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December 4, 2015

WIAA Executive Board  
435 Main Avenue South  
Renton, WA 98057

Dear WIAA Executive Board:

I am writing this letter to express concerns regarding the tone and direction of the current investigation being conducted by Carl Blackstone and Robert Westinghouse on behalf of the WIAA into the Bellevue High School (BHS) football program. As you know, the Bellevue School District received a complaint alleging that a Bellevue High football player had been the subject of harassment, intimidation or bullying. The investigation concluded that the evidence supported the athlete's claim. The report also contained information regarding other behaviors which the District viewed as violations of WIAA regulations. In keeping with its self-reporting obligation, BHS informed the KingCo conference of these violations.

The Seattle Times ran an article on August 22, 2015 which raised some additional allegations. BHS and the District wanted to ensure that these allegations were investigated and felt that it would be prudent to request that the WIAA conduct a fact finding investigation. To that end, I along with Jeff Lowell, District Athletic Director; Lauren McDaniel, BHS Athletic Director and Scott Powers, BHS Principal, met with John Miller, Assistant Executive Director and John Olson, WIAA General Counsel on August 28, 2015 to discuss the scope of the investigation. At this meeting, the District requested that the WIAA conduct a fact finding investigation of the following allegations that were in the Seattle Times article:

- 1) Whether BHS (football) coaches directed athletes to attend the Academic Institute
- 2) Whether BHS boosters paid for tuition of athletes at Academic Institute
- 3) Whether athletes used false addresses to gain eligibility
- 4) Whether athletes received subsidized housing to gain eligibility
- 5) Whether coaches are coordinating tuition payment for athletes

Mr. Miller and Mr. Olson explained that the WIAA would select investigators and vet them to ensure that they had no connections to Bellevue High School or the football program and that this investigation would be conducted by independent and unbiased investigators. The investigators

were selected and I met with them on September 16, 2015. I had requested to do this prior to the investigators beginning their investigation. I later found out that the investigators had already met with Nancy Larsen, a District employee who was responsible for high school athletics before that responsibility was assigned to me. I was informed by WIAA Executive Director, Mike Colbrese that he had suggested this to the investigators.

The investigators met with Ms. McDaniel and Mr. Powers after which there were some concerns about the scope of the investigation and the manner in which the interviews were conducted. As a result, I informed Mr. Miller and Mr. Olson, by email, that I was placing the investigation on hold until the District received clarification from the WIAA as to the scope of the investigation and the charge given to the investigators (see tab A). Jeff Lowell and I met with Mr. Miller and Mr. Olson on September 25, 2015 to discuss our concerns (see tab B).

Because the investigators were requesting student contact information, they were informed that the District would be willing to provide this information, but only after it contacted parents to inform them relative to the request. Mr. Westinghouse and Mr. Blackstone vehemently disagreed with this approach. On September 30, 2015, Mr. Lowell and I met with Annie Cole, Bellevue School District General Counsel; Mr. Miller; Mr. Olson; and the investigators. Ms. Cole confirmed that this was the approach the District would be taking. After this clarification, Ms. Cole excused herself and the meeting continued (see tab C). On October 19, 2015 I sent a letter to Mr. Blackstone and Mr. Westinghouse to again clarify the scope of the investigation (see tab D). Mr. Blackstone and Westinghouse complained that they have not received a response to their email dated October 28, 2015 which they sent to Ms. Cole in which they stated that they advised her that BSD can provide them with student information without obtaining parental consent. They fail however, to acknowledge that this was covered at the September 30, 2015 meeting. At that meeting, when the investigators stated that they wanted Ms. Cole to defend her position in writing to them, she made it clear to them that she did not work for the investigators and that any discussions she would be having would be with her client, the Bellevue School District. This has been one of the frustrations with this investigation. The investigators will ask the District questions, they will receive a response and if it goes against whatever they want, they insist that they have not been provided with a response.

Our concerns relative to the manner in which the investigation is unfolding were further heightened when the District learned, that a third investigator had contacted a student directly, contrary the agreement that all requests for interviews with students and/or staff come to me. The District learned of this contact because the BHS community was outraged and, assuming that the investigator was provided with the student's contact information by the District, made it very clear through contacts with District staff and our School Board that they did not want their student's information shared. As a result of this misunderstanding, I sent a letter to BHS football families to explain that the District heard the concerns and shared them with the WIAA and would be protecting their student's privacy (see tab E).

The District held a telephone conference with Mr. Miller and Mr. Olson to discuss this matter and to, yet again, clarify the scope of the investigation. During this October 22, 2015 discussion, Mr. Miller and Mr. Olson once again agreed with the District's definition of the scope. However, because the investigators continue to insist that they have been hired to investigate as fully and broadly as they deem necessary and were encouraged to "leave no stone unturned," the District asked the WIAA,

specifically Mr. Miller, to put in writing their agreement as to the scope of the investigation. To date, the District has received no such letter, despite additional requests for such (see tab G).

Rather than issue the letter as agreed at the October 22, 2015 meeting, Mr. Olson sent the District a letter in which he takes up the argument of the investigators in requesting access to Shawn Flood, the investigator that the District used to look into the HIB complaint (see tab I). The District has repeatedly explained that the investigators have been provided with the report and that any drafts of such report, should any exist, are not relevant in that a draft is not the document upon which action is taken. The clear implication is that there is something in the draft which would serve as a *smoking gun*. Nothing could be further from the truth and the District believes that it is inappropriate to insist that any draft document would serve as a basis for decision making. Mr. Olson additionally leveled the following accusation against the District "Our investigators have repeatedly been denied access to information that they believe is crucial to this investigation" (see tab I). Again, this could not be further from the truth. Numerous individuals have been asked to provide literally thousands of pages of documents which the investigators "believe" are pertinent to their investigation. The District received its first request for records on September 16 (see tab J), and provided a records request update on November 3, 2015 (see tab K) and continues to provide documents including the most recent requests that appear to be part of a *fishing expedition* (see Tab L). The District can provide a copy of the full set of documents which have been provided to date should the Board so desire.

As this investigation has proceeded, the District finds itself being either accused or threatened based on whether the investigators deem that they have received cooperation as defined by them. This does not evidence a fair and balanced approach to the investigation as promised. The investigators continue to maintain the position that they have not been given parameters limiting the scope of their investigations to the five areas outline above, in fact the investigators have stated "we are certainly not precluded from investigating other matters involving possible violations of WIAA regulations" (see tab H). This approach has led to what we were told would be a two to four week investigation, into one which currently has no end in sight and one which has led the investigators to continue to ask for information about a significant number of other matters, including information about the 2012 District Title IX review and information about a variety of other sports at Bellevue High School. The District has not denied information to the investigators as Mr. Olson accused us of in his November 4, 2015 letter (see tab I). Instead we have asked the investigators for clarification as to why they are asking for information that does not fall within the scope of the investigation. Additionally, the investigators have been provided with the report of the HIB investigation conducted by Shawn Flood. What was redacted from the report is student identifiable information, in keeping with FERPA regulations. This in no way hampers an ordinary person's ability to understand what was being investigated and the investigation findings.

The number of documents and scope to which the investigators have decided to investigate, the tone and demeanor of the investigators both in meetings and in the written communications (see tab H for just one example) and the tone and accusations contained in Mr. Olson's November 4<sup>th</sup> letter, lead the District to believe that the investigation was not intended to be one in which the District is going to be provided with a full and fair investigation but rather one in which allows the investigators to "look under rocks, under rocks, under rocks" (see tab H) in an effort to get at what appears, based on questions being asked, many of the accusations which BHS has faced and responded to over the years.

Instead, the investigators have said that the "WIAA fully intends to continue investigating these matters and any matters which arise during the course of the investigation" (see tab H). While the District does not disagree that if as the investigation was unfolding, information surfaced related to the areas which the District asked the WIAA to look into, that it would be appropriate to follow that lead. We disagree, however, that the investigators should have unfettered access to pursue any and all areas which they believe need to be investigated. The District does not believe that this approach is appropriate nor will it result in a timely end to the investigation.

At this time, believing that the investigation has become one in which the investigators intend to look into issues based on the community gossip about the BHS football program for years, rather than conduct an unbiased investigation which would focus on facts, we are turning to you to ask for your help in achieving perspective on this investigation. This was supposed to be an investigation and not a trial with accusations of guilt and threats of what the investigators will do if they do not get "cooperation," which appears to be defined as the District telling the investigators what they want to hear rather than providing them with factual information.

It is untenable for the investigators to accuse and or threaten as they conduct their investigation. They have been hostile and rude to many with whom they have engaged. The District is aware that the investigators have spoken to not only individuals that they have asked us to schedule, but to others both in and outside of the Bellevue community. Their approach has been discussed by people within the community and it has led people to decline to meet with them. The District had reached out to students who had agreed to meet with the investigators who subsequently let us know that they were declining the meeting. When people, other than District employees decline to meet, the investigators turn this into a charge that the District is refusing to cooperate.

While charges such as this may serve the purposes of the investigators, they are neither factual nor representative of unbiased fact finding. Furthermore, assuming that Mr. Westinghouse's comments were accurately quoted in the December 3 Seattle Times article, it is disturbing that he would make any comment at all, given that the investigation is ongoing. That he said, "I think you can assume that we are attempting to fully investigate any all allegations that suggest violations of WIAA rules," is particularly disturbing. This is not what we asked the WIAA to investigate.

We are asking for the Executive Board's help in getting confirmation in writing that the scope of the investigation is that which has been outlined in the District's request for investigation; that the investigators will discontinue threatening to color their investigation report based on whether they feel they have received cooperation and that an investigation deadline be established.

Sincerely,

John Harrison  
Executive Director of Schools  
Bellevue School District

cc: Mike Colbrese, WIAA Executive Director  
John Miller, WIAA Assistant Executive Director