DYSART UNIFIED SCHOOL DISTRICT #89
MINUTES: GOVERNING BOARD – SPECIAL MEETING
AS AMENDED FEBRUARY 29, 2012

2009-2010  June 16, 2010  Location:
           Nathaniel Dysart Education Center

I. REGULAR MEETING - GENERAL FUNCTION
1. Ms. Jennifer Tanner, Governing Board President, called the regular meeting to order at 2:00 p.m. Governing Board members constituting a quorum were present; Ms. Jennifer Tanner, Mrs. Bonnie Schroader, Ms. Christine Pritchard and Mr. Jerry Eynon. Mrs. April Allen attended the meeting via telephone.

2. A motion by Tanner/Pritchard was entered to approve the Agenda Form consistent with board policy BEDB and temporarily suspend any Governing Board Policy with which this agenda may be inconsistent. UNANIMOUS

3. Audience with Individuals or Groups - None

CALL FOR EXECUTIVE SESSION
A motion by Tanner/Eynon was entered to recess to executive session for discussion of A.R.S. 38.431.03

   A.3 Legal advice regarding the Hearing Officer’s Findings of Fact Conclusion of Law and Recommendations in the Matter of a Whistleblower Complaint Filed by Michelle Eriksson. UNANIMOUS

RECESSING OF REGULAR MEETING FOR EXECUTIVE SESSION

RECONVENING OF SPECIAL MEETING

ACTION/DISCUSSION

1. Hearing Officer’s Findings of Fact Conclusion of Law and Recommendations in the Matter of a Whistleblower Complaint Filed by Michelle Eriksson

Ms. Georgia Staton, counsel representing the Board, announced the purpose of the meeting was to consider and accept or not accept the Hearing Officer’s Findings of Fact Conclusion of Law and Recommendations and cautioned counsels representing the District and Ms. Eriksson that introduction of new evidence and/or documents would be inappropriate. Ms. Tanner informed Mr. Haws and Mr. Hobson they would have 20 minutes each to make statements; Mr. Haws may reserve part of the 20 minutes for rebuttal.

After listening to attorney statements and asking clarifying questions, the Governing Board resumed Executive Session to receive legal advice. Upon reconvening of the Special Meeting:

A motion by Eynon/Pritchard was entered to move that the Dysart Unified School District accept the Findings of Fact, Conclusions of Law, Report, and Recommendations of the Hearing Officer dated May 25, 2010 in the matter of Michelle Eriksson. UNANIMOUS
ADJOURNMENT
On a motion entered by Tanner/Schroader and by a unanimous vote, the meeting ended at 3:57 p.m.

Signed:                                      Date:

As Amended February 29, 2012
May 25, 2010

Hand-Delivered

Ms. Jennifer Tanner
Dysart Unified School District
Governing Board President
c/o Donald M. Peters, Esq.
Miller, LaSota & Peters PLC
722 E. Osborn Road
Suite 100
Phoenix, AZ 85014-5245

Re: Michelle Eriksson v. Dysart Unified School District

Dear Ms. Tanner:

Pursuant to District Policy and appointment by the Governing board, I served as the Hearing Officer in a Whistleblower dispute involving the District’s former employee Michelle Eriksson. I am enclosing for your information an original and five copies for your Governing Board members of my Report in the Michelle Eriksson whistleblowing matter. The Hearing in this matter was conducted on May 6 and 7, 2010. Ms. Eriksson, at the conclusion of the hearing, elected not to have this matter treated as a confidential personnel matter, but as one that is “public.” In order to comply with the provisions of A.R.S. § 41-785, copies of this Report are being transmitted simultaneously to counsel for Ms. Eriksson and to the counsel for the Administration of the Dysart Unified School District. I have retained the Exhibits submitted by Eriksson and the Dysart Administration and would be pleased to forward these documents to you if you wish to review them. There are also micro tapes of the proceeding. If you wish to have them I will forward them to you.
Ms. Jennifer Tanner  
Dysart Unified School District  
   Governing Board President  
May 25, 2010

   After you have had an opportunity to review this report, please feel free to contact me with any questions.

[Signature]

Enclosures

(via electronic mail and U.S. Mail)
cc: William Hobson, Esq.
Robert Haws, Esq.
BEFORE THE HEARING OFFICER FOR THE
GOVERNING BOARD OF DYSART UNIFIED SCHOOL DISTRICT

In Re the Matter of,
Michelle Eriksson,

HEARING OFFICER’S FINDINGS OF FACT, CONCLUSIONS OF LAW, REPORT AND RECOMMENDATION

A. INTRODUCTION

This matter is before the undersigned Hearing Officer for a recommendation to the Governing Board of Dysart Unified School District ("Dysart") relative to a whistleblower complaint filed May 5, 2009 under A.R.S. § 38-531 et seq. The issues include (i) whether certain complaints of prohibited personnel action filed with the Board by former employee Michelle Eriksson ("Eriksson") constitute a "public concern" pursuant to A.R.S. § 38-532 and (ii) whether a prohibited personnel action or reprisal was taken against Eriksson as a result of her written complaints. An evidentiary hearing on disputed facts was conducted on May 6, 2010 and May 7, 2010 at the offices of Quarles & Brady LLP in Phoenix, Arizona. Eriksson was represented by counsel William R. Hobson and the Dysart Administration was represented by counsel Robert D. Haws of Gust Rosenfeld PLC.

On April 21, 2010 an Order (Exhibit "A"), limiting the scope of the Hearing regarding allegations in the May 4, 2009 letter was entered.\(^1\) The ruling concluded that as

\(^1\) No evidence would be received regarding:

1. Any activities or conduct that preceded May 4, 2009 as alleged disciplinary personnel actions or reprisals against Eriksson;

2. The June 22, 2009 email from Governing Board President Christine Pritchard to the Open Meeting Law;

3. The June 25, 2009 communication from Superintendent Gail Pletnick as a result of Eriksson’s appeal of Dr. Roach’s June 11, 2009 letter of discipline;
a matter of law many of Eriksson’s allegations were matters of personal concern rather than public or irrelevant to the reprisal allegations involving Dysart under A.R.S. § 38-531 et seq.

Pursuant to A.R.S. § 41-785, the evidentiary hearing was limited to a determination of (1) whether Eriksson’s disclosure of May 5, 2009 raised matters of “public concern” and (2) whether a June 11, 2009 letter from Assistant Superintendent for Human Resources Bill Roach (“Roach”) imposing discipline upon Eriksson constituted a prohibited reprisal. Eriksson has exercised her option to make the determination in this case public.

Witness testimony on May 6 and 7 was received from Eriksson, Bill Roach (“Roach”), Sharon Prochello (“Prochello”), Gail Pletnick (“Pletnick”), Marie Payne (“Payne”), and Marilee Timbrooks (“Timbrooks”). In addition to two days of testimony, various exhibits described on Exhibit “B” attached were received and reviewed by the Hearing Officer.

This matter has a relatively unique procedural background following the filing on May 5, 2009 document filed with Dysart alleging of matters of public concern under Arizona’s Whistleblower Statute. This procedural background is summarized in Exhibit “C” attached.

In order to reach a conclusion the Hearing Officer needs to determine whether:

4. Eriksson’s March 25, 2009 nonrenewal;
5. Eriksson’s EEOC filing;
6. The disqualification of hearing officer Harold Merkow; or
7. Allegations concerning attorney Haws as he has no control of Dysart “personnel actions.”
(a) On March 23, 2009, after Eriksson was advised her employment would not be renewed based on alleged unprofessional conduct and on March 24, 2009, notified she was being investigated for unprofessional conduct and requested Union representation which was denied is this a matter of "public concern" and therefore an abuse of authority under A.R.S. § 38-532;

(b) Whether Eriksson's allegation that on May 1, 2009, an administrator and administrative assistant made false allegations constitutes a matter of "public concern"; and

(c) Whether the Roach discipline letter of June 11, 2009 constitutes a prohibited reprisal for the filing of the May 4th allegations by Eriksson?

B. FINDINGS OF FACT

1. Eriksson was hired by the District as a grant-funded elementary school guidance counselor at Kingswood Elementary School in August 2006.

2. Eriksson's last contract with the District began on July 1, 2008 and ended on June 30, 2009.

3. Eriksson was not a continuing teacher during the 2008-2009 school year.

4. Eriksson's immediate supervisor during the 2007-2008 and 2008-2009 school years was Kingswood Principal Timbrooks.

5. On March 23, 2009, Eriksson, at the conclusion of her school day, was approached by Christopher Kibsey ("Kibsey"), Kingswood's Assistant Principal.

6. Eriksson was escorted by Kibsey to the office of the Principal, Timbrooks.
7. In addition to Ms. Timbrooks, the District’s Assistant Superintendent for Human Resources, Roach was present.

8. At that meeting, Eriksson was advised that she was to be non-renewed for reasons of “unprofessional conduct” and had the option of resigning by 4:30 p.m. the next day or the matter would go to the Governing Board.

9. At that meeting Eriksson requested representation by the teachers’ union. The request was denied.

10. On March 23, 2009, it was the position and remains the position of Roach that a meeting notifying a teacher that they would be non-renewed in accordance with Arizona law (in effect leaving them unemployed) was not discipline that entitled an employee to representation the MOU between Dysart and the Dysart Education Association.

11. On March 24, 2010, Eriksson reported to work, found her computer locked, but conducted her business day as usual.

12. As occurred on the 23rd, on the 24th the Assistant Principal Kibsey approached her at the end of the day and escorted her to the office of principal Timbrooks.

13. Roach was also present at the March 24, 2009 meeting in Timbrook’s office.

14. At that meeting Eriksson was handed a document that reassigned her to home for the balance of the school year and reflected that an investigation of unprofessional conduct had been convened.
15. On March 24th Ms. Eriksson again requested union representation and was provided with “five” minutes to locate a union representative.

16. Eriksson communicated with only one Dysart Education Association representative who was in the process of attending to the needs of special education students and could not leave her classroom.

17. Eriksson, in light of the needs of the students, elected to return to the meeting and proceed.

18. The letter dated March 24, 2009, stated “the allegations are of such a nature that an investigation has been initiated . . . If the investigation results in a determination that misconduct in accordance with Governing Board Policy GCQUF occurred, then disciplinary action, up to and including dismissal, may be imposed.”

19. After the meeting in Timbrook’s office, Eriksson was escorted from the facilities without being allowed to obtain her personal property.

20. On May 1, 2009 Eriksson became aware of written statements that were part of the “investigation” relative to her March 23, 2009 alleged unprofessional conduct authored by Prochello and Timbrooks.

21. After reviewing these statements Eriksson prepared and filed the May 4th Whistle Blower document containing multiple allegations with members of the Governing Board and the Superintendent on May 5, 2009.

22. While the document purports to be reports of unlawful conduct, abuse of authority and mismanagement, many of the allegations have been previously dismissed or determined to be personal matters not protected by the Arizona Statute.
23. Eriksson, on several occasions after she became aware of the written statements, requested a full investigation and a right to present her side of the story before there would be findings regarding the alleged events of the afternoon on March 23, 2009.

24. In addition to any oral communications, it is undisputed that on May 13, 2009, May 18, 2009, and on June 2, 2009, Eriksson requested an extensive inquiry before any investigative findings as to the allegations of Timbrooks and Prochello of unprofessional conduct relating to March 23, 2009 were rendered.

25. Regarding the pending investigation into allegations of unprofessional conduct on March 23, 2010, there was communication from Roach to Eriksson on May 18.

26. Agreement was reached to meet on June 5, 2009

27. On June 5, 2009, Eriksson would have a full opportunity to review the allegations against her and present any information she deemed relevant in support of her position.

28. Eriksson and Roach met on June 5, 2010 and Eriksson was given an opportunity to explain her version of events and present Roach with documents.


30. Eriksson’s version of the events and “garbled” tapes played at the Hearing and transcribed were rejected by Roach who accepted the Prochello/Timbrooks version.

31. Subsequently, on June 16th, pursuant to District Policy, Eriksson appealed the discipline determination by Roach to the District Superintendent Pletnick.
32. Pletnick, in a detailed letter prepared under the direction, and possibly by someone other than Pletnick, affirmed the discipline imposed by Roach on June 25, 2009.

C. DISCUSSION

Central to any discussion of the situation are the policies and agreements between the Governing Board and its employees. See Dysart Unified School District Policy G-6100, GCQF entitled “Discipline, Suspension, and Dismissal of Professional Staff Members,” This Policy by its terms (see page 6 of 7) excludes from the definition of discipline the “non-renewal of a contract of a professional staff member employed by the District for less than a major portion of three (3) consecutive school years (non-continuing professional staff member). The grievance procedure and due process in the District’s Discipline Policy are not applicable to a “non-renewal.” Thus, if a teacher faced with non-renewal is entitled to any due process its origins must be found outside of the Grievance Policy.

Both the policy and the 2008-2009 Memorandum of Understanding for Certified Employees between the Dysart Education Association and the Governing Board of the Dysart Unified School District No. 89 (“MOU”) (Hearing Exhibit 118) are terms of an employee’s contract. Since District Policy excludes any due process rights in the event of non-renewal, the provisions of Section D in the MOU are critical for a teacher in years 1-3 to have any legal or contractual rights to understand the process. The section entitled “Employee Rights,” paragraph 2.a. to 2.c. are relevant.

These provisions entitled “Right of Representation” state as follows:

(d) Prior to any meeting with a teacher which could lead to discipline or an evaluation leading
to a Personal Improvement Agreement, the
supervisor shall indicate to the teacher the
subject to be discussed.

(e) The teacher has the right to have an
Association representative present.

If during the course of the meeting the teacher feels the need for representation, the
meeting shall be suspended until such time as a representative can be present
provided that the representative shall be available within five (5) working days of the
date of the requested representation. Emphasis Added.

The Hearing Officer finds that as a matter of law when a Governing Board enters
into an MOU granting rights to employees or adopts policy that they become part of the
employee's contract with the District and are to be enforced according to their language.
Erickson, faced with loss of her employment and allegations of unprofessional conduct
that could and did result in discipline requested Union representation under Dysart's MOU.
The denial of this request was an abuse of authority and a matter of "public concern"

Much testimony was devoted to the different versions of two meetings that
occurred the afternoon of March 23, 2009. For various reasons including the Conclusion of
Law no discussions of the differing versions of those events will occur in this decision.
Suffice it to say Eriksson, Prochello and Timbrooks dispute each others versions of what
occurred! Upper level management (Roach and Timbrooks) Eriksson's direct supervisor
and the Assistant Superintendent for Personnel Services, took the position that when an
employee is being told they do not have a job for the next school year, given the option to
resign and advised of an unprofessional conduct investigation, this does not constitute
discipline and they have no right to Union Representation.
In light of the Findings of Fact, it is the Hearing Officer’s responsibility is to determine whether any of the matters raised by Eriksson constitute issues of public concern and whether discipline, if imposed, was a reprisal for filing the May 4, 2009 Whistleblower document and therefore prohibited by law.

This matter has been aired in documents, emails, submissions to the State Personnel Board, objections and boils down to disputed conversations on the afternoon of March 23, 2009 when Eriksson was advised she would not be employed for the following year. Nothing which occurred prior to the May 5, 2009, receipt of the allegations of matters of public concern can constitute either discipline or reprisal. The only issue is after Eriksson filed her complaint whether the single discipline imposed, i.e., a letter of June 11 authored by Roach, constitutes a reprisal. The Hearing Officer has reviewed the credible evidence and documentation. It is undisputed that Roach had very differing events of alleged unprofessional conduct that occurred in the afternoon of March 23, 2009. Thus, he had many paths he could follow to reach a conclusion as to whether discipline was appropriate or not. Roach, apparently anticipating that as a result of nonrenewal no further action would be necessary, delayed in processing the allegation of unprofessional conduct against Eriksson until she, on several times, as indicated by the Findings of Fact, kept insisting that a full investigative report be made after she had the opportunity to present her extensive and often repetitive documentation as well as meet with Roach to explain her version of events. All of this took place on June 5, 2009.

D. CONCLUSIONS OF LAW

Having received and considered all of the evidence and the applicable law, the Hearing Officer renders the following conclusions. The Hearing Officer expressly concludes:
1. That Eriksson reported a single matter of public concern, as set forth in A.R.S. § 38-532, i.e., abuse of authority in her May 4, 2009 communication where management denied her right to representation on March 23 and 24, 2010 under Dysart’s MOU;

2. The June 11, 2009 Letter resulting in the investigation of disputed events of March 23, 2009 meetings placed in Eriksson’s file constitutes “discipline”;

3. The June 11, 2009 discipline was in direct response to Eriksson’s repeated requests involving conflicting testimony and was not a reprisal or prohibited personnel practice for her filing her May 4, 2009 document with the Governing Board on May 5, 2009; and

4. The issues that relate to an alleged fabrication of the events of March 23rd by Timbrooks and Prochello resulting in ultimate imposition of discipline in the form of a letter in the file on June 11, 2010 are personal to the parties involved and do not have broader implications to make them "public."

E. RECOMMENDATION

The Hearing Officer recommends that the Board dismiss Eriksson’s complaint and conclude that no person who has control over personnel actions concerning Eriksson took any prohibited personnel action against her that constitutes “reprisal” as a result of her protected letter to the Board dated May 4, 2009.

DATED this 25th day of May, 2010.

Charles W. Herf
Hearing Officer
Charlie.Herf@quarles.com
BEFORE THE HEARING OFFICER FOR THE
GOVERNING BOARD OF DYSART UNIFIED SCHOOL DISTRICT

In Re the Matter of,
Michelle Eriksson,

ORDER LIMITING EVIDENCE

This matter proceeded to oral argument on the District Administration’s
Management Conference and Brief, the Plaintiff’s Response and the District’s Reply as if
it was designated a Motion to Dismiss or Motion in Limine.

Appearing on behalf of the Complainant who also appeared in person, was her
counsel William R. Hobson, and appearing on behalf of the Dysart Unified School
District (“District”) was its counsel, Robert D. Haws of Gust Rosenfeld, PLC.

1. At the outset of the hearing jurisdictional issues of the hearing officer were
addressed. The factual and legal determinations in this matter will be limited to a
determination as to whether or not the allegations of Michelle Eriksson (“Eriksson”) that
are not encompassed by the text of this Order constitute a matter of public concern,
specifically a violation of any law or an abuse of authority as those terms are used in
A.R.S. § 38-531 et seq. The hearing officer shall be limited to a determination of
whether the allegations constitute "reprisal" in the form of a personnel action, including
but not limited to disciplinary "... as defined in 38-531.3(c).

2. As a result of the briefs filed by the parties and a review of the exhibits, the
hearing officer will address issues substantially limiting the scope of the hearing, but is
reserving dismissal of the case until the conclusion of evidence. The hearing officer finds
that conduct complained of in the May 4, 2009 "Whistleblower" document, i.e., the
technique used on March 23 and/or 24, 2009 threatening an investigation within 24 hours
or be fast-tracked to the Board meeting at an unexpected meeting where Union
representation was denied after being requested, and the allegation that on May 1, 2009,
an administrator and that person’s assistant made false allegations may constitute an abuse
of power beyond the individual personal situation of Eriksson. (See Paragraph’s 1 & 2 of
the May 4, 2009 "Whistleblower" document.

3. The specific allegations in the May 4, 2009 "whistleblower disclosure"
contained in paragraphs 3, 4 & 5 raised exclusively issues of personal, not public concern,
and there will be no evidence or consideration of those matters at the hearing.

4. Paragraph 7 of that communication reflects the concealed recorder that
provided a transcript for the use of Complainant and is exclusively personal and does not
constitute a matter of "public concern."
5. The focus at the hearing as to whether or not a reprisal occurred after filing of the May 4, 2009 document, will be whether or not the June 11, 2009 discipline by Dr. Roach constitutes a violation of A.R.S. § 32-532(a) as a reprisal for protected activity. Also, at issue is whether at the time period where Dr. Roach issued the discipline, is whether in his position he had "... control over personnel actions, ..." or if he was responding to an inquiry regarding the March 23, 2009 alleged false statements by Michelle Eriksson.

6. Having reviewed the voluminous documentation as proposed hearing exhibits, the briefs with their attachments, and the fact that there has never been an evidentiary, but only a documentary hearing, compels, at this point in time, the hearing officer to order that the hearing proceed as scheduled on May 6, 2010.

7. There shall be no evidence received of any activities or conduct that preceded May 4, 2009 as alleged personnel actions or reprisals against Michelle Eriksson.

8. The hearing officer further finds that the June 22, 2009 letter of Governing Board President Pritchard is an admonition to avoid issues that could be raised as to the Open Meeting Law and does not constitute a reprisal or personnel action.

9. The hearing officer further finds that the June 25, 2009 Pletnick communication as a result of Michelle Eriksson's appeal of the letter of discipline does
not constitute a reprisal or personnel action, but merely the results of a review of appeal
documents under Dysart Unified School District Policy.

10. The hearing officer does not intend to receive or rule on evidence pertaining
to the non-renewal approved by the Governing Board on March 30, 2009, nor on
allegations pertaining to either the EEOC filings under the American With Disabilities Act
or the disqualification of Harold Merkel on procedural grounds.

11. Nothing in the pleadings or arguments raised involving Dysart Unified
School District counsel, Robert D. Haws, could constitute a personnel action as a matter
of law. Mr. Haws is not, and never was, a person "... who has control over personnel
actions, ... "

12. The hearing in this matter will be conducted under Dysart Unified School
District Hearing Policy G-1900, GBP “Prohibited Personnel Practices.”

13. Based on that policy, the procedures followed will be pursuant to the
provisions of A.R.S. § 41-785 involving “Appeals to the Personnel Board.”

14. Counsel are instructed to review the comments in this Order and to prepare
and exchange revised witness lists and documents consistent with this Order on or before
April 29, 2010.
15. While the written materials entered by Joseph E. McGary on October 5, 2009, may be submitted in evidence, it appears that the decision of the Governing Board to proceed with this matter and to appoint a hearing officer independent of the State Personnel Board is indicative of their desire to have a report prepared for their review so they can make a determination for the best interests of the District.

16. Predicated upon the limitations in evidence restricting the reprisal and the public concern issues discussed above the parties are advised that objections to any evidence inconsistent with the content of this Order will be sustained.

DATED this 21st day of April, 2010.

By

Charles W. Herf
Hearing Officer
Charlie.herf@quarles.com
EXHIBIT B
Michelle Eriksson v. Dysart Unified School District

List of Hearing Exhibits

The following constitutes the hearing exhibits referenced by the parties during the course of the hearing:

A. ERIKSSON EXHIBITS

<table>
<thead>
<tr>
<th>Exhibit No.</th>
<th>Date</th>
<th>Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>3/23/2009</td>
<td>Audio Recording w/transcript Prochello’s Office (Erik/Prochello)</td>
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<tr>
<td>14</td>
<td>3/23/2009</td>
<td>Audio Recording w/transcript Timbrooks, Principal’s Office Doorway, (Timbrooks/Prochello/Eriksson)</td>
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<td>27</td>
<td>6/5/2009</td>
<td>Eriksson Audio Recording/Transcript Re: Eriksson’s statement of alleged “threat” incident 3/23/2009 (80 days, over 2-1/2 months after alleged incident and 2 weeks after school is out for summer break</td>
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<tr>
<td>68</td>
<td>2/4/2009</td>
<td>Arizona Education Association Pamphlet: Reporting Serious Misconduct</td>
</tr>
<tr>
<td>86</td>
<td>3/24/2009</td>
<td>Audio Recording/Transcript of 3/24/2009 Work from Home reassignment, threat of further discipline by Roach if came near campus, talked to anyone</td>
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### B. DYSART EXHIBITS

<table>
<thead>
<tr>
<th>Exhibit No.</th>
<th>Date</th>
<th>Document</th>
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<tbody>
<tr>
<td></td>
<td>4/7/2009</td>
<td>recommendation to non-renew current employment contract</td>
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<td>B</td>
<td>3/23/2009</td>
<td>Witness statements of Sharon Prochello and Marilee Timbrooks</td>
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<td>3/24/2009</td>
<td>Letter to Michelle Eriksson from Bill Roach regarding investigation</td>
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<td>D</td>
<td>3/25/2009</td>
<td>Notice of Public Meeting agenda and minutes (relevant pages only)</td>
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<td>E</td>
<td>5/13/2009</td>
<td>Letter to Bill Roach from Michelle Eriksson regarding May 12, 2009 phone</td>
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<td>5/17/2009</td>
<td>Letter to Alice Finn-Gartell, Lisa Guzman and Nikki Frye from Michelle</td>
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<td>Eriksson regarding AEA representation</td>
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<td>5/18/2009</td>
<td>Letter to Bill Roach from Michelle Eriksson regarding missing personal</td>
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<td>belongings</td>
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<td>5/18/2009</td>
<td>Email to Michelle Eriksson from Bill Roach regarding scheduling a meeting</td>
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<td></td>
<td></td>
<td>to provide information regarding investigation</td>
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<td>I</td>
<td>6/2/2009</td>
<td>Email to Bill Roach from Michelle Eriksson regarding documents</td>
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<td>J</td>
<td>6/11/2009</td>
<td>Letter to Michelle Eriksson from Bill Roach regarding imposition of</td>
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<td>discipline action</td>
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<td>7/25/2009</td>
<td>Letter to Michelle Eriksson from Gail Pletnick regarding appeal from</td>
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<td>discipline</td>
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<td>L</td>
<td>No date</td>
<td>Dysart Unified School District Polices GCQF, GBEA, GBEB, GBEB-R, GBP</td>
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<tr>
<td></td>
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<td>Any exhibit listed by Ms. Eriksson</td>
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<td>Impeachment exhibits as necessary</td>
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EXHIBIT C
Michelle Ericksson v Dysart Unified School District

**CHRONOLOGY**

<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
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<tbody>
<tr>
<td>8/16/06</td>
<td>Ericksson commences employment with Dysart</td>
</tr>
<tr>
<td>3/23/09</td>
<td>Notice of non-renewal despite being encouraged to apply for counselor position and 3/26 scheduled interview</td>
</tr>
<tr>
<td>3/24/09</td>
<td>Computer access blocked; denied representation; reassigned to home; roach aggressive and not provide reasons; surrender keys and laptop; denied request to obtain personal items; threatened that contact with staff, parents or community; considered insubordinate; escorted off property; denied opportunity to complete career ladder ($8600.00 potential loss)</td>
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<tr>
<td>3/25/09</td>
<td>AEA (Guzman) said Roach to table non-renewal until next meeting if Ericksson not attend meeting</td>
</tr>
<tr>
<td>3/25/09</td>
<td>Roach placed non-renewal on agenda and board approved</td>
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<tr>
<td>4/15/09</td>
<td>Letter from Haws regarding administrative leave</td>
</tr>
<tr>
<td>5/1/09</td>
<td>Ericksson learns of allegations and statements of Prochello and Timbrooks</td>
</tr>
<tr>
<td>5/4/09</td>
<td>Ericksson files whistleblower disclosure per 38-532 specifically claiming:</td>
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<td></td>
<td>Investigative documents:</td>
</tr>
<tr>
<td></td>
<td>Timbrook’s abuse of power by making false statements</td>
</tr>
<tr>
<td></td>
<td>Timbrook’s and Prochello violate state statutes</td>
</tr>
<tr>
<td></td>
<td>Outrageous unprofessional conduct and constitute</td>
</tr>
<tr>
<td></td>
<td>Violate Federal Law with defamation</td>
</tr>
<tr>
<td></td>
<td>Violates Board policy regarding investigative procedures, attacks Ericksson in front of co-workers</td>
</tr>
<tr>
<td></td>
<td>Disregards request to due to stress of receiving non-renewal letter 25 minutes earlier</td>
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<tr>
<td></td>
<td>Disregards disability accommodation request of 9/11/08</td>
</tr>
<tr>
<td></td>
<td>Conversations accidentally recorded</td>
</tr>
<tr>
<td>5/8-6/26/09</td>
<td>Ericksson allegations of reprisals</td>
</tr>
<tr>
<td>5/19/09</td>
<td>Pletnick denied hearing request for non-renewal</td>
</tr>
<tr>
<td>5/20/09</td>
<td>Ericksson claims 5/14/09 conduct prohibited personnel practice</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
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<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5/21/09</td>
<td>EEOC charge filed</td>
</tr>
<tr>
<td>6/5/09</td>
<td>Ericksson meets Roach and presents version of 3/23 events and documentation as to her position regarding Request for “Investigative Findings” made on March 24, 2009</td>
</tr>
<tr>
<td>6/11/09</td>
<td>Discipline by Roach regarding 3/23/09 conduct</td>
</tr>
<tr>
<td>6/17/09</td>
<td>Ericksson’s email complaining Roach’s letter was reprisal</td>
</tr>
<tr>
<td>6/22/09</td>
<td>Board letter regarding open meeting law requirements regarding email to members</td>
</tr>
<tr>
<td>6/25/09</td>
<td>Pletnick upheld Roach discipline of June 11</td>
</tr>
<tr>
<td>6/26/09</td>
<td>Ericksson claims Pritchard email reprisal</td>
</tr>
<tr>
<td>6/26/09</td>
<td>Ericksson claims Pletnick upholding discipline was reprisal</td>
</tr>
<tr>
<td>7/10/09</td>
<td>Ericksson requests whistleblower hearing before State Personnel Board</td>
</tr>
<tr>
<td>7/13/09</td>
<td>Haws writes to Merkow as possible hearing officer and Merkow set hearing for 8/12/09</td>
</tr>
<tr>
<td>7/22/09</td>
<td>District files Motion to Dismiss</td>
</tr>
<tr>
<td>7/31/09</td>
<td>Ericksson files opposition to motion to dismiss and to ex parte appointment of Merkow</td>
</tr>
<tr>
<td>8/12/09</td>
<td>Ericksson failed to appear at hearing and Merkow continued on matter and recommended dismissal</td>
</tr>
<tr>
<td>8/26/09</td>
<td>Board met but no action as it had not voted on the hearing previously</td>
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<tr>
<td>9/4/09</td>
<td>Ericksson writes to hearing officer claiming Haws slandered her at 8/26/09 meeting as an additional reprisal</td>
</tr>
<tr>
<td>10/5/09</td>
<td>Board’s hearing officer Joseph E. McGarry concluded no jurisdiction, complaint untimely and no amendments allowed</td>
</tr>
<tr>
<td>11/3/09</td>
<td>State Personnel Board adopted recommendations and dismissed complaint</td>
</tr>
<tr>
<td>11/18/09</td>
<td>Ericksson requested Governing Board Whistleblower Hearing</td>
</tr>
<tr>
<td>1/27/10</td>
<td>Herf appointed as hearing officer per statute by Dysart Governing Board</td>
</tr>
<tr>
<td>4/21/10</td>
<td>Herf issues Order Limiting Evidence and Dismissing various claims that are not matters of “Public Concern”</td>
</tr>
<tr>
<td>5/6/10</td>
<td>Hearing on Whistleblower Complaint</td>
</tr>
<tr>
<td>5/7/10</td>
<td>Hearing on Whistleblower Complaint</td>
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</tbody>
</table>