however, it was acknowledged that there was a lot of information remaining that needs to have strong follow-up.

Summary of Images/Movies Found On Subject's Computer

Overall, a review of Mr. Harris' email system data provided documentation that he received 23 emails in just over one year that were sent to Harris from his sister that contained content (jokes, images, movies) that are in violation of the AUP within the District. The itemized description of the emails discovered includes the following and included in the numbered Appendix according to the listing number below:

1. 9/8/08 Subject: Fw: Nice Cash Register = Movie attachment along the lines of a Candid Camera video which features a female working at an open market. She continually unzips her shirt and her breasts are exposed while she seeks change from a small bag that is hanging around her neck. Video is 1:08 min. long.
2. 10/19/08 Subject: Fw: Ha Ha = a joke about a man that has his testicles removed after consulting with a doctor in hopes of curing his headaches to later find out from a clothing salesman that he had previously been wearing the wrong size underwear which caused the headaches.
3. 10/26/08 Subject: Fw: SPECIAL SANDALS = a joke about a married couple on vacation who consider buying sandals that are said to make the owner into a "sex freak". After trying them on the wrong feet, the husband attempts to have anal sex with the male salesman while the salesman screams that he has them on the wrong feet.
4. 11/12/08 Subject: Fw: Winter is coming..... = an email proclaiming that Snowball Fight 2008 is on and shows a moving picture of a snow sculpture in the shape of a penis which is "throwing" snowballs as it moves.
5. 1/13/09 Subject: Fw: Newspaper Article of the Year = a copy of an Ask Leslie newspaper clipping which speaks to the issue of a godparent that is writing in about their godson that visited and was referencing "camel toads" that he was finding at the local pool. The reference is pointed out by Leslie to be "camel toes" referring to "a crude euphemism for; well, too-tight pants worn by females."
6. 1/13/09 Subject: Fw: New wipers = a joke which references an image that is attached of a person's new windshield wipers for their car. The image portrays a naked woman laying face down on the hood of the car with her legs spread open to act as the windshield wipers while exposing her genitalia.
7. 1/13/09 Subject: Fw: Fw: Hen Party = Movie attachment that shows women at a party playing a game in which they use toilet bowl plungers with the handles sticking out between their legs to run to the other line and removed a toilet paper role that is being held between the other line of women's legs. The movie is 4:24 min. long.
8. 1/13/09 Subject: Fw: FW: mistakes in the family album = nine images attached which show the following content in the background of the intended picture: a woman with her hand down the front of her pants, two men about to kiss each other, a naked man sunbathing with his genitalia exposed on the beach, a young

- man drinking from the straw of a female that is kissing another man, a man kissing/sucking on a woman's breast, a topless woman walking on the beach, two dogs mating, a dog having a bowel movement on the beach and a dog attempting to mate with a dead deer. REPLY: "...thanks for the laughs though i am guessing that they all came from jason (though they were kinda clean if they were from jason!!)..."
9. 1/19/09 Subject: XXX = 10 images of a woman exposing or almost exposing her genitalia and/or breasts in various poses. REPLY: "tell Jason I love him!!!!!" and Follow-Up REPLY "...so I am unable to get any port from him. These are from Jimmy's rugby friends...."
 10. 1/27/09 Subject: Fw: Concentration For Men (R) = a link is contained that takes the person to a website entitled hornygamer.com. REPLY: "cant do it ~~~ i am internet blocked! damn"
 11. 2/16/09 Subject: Emailing: WhyMenNeedBoats1—this is a powerpoint—XXX = a power point attachment showing a fisherman in a small outboard motor fishing boat wondering what it would be like to "own a BIGGER boat..." followed by 12 slides of topless women with bikini and thong swimsuit bottoms in various poses on a larger yacht type boat and a final slide with an ice fishman drilling a hole in the ice thinking "Maybe next season". REPLY: "Gotta love ya!! just bought a new zero turn mower-should have bought a damn boat!" {This email was forwarded to two people outside of the school district in two separate emails}
 12. 3/15/09 Subject: Fw: XXX = Slide show type of movie attachment with a series of pictures flashing throughout the movie and a song playing in the background with primary words being "Titties and Beer" The slide show is :39 min. long.
 13. 4/9/09 Subject: Fw: Rodney = a movie file attachment of a midget soccer player who proceeds to have sexual intercourse or perform various sexual acts 11 separate times in the movie with a woman. The movie is 1:06 min. long. REPLY: "wow! happy easter monday to me!!~"
 14. 4/13/09 Subject: Fw: The new Ford Snatchback Vehicle-ADULT XXX = contains an image of a hatchback vehicle with the hatch open and four women on their hands and knees in the back of the vehicle with their genitalia exposed
 15. 4/17/09 Subject: Fw: Chilly today Careful when opening-ADULT CONTENT XXX = email contains five images of women's breasts. REPLY: "Wow those are bizarre nips!!!!!!..."
 16. 4/24/09 Subject: Fw: Fwd: FW: Recall on Chinese Breast Implants = a movie file attachment of an Asian looking woman that is pushing on her large breasts (covered by a bikini top) until the end of the movie when the movie appears to have her "pop" and disappear. The movie is :27 min. long. REPLY: "you funny girl!!!"
 17. 9/17/09 Subject: Re: Fw: beach soccer-XXX = not able to open email within our archival system; however, Internet research revealed an article from the SunSentinel.com website where 13 Fort Lauderdale employees were disciplined for "inappropriate" e-mails and this one was cited as one of the emails which is described as "Beach Volley Ball Theme Women Kissing" in the article. REPLY: "i love ya sis!!!"
 18. 10/7/09 Subject: Fw: Image XXXXXXXX = This is the image that was reported to administration at the start of this investigation which shows a target painted around a female's genitalia which is exposed in the center of the target. REPLY: "ewwwwwwww!!!! too funny"
 19. 10/23/09 Subject: Fw: Be Very Careful Using E-bay!warnyoursoninlaws and grandchildren = email depicting a picture of a blow up doll supposedly orderd on E-bay. The image attached is of a naked woman with breasts and genitalia exposed with a "bomb belt" around her hips and a veil covering head except for her eyes.
 20. 10/24/09 Subject: Fw: When a costume is just wrong = six images are attached which show various costumes including the following: a woman on a stretcher with her legs open under a sheet and a man's head sticking up from the stretcher between her legs called "Here Comes The Baby"; a naked male with a painted Spiderman costume; a picture of five men with Hooters costumes on and "fake breasts" hanging out of their cut-off tshirts; a man in a cowboy hat with his pants around his ankles and a fake sheep in the front of him to simulate that he is having sex with the sheep; A man dressed as Elvis with very tight pants which are pushing on his genital area; and a woman dressed as Wonder Woman with very large breasts with the costume nipples protruding.
 21. 10/30/09 Subject: Fw: avoid the curse = Seven images of naked women exposing both breasts and genitalia and one image of a topless woman with a crochet type string bikini swimsuit bottom.
 22. 11/4/09 Subject: Fw: Pair of Nikes....xxx – Eight images of a naked woman wearing Nike tcnnis shoes and a painted on costume of blue shorts and a white tank top exposing her breasts in five of the images and exposing her genitalia in five of the images.
 23. 11/17/09 Subject: Fw: YOUR OPINION NEEDED, PLEASE!!!XXX = twelve images attached; however, it is actually six images of women in brazilian thong bikinis exposing their genitalia area and the images are each attached twice to the email.

Of the 9 reply emails that Harris sent after receiving the above emails, all of them were sent during the work day. Additionally, the two emails that Harris forwarded with attachments were forwarded during the work day.

Computer Hard Drive Diagnostic Findings

A review of Harris' hard drive diagnostic information did not reveal additional images falling into the inappropriate category beyond the ones that had previously been identified through the email review.

Summary Findings

1. Did Harris receive emails which violated the AUP and/or the Harassment Policy?

Yes. Harris admits to receiving emails on several occasions from his sister that had content that would be in violation of the AUP. Harris contends that he does not believe that his behavior violated the Harassment Policy in the District; however, a reasonable person in the Complainant's position could have felt harassed by the image that was shown, due to its extraordinarily graphic content and presentation, separately or in conjunction with other acts reported.

2. Was the content of emails received and forwarded inappropriate?

Yes. This investigation reveals frequent receipt of emails with pornographic or, at least, indecent content that is not appropriate or acceptable in a school/educational environment.

3. Did Harris encourage or further his receipt of inappropriate emails?

Yes. Although Harris reports requesting the sender to stop sending the emails to him at work several times during verbal conversations with her, the email records establish that his responses to the sender were, at a minimum, tolerant and at times are accepting and welcoming of the content. In addition, responsive remarks by Harris could reasonably be viewed by a recipient as supportive or even, at times, enthusiastic about receiving such materials. There were no emails sent that ask the sender to stop sending these types of emails to his work email address.

4. Did Harris engage in behavior which constituted harassment?

Yes. Harris confirms that he did show images and emails from his sister to the other female team member teachers on an occasional basis. The data from the investigation indicates that the specific image from 10/7/09 may have caused one of the team members to feel uncomfortable personally and due to the potential for student exposure if a student had come into the classroom during the viewing of the picture. Although the initial complaint does not specifically state that it is being filed under the heading of "harassment," the investigator is required to acknowledge that the criteria for a harassment complaint are clearly met in this situation.

5. Did [REDACTED] reasonably perceive the environment to be hostile or to adversely impact her ability to enjoy all aspects of the workplace?

Yes. [REDACTED] reports that Harris can sometimes be intimidating in his behaviors and that she was uncomfortable with Harris receiving and sharing the specific image from 10/7/09. Harris reported that he found it unlikely that any of the other staff members in his team would be intimidated or bothered by the images he shared based on the tenor of the team conversations that had occurred over the years during their team time; however, it is clear by the complaint that was received that this is not the case and that an objective assessment of the image that was shared indicates that her conclusion was reasonable.

Conclusion

It is the opinion of this investigator that the conduct identified by the Complainant clearly violates the Acceptable Use Policy, meets the standard(s) required to qualify as "harassment," and/or was highly inappropriate in a school/educational setting of middle school-aged students. In addition, the conduct at issue occurred during the work day, would reasonably create an uncomfortable (if not hostile) work environment for female staff members,

and created unnecessary risks of exposure to students and to the District's technology. The violations are serious and repeated, rather than isolated.

Based upon this investigation, termination of Harris' employment is recommended.

Submitted by:

Tabatha Gundrum
Director of Employee Services

