

## Bellevue Coaches Association

March 3, 2016

John Harrison  
Bellevue School District  
12111 NE 1<sup>st</sup> Street  
Bellevue, WA 98005

Re: Complaint

Dear Mr. Harrison:

I am in receipt of a complaint from a member of our association with regard to their treatment during an interview (that he describes as more of an interrogation) which the Bellevue School District requested and required him to attend as an employee of the district. The complaint is from Rick Brown. As I go through the grievance process as outlined in our collective bargaining agreement, for the moment let us proceed as if we are at the informal grievance stage. Mr. Brown has asked BCA to assist him in this matter and BCA has agreed to do so.

First, in his interrogation (as he puts it), he was subjected to repeated questions over and over and over again which had absolutely nothing to do with the defined scope that you provided back in October. The interviewers from the WIAA made it very clear that they did not have a defined scope and that they had no intention of limiting their questions to those you outlined in your October 2015 letter. The investigators advised Rick Brown that they are aware of the BSD requested limitations, and they advised that they had a meeting with BSD about these limitations, but they are proceeding as instructed by the WIAA which conflicts with the BSD limitations. In other words, they are going to ask whatever it is they want to.

Secondly, the investigators/interrogators proceeded to barrage Mr. Brown with questions about persons of African American ancestry. Where they lived, had he ever been inside their homes, etc. It got to the point where Mr. Brown had to interrupt the interrogation and question the interrogators as to why they were only asking him about African American families and he asked them why their process was so incredibly racially biased. They responded that they were simply asking questions from a list that you (John Harrison of BSD) provided them with of "people with questionable addresses to focus on". At that point, it was agreed to immediately contact you (John Harrison) via telephone and confirm this assertion being made by the interrogators. During this call, which all in the room could hear, you vehemently denied providing the WIAA interrogators with such a list. You clarified that in

answer to a request from the WIAA investigators (interrogators), you had provided them with a list of 42 families who had lived outside of the middle school feeder school attendance boundaries prior to enrolling at Bellevue High School as freshman and that the list had absolutely nothing to do with "questionable addresses or persons to focus on".

When the phone call ended, the interrogators did not apologize for intentionally misstating what the list was for (i.e. they did not apologize for lying), and instead pointed out to Mr. Brown that there were not being racist or biased and that they were simply reading from a list provided by the school district and that they did not know who was black or who was white. Mr. Brown then repeated his earlier question and asked them why then weren't they asking him questions about any of the Caucasian families from the list. The interrogators became noticeably upset, raised their voices rather loudly in an intimidating fashion and proceeded to ask him immediately about two Caucasian families in a very loud, sarcastic, rude, and condescending tone. As an African American man, Mr. Brown takes this kind of behavior very seriously: Mr. Brown then told the interrogators that, 'You do know black from white, and you just proved my point'. At that point, the interrogators abruptly and tersely stated that the "interview" was over, and the meeting ended.

However, at that point, as people were packing up to leave, the interrogators asked counsel for the BCA if she had any additional information or examples regarding claims of racial bias or claims of racism in this WIAA investigation. Counsel for BCA replied to them that she did actually have quite a few examples and would be happy to share them. Then, in order to protect her client from further exposure to racially insensitive commentary or examples of racism on the part of Mr. Westinghouse and Mr. Blackstone, the attorney for BCA asked Mr. Brown to leave the room and go home which he did. At the behest of the WIAA interrogators, a phone call was then made to a BSD administrator who was present at other interviews/interrogations as the interrogators stated that they wanted to prove to BCA counsel that other meetings with other families were not in fact racially biased, nor did they exhibit rather clearly racist behavior on the part of the interrogators. The interrogators were not successful in reaching the BSD administrator they were trying to reach. Counsel for BCA then told them to contact her after they hear back from the BSD administrator they were trying to reach to prove that they were not acting in a racially biased manner and demonstrating incredibly racist behavior during their interviews/interrogations. In talking to BCA counsel this morning regarding the situation, as she has not received any contact back from the WIAA interrogators, we are under the understanding now that the BSD administrator they were talking to must have not agreed with them and that their behavior in other meetings was in fact racially biased and that their behavior was in fact overtly racist or we would have heard back by now as they had promised.

In looking online for the definition of racism I find, "racism consists of ideologies and practices that justify or cause or perpetuate unequal treatment of groups or individuals based on criteria of perceived racial or ethnical differences". Mr. Brown's question was never answered

and it is an important question... why are these two Caucasian men only asking this black man questions about where black families live and not asking about where the white families live....except at the end and only after being prodded and challenged about it? Their later attempt to sarcastically name two other Caucasian students and to do so in a clearly angry and derogatory way only furthers the point being made by Mr. Brown. When Mr. Brown advised them that they are proving his point, they become noticeably angry and upset and ended the meeting with him. To Mr. Brown, the interrogators repeated naming of only African American families from a list which contains families from many ethnicities is a practice that is perpetuating the unequal treatment of African Americans and to Mr. Brown, creates an incredibly inappropriate, uncomfortable and racially charged setting for him. As Mr. Brown is there at this meeting at the behest of the Bellevue School District in his capacity as a current employee of the school district, what happened at this meeting to him is happening to him as part of his role as a BSD employee and this cannot be allowed. BSD cannot continue to allow this kind of treatment to go on with regard to its employees. We ask that the two investigators/interrogators be immediately dismissed for the following reasons:

1: Intentional factually incorrect statements (i.e. lying) made by the two investigators/interrogators about a list containing "questionable addresses and/or persons to focus on" and the purpose of that list. Also lying about not knowing who was black and who was white from the list.. and proving during the meeting that they actually did know.

2: A continued (and repeated) refusal by the investigators/interrogators to even attempt to follow the five-item scope letter that BSD promised this employee would in fact be followed...and then intentionally not being followed and the investigator/interrogators are not even shy about saying that they are not going to follow them. As there has been no documentation from BSD alerting BCA or any of its employees that the WIAA investigator/interrogators do not or might not follow the five item scope, you (i.e. BSD) must still be under the impression that the investigator/interrogators are actually following it... but they are not and BSD is not protecting its employees with regard to this.

3: Most importantly, a continued racially biased line of questioning, racially insensitive comments and sarcasm and moments of flat-out racism referred to above that have no business in the workplace at any time for Mr. Brown as one of your employees.

4: The taint of their racially biased and racially insensitive line of questioning to Rick Brown (and to many others BCA has been told) and the results stemming from that kind of behavior and line of questioning will forever tarnish and cloud what should have been asked and discussed as part of the five-item scope. Given this, unless these two interrogators and the information they have garnered through their improper practices and racially biased line of questioning and racially insensitive conduct with persons like Mr. Brown are immediately dismissed, then BSD will be permitting and accommodating a racially biased report and racially motivated conclusions to forever be part of the record. In other words, BSD would be

accommodating this kind of behavior to be permanently allowed on paper as part of the results of the investigation in question. To persons like Rick Brown, this cannot be allowed to happen and goes to the very heart of what the experts refer to as latent racism. ...racism by persons who come from a generation where behavior like this is so ingrained into their upbringing to the point where they are not even cognizant of its inappropriateness. The message they are sending to Rick Brown and persons similarly situated is that black persons should not be living in West Bellevue and if they are, then something is amiss.

In any event, BCA understands that very similar concerns were first brought to your attention back in the early fall of 2015 and quite a number of times since. BSD has chosen so far to allow these incredibly harmful and insensitive behaviors and actions to go unchecked....at the expense of many including Rick Brown. If BSD does not step in here to correct this, the entire investigation going back to last summer when it started and back to the time when Mr. Westinghouse stated publicly that "he is going to level the playing field", while that is an inappropriate statement in and of itself, when methods such as those being used by Mr. Westinghouse and Mr. Blackstone are allowed to happen, their latent racism permeates throughout the entire investigation. Mr. Brown would like to set up a meeting at your earliest convenience to discuss these issues and the remedy that is being proposed in this complaint and informal grievance.

A handwritten signature in black ink, appearing to read 'Pat Jones', with a stylized flourish at the end.

Pat Jones  
President  
Bellevue Coaches Association

## Bellevue Coaches Association

March 7, 2016

John Harrison  
Bellevue School District  
12111 NE 1<sup>st</sup> Street  
Bellevue, WA 98005

Re: Complaint

Dear Mr. Harrison:

I am filing a complaint on behalf of myself as a member of the BCA with regard to my treatment during an interview which the Bellevue School District requested and required me to attend as an employee of the district. As I go through the grievance process as outlined in our collective bargaining agreement, for the moment let us proceed as if we are at the informal grievance stage.

First, during my interview, more than 75% of the questions were not part of the five part scope you outlined in your October letter. While I remained cooperative during the interview process, I am very upset that BSD is advising its employees (and others) about what the scope of the questions can/will be and the WIAA investigators are refusing to follow or even come close to adhering to scope of the investigation. What the WIAA investigators are doing is creating a scenario where what you as BSD are advising your employees is at best misleading, and at worst it is simply false. As there has been no direction or letter from BSD stating that the WIAA investigators are not going to follow the five part scope, it continues to be our collective understanding as members of the BCA (including myself) that they are going to....and Mr. Harrison they are not doing so. I am aware of other coaches and members of the community who were also questioned who have advised BSD of this same exact issue....and with all due respect Mr. Harrison, it does not appear that BSD is doing anything about this to rectify the situation. When we advised the investigators of this conflict, they rather smugly stated that they did not have to follow BSD's mandate nor would they.

BSD is not paying for counsel nor is BSD offering appropriate BSD counsel. An athletic director or principal would not be an appropriate legal representative for any employee or person being interviewed, and would potentially create a rather slippery slope where BSD's athletic director or principal would effectively be attempting to provide legal advice or representation without a license to do so....which is not a good idea in any scenario. I have heard that a number of interviews have been conducted with athletic directors and/or principals present on behalf of those being interviewed and that is shocking to hear that BSD would put itself in that situation. Be that as it may, given the FERPA issues in play (which became part of my interview which also is incredibly concerning), giving an employee(s) misleading guidance from BSD as to the true scope, and then not providing the same employee with either a legal counselor and/or the funds to pay for one seems very disingenuous on the part of BSD. While I understand it is (or at least it was supposed to be) a fact finding investigation, given the tactics being used by these former federal prosecutors...particularly the use of leading questions and a simple refusal to follow the defined scope, given your October letter which advised of the defined scope and your later letter which essentially told people involved to be interviewed or else, BSD had/has a duty to ensure that the investigators are in fact following the defined scope and BSD has a duty to provide appropriate legal representation particularly given that BSD has knowledge of the WIAA investigators refusal to follow the defined scope. According to the WIAA investigators, they met with you and you simply "agreed to disagree" as to whether or not the defined scope had to be followed. Given that, where is the letter from you/BSD advising persons you are asking to be interviewed....the same ones that you sent your earlier letters to... advising that they are potentially going to be asked questions outside the scope? You cannot on one hand send your two letters and act as some kind of liaison, and then pretend you are not aware of anything on the other hand and provide zero support from your end. A very mixed message is coming from BSD Mr. Harrison.

Secondly, during my interview (which was 2.5 hours long), I was very outraged by a particular line of questioning that I found incredibly offensive. It is the kind of behavior and line of questioning that has no business for an employee of BSD to have to deal with as part of his or her employment with BSD. During my interview, the investigators spent a rather inordinate amount of time on a former BHS student named Darien Freeman who is African American. As part of their line of questioning, they asked me the following, "Does the Freeman family strike you as one who could afford the tuition at The Academic Institute".

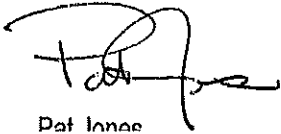
Without wanting to belabor the very obvious, that statement in and of itself provided an incredibly succinct view into the minds of the investigators with the same degree of inappropriateness to myself as if they had just simply used a

derogatory racial slur. As was mentioned in an earlier complaint from another coach in BCA, latent racism from persons who come from a generation where behavior like this is so ingrained into their upbringing to the point where they are not even cognizant of its inappropriateness cannot be tolerated by BSD or its employees.. ...and Mr. Harrison it happened and I will not tolerate it. Can BSD tolerate it? The BCA contract with BSD does not specifically address employees being subjected to racism or racially insensitive commentary or questioning from BSD or quasi BSD contractors, however the general policies and procedures of BSD more than cover it as do the laws of our State of Washington and also the United States of America. This is awful Mr. Harrison.

As part of the initial informal grievance process, I would like to discuss with you at your earliest convenience and determine where we go from there. I would expect BSD to require that the two investigators be immediately dismissed due to an intentional refusal to follow the scope as outlined in your October 2015 letter and more importantly terminated for their continued latent racist behavior during the interview process. If an employee or coach or other contractor of BSD behaved in this manner, they would be terminated. This has gone WAY beyond football Mr. Harrison and whatever is going on here, BCA is going to continue to try to get to the bottom of it. Whatever the results are from these two investigators and their almost seven months of investigating, good or bad, is forever now tainted with latent racial overtones. Regardless of their reasoning for using tactics such as these, asking me about an African American family and whether or not they "strike me" as being financially able to afford this or that is so incredibly inappropriate and it cannot be tolerated. Just how exactly does BSD want its employees to answer a question like that? I realize that to some this complaint may seem self-serving as it pertains to the investigation of something I am a part of. As I mentioned previously, at this point, that point is really irrelevant as it pertains to this particular subject matter. .and in many ways is FAR more serious than anything they are even asking questions about,

Ironically, last year when BSD levied written reprimands to certain members of our association, some of them dealt not with what some of our members did, but rather dealt with what they did not do. With quite a few of these reprimand letters which BCA has received through the public disclosure process, BSD used the words, "failed to intervene" and "the failure to act" as the cornerstone for a number of these reprimands. I find this ironic because as it pertains to this investigation, in spite of continued and repeated notifications from many directly to you, BSD has "failed to intervene" and "failed to act" with regard to the two issues racism and repeatedly exceeding the scope of the investigation... .or if you acted at all, you are falling far short of acting appropriately commensurate with what is currently happening to employees such as myself. This failure to act and failure to intervene is making BSD complicit with the behavior being demonstrated by the WIAA investigators. In looking up what the word complicit means, the dictionary says, "involved with others in reprehensible or illegal activity". A strong word here to use, I agree, but the behavior is reprehensible Mr. Harrison and BSD is not doing anything to stop it. ...and BSD is therefore complicit. So when I read those early June letters of reprimand BSD chose to send to many of its coaches (and later had to take back in some cases), I'm sure you understand why I feel there is a rather hypocritical and ironical position being taken currently by the Bellevue School District in this matter. No matter what the results are of their "fact finding" mission here, the investigators have been allowed to behave in a manner that is literally reprehensible when it comes to racially biased and latent racist questioning. ...not to mention literally ignoring the required scope to begin with. As someone who has been coaching here for thirty five years, I cannot and will not sit idly by while others are treated in this fashion; including myself. What color someone is or is not should NOT predispose someone to questioning their financial capabilities or incapacibilities. While the overall candor of the investigators with me was generally acceptable... was not acceptable when it came to this particular issue... in fact things got rather heated when this subject matter surfaced. As I said before, this has provided a very succinct view into the minds of the

investigators. As with any example of latent racist behavior, the ones doing it may not even realize that they are doing it because it is so ingrained into their persona. However, that by no means excuses it and I am simply not okay with that line and type of questioning and I expect there to be ramifications for the persons involved with asking those types of questions and in their position of power, somehow thinking that is appropriate behavior. When combining that with previous behavior of persons under their control, the picture it paints with regard to this is not a pretty one. So if BSD chooses to ignore this or to effectively just shrug their proverbial shoulders and say there is nothing they can do about it, you would be behaving in a complicit fashion and that would not be an acceptable position for a public high school to take, This has polluted and clouded whatever validity can even come from almost seven months of this and I again request that Mr. Blackstone and Mr. Westinghouse be dismissed from this investigation immediately for the reasons stated above. Allowing or condoning this kind of behavior in today's world is simply just not acceptable and whether or not they are agents of the WIAA, they are still effectively agents or quasi contractors of BSD as far as it pertains to things from an employee perspective.. someone who is being required by his employer to meet with them. As this is essentially happening in the workplace, it is also creating a hostile work environment. I look forward to hearing back from you. As I mentioned, I see this as initially an informal grievance process. If we are not able to come to a resolution informally, and I have to go through steps one through three of the grievance process and find similar results, I find it difficult to believe that a step four grievance with AAA is going to look at this type of behavior levied against your employee(s) lightly. Mr. Harrison, it has been going on now for far too long, you have had knowledge of it for quite some time now from a number of persons and it must be stopped (and appropriate actions taken) immediately. I look forward to hearing from you.



Pat Jones  
President

Pat Jones

Bellevue Coaches Association