

Bellevue Coaches Association

March 17, 2016

John Harrison
12111 NE 1st Street
Bellevue, WA 98005

Re: Our meeting Monday March 14, 2016 with Rick Brown

Dear Mr. Harrison

Thank you for meeting Monday with Rick Brown and myself to discuss the issues being brought forward. It was unfortunate that you had to leave prior to us really resolving anything. After speaking with Coach Brown, we are writing to you to highlight what we feel are still issues that are not resolved. On the matter of paying employees for their time involved with the interviews and investigations (both of them), as well as refusing to provide paid counsel unless it was attorneys which some employees felt would have had a serious conflict of interest between representing BSD and representing the employee, for the moment and in the interest of continuing to keep things like this at an informal level, we will contact you separately regarding those two issues. In summarizing the meeting we had with you, here are our primary concerns which we require action upon:

First, the investigators were provided with a scope by BSD. They have refused to follow it and have in a number of meetings attended by BCA members and/or BCA counsel literally scoffed at following it. Mr. Harrison, the investigators told me at the meeting I had with them that they and your district had "agreed to disagree" as to the necessity for them to follow the scope. You have a duty to enforce that. You have a duty to require it of them. You had a duty to notify those who were going to meet that you had knowledge that they were consistently going outside of the scope and that we would not be considered "uncooperative" by merely refusing to answer questions outside the scope. You did not do so and you have a duty to hold them accountable and Mr. Harrison and they have not been held accountable.

Secondly, when you elaborated on your position, Coach Brown and I were both quite surprised with how you explained what you called your "rock and a hard place" dilemma. To see you literally point to the west and say that they think it is "a witch hunt" and to see you then point to the east and say that they would be upset if you did anything other than move forward was very revealing. Mr. Harrison, we get it that BSD is much bigger than West Bellevue, but right and wrong don't have an address. What has been going on in this investigation is wrong, you know it is wrong and BSD has a duty to not allow this behavior to go on within its borders, within its buildings, to its employees and to its community members. When you had to have Mr. Bone removed from the investigation, who was it that was directing Mr. Bone to do what he did? Who was it that asked me during my interview, "**Does the Freeman family strike you as one who could afford the tuition at the Academic Institute?**" Who was it during the Rick

Brown interview, when Mr. Brown asked them why they were only asking him about the African American families and if he had ever visited their homes, sarcastically and angrily then immediately asked about two white families? Who was it that literally lied to Mr. Brown and his counsel about BSD providing them with a "list of families with questionable addresses"-----a lie which you confirmed was a lie when you were contacted on speakerphone during Mr. Brown's interview? We understand there is an investigation going on Mr. Harrison but that does not grant the investigators the right to lie, or the right to profile using a line of questioning based on person's skin color nor does it allow them to unilaterally decide a list is of "families with questionable addresses" when it is simply a list. They literally just made that up. It does not matter who lives to the west of your office or who lives to the east. This is not about politics or political decisions. It is about what is right and what is wrong. There is an apparent latent racist belief with those involved with the investigation that African Americans cannot afford to live in west Bellevue and if they do, something must be amiss, someone must be writing their rent checks, or I as a coach should be able to know someone's financial capabilities based on their skin color----how dare they ask me that question. Mr Harrison, this is bad.

Last fall, counsel for BCA received the below email from your district athletic director:

"From: "Lowell, Jeff (Jeffrey R)" <[REDACTED]@bsd405.org>

Date: Mon, November 2, 2015 4:41 pm

To: [REDACTED]

Cc: "McDaniel, Lauren B" <[REDACTED]@bsd405.org>

Ms. Jones,

Thank you for reaching out to us and sending the written statement from Mr. Rogers.

As to your message, we are in disagreement as to your claims that the District collaborated w/the Seattle Times.

Also, the District takes all claims of racism seriously, and as such please forward the facts which lead to your claim so that we may look into them.

Also, the District will not pay for Mr. Rogers to seek private counsel.

Sincerely,

Jeff Lowell

District Activities and Athletics Director

BELLEVUE SCHOOL DISTRICT"

First, as I mentioned earlier, the legal counsel thing we will discuss separately. On the denial of BSD collaboration with the Seattle Times, given that at the meeting Monday you mentioned that you and your district AD had met with Josh Liebeskind and Mike Baker just prior to the diploma mill article being released, combined with all of the other information garnered in June 2015, we will continue to have to agree to disagree there----but we can discuss that separately as well. My point in quoting this email is specific to the part where your district AD writes,

"Also, the District takes all claims of racism seriously, and as such please forward the facts which lead to your claim so that we may look into them," This was written on Monday November 2, 2015. While Mr. Brown and I were pleased to hear from you during our meeting Monday that the interview process is finally over after seven months (you mentioned that you got the call from the WIAA a half hour prior to our meeting saying as much), contrary to your district AD's email of November 2, 2015, we do NOT feel that you and Mr. Lowell and Dr. Mills are taking claims of racism seriously in this matter and BSD and yourself have been provided with evidence of this kind of inappropriate behavior dating back to last fall and continuing on to this very day on the part of the investigators and you have chosen (for political reasons apparently) to not force it to stop. We HAVE "forwarded the facts", and we understand that many others have "forwarded the facts". Please explain how exactly you and Mr. Lowell and Dr. Mills have been taking these claims seriously and what you have done and are doing about them.

As mentioned in our earlier letter, the WIAA investigators need to be terminated not only for lying and misleading but also for their latent racist behavior and remarks and their inappropriate targeting and line of questioning and tactics with the African American members of our community---including Mr. Brown who is one of your employees. During our own BCA investigation of the investigation, we have learned that the investigators also demanded that one of the BHS students retract his statement that the investigators were treating the Caucasian families differently than the African American families (and he refused to withdraw his statement). I also heard from you during our meeting a few days ago that the investigators actually asked you (paraphrasing here) to notify the BHS community on their behalf that the investigators are not racially biased---and you declined this request from the investigators. How dare they try to manipulate a student into changing what he said, and how dare they attempt to get the school district to provide untruthful or misleading statements to the public. It is supposed to be a fact finding investigation. Similar to the Seattle Times who chose to "create" news rather than to simply report on it, these two investigators have stepped WAY out of bounds on a number of levels and for many, many months now....and Mr. Harrison, what is BSD doing about it and how is BSD holding them accountable? If you do not put a stop to it and you allow it to continue into the writing phase, you become part of the problem, part of the improper conduct. You yourself requested this investigation and your reasons for doing so have been made public. You pointed out that you have crossed your t's and dotted your l's on your part, but Mr. Harrison, your job isn't to make sure that you have protected yourself, your job is to make sure that you (BSD) are protecting your employees and the families involved Mr. Harrison, don't kid yourself. By not holding these two investigators accountable for their actions here and (paraphrasing) bowing to the apparent pressures you feel from those East of your office, you are in fact permitting it to happen. As I mentioned previously, while you seem to be trying to, you cannot be on both sides of the creek at the same time. While I agree with you that there are consequences either way, the position that you are currently taking which you apparently believe is protecting you/BSD (rather than the employees and families and students in your own district) is going to backfire. When we discussed why BSD won't speak up/speak out and hold these guys accountable, you explained why BSD had to wait until the end of the investigation. When I reminded you that last June after the first investigation that

BSD elected to say NOTHING (and I pointed out the Elizabeth Sytman documents we obtained through public disclosure) even though BSD knew the Seattle Times “mislead the public”, forgive us for not believing you now on that matter. You sat there and looked at me without answering why the district sat quietly by last June when BSD KNEW the Seattle Times misled the public. Quite honestly Mr. Harrison, our experience to date is that BSD is letting its employees hang in the wind as it has already done that not too long ago along very similar lines. Your silence speaks volumes and I’m sure you realize that after all of this is over we still have to deal with what happened on the first investigation....we have not forgotten. You are allowing this to happen within your own district and literally within your very own office where some of the meetings have taken place. Your decision to allow “what it would look like” to people outside the BHS community to outweigh what is actually happening here to community members and employees within your own district is simply not acceptable.

In any event, in our meeting Monday, when we discussed last fall and went over the time when Mr. Bone was removed from the investigation and the complaints you were getting then, you mentioned that when determining how to proceed (I’m paraphrasing but your words were something about whether or not to “put a cork in the investigation” right then and there), you raised your issue between pressure from the west to stop the witch hunt and pressure from the east not to whitewash things. You were able to get Mr. Bone removed, but to your employees, the ones directing Mr. Bone remained and it sounds like they just replaced him with some other similar person in John Keller from Sammamish to do their dirty work. They are not even apologetic about purposefully ignoring your defined scope. They made it very clear that they had no intention of staying within your defined scope and they don’t even try to apologize for it. As we discussed in our meeting, knowing this you had/have a duty to require them to do so. You had/have a duty to notify the persons (employees, families, members of the community) that you had knowledge that the WIAA investigators were in fact far exceeding their scope and you needed to direct those who would be speaking with them that they would not be seen as “not cooperative” if they refused to answer questions outside of the scope. Not all families can afford attorneys and the AD of Bellevue and the principal of Bellevue are not attorneys and cannot practice law without a license to do so (another issue for a later date but not a BCA issue). Employees of BSD and the BSD conflict of interest for its own attorneys is a matter I said we would discuss separately so I won’t go further into that here.

If BSD does not immediately act to remove these investigators for the reasons already stated a number of times now, contrary to what you said Monday that it “is over”, the harm is going to continue. In fact it is going to be amplified by allowing investigators to now write their report. Mr. Harrison, you are going to allow the racism and the damage it is causing to be greatly amplified...you need to put an end to it not only for the employees within BCA but also for your community. It would be logical to conclude that their writing and assumptions will continue in a similar racially biased fashion as their investigation was handled. If these investigators are allowed to continue and write about information that was obtained in a racially biased fashion (profiling), and obtained using inappropriate tactics and methods (lying and misrepresenting facts) you are, through your inaction, allowing them to pollute the report. Given what the Seattle Times has shown time and time again through its owner’s tweets and its multiple front

page news stories and it's ridiculous "diploma mill" story that began this latest investigation, unless you act here, then BSD's stance on racism is only lip service and you are going to allow it to be escalated and amplified. Mr. Lowell's November 2, 2015 email to our BCA counsel is just words without meaning, an apparently without merit. Mr. Harrison, it is happening. It happened...and you cannot simply sit back now and allow it to get even worse when you have an opportunity to step in and mitigate the damage being inflicted on your employees and your community. It is time to put politics aside and do what it is right. BSD cannot tolerate racism in the workplace not only by its employees but also by its contractors...which in this case is the WIAA and its investigators. You have a duty to mitigate the damage being caused, and you have a duty to hold these investigators and those that hired them accountable for their actions. Mr. Harrison, you asked for this investigation, you are the self-proclaimed conduit between employees and families and the investigators, and this is happening under your watch and under your specific direction. There has to be zero tolerance for this behavior from the investigators...zero. They are in a position of power here and that makes it even more important that you step forward as a school district and do the right thing here. It does not matter what pressures are coming from other parts of the district. Mr. Lowell does not just get to give lip service to the issue nor can you just wash your hands of any responsibility...it is serious and it is not okay. This is one of those situations where you have to be on one side or the other when it comes to this issue. Politics won't work here. We've heard rumblings of persons at BSD moving on to greener pastures and while that in and of itself is none of our business, it adds to a feeling that perhaps there are short timers not being invested in the community nor invested in their employees and community members and are only concerned with covering themselves long enough before they leave and perhaps are not concerned with the aftermath. Whether or not that is true, the perception is there, and similar to when newspapers print news they created rather than news that occurred, perception matters. Mr. Harrison, this stopped being about a football program a long time ago and has become something far bigger...and unless you act here, you will be contributing to the divide you acknowledge already exists within your own district and you will be condoning (through your inaction) what has been done (and not done). If BSD truly wants to celebrate diversity within its district and do so without being hypocritical, as Mr. Brown told you, that must also include African American families and employees not having to feel like there is a perception polluting BSD that because someone is African American, then they must be at BHS to play football and therefore someone must be helping them financially because of the misguided perception that African American families do not earn as much money as others. Mr. Harrison, this is so distasteful. As Mr. Brown pointed out to you, you have not walked in his shoes. In looking at the photos of those in charge at the WIAA, the investigators and those from BSD who are involved, neither have they. Mr. Harrison this is so bad.



Pat Jones
President
BCA