

**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

UNANIMOUS

- 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.

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

Charles W. Herf, Esq.
Renaissance One
Two N. Central Avenue
Phoenix, Arizona 85004-2391
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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.

Very truly yours,


Charles W. Herf

Enclosures

(via electronic mail and U.S. Mail)

cc: William Hobson, Esq.
Robert Haws, Esq.

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BEFORE THE HEARING OFFICER FOR THE
GOVERNING BOARD OF DYSART UNIFIED SCHOOL DISTRICT

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In Re the Matter of,
Michelle Eriksson,

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

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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;

1 a matter of law many of Eriksson's allegations were matters of personal concern rather
2 than public or irrelevant to the reprisal allegations involving Dysart under A.R.S. § 38-531
3 et seq.

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

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

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

19
20 In order to reach a conclusion the Hearing Officer needs to determine
21 whether:

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- 22
23 4. Eriksson's March 25, 2009 nonrenewal;
24 5. Eriksson's EEOC filing;
25 6. The disqualification of hearing officer Harold Merkow; or
26 7. Allegations concerning attorney Haws as he has no control of Dysart "personnel actions."

1 (a) On March 23, 2009, after Eriksson was advised her employment
2 would not be renewed based on alleged unprofessional conduct and on March 24,
3 2009 notified she was being investigated for unprofessional conduct and requested
4 Union representation which was denied is this a matter of “public concern” and
5 therefore an abuse of authority under A.R.S. § 38-532;

6 (b) Whether Eriksson’s allegation that on May 1, 2009, an
7 administrator and administrative assistant made false allegations constitutes a matter
8 of “public concern”; and
9

10 (c) Whether the Roach discipline letter of June 11, 2009 constitutes a
11 prohibited reprisal for the filing of the May 4th allegations by Eriksson?
12

13 **B. FINDINGS OF FACT**

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

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

18 3. Eriksson was not a continuing teacher during the 2008-2009 school year.
19

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

22 5. On March 23, 2009, Eriksson, at the conclusion of her school day, was
23 approached by Christopher Kibsey (“Kibsey”), Kingswood’s Assistant Principal.
24

25 6. Eriksson was escorted by Kibsey to the office of the Principal, Timbrooks.
26

1 7. In addition to Ms. Timbrooks, the District's Assistant Superintendent for
2 Human Resources, Roach was present.

3 8. At that meeting,. Eriksson was advised that she was to be non-renewed for
4 reasons of "unprofessional conduct" and had the option of resigning by 4:30 p.m. the next
5 day or the matter would go to the Governing Board.
6

7 9. At that meeting Ericksson requested representation by the teachers' union.
8 The request was denied.

9 10. On March 23, 2009, it was the position and remains the position of Roach
10 that a meeting notifying a teacher that they would be non-renewed in accordance with
11 Arizona law (in effect leaving them unemployed) was not discipline that entitled an
12 employee to representation the MOU between Dysart and the Dysart Education
13 Association.
14

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

17 12. As occurred on the 23rd, on the 24th the Assistant Principal Kibsey
18 approached her at the end of the day and escorted her to the office of principal Timbrooks.
19

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

22 14. At that meeting Eriksson was handed a document that reassigned her to
23 home for the balance of the school year and reflected that an investigation of
24 unprofessional conduct had been convened.
25
26

1 15. On March 24th Ms. Eriksson again requested union representation and was
2 provided with “five” minutes to locate a union representative .

3 16. Eriksson communicated with only one Dysart Education Association
4 representative who was in the process of attending to the needs of special education
5 students and could not leave her classroom.
6

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

9 18. The letter dated March 24, 2009, stated “the allegations are of such a nature
10 that an investigation has been initiated . . . If the investigation results in a determination
11 that misconduct in accordance with Governing Board Policy GCQUF occurred, then
12 disciplinary action, up to and including dismissal, may be imposed.”
13

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

16 20. On May 1, 2009 Eriksson became aware of written statements that were
17 part of the “investigation” relative to her March 23, 2009 alleged unprofessional conduct
18 authored by Prochello and Timbrooks.
19

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

23 22. While the document purports to be reports of unlawful conduct, abuse of
24 authority and mismanagement, many of the allegations have been previously dismissed or
25 determined to be personal matters not protected by the Arizona Statute.
26

1 23. Eriksson, on several occasions after she became aware of the written
2 statements, requested a full investigation and a right to present her side of the story before
3 there would be findings regarding the alleged events of the afternoon on March 23, 2009.

4 24. In addition to any oral communications, it is undisputed that on May 13,
5 2009, May 18, 2009, and on June 2, 2009, Eriksson requested an extensive inquiry before
6 any investigative findings as to the allegations of Timbrooks and Prochello of
7 unprofessional conduct relating to March 23, 2009 were rendered.

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

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

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

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

16 29. On June 11, 2009, after reviewing the conflicting positions, Roach issued a
17 letter of discipline and place it in Eriksson's file accepting the versions of the March 23,
18 2009 incident of Prochello and Timbrooks.

19 30. Eriksson's version of the events and "garbled" tapes played at the Hearing
20 and transcribed were rejected by Roach who accepted the Prochello/Timbrooks version.

21 31. Subsequently, on June 16th, pursuant to District Policy, Eriksson appealed
22 the discipline determination by Roach to the District Superintendent Pletnick.

1 32. Pletnick, in a detailed letter prepared under the direction, and possibly by
2 someone other than Pletnick, affirmed the discipline imposed by Roach on June 25, 2009.

3 **C. DISCUSSION**
4

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

15 Both the policy and the 2008-2009 Memorandum of Understanding for Certified
16 Employees between the Dysart Education Association and the Governing Board of the
17 Dysart Unified School District No. 89 (“MOU”) (Hearing Exhibit 118) are terms of an
18 employee’s contract. Since District Policy excludes any due process rights in the event of
19 non-renewal, the provisions of Section D in the MOU are critical for a teacher in years 1-3
20 to have any legal or contractual rights to understand the process. The section entitled
21 “Employee Rights,” paragraph 2.a. to 2.c. are relevant.
22

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

24 **(d) Prior to any meeting with a teacher which**
25 **could lead to discipline or an evaluation leading**
26

1 **to a Personal Improvement Agreement, the**
2 **supervisor shall indicate to the teacher the**
3 **subject to be discussed.**

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

6
7 **If during the course of the meeting the teacher feels the need for representation, the**
8 **meeting shall be suspended until such time as a representative can be present**
9 **provided that the representative shall be available within five (5) working days of the**
10 **date of the requested representation. Emphasis Added.**

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

17 Much testimony was devoted to the different versions of two meetings that
18 occurred the afternoon of March 23, 2009. For various reasons including the Conclusion of
19 Law no discussions of the differing versions of those events will occur in this decision.
20 Suffice it to say Eriksson, Prochello and Timbrooks dispute each others versions of what
21 occurred! Upper level management (Roach and Timbrooks) Eriksson's direct supervisor
22 and the Assistant Superintendent for Personnel Services, took the position that when an
23 employee is being told they do not have a job for the next school year, given the option to
24 resign and advised of an unprofessional conduct investigation, this does not constitute
25 discipline and they have no right to Union Representation.
26

1 In light of the Findings of Fact, it is the Hearing Officer's responsibility is to
2 determine whether any of the matters raised by Eriksson constitute issues of public concern
3 and whether discipline, if imposed, was a reprisal for filing the May 4, 2009 Whistleblower
4 document and therefore prohibited by law.

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

21
22 **D. CONCLUSIONS OF LAW**

23 Having received and considered all of the evidence and the applicable law, the
24 Hearing Officer renders the following conclusions. The Hearing Officer expressly
25 concludes:
26

1 1. That Eriksson reported a single matter of public concern, as set forth
2 in A.R.S. § 38-532, i.e., abuse of authority in her May 4, 2009 communication where
3 management denied her right to representation on March 23 and 24, 2010 under
4 Dysart's MOU;

5 2. The June 11, 2009 Letter resulting in the investigation of disputed
6 events of March 23, 2009 meetings placed in Eriksson's file constitutes "discipline";
7

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

12 4. The issues that relate to an alleged fabrication of the events of March
13 23rd by Timbrooks and Prochello resulting in ultimate imposition of discipline in the
14 form of a letter in the file on June 11, 2010 are personal to the parties involved and do
15 not have broader implications to make them "public."
16

17 **E. RECOMMENDATION**

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

22 DATED this 25th day of May, 2010.

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Charles W. Herf
Hearing Officer
Charlie.Herf@quarles.com

EXHIBIT A

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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

1 A.R.S. § 38-531 et seq. The hearing officer shall be limited to a determination of
2 whether the allegations constitute “reprisal” in the form of a personnel action, including
3 but not limited to disciplinary “. . . as defined in 38-531.3(c).
4

5 2. As a result of the briefs filed by the parties and a review of the exhibits, the
6 hearing officer will address issues substantially limiting the scope of the hearing, but is
7 reserving dismissal of the case until the conclusion of evidence. The hearing officer finds
8 that conduct complained of in the May 4, 2009 “Whistleblower” document, i.e., the
9 technique used on March 23 and/or 24, 2009 threatening an investigation within 24 hours
10 or be fast-tracked to the Board meeting at an unexpected meeting where Union
11 representation was denied after being requested, and the allegation that on May 1, 2009,
12 an administrator and that person’s assistant made false allegations may constitute an abuse
13 of power beyond the individual personal situation of Eriksson. (See Paragraph’s 1 & 2 of
14 the May 4, 2009 “Whistleblower” document.
15
16

17
18 3. The specific allegations in the May 4, 2009 “whistleblower disclosure”
19 contained in paragraphs 3, 4 & 5 raised exclusively issues of personal, not public concern,
20 and there will be no evidence or consideration of those matters at the hearing.
21

22 4. Paragraph 7 of that communication reflects the concealed recorder that
23 provided a transcript for the use of Complainant and is exclusively personal and does not
24 constitute a matter of “public concern.”
25
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1 5. The focus at the hearing as to whether or not a reprisal occurred after filing
2 of the May 4, 2009 document, will be whether or not the June 11, 2009 discipline by Dr.
3 Roach constitutes a violation of A.R.S. § 32-532(a) as a reprisal for protected activity.
4 Also, at issue is whether at the time period where Dr. Roach issued the discipline, is
5 whether in his position he had “. . . control over personnel actions, . . . “ or if he was
6 responding to an inquiry regarding the March 23, 2009 alleged false statements by
7 Michelle Eriksson.
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10 6. Having reviewed the voluminous documentation as proposed hearing
11 exhibits, the briefs with their attachments, and the fact that there has never been an
12 evidentiary, but only a documentary hearing, compels, at this point in time, the hearing
13 officer to order that the hearing proceed as scheduled on May 6, 2010.
14

15 7. There shall be no evidence received of any activities or conduct that
16 preceded May 4, 2009 as alleged personnel actions or reprisals against Michelle Eriksson.
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19 8. The hearing officer further finds that the June 22, 2009 letter of Governing
20 Board President Pritchard is an admonition to avoid issues that could be raised as to the
21 Open Meeting Law and does not constitute a reprisal or personnel action.
22

23 9. The hearing officer further finds that the June 25, 2009 Pletnick
24 communication as a result of Michelle Eriksson’s appeal of the letter of discipline does
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26

1 not constitute a reprisal or personnel action, but merely the results of a review of appeal
2 documents under Dysart Unified School District Policy.
3

4 10. The hearing officer does not intend to receive or rule on evidence pertaining
5 to the non-renewal approved by the Governing Board on March 30, 2009, nor on
6 allegations pertaining to either the EEOC filings under the American With Disabilities Act
7 or the disqualification of Harold Merkel on procedural grounds.
8

9
10 11. Nothing in the pleadings or arguments raised involving Dysart Unified
11 School District counsel, Robert D. Haws, could constitute a personnel action as a matter
12 of law. Mr. Haws is not, and never was, a person “. . . who has control over personnel
13 actions, . . . “
14

15 12. The hearing in this matter will be conducted under Dysart Unified School
16 District Hearing Policy G-1900, GBP “Prohibited Personnel Practices.”
17

18 13. Based on that policy, the procedures followed will be pursuant to the
19 provisions of A.R.S. § 41-785 involving “Appeals to the Personnel Board.”
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21 14. Counsel are instructed to review the comments in this Order and to prepare
22 and exchange revised witness lists and documents consistent with this Order on or before
23 April 29, 2010.
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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 2~~nd~~ day of April, 2010.

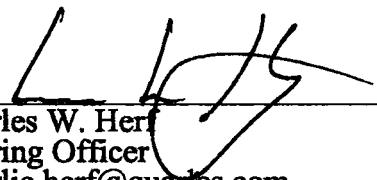
By 
Charles W. Herf
Hearing Officer
Charlie.herf@quarles.com

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

Exhibit No.	Date	Document
12	5/4/2009	Eriksson's Whistleblower Disclosure Pursuant A.R.S. § 38-532
13	3/23/2009	Audio Recording w/transcript Prochello's Office (Erik/Prochello)
14	3/23/2009	Audio Recording w/transcript Timbrooks, Principal's Office Doorway, (Timbrooks/Prochello/Eriksson)
27	6/5/2009	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
28	6/17/2009	Eriksson to DUSD Governing Board email Re: Whistleblower Reprisal Notification/Dr. Roach Imposition of Discipline letter 6/11/2009
29	6/16/2009	Eriksson to Dr. Pletnick Appeal Letter Re: Appeal to Dr. Roach's 6/11/2009 Imposition of Discipline Letter (Prohibited Personnel Action)
68	2/4/2009	Arizona Education Association Pamphlet: Reporting Serious Misconduct
86	3/24/2009	Audio Recording/Transcript of 3/24/2009 Work from Home reassignment, threat of further discipline by Roach if came near campus, talked to anyone

B. DYSART EXHIBITS

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

EXHIBIT C

Michelle Ericksson v Dysart Unified School District

CHRONOLOGY

DATE	EVENT
8/16/06	Ericksson commences employment with Dysart
3/23/09	Notice of non-renewal despite being encouraged to apply for counselor position and 3/26 scheduled interview
3/24/09	Computer access blocked denied you 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)
3/25/09	AEA (Guzman) said Roach to table non-renewal until next meeting if Ericksson not attend meeting
3/25/09	Roach placed non-renewal on agenda and board approved
4/15/09	Letter from Haws regarding administrative leave
5/1/09	Ericksson learns of allegations and statements of Prochello and Timbrooks
5/4/09	Ericksson files whistleblower disclosure per 38-532 specifically claiming: Investigative documents: Timbrook's abuse of power by making false statements Timbrook's and Prochello violate state statutes Outrageous unprofessional conduct and constitute Violate Federal Law with defamation Violates Board policy regarding investigative procedures, attacks Ericksson in front of co-workers Disregards request to due to stress of receiving non-renewal letter 25 minutes earlier Disregards disability accommodation request of 9/11/08 Conversations accidentally recorded
5/8-6/26/09	Ericksson allegations of reprisals
5/19/09	Pletnick denied hearing request for non-renewal
5/20/09	Ericksson claims 5/14/09 conduct prohibited personnel practice

5/21/09	EEOC charge filed
6/5/09	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
6/11/09	Discipline by Roach regarding 3/23/09 conduct
6/17/09	Ericksson's email complaining Roach's letter was reprisal
6/22/09	Board letter regarding open meeting law requirements regarding email to members
6/25/09	Pletnick upheld Roach discipline of June 11
6/26/09	Ericksson claims Pritchard email reprisal
6/26/09	Ericksson claims Pletnick upholding discipline was reprisal
7/10/09	Ericksson requests whistleblower hearing before State Personnel Board
7/13/09	Haws writes to Merkow as possible hearing officer and Merkow set hearing for 8/12/09
7/22/09	District files Motion to Dismiss
7/31/09	Ericksson files opposition to motion to dismiss and to ex parte appointment of Merkow
8/12/09	Ericksson failed to appear at hearing and Merkow continued on matter and recommended dismissal
8/26/09	Board met but no action as it had not voted on the hearing previously
9/4/09	Ericksson writes to hearing officer claiming Haws slandered her at 8/26/09 meeting as an additional reprisal
10/5/09	Board's hearing officer Joseph E. McGarry concluded no jurisdiction, complaint untimely and no amendments allowed
11/3/09	State Personnel Board adopted recommendations and dismissed complaint
11/18/09	Ericksson requested Governing Board Whistleblower Hearing
1/27/10	Herf appointed as hearing officer per statute by Dysart Governing Board
4/21/10	Herf issues Order Limiting Evidence and Dismissing various claims that are not matters of "Public Concern"
5/6/10	Hearing on Whistleblower Complaint
5/7/10	Hearing on Whistleblower Complaint