
From: Brenda Warren <bbwarren@gbaps.org>
Sent: Sunday, October 27, 2019 12:48 PM
To: Rhonda Sitnikau
Cc: Theresa Willems; ANDREW becker
Subject: Re: Investigation Information

Hi Rhonda, Teri is not in a position to provide you with that information since she is not conducting the investigation, as she outlined in her previous email. I would suggest you contact Atty. Eileen Brownlee directly with your question. Her office phone number is: (608) 822-3251.

--Brenda

On Fri, Oct 18, 2019 at 9:04 AM Rhonda Sitnikau <rdsitnikau@gbaps.org> wrote:
Thank you. Is there any way to send the formal complaint without including the name?

On Thu, Oct 17, 2019 at 2:13 PM Theresa Willems <tlwillems@gbaps.org> wrote:

Hi Rhonda,

Policy # 512, at section 4 B, states as follows:

The District will respect the confidentiality of both the target and the accused consistent with applicable law, and will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with District personnel as early as possible in connection with any report, complaint or investigation of workplace bullying or harassment. District personnel will make an effort to notify the individual if District personnel determines that it is not possible to proceed on a confidential basis, though District personnel will proceed if it determines that it is in the best interests of all students and staff.

When our third party investigator has had the opportunity to talk with everyone involved and discuss confidentiality I will follow her impartial and unbiased recommendation relating to confidentiality and disclosure. I hope that you have an opportunity to speak with Attorney Brownlee soon and I hope that the above information is helpful.

Sincerely,

Teri

Theresa Willems

Executive Director of Human Resources

Green Bay Area Public Schools

tlwillems@gbaps.org

920-448-2013 (office)

920-615-3900 (mobile)

On Wed, Oct 16, 2019 at 1:06 PM Rhonda Sitnikau <rdsitnikau@gbaps.org> wrote:
Hi,

Is there any reason that I wouldn't be able to receive the formal complaint that was filed?

Thank you,
Rhonda Sitnikau

On Tue, Oct 15, 2019 at 4:04 PM Theresa Willems <tlwillems@gbaps.org> wrote:

Good Afternoon Rhonda,
Below are the answers to your questions.

1. The complaint is related to workplace harassment and bullying. (policies 512 and 523.4)
2. The third party contracted is Attorney Eileen A. Brownlee.
3. Brenda and I reached out to multiple colleagues for names of individuals with previous experience related to conducting third party investigations involving board policy violations. We also were looking for an individual that has no connection to our district whatsoever so that a completely unbiased and impartial investigation can be conducted on behalf of all parties involved, including yourself.
4. The process will follow our district policies and will include opportunity for both the alleged target/s and the alleged perpetrator to identify witnesses and evidence. The timeline will vary based upon accommodating schedules and availability and will be conducted and completed as soon as practicable. The timeline will also depend upon findings learned during the investigation process. Upon completion of the investigation the board will receive a report of findings and recommendations from Attorney Brownlee.

Respectfully,
Brenda and Teri

Theresa Willems
Executive Director of Human Resources
Green Bay Area Public Schools
tlwillems@gbaps.org
920-448-2013 (office)
920-615-3900 (mobile)

On Tue, Oct 15, 2019 at 9:07 AM Rhonda Sitnikau <rdsitnikau@gbaps.org> wrote:
Hello,

I'm requesting the following information be sent to me thru email:

- 1) The formal complaint against me (Rhonda Sitnikau).
- 2) The name and title of the third-party investigator.
- 3) Reasons used to determine who the third-party investigator would be.
- 4) The process and timeline for the investigation.



Thank you,
Rhonda Sitnikau

From: Brenda Warren <bbwarren@gbaps.org>
Sent: Friday, December 13, 2019 10:31 AM
To: Andrew Becker
Subject: Re: Investigation of Rhonda Sitnikau

Andrew, Please call Atty Brownlee with your information and questions. She is expecting your call. Her office number is: (608) 778-2876 or her cell is (608) 778-2876. She said you can feel free to call either number. I called her office number this morning and she picked up when I pressed "1" to leave a message.

Thank you. Brenda

On Fri, Dec 13, 2019 at 8:43 AM Andrew Becker <ambecker@gbaps.org> wrote:
Brenda,

Please see the following from Rhonda, I do have some additional clarification after talking to her.

Prior to talking with Atty. Brownlee, Rhonda would like to know what she is being accused of specifically, including time, location, and date(s). If provided with this information now, she would also like an explanation of why she the initial report stated that this could not be provided to her.

I am happy to contact Atty. Brownlee to relay this if you would prefer me to, but I am starting with sending this to you.

Thank you,
Andrew

----- Forwarded message -----

From: Rhonda Sitnikau <rdsitnikau@gbaps.org>
Date: Tue, Dec 10, 2019 at 11:39 AM
Subject: Investigation of Rhonda Sitnikau
To: ANDREW becker <ambecker@gbaps.org>, Kristina Shelton <kmskelton@gbaps.org>

Hello,

I want to go on record and formally present information related to the reasons why at this time, I will not be submitting to an interview/deposition by Attorney Eileen Brownlee (The attorney that the GBAPS Board of Education approved and district hired to perform an investigation of me.)

On October 15th, 2019, I sent an email to Andrew Becker, Brenda Warren and Teri Willems requesting information looking to seek transparency around the complaint that was filed against me in order to create an investigation.

"I'm requesting the following information be sent to me thru email:

- 1) The formal complaint against me (Rhonda Sitnikau).
- 2) The name and title of the third-party investigator.

- 3) Reasons used to determine who the third-party investigator would be.
- 4) The process and timeline for the investigation.”

On October 15th, I received a reply from Teri Willems:

“Good Afternoon Rhonda,

Below are the answers to your questions.

1. The complaint is related to workplace harassment and bullying. (policies 512 and 523.4)
2. The third party contracted is Attorney Eileen A. Brownlee.
3. Brenda and I reached out to multiple colleagues for names of individuals with previous experience related to conducting third party investigations involving board policy violations. We also were looking for an individual that has no connection to our district whatsoever so that a completely unbiased and impartial investigation can be conducted on behalf of all parties involved, including yourself.
4. The process will follow our district policies and will include opportunity for both the alleged target/s and the alleged perpetrator to identify witnesses and evidence. The timeline will vary based upon accommodating schedules and availability and will be conducted and completed as soon as practicable. The timeline will also depend upon findings learned during the investigation process. Upon completion of the investigation the board will receive a report of findings and recommendations from Attorney Brownlee.”

On October 16th, I replied to Teri Willems:

“Hi,

Is there any reason that I wouldn't be able to receive the formal complaint that was filed?”

On October 17th, Teri replied:

“Policy # 512, at section 4 B, states as follows:

The District will respect the confidentiality of both the target and the accused consistent with applicable law, and will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with District personnel as early as possible in

and respond to the report or complaint. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with District personnel as early as possible in connection with any report, complaint or investigation of workplace bullying or harassment. District personnel will make an effort to notify the individual if District personnel determines that it is not possible to proceed on a confidential basis, though District personnel will proceed if it determines that it is in the best interests of all students and staff.

When our third party investigator has had the opportunity to talk with everyone involved and discuss confidentiality I will follow her impartial and unbiased recommendation relating to confidentiality and disclosure. I hope that you have an opportunity to speak with Attorney Brownlee soon and I hope that the above information is helpful.”

On October 18th, I replied to Teri Willems:

“Thank you. Is there anyway to send the formal complaint without including the name?”

On October 27th, Brenda Warren replied:

“Hi Rhonda, Teri is not in a position to provide you with that information since she is not conducting the investigation, as she outlined in her previous email. I would suggest you contact Atty. Eileen Brownlee directly with your question. Her office phone number is: (608) 822-3251.”

On October 27th, I contacted Attorney Eileen Brownlee by phone only to be told that I would not receive any complaints until I was present for the interview.

After having conversations with several people, I decided to not move forward with an interview/deposition until I was able to have in my possession the complaint against me. I'm not sure why anyone would go into an interview/deposition without awareness of the specific accusations that they were being charged with..

On Nov 12th, I sent an email to Attorney Eileen Brownlee:

"Attorney Brownlee,

At this time, I am going to cancel my interview with you on Friday. I am going to be filing an open records request seeking information that I believe will allow me to provide you with the most comprehensive information for the investigation. Once the information is received, I will reach out to reschedule the interview."

November 12th, Attorney Eileen Brownlee replied:

"Ms Sitnikau,
Thank you for letting me know"

On November 19th, I sent an open records request to the GBAPS District that the entire board was copied on.

On December 9th, I received the response to my open records request from Attorney Geoff Lacy (who the district hired to perform the request.)

The response is a public record that is available if anyone is interested in viewing it. I have it and can send it to you. The summary of Attorney Lacy's response is that they will not be sending me any records at this time.

To reiterate my position on this, after multiple attempts to receive specific information stating what I am accused of, I have not received anything.

At this time, I will not be participating in any interview/deposition without the specifics.

It has been incredibly difficult to find any information out there that states what an elected official's rights are when it comes to a situation like this.

I am not a district employee.

I've had several people ask me what authority Attorney Brownlee has to question me in the first place?

I am not interested in moving forward without the answers that I believe I have a right to.

Thank you,
Rhonda Sitnikau

--

Andrew Becker, School Board Member
Green Bay Area Public School District

Note: The contents of this message are those of an individual School Board message and do not necessarily reflect the views or positions of the Green Bay School Board or the Green Bay Area Public School District.

From: Rhonda Sitnikau <rdsitnikau@gbaps.org>
Sent: Thursday, January 30, 2020 10:54 AM
To: Brenda Warren
Cc: ANDREW becker
Subject: Re: investigation report schedule time

Brenda,

I was recently advised that I do not attend this closed session without specific knowledge of what I'm being accused of. To this date, it has been told to me that there are no complaints on record. I'm hoping that you or Andrew will bring printed copies for everyone of the email that you and Andrew have in your possession showing the number of requests and the timeline of my requests for due process. It was never my intention to not cooperate with this, but to participate as an informed citizen who has rights.

Thank you,
Rhonda

On Thu, Jan 30, 2020 at 10:10 AM Brenda Warren <bbwarren@gbaps.org> wrote:

I am resending because I haven't yet heard back from you. Please let me know if 4:30 works for you on Feb. 17. Thank you! Brenda

----- Forwarded message -----

From: **Brenda Warren** <bbwarren@gbaps.org>
Date: Mon, Jan 27, 2020 at 10:10 AM
Subject: investigation report schedule time
To: ANDREW becker <ambecker@gbaps.org>, Rhonda Sitnikau <rdsitnikau@gbaps.org>, Kristina Shelton <kmskelton@gbaps.org>, Laura McCoy <llmccoy@gbaps.org>, Mary Maloney <mkmaloney@gbaps.org>, Eric VandenHeuvel <epvandenheuvel1@gbaps.org>
Cc: Sandra Heller <sjheller@gbaps.org>

Hello Board members, Eileen Brownlee, the attorney that conducted the investigation of a board member, is ready to provide us with a report. The report will be in closed session because there could be specific personnel information shared. Eileen says she will present for about 30-40 minutes and suggested that we allow 90 minutes total so that board members have time to ask all their questions. I scheduled her for the Feb. 17 board meeting (she was unavailable for the Feb. 3 meeting).

In order to accommodate the 90 minute time, I am hoping we can start our closed session on Feb. 17 at 4:30. Please let me know if this is doable for you. If not, we would have to schedule a special board meeting. Please get back to me as soon as possible, because Eileen's schedule gets filled quickly. Thank you, Brenda

From: Rhonda Sitnikau <rdsitnikau@gbaps.org>
Sent: Sunday, March 1, 2020 11:52 AM
To: Brenda Warren
Cc: ANDREW becker; Eileen A. Brownlee; Eric VandenHeuvel; Kristina Shelton; Laura McCoy; Mary Maloney
Subject: Re: investigative report CONFIDENTIAL draft

Hello all,

Looking at this "investigation" report my first thoughts go to: Where can a person find the complaints? The "demands" that were used to determine findings? There's a lot of hearsay being used to create a report that appears to actually be more of a case building/manifesto scenario on the taxpayers dime.

Now it makes sense to me why I was never given anything... I was under the impression that the board hired an attorney 5 months ago based on specific complaints. This report is evidence that instead, a case was being built. A \$300 an hour case at that...

The meter continued to run on the taxpayers dime so that there would be more information to use against me. Where are the dates and specifics around the accusations? I'm confident this would show the nature of case building not an "investigation".

As a board, have you asked for how much of the findings occurred before October when the attorney was retained?

Furthermore, I'm sure we can all read between the lines that one of the findings refers to the Edison reports that I did in fact bring to the attention of the board, the superintendent, and district administration. This situation (finding) happened 6 to 8 weeks ago... This is clear evidence of case building.

Additionally, the majority of this report points to findings that are not only inaccurate, they conveniently omit any mention of the statutory duties of a public school board member in Wisconsin.

I believe this 5 month long "investigation" to be a serious abuse of tax dollars and power. I will absolutely be responding to this situation publicly.

Sincerely,
Rhonda Sitnikau

On Sun, Mar 1, 2020 at 11:00 AM Brenda Warren <bbwarren@gbaps.org> wrote:

Hello Board members, Attached is the confidential draft report for our closed session conversation tomorrow at 5:00. Atty. Brownlee will be available by phone to discuss the report and answer questions. There is one change to the report I've asked Atty. Brownlee to make--changing the title of the union director to "executive director" under Finding #6.

I hope you have/had a great rest of your weekend, especially on this warm, sunny day!

--Brenda



Green Bay Area Public School District
P.O. Box 23387
Green Bay, WI 54305

Invoice No. 215078
Invoice Date: January 17, 2020
Client ID: 90069
Matter ID: 00002
Billing Attorney: EBR

**Total Professional Services and
Disbursements: 9,505.13**

Amount Due: 9,505.13

Amount Remitted: \$ _____

BALANCE FORWARD/AGED ACCOUNTS RECEIVABLE BALANCES

0-30	31-60	61-90	91-120	121+
0.00	0.00	0.00	0.00	0.00

To pay by Amex, Visa or MasterCard please go to <https://boardmanclark.com/pay>

INVOICE DUE UPON RECEIPT



Green Bay Area Public School District
P.O. Box 23387
Green Bay, WI 54305

Billing Attorney EBR
Invoice No. 215078
Invoice Date January 17, 2020

Client ID: 90069 Matter ID: 00002
Harassment Investigation

Some information in this itemized statement may be protected from public disclosure for various reasons, including, but not limited to, attorney-client privilege.

Date	Professional	Narrative	Hours	Amount
10/16/19	EBR	Document review.	0.50	147.50
10/17/19	EBR	Review policies; Correspondence with Teri Willems.	0.40	118.00
10/18/19	EBR	Correspondence with Teri Willems regarding investigation; Interviews.	0.20	59.00
10/22/19	EBR	Review correspondence and other materials.	0.30	88.50
10/29/19	EBR	Prepare for investigation.	0.80	236.00
10/30/19	EBR	Prepare for investigation.	2.30	678.50
10/31/19	EBR	Travel to Green Bay.	3.50	1,032.50
11/01/19	EBR	Interviews at district and return travel.	9.50	2,802.50
11/02/19	EBR	Review documents and correspondence.	1.60	472.00
11/11/19	EBR	Telephone conference with interviewee and correspondence.	0.30	88.50
11/13/19	EBR	Telephone conference with Teri Willems.	0.40	118.00
11/18/19	EBR	Telephone conference with Attorney Collan; Review correspondence.	0.20	59.00
11/19/19	EBR	Telephone conferences with Ms. Thiel Collan and Ms. Sitnikau.	0.20	59.00

Date	Professional	Narrative	Hours	Amount
11/21/19	EBR	Telephone conference with Board president.	0.20	59.00
12/10/19	EBR	Correspondence to Ms. Sitnikau regarding available interview dates.	0.10	29.50
12/13/19	EBR	Correspondence; Telephone conferences regarding investigation.	0.40	118.00
12/18/19	EBR	Prepare for meetings.	0.70	206.50
12/19/19	EBR	Travel to Green Bay.	2.50	737.50
12/20/19	EBR	Interviews at District and travel.	6.50	1,917.50
Total:			30.60	9,027.00

SUMMARY OF PROFESSIONAL SERVICES

PROFESSIONAL	HOURS	HOURLY RATE	AMOUNT
Eileen A. Brownlee	30.60	295.00	9,027.00
	30.60		9,027.00

DISBURSEMENTS

11/01/19	Investigation interviews	246.50
12/09/19	VENDOR: Eileen Brownlee; INVOICE#: 11012019; DATE: 11/1/2019; Travel mileage to and from Green Bay School District for investigation interviews	231.63
Sub-Total Disbursements:		478.13

TOTAL CURRENT BILLING: \$ 9,505.13

The Rules of Professional Conduct require Lawyers to advise Clients in writing of any changes in the basis or rate of the fee or expenses. Based on these rules, please be advised that as of January 1, 2020, our hourly rates for providing services increase and will range from \$155-\$195 for the Librarian, Paralegals and Law Clerks;

\$205-\$215 for Associates; and up to \$310 for Contract Attorneys and Partners.

**GREEN BAY AREA SCHOOL DISTRICT
BOARD REPORT
MARCH 6, 2020**

Purpose

Rhonda Sitnikau was first appointed to the school board to fill a vacancy in October 2017 and was subsequently elected to a three year term in 2018.

In October 2019, the Board determined to initiate an investigation and retain an outside investigator for the purpose of determining whether or not Ms. Sitnikau had engaged in conduct unbecoming a Board member.

Interviewees and Other Information

Ten individuals were interviewed. Hundreds of emails and Facebook posts and the videos of portions of 12 Board meetings were reviewed as were 20-25 Board policies and their attendant rules.

Ms. Sitnikau declined to be interviewed when I would not provide her with the specific complaints in advance of the interview. She viewed this as a violation of due process rights.

Finding #1

On three separate occasions, Ms. Sitnikau received complaints from parents or staff members. In none of those cases did Ms. Sitnikau forward the complaints to or consult with the Superintendent regarding those complaints. The failure to forward those complaints violated Policy #161.

Relevant Policies

GREEN BAY AREA SCHOOL DISTRICT Board Policy Manual

161

SCHOOL BOARD MEMBER AUTHORITY

I. PURPOSE

Members of the Board of Education shall have authority only when acting as a Board legally in session, except as otherwise provided by law or directed by the Board. The Board shall not be bound in any way by any statement or action on the part of an individual member except when such statement or action is in pursuance of specific instruction of the Board.

B. Receiving, Investigating, and Resolving Complaints.

1. If an individual Board member receives a complaint or other communication from a student, parent or guardian, District employee, or other person that appears to require further investigation on the part of the District and/or that appears to call for a response from the District, the Board member shall contact and refer the matter to the Superintendent of Schools and Learning or designees in order to determine an appropriate response.
2. In highly unusual circumstances where referral to the District Administrator may not be appropriate, the Board member should instead contact the Board President (who may involve District legal counsel) or request a special meeting of the Board.
3. Unless authorized by the Board, or unless performing his/her legal or Board-authorized duties as a Board officer, individual Board members:
 - a. Shall not unilaterally conduct an investigation into complaints, petitions, or similar District matters; or
 - b. Attempt to resolve a complaint, petition, or similar matter on the District's behalf outside of established procedures.

Finding #2

On numerous occasions, Ms. Sitnikau has demanded to be provided with information, documents and other materials, which distracts staff from other obligations. Requests have come in the form of texts and emails during working hours, in the evening and on the weekends to a number of different staff members. The repeated demands for information and documentation, many of

which were not directed through the appropriate Department administrator, violated Board Policies 161 and 165.

Relevant Policies

GREEN BAY AREA PUBLIC SCHOOL DISTRICT Board Policy Manual

161

SCHOOL BOARD MEMBER AUTHORITY

D. Board Member Authority in Interactions with District Staff and District Operations.

1. Requesting Information.

- a. When an individual Board member requests data, reports or other information from the District in his/her capacity as an elected District official, such requests shall be submitted to and coordinated through the Department administrator who shall keep the Superintendent of Schools and Learning apprised of the request.
- c. Allowing for exceptional circumstances, individual Board member requests for an analysis, report, or other record or information that does not presently exist, or that would otherwise demand significant staff time to create, compile or locate, will normally be referred to the Board as a whole to determine if such request shall be satisfied. Whenever an individual Board member's request for information is referred to the Board, the Board and administration shall clarify the specific request (if necessary) and the Board shall determine if, when, and to what extent the administration will be directed to respond to the request.
- d. When the administration fulfills an individual Board member's request for information, the administration shall exercise sound judgment in determining whether all Board members shall be provided with the information, with the presumption in favor of the dissemination of the information all Board members.

2. Directing Work of District Employees.

- a. Unless authorized by the Board, or unless reasonably required in the performance of his/her legal or Board-authorized duties as a Board officer, an individual Board member shall not attempt to direct the work of District employees.
- b. Nothing in Board policy gives an individual Board member an unqualified right, in their capacity as an individual local public official, to direct the work of any District employee, including by demanding that one or more District employee respond to all of his/her requests for particular records, data, reports, or other information.

GREEN BAY AREA SCHOOL DISTRICT
Board Policy Manual

165

SCHOOL BOARD MEMBER BEHAVIOR AND ETHICAL STANDARDS

I. PURPOSE

The School Board functions most effectively when individual Board members act ethically, professionally and responsibly. To promote desirable Board member conduct, the Board has adopted the following behavior and ethical standards for Board members.

II. IMPLEMENTATION

Board members should:

- A. Become familiar with and follow applicable local, state and federal laws and regulations.
- B. Encourage the open-minded exchange of ideas and opinions in a conscientious, courteous manner.
- C. Build relationships through open, direct communication as part of the educational team and as a leader responsible to the community.
- D. Model integrity in all matters and be upright in the performance of Board member duties and responsibilities.
- E. Be accountable for guiding and supporting the policy decision-making process that impacts students, staff and the community. The operation of the District is the responsibility of the administration.
- F. Establish and maintain a high level of honesty, credibility and truthfulness in all matters dealt with by the Board.
- G. Prepares for board meetings by reviewing materials.

Finding #3

Rather than attempting to build relationships with administrative staff, Ms. Sitnikau bullies them. Examples include:

- Taunting administrators at Board meetings
- Using the Facebook forum to misrepresent statements made or actions taken by administrative personnel and to disparage and to feed disparagement of administrative personnel, claiming to do so in the name of “transparency” and “accountability” when such claim is manifestly untrue.
- Undermining administrators by disparaging administrators without having a factual basis for such disparagement.
- Using her position as a Board member to create a hostile and intimidating work environment for administrative personnel.

These actions violated Board Policies 165 and 512

Relevant Policies

Policy 165 is set forth above.

GREEN BAY AREA PUBLIC SCHOOL DISTRICT Board Policy Manual

512

WORKPLACE HARASSMENT AND BULLYING

I. PURPOSE

- A. The Green Bay Area Public School District is committed to providing fair and equitable employment opportunities and to maintaining a professional work and academic environment free from all forms of harassment and bullying. Harassment and bullying are detrimental to the health and safety of employees and are disruptive to the workplace and educational environment. The District will not tolerate harassment or bullying or any related acts of retaliation in any form by or toward its employees.
- B. This policy will apply not only when an employee is directly engaged in work-related duties, but also to an employee's off-duty or away-from-work conduct to the extent that there is a legally-sufficient connection between the conduct and the individual's employment or employment-related responsibilities.

II. DEFINITIONS

- A. Workplace Bullying. Workplace bullying is a deliberate or intentional action or behavior, using words or actions that is intended to cause fear, intimidation or harm.
 - 1. Bullying includes aggressive and hostile behavior that substantially interferes with an employee's work or creates an objectively hostile or offensive environment.
 - 2. Bullying may be a repeated behavior and usually (but not always) involves an actual or a reasonable perception of an imbalance of power between the bully and the target.
 - 4. Bullying behavior can be physical or verbal, and can involve direct interaction between the aggressor-bully and the target(s), or it can be indirect (such as orchestrating others to engage in acts of bullying, facilitating bullying conduct by others, taking secretive or covert actions, etc.).
 - 6. Not all behaviors that (a) hurt another person's feelings; (b) are a manifestation of an interpersonal conflict; or (c) are in some ways unkind amount to acts of bullying. However, such negative behaviors are still a legitimate subject of concern and regulation within the workplace environment. It shall be the goal of the District to help staff recognize and acknowledge that even one-time instances of unkind acts are inappropriate and problematic.
- C. Cyber-Bullying. Cyber-bullying is defined as bullying that involves the use of digital technologies, including but not limited to, e-mail, cell phones, text messages, instant messages, chat rooms and social media.
 - 1. Cyber-bullying is prohibited and treated the same as all other types of workplace bullying.
 - 2. Examples of cyber-bullying include, but are not limited to, the following misuses of technology: harassment, teasing, intimidating, threatening or terrorizing another person

or group of people by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images or website postings, including blogs or any other messages, via cyberspace.

**GREEN BAY AREA SCHOOL DISTRICT
Board Policy Manual**

512-Rule

**GUIDELINES FOR RESPONDING TO AND REPORTING
WORKPLACE BULLYING AND HARASSMENT**

I. REPORTING PROCEDURE

- A. Reports of workplace bullying and/or harassment, including sexual harassment and sexual violence, shall be made to District school officials as follows:
 - 2. Reports of incidents occurring at the District level should be made to the District's Chief Human Resources Officer, whose office is located at 200 South Broadway, Green Bay, Wisconsin 54303.
- B. Reports of workplace bullying and/or harassment, including sexual harassment and sexual violence, are encouraged to be made in writing; however, verbal reports will be accepted. Reports may also be made confidentially subject to District policy. All such reports, whether made verbally or in writing, will be taken seriously and a clear account of the incident will be documented.

III. CONFIDENTIALITY

- A. The District will respect a target's request for confidentiality or request not to pursue an investigation consistent with applicable law, and will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint.

Finding #4

Ms. Sitnikau has failed to avoid conflicts of interest by representing individuals in matters in which other staff are interested parties or are otherwise involved. This activity, including alleged investigations and direct advocacy in employment matters, violates Board Policies 161 and 165.1.

Relevant Policies

Policy 161 is set forth above.

GREEN BAY AREA SCHOOL DISTRICT
Board Policy Manual

165.1

SCHOOL BOARD MEMBER
CONFLICTS OF INTEREST

I. PURPOSE

The Board of Education of the Green Bay Area Public School District understands the importance of maintaining their objectivity as elected public officials. Each member of the Board of Education acknowledges and understands the member has obligations to avoid engaging in conduct which is incompatible with the proper discharge of the member's duties and authority as a public official and shall observe this policy and all applicable laws regarding conflicts of interest. Similarly, the Board of Education and individual Board members have legal and ethical obligations to avoid situations in which their objectivity as elected public officials may be compromised due to a financial or other significant personal interest in a District business transaction or in other matters that come before the Board.

II. CONFLICTS OF INTEREST

- A. Each individual Board member is ultimately responsible for personally identifying and taking appropriate action with respect to the member's own conflicts of interest in accordance with Board policy and applicable law.
- B. If the best available information indicates that a conflict of interest will exist for any Board member in a particular matter, the Board expects the individual Board member to take such action as is necessary to remedy or avoid the conflict (e.g., by abstaining from both debating and voting upon the issue).

Finding #5

Ms. Sitnikau made disparaging comments to teacher union leadership about their executive director.

Wisconsin Statute section 111.70(3)(a)2. clearly and unambiguously makes it a prohibited practice to interfere with the formation or administration of any labor organization. It is also a violation of Board Policy 165.

Relevant Policy

GREEN BAY AREA SCHOOL DISTRICT
Board Policy Manual

165

SCHOOL BOARD MEMBER BEHAVIOR AND ETHICAL STANDARDS

III. PURPOSE

The School Board functions most effectively when individual Board members act ethically, professionally and responsibly. To promote desirable Board member conduct, the Board has adopted the following behavior and ethical standards for Board members.

IV. IMPLEMENTATION

Board members should:

- A. Become familiar with and follow applicable local, state and federal laws and regulations.

Finding #6

Ms. Sitnikau has been absent from or has left meetings when confronted with issues of harassment, bullying or matters for which she declines to be responsible. Ms. Sitnikau was the only Board member who failed to attend or later watch the harassment/bullying training provided by the District's liability insurer for the entire Board as part of its loss avoidance training. She left two School Board meetings at which the issue of harassment/bullying was to be addressed. Ms. Sitnikau chose not to participate in this investigation. Ms. Sitnikau also refused to participate in the evaluation of the Superintendent, choosing instead to issue a press release. These actions violate Board Policies 165 and 225.

Relevant Policies

GREEN BAY AREA SCHOOL DISTRICT
Board Policy Manual

165

SCHOOL BOARD MEMBER BEHAVIOR AND ETHICAL STANDARDS

V. PURPOSE

The School Board functions most effectively when individual Board members act ethically, professionally and responsibly. To promote desirable Board member conduct, the Board has adopted the following behavior and ethical standards for Board members.

VI. IMPLEMENTATION

Board members should:

- A. Become familiar with and follow applicable local, state and federal laws and regulations.

- B. Encourage the open-minded exchange of ideas and opinions in a conscientious, courteous manner.
- C. Build relationships through open, direct communication as part of the educational team and as a leader responsible to the community.
- D. Model integrity in all matters and be upright in the performance of Board member duties and responsibilities.
- E. Be accountable for guiding and supporting the policy decision-making process that impacts students, staff and the community. The operation of the District is the responsibility of the administration.
- F. Establish and maintain a high level of honesty, credibility and truthfulness in all matters dealt with by the Board.
- G. Prepares for board meetings by reviewing materials.

**GREEN BAY AREA PUBLIC SCHOOL DISTRICT
Board Policy Manual**

225

SUPERINTENDENT EVALUATION

The School Board shall evaluate the Superintendent of Schools regularly as stipulated within the contract and at least on an annual basis. The evaluation shall be based on the written job description and Board-Superintendent leadership standards and be conducted consistent with state law requirements.

RECOMMENDATIONS

1. There seems to be a concern that the Board be transparent and accountable. Both are valuable goals. Here, however, the words "transparency" and "accountability" seem to be used with regularity as a conduit and rationalization for policy and rule violations. Moreover, they are often used improperly and in direct contradiction to the conduct they theoretically support. The Board may want to define these terms for the Board as a whole, both in terms of what they mean and what they do not mean so the Board as a whole is operating from the same standards. Two District policies would be valuable starting points. Policy #150 does provide a definition of accountability and Policy #811 provides a structured opportunity for community engagement.

Any policy defining "transparency" should include upward and downward transparency and any policy defining "accountability" should include the two components of accountability: answerability and enforcement.

2. If there is a clear violation of policy, the Board and/or administration should hold the violator accountable irrespective of who the violator is.
3. Review District policies. Many of the policies have been updated within the last two years and it is clear that the Board has spent a great deal of time on one of its primary functions,

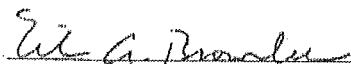
which is to establish policy. If you are concerned about whether or not a policy has value, or you believe there should be exceptions to the policy, the answer is to amend the policy; not to accept violations of the policy. There are two reasons for this:

- a. You have a reasonable expectation that your employees, students and the community at large will abide by your policies. It is no longer a reasonable expectation when the Board itself or individual Board members pick and choose which policies it or they will follow.
- b. It is transparent. You are then acknowledging that your policy doesn't work in certain situations or that there are carve-outs. For example, if you as a Board truly believe:
 - That the harassment policy should not apply to certain employees; or
 - That Board members should unilaterally be able to "investigate" complaints; or
 - That any other policy will not be enforced as to certain individuals or groups of individuals

Then modify your policies so that the District's stakeholders are aware of the exclusions or exceptions.

4. The School District, if it has not already done so, should include an in-service training on professionalism. I understand that Board members did receive training on the role and function of the Board.
5. Ms. Sitnikau noted at the May 6, 2019, Board meeting that it often does not matter what a person's intentions are; what matters is the impact of the action taken in executing those intentions. The same can be said of words. She and the Board as a whole would do well to keep that in mind.

Respectfully submitted this 6th day of March 2020.



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