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June 21, 2017

Mr. Paul Anthony
Member, Portland Public School Board
501 N. Dixon St.
Portland, Oregon 97227

RE: Call for Resignation

Mr. Anthony:

Our firm represents the Portland Association of Public School Administrators (“PAPSA”). On behalf of PAPSA, we are calling upon you to immediately resign your position on the Portland Public School Board. Some of the many reasons we are doing so are set forth below.

1. Your sexist disparagement of fellow Board members has exacerbated Board dysfunction and is a terrible example for students, staff, and the community.

Our office has obtained documents in which you describe your fellow board members as “Pussy-ass, coward-ass, pussified pussies.” We have also obtained other documents in which you repeatedly describe a fellow Board member as a “bitch.” Other similar communications have also been discovered.

Your sexist insults toward fellow Board members who, like you, are charged with leading an organization responsible for educating more than 49,000 children and employing more than 7,600 adults, is disgraceful, wholly inappropriate, and beneath the dignity of your office.

As a Board member, you are one of seven individuals responsible for leading the students and staff of Portland Public Schools. You have a solemn duty to model behavior that sets a positive example for students, staff, and community. Referring to your fellow Board members as “bitches” and “pussies” is a breach of your duty to lead PPS by example. How can we tell students, staff, and community members that it is wrong for them to levy sexist slurs against their colleagues and peers if this type of conduct is tolerated by Board members? The answer is that we can’t - at least not without being hypocritical.

Your conduct warrants your resignation. The simple truth is that if a student or staff member were caught making the sexist comments you've made about your fellow Board members, they would be disciplined or terminated. Unless you believe a double-standard exists and that Board members should be held to one standard of behavior while students and staff are held to another, it is your obligation – as an educational leader and public official – to exhibit the high level of accountability you claim to expect in others by acknowledging the impropriety of your behavior and resigning your position.

2. Your improper personal attacks on District employees may give rise to legal claims and have done immeasurable harm to the District.

Our office has obtained documents showing that you have regularly disparaged District employees and condoned disparagement of District employees by others. This type of behavior is inappropriate and made it substantially impossible for certain employees to do their jobs. It also appears that some of your statements could give rise to claims for defamation, tortious interference, and/or claims that you have violated the constitutionally protected rights of District employees. Irrespective of whether such claims materialize, your statements and conduct warrant your resignation.

“The elements of a claim for defamation are: (1) the making of a defamatory statement; (2) publication of the defamatory material; and (3) a resulting special harm, unless the statement is defamatory *per se* and therefore gives rise to presumptive special harm.” *Nat'l Union Fire Ins. Co. of Pittsburgh Pennsylvania v. Starplex Corp.*, 220 Or App 560, 584, 188 P3d 332 (2008). *See also Wallulis v. Dymowski*, 323 Or 337, 343, 918 P2d 755 (1996) (stating elements of defamation claim); *L & D of Oregon, Inc. v. Am. States Ins. Co.*, 171 Or App 17, 26, 14 P3d 617(2000) (defamation *per se* in employment context). A statement is defamatory *per se* if it tends to injure a person in his or her business or profession, or imputes moral turpitude, or casts aspersions on a person's ability to perform any of the essential functions of their job.” *See, e.g., Affolter v. Baugh Const. Oregon, Inc.*, 183 Or App 198, 203–204, 51 P3d 642 (2002); *Muresan v. Philadelphia Romanian Pentecostal Church*, 154 Or App at 474, 962 P2d 711 (1998); *L & D of Oregon, Inc. v. Am. States Ins. Co.*, 171 Or App 17, 26, 14 P3d 617 (2000). Publication of other statements, which are not defamatory *per se*, may be found to be defamatory if there is special harm. *Fender v. City of Oregon City*, 811 F Supp 554, 556 (D Or 1993); *Newton v. Family Fed. Sav. & Loan Ass'n*, 48 Or App 373, 616 P2d 1213 (1980). Moreover, “[e]ven a communication that is not defamatory on its face may be defamatory if a reasonable person could draw a defamatory inference from the communication.” *Reesman v. Highfill*, 327 Or 597, 604–606, 965 P2d 1030 (1998). In *Brown v. Gatti*, 341 Or 452, 459, 145 P3d 130 (2006).

Records indicate you have referred to the Interim Superintendent of the District and his staff as “Lockdown Bob and his merry band of perverts” and implied to third parties that the Interim Superintendent and his staff personally condone sex abuse. You

have referred to the people you work with as “idiots.” You have engaged in text message conversations where the other speaker ridiculed a district employee for “eating her feelings” and gaining 20lbs. You have apparently told parents that a District administrator transferred to their school is “ineffective, disruptive, and a problem principal,” and that the school can expect to suffer for a year before the administrator is pulled – even though you do not know the administrator. In spreading these types of allegations about personnel, without knowing all the facts, you have acted without awareness or regard for the harm you are causing the students and educational communities you claim to serve. How can an educator possibly succeed when a Board member, who doesn’t know them, and does not have all the facts, is personally disparaging their professional reputation to the parents, students, and communities the educator is supposed to lead? It seems you have chosen greed for political power and popularity over the difficult and important work that is needed to improve the education of the children.

We could go on with examples. However, recasting them all here is not helpful to the people you have hurt and it is also not necessary to our point. The point is that you have repeatedly made and sanctioned inappropriate personal attacks on District employees. Some of these personal attacks may give rise to legal claims against you and/or the District. Others are not legally actionable, but simply inappropriate - especially for someone in your position. Either way, your regular, sustained, and ongoing personal attacks have harmed District employees and their ability to serve students.

In this regard, it should be noted that defamation is merely one of the potential legal issues raised by your conduct. District employees have liberty and property interests in their employment that are protected by the due process clause of the U.S. Constitution. Evidence shows that you have pre-judged District employees, who in certain cases you do not even know, based on limited anecdotal information that is false and inaccurate. This type of conduct may expose the District to liability from employees who have been constructively discharged, and limited in their ability to obtain other employment, because of your actions. It also makes it next to impossible for employees you have targeted to succeed, which is damaging to students.

District employees are not perfect and criticism of their decisions or actions, through proper channels, after proper investigation and affording due process, is entirely proper. Personally attacking District employees or personally involving yourself in administrative matters based on anecdotal information you have received from individuals who have special access to your office, outside of proper channels, prior to any investigation and without hearing both sides of the story, is quite another circumstance and violates the public trust you hold as a Board member.

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3. Your connection to an organization that personally attacks District employees on social media is inappropriate.

As you know, there is an unincorporated association that operates a social media page, which regularly mounts personal attacks on District administrators. As you are also aware, your interactions with this organization's website, and close personal relationships with individuals involved in the group, has long been of concern to the District and its employees. The reason for this concern is that your involvement with this organization and its website may interfere with your ability to make impartial employment decisions when necessary, instills fear in District employees, and is inconsistent with your duties as a PPS Board Member.

Recently, our office obtained a copy of a document that appears to indicate you have been, or currently are, a member of this unincorporated association – not simply a commenter on their social media page and a close personal associate of the organization's most visible leader. If this is indeed the circumstance, as it appears to be, your involvement in this organization is totally inappropriate and shows an egregious lack of judgment.

As a Board member, you have a duty to fairly and impartially resolve complaints involving District employees and otherwise make decisions affecting their employment. In such capacity, you have an obligation to make *impartial* decisions based on the evidence presented to you. Membership in an organization that personally maligns and attacks employees that you have a duty to treat impartially impairs your actual and perceived ability to be fair and impartial.

Membership in an organization that personally maligns and attacks employees of PPS also has a chilling effect on employees throughout the District. Employees targeted by an organization that you apparently belong to is devastating to general employee morale. When employees are subjected to such public attacks, it interferes with their ability to perform their work, which ultimately harms the students PPS is responsible for educating.

Also concerning is the fact that a leader of this organization, and a handful of other key individuals, appear to have an unusually high degree of influence over your public decision-making. This is concerning for many reasons, two of which are noted below.

First, it was you who was elected to serve on the PPS Board, not anyone else. Turning over the keys to your office to someone who was not elected to serve on the PPS Board is an abdication of your responsibility to listen to all voices and make independent decisions for the good of all PPS students – not particular individuals or special interests.

Second, your known deference to certain individuals sends a strong message to District employees – which is that they must treat the individual(s) who have special access to you differently than they would other parents and community members. This is inequitable and wrong. Teachers and staff should treat parents and community members equally without having to be concerned with whether the parent or community member has a special relationship with a Board member. However, you have made it very plain to District employees you are willing to inappropriately involve yourself in personnel matters and that they must be more responsive to certain individuals than others if they want to continue their employment. This is evident from records showing that you and individuals you are closely associated with have targeted specific employees for termination and it appears nearly every employee who has been targeted in such manner has left the District or felt threatened in their employment. This creates an atmosphere of fear and is contrary to your obligations as a Board member. The Board’s role in personnel matters is to make fair and impartial personnel decision in accordance with due process.¹

In short, your connection to the leaders of an organization that regularly singles out and personally attacks individual District employees is a violation of the public trust. Instead of using your official position as a platform for advancing the agenda of this single-issue advocacy organization, which personally attacks District employees, you should more appropriately resign your public position and focus your energies on that private endeavor.

d. Your political involvement in the campaigns of Board members and private delight in PPS’ public failures draws your true motives into question

The records we have obtained show you repeatedly relishing negative events at PPS. For example, when the Oregonian reported that the lawyer selected to serve as General Counsel had withdrawn, you wrote to the reporter stating “Good article – thanks for pursuing this so diligently.” When you were forwarded an article about a court ruling finding that PPS allowed a racially hostile work environment in its maintenance department, your response was “joy.” You have worked hand-in-hand with individuals who have successfully worked to create and cause problems at PPS, which in turn has generated negative publicity. Meanwhile, you and your close associates have personally involved yourself in the political campaigns of particular candidates for Board office who politically benefited from these negative events. At the same time, there is glaringly scant

¹ It should be noted that the organization you appear to be part of has publicly sought to create the impression that it believes PPS should do a better job of ensuring employees are treated fairly and afforded due process. However, key leaders of that organization have duplicitously worked with you behind the scenes to try and see to it that certain employees are fired or forced to resign.

evidence of you working constructively to fix the problems, as opposed to exacerbating them.

Naturally, we can't read your mind and can't profess to know your actual motives. What we do know, however, is that your response to problems, exacerbation of problems, and failure to work constructively with other Board members and the Interim Superintendent, coupled with your political activities in support of Board candidates who politically benefited from PPS dysfunction, has caused many to question your motives and built a high degree of distrust amongst PAPSA members. When trust is lost, it is hard to regain – and sometimes impossible.

Conclusion

PAPSA has no issue with you or any other Board member criticizing District decisions, holding employees accountable when personnel decisions are properly before them, or trying to effectuate change in District policy. However, PAPSA takes immense issue with a male Board member repeatedly calling a female Board member a “bitch” in public records and referring to other Board members as “pussies.” PAPSA also takes immense issue with a Board member regularly attacking, or condoning personal attacks, on District employees. When problems exist or arise, or change is necessary, PAPSA expects Board members to work together in good faith to constructively find solutions to the real problems and achieve compromise where differences of viewpoint exist – instead of viewing the problems as political fodder.

The type of behavior you have engaged in and condoned would not be tolerated by students or staff. Unless there is a double-standard, this conduct should not be tolerated by Board members. Your behavior is intolerable and had a devastating effect on the District's employees, operations, and fundamental ability to serve students. At this juncture, the District cannot heal and move forward so long as you are on the Board. The trust is gone. Consequently, PAPSA is calling upon you to exhibit the accountability you profess to expect from others by resigning your position, effective immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan R. Rietmann', with a long horizontal line extending to the right.

Nathan R. Rietmann

Cc: Portland Public School Board Members
James Green, Oregon School Board Association
Dr. Salam Noor, Deputy Superintendent of Public Instruction