AMY OPPENHEIMER
Attorney-at-Law
Workplace Investigations • Training • Mediation • Arbitration • Case Consultation & Testimony

CONFIDENTIAL INVESTIGATIVE REPORT

Report Concerning Complaint by Matthew and Jeanne Lee
Morgan Hill Unified School District
November 9, 2020

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I. INTRODUCTION

On September 29, 2020, the Morgan Hill Unified School District ("the District") retained the Law Offices of Amy Oppenheimer to conduct an impartial investigation of a complaint brought by Matthew and Jeanne Lee, parents of Ann Sobrato High School senior [1] Madeline Buitelaar was the principal investigator.

In their August 12, 2020 complaint (see Exhibit 1), Matthew and Jeanne alleged that Wendy Sullivan, Vice President of the District's Board of Education ("the Board"), exploited her position with the District to improperly overturn a spring 2020 Associated Student Board ("ASB") election in which their son, won the race for ASB president against Wendy's daughter, .

The following issues were investigated:

1. Whether Wendy Sullivan used her position as a member of the Board of Education to attempt to influence or cancel the outcome of the spring 2020 ASB election;

2. Whether Wendy Sullivan used her position as a member of the Board of Education to pressure school staff about the ASB election; and

3. Whether Wendy Sullivan used her position as a member of the Board of Education to malign the Lee family.

Once the scope of the investigation was determined and agreed upon, the investigator operated with complete independence as to witness identification, interview content, and preparation of findings.

This is a Confidential Investigative Report ("Report"). It contains detailed information, witness accounts, relevant documentation, analyses, and findings relating to the allegations. It is anticipated that this Report will be maintained confidentially by the decision-makers and will not be disseminated except as required by law or as determined by the decision-makers.

II. WITNESSES AND DOCUMENTS

A. Witnesses

The investigator conducted interviews of the following individuals:

Name of Interviewee	Title	Date(s) of Interview
Matthew and Jeanne Lee	Parents	October 15, 2020
Regan Rasley	ASB Director and Teacher	October 20, 2020
Joe Guinane	Assistant Principal	October 20, 2020
Theresa Sage	Principal	October 22, 2020
Wendy Sullivan	Parent and Board of Education Vice President	October 28, 2020

[1] Due to the fact that multiple individuals involved in this matter share the same last name, for clarity this Report will refer to people by their first names.

All interviews were conducted by videoconference due to safety concerns and shelter-in-place orders resulting from the COVID-19 pandemic. The investigator admonished the witnesses to keep the contents of the interview confidential and explained that the report of findings would be treated as confidential, subject to the limitations of the District's policies and the law. The investigator also informed the witnesses of the governing policies prohibiting retaliation for either bringing a claim or participating in an investigation.

Quotations in this Report are not verbatim recitations of witnesses' statements. Quotations are cited as accurately as possible from the undersigned's notes.

B. Documents

The investigation included a review of documents. Not all documents reviewed are attached to this report. The following documents that were reviewed are attached to this report:

#	Document
1	Complaint Form Concerning a District Employee, August 12, 2020
2	Emails between Wendy Sullivan and Joe Guinane, May 17-July 25, 2020
3	Emails between Theresa Sage and Wendy Sullivan, August 18-September 3, 2020
4	Email from Wendy Sullivan to Joe Guinane, May 12, 2020
5	Email from Wendy Sullivan to Joe Guinane, May 12, 2020
6	Emails between Joe Guinane, Theresa Sage, Regan Rasley and Wendy Sullivan, May 17-July 26, 2020
7	Emails between Theresa Sage and Wendy Sullivan, July 13-15, 2020
8	Email from Wendy Sullivan to Theresa Sage, July 31, 2020
9	Emails between Theresa Sage and Wendy Sullivan, August 18-28, 2020
10	Emails between the Lees and Joe Guinane, July 22-30, 2020
11	Email from the Lees to Theresa Sage, August 5, 2020

III. ALLEGATIONS

Matthew and Jeanne Lee are the parents of a senior at Ann Sobrato High School who ran for ASB president at the end of the 2019-20 school year.[2] was the sophomore class' ASB vice president during the 2018-19 school year. Currently, having prevailed in the spring 2020 ASB election, is the president of the ASB organization for the 2020-21 school year.

Matthew and Jeanne alleged that Wendy Sullivan; whose daughter, ran against for the position of ASB President in spring 2020; tried to influence the election and unduly pressure Ann Sobrato High School staff in her capacity as Vice President of the District Board of Education ("the Board"). Matthew and Jeanne said Wendy is present on campus more than the average parent.

[2] At Ann Sobrato High School, the Associated Student Board ("ASB") is a student government organization responsible for organizing school functions and events. Each class has an ASB president, and there is an overall president for the ASB organization.

A. Background

By way of background, Matthew and Jeanne explained that and worked together during the 2018-19 school year (their sophomore year), when was ASB sophomore class president and was sophomore class vice president. Matthew and Jeanne said their family had an amicable relationship with who often came to their home for ASB-related work, as well as with Wendy, who occasionally came to their house to pick up Matthew and Jeanne said they also saw Wendy at annual Ann Sobrato High School awards ceremonies and had a friendly rapport with her.

Matthew and Jeanne said and had some disagreements during their work together for ASB their sophomore year, but they remained cordial. Matthew and Jeanne also said that during spring 2020, when and were juniors and were running against one another for ASB president, the relationship was "a little chilly."

B. ASB Campaigns and Election

Matthew and Jeanne said Regan Rasley was the "ASB Director," the teacher in charge of the ASB program. Regan helped both and with the campaigning process. Matthew and Jeanne said campaigning began in April 2020, and the election took place on May 5, 2020, with the students voting electronically using the school's webpage.

Matthew and Jeanne said campaigning was more challenging than usual due to the COVID-19 pandemic, and there were no specific rules regulating what was permissible with respect to campaigning. They said money became an issue for their family, as putting up posters was no longer the norm and had t-shirts, bracelets, and pins made, and obtained paid celebrity endorsements. Matthew and Jeanne said they wanted to limit their financial expenditure on the campaign, so they ordered cookies with campaign tagline and "Vote written on them. They said also actively promoted his campaign on Instagram.

Matthew and Jeanne said that the night before the election, sent an email, with Regan copied, wishing luck in the election and saying that if she won, he would help her with anything she needed as president of ASB. They said was not responsive to email, and merely wrote, "Thank you. Let's just keep things ASB-cordial."

Matthew and Jeanne said the students were informed via email of the election results on May 7, 2020, and had won the election.[3] Matthew and Jeanne said they were excited. They said began to make plans for ASB for the coming school year, and began working with the ASB vice president and Regan.

C. Accusations Against

Matthew and Jeanne said they first had concerns that Wendy was trying to undermine the ASB election after received a call from Ann Sobrato High School Assistant Principal Joe Guinane in July 2020. Joe informed that a parent had accused of "plagiarizing" his campaign. Matthew and Jeanne said was upset by Joe's call.

[3] Matthew and Jeanne said the margins of the vote were not released.

Matthew and Jeanne said they called Joe the day after Joe called They said Joe was reluctant to share the name of the parent who had complained, but they correctly guessed that it was Wendy. Matthew and Jeanne said Joe explained the accusations against – Wendy claimed plagiarized some of his Instagram posts and used cookies to bribe students to vote for him.

Matthew and Jeanne said that during the call, Joe acknowledged he was friends with Wendy. They said they learned that Wendy initially spoke to Regan, then escalated her concerns to then-Principal Courtney Macko, and later current Principal Theresa Sage. Matthew and Jeanne were alarmed that Wendy was discussing the outcome of the election and making accusations against for three months before was informed, according to information Joe shared.

Matthew and Jeanne said everything used in his campaign was reviewed by Regan. They also said they did not understand why, if a parent raised the complaint, was directly contacted and not Matthew and Jeanne (as parents). They said they felt uncomfortable because Wendy, an adult, accused a minor, of wrongdoing and they were not informed.

Matthew and Jeanne said was required to defend himself and submit a summary of events and an explanation to Theresa. They said Theresa investigated the plagiarism allegation and was not found guilty of plagiarizing during his campaign. Matthew and Jeanne said Theresa called to inform them that the accusations were not substantiated, and at that time they asked if there were any other issues they needed to be aware of and if Wendy could appeal Theresa's decision. They said Theresa told them that Wendy could not appeal the decision and that would remain ASB president until the end of the 2020-21 school year.

D. Attempts to Influence the Election

Matthew and Jeanne said they believed Wendy used her position as Vice President of the Board to attempt to influence the ASB election. They said Wendy is well-connected to the staff at Ann Sobrato High School and was persistent in pushing a false narrative about which included allegations of plagiarism. Matthew said, "The staff of Sobrato were hounded with continuous complaints about our son. I believe the staff were bombarded by this person. If were running against any other student, this wouldn't have happened." Matthew and Jeanne said they believed the reason the administration looked into Wendy's complaints in July 2020, months after the conclusion of the election, was due to her position on the Board.

Matthew and Jeanne believe that, had won the election and they raised a similar complaint, "It wouldn't have gone this far." They said Wendy is very involved in the school and it would be naïve to think she did not have influence among the teachers and administrators. Matthew and Jeanne believe that should have raised concerns about the election to Regan if there was some question about the results.

Matthew and Jeanne said they felt had been maligned by Wendy and that they considered Wendy's allegations about to be "slander." They said they were very frustrated that Wendy made accusations against who had done nothing wrong. They also felt that any concerns about the election should have been raised prior to students' voting. Jeanne said, "The fact that she made these accusations and he had to defend himself to all these different people at Sobrato and had to write a summary of events and explain himself – that was unnecessary and it shouldn't have happened."

E. Attempts at Reconciliation

Matthew and Jeanne said they requested to speak with Wendy, Regan, Joe, Theresa, and to discuss Wendy's concerns. They said they were willing to work around Wendy's schedule, but Wendy refused to meet in person. Jeanne said, "She didn't want to face us. She wanted to go through the faculty because she's involved in the school board."

F. Desired Outcome

Matthew and Jeanne said they want to be sure Wendy's behavior is not repeated. They said that because they also have a son at Ann Sobrato High School in a lower grade, they want to have a complaint on record in case Wendy does something else like this in the future. Matthew and Jeanne said they do not believe Wendy deserves to be on the Board.

IV. RESPONSE TO ALLEGATIONS

Wendy Sullivan is the Vice President of the District Board of Education and a parent to two students at Ann Sobrato High School. Wendy has been on the Board since December 2018 and has been Vice President of the Board since December 2019.

A. Background

Wendy said her daughter, and have a history. She said that felt harassed by and that had spread rumors about Wendy said behavior led her to pull out of school on at least two occasions because of discomfort. She said told her that the Lees are "extreme," and would "go to all lengths to retaliate." Wendy said the tension between and began their sophomore year during a miscommunication about a rally when was ASB sophomore class president, and was the vice president. Wendy said that not only did upset but parents also caused her emotional distress. Wendy said the tension persisted through the 2019-20 school year, when Jeanne Lee made "snarky" comments to during course registration night in January 2020.

B. ASB Campaigns and Election

Wendy said she knew about the ASB election from what shared with her. Wendy explained that campaigning and elections for ASB is typically a long process spanning months.[4] Wendy said the process for ASB campaigning this year required candidates to file an application and prepare their campaign. Wendy said and the other student who was in the running for ASB president, prepared posters to display around school beginning on March 16, 2020; however, the students did not return to campus after March 13, 2020 due to the COVID-19 pandemic.

Wendy said the ASB Director, Regan, adjusted the campaigning timeline due to the changed nature of campaigning, which now had to be done entirely online. Wendy said Regan hosted a Zoom meeting and went over the published rules of what was permissible for online campaigning. Wendy said and

[4] Wendy explained in detail the campaigning and election process under a previous ASB Director. This included students gathering signatures of support, an interview with the current ASB president, and speeches. Given that the process has since changed, further detail will not be provided on the past ASB election process.

each campaigned differently.[5] She said felt that was violating the rules by engaging in negative campaigning and comments. Wendy said reached out to Regan to report violations, and Regan had meetings and talked to [6] However, Wendy said Regan chiding was a "hand slapping" and continued to be in "constant violation of the rules in different ways."

Wendy said she saw that frustration was having a negative impact on and so Wendy called Regan in March or April 2020 to express her concerns about and the campaigning. Wendy said she did not know how much "actual rule breaking" was occurring at this time, and called Regan out of concern for her daughter's social and emotional wellbeing. Wendy said she told Regan about what she perceived to be negative campaigning and personal attacks from targeted at

Wendy said that near the end of the campaign, violated many rules and Regan continued to have meetings with both candidates to review the rules. In one meeting, Regan told and that they each had two strikes and could not get another without being removed from the running. Wendy said did not violate the rules, so did not understand why she had two strikes, but was glad could no longer violate the rules. However, Wendy said continued to flout the rules, and plagiarize and copy materials he found online. She said did not correctly cite sources, and when Regan said he needed to give credit to creators, cited Google Images. Wendy said, "He kept getting away with things."

Wendy said the results took longer than usual to be released after the voting. Wendy said that when ultimately lost to was not upset that she lost the election (had lost an election before), but was upset because the election was fraudulent. Wendy said felt the election was rigged and that had cheated. Wendy said she told life is not fair, and that should learn a lesson from the experience. replied that her lesson was that she should not have followed the rules.

Wendy said then shared with her that had not followed the rules, even after Regan informed and that they each had two strikes. Wendy said explained that participated in a "bribery scheme and attempt." Wendy said this scheme included a cookie giveaway in which students who sent screenshots of their votes for him would be entered into a raffle to win cookies. Wendy said, "It was an obvious quid pro quo and it's not even legal in society and I couldn't believe it was happening in our own school elections."

Wendy said that when alerted Regan to this, Regan told that if he wanted to offer a reward, it had to be for all students who voted (not just students who voted for him), and did change his post accordingly. However, Wendy said that despite changing the post per Regan's instructions, "the damage was done." Wendy said she was upset that the school did not address the incident in a more meaningful way.

[5] Wendy said campaign included a "choose change" theme, with a personalized logo, Instagram posts, t-shirts, rubber bracelets, and paid shoutouts from celebrities.

[6] Wendy offered what she called a "transcript" of the Zoom meeting between Reagan and Wendy said recorded the Zoom meeting with Reagan because did not trust Reagan. Given that it is unclear whether obtained Reagan's consent to record the interview, and because communications with Reagan regarding are not relevant to this investigation into Wendy's conduct, this "transcript" is not being included as evidence.

Wendy said she thought the entire process was inequitable and tainted, and she felt like her daughter was the victim. Wendy said that although had shared her concerns about campaigning, was not taken seriously. Wendy said the situation prompted her to reach out to the Ann Sobrato High School administration because Wendy had already spoken once to Regan and the situation only worsened.

C. Contact with Administration

Wendy said she reached out to Assistant Principal Joe Guinane because he oversaw ASB. Wendy said she sent Joe an email on May 12, 2020, asking to meet with him so she could share her concerns about the ASB election. Wendy said she and Joe spoke on May 15, 2020 and she explained her concerns. Wendy said Joe said he was not aware of the details of the election and that he would look into the concerning allegations. She said Joe said he and the Principal were not aware of the "magnitude of the situation."

Wendy said the goal of her conversation with the administration was not to overturn the election. She said that although she learned the election was very close, no longer wanted to be ASB president and did not want to become more embroiled in the "drama." Wendy said her objective was to call into question the integrity and validity of the process. Wendy said she did not think should be ASB president after he lied, bribed, and cheated for votes. She said she thought the ASB vice president should become president in lieu of

Wendy said she followed up with Joe on May 17, 2020 by sending him all the evidence she had collected in chronological order. She said she did not receive a response, so she followed up on May 27, 2020. Wendy said Joe called her and said he was going to look into the allegations and, if they were substantiated, there would be "extreme consequences." She said Joe said he was going to bring in the Principal, Courtney Macko, and Regan, as he did not want to be accused of favoritism given his rapport with and Wendy.

Wendy said she did not hear anything for some time, before receiving a response from Joe on July 21, 2020. Wendy said Joe apologized for the delay and said he and Courtney had reviewed the information, and decided to keep as ASB president. Wendy said Joe and Courtney did not explain their reasoning and Courtney left her role as Principal of Ann Sobrato High School soon after.

Wendy said she thanked Joe and told him that she wanted to escalate the issue to the new Principal, Theresa Sage, because there was no reason given for the decision. Wendy said she then spoke with Theresa, who said she would look into the issue. Wendy said she forwarded Theresa the email she sent to Joe detailing her concerns about the election.

When asked if she intended for Theresa to reconsider Courtney's decision to keep as ASB president, Wendy initially said she just wanted to know the reasoning behind the decision. However, when shown her July 21, 2020 email to Theresa and Joe, which read, "I know Courtney made that decision, but I'd like to appeal that decision to Theresa," Wendy acknowledged that she wanted the administration to reconsider the decision. (Wendy's email can be found at Exhibit 2.) Wendy explained that she also wanted a better understanding of the reasoning for the decision and to know if Theresa agreed it was the right decision.

Wendy said Theresa decided to uphold Courtney's decision and allow to remain president, telling Wendy that it would be a good learning opportunity for Wendy said she asked Theresa what learning opportunity there was for her daughter. Wendy said, "My child was the victim of the quid pro quo and bribery scandal." Wendy said she wanted to advocate for her child, and wanted the school to acknowledge the harm to Wendy said she did not think "quid pro quo" in a high school election was permissible because it is not permitted in national elections. Wendy said that in her conversations with Theresa, she quoted the student handbook, which discusses cheating, lying, and personal integrity.

Wendy said her last communication with Theresa was on August 28, 2020. (See Exhibit 3.) Wendy said Theresa did not respond to the questions she wanted answered. Wendy said her focus was on and how the school was going to repair the harm done to her child. Wendy said she felt the school was trying to "brush the situation under the rug."

D. Wendy's Position on the Board

Wendy estimated that she had contacted different school officials between six and ten times about the election. Wendy said, "I would have been remiss to not step in and protect her. Regardless of my role as trustee, we are parents and we have a legal right to advocate for our kids when we feel there are wrongdoings."

Wendy said she was private about the goings-on of the election and her appeal to the school. Wendy said she did not discuss her concerns with other parents, despite feeling like the situation was mishandled. Wendy said she knew talking about the election would reflect poorly upon Ann Sobrato High School.

Wendy was asked about a specific phrase in her July 21, 2020 email to Joe and Theresa that read, "I have kept quiet about this up until this point out of respect for the school, but that too has limitations." (See Exhibit 2.) Wendy said she meant that she might begin sharing her frustrations with parents. Wendy said she was not implying that she might speak about her experience to the Board.

Wendy said the August 2020 Board meeting (during which Theresa was announced as the new Principal of Ann Sobrato High School) was fine. Wendy said it was around the same time as when she and Theresa were in communication about the election issues. She said that when it came to be her turn to comment on Theresa's new position, Wendy congratulated Theresa and said she was a great addition and that they had talked on prior occasions. Wendy said she was referencing the two phone conversations she and Theresa had regarding the election. Wendy said she was trying to communicate that they have a "history," and denied that her comment was a veiled threat. Wendy said she was very warm, kind, and gracious during the meeting. She said she did not indicate any displeasure with Theresa and was "extremely professional."

Wendy said that while she has not thus far shared her experience with the Board, she would have no problem speaking about this issue in open session. Wendy said she felt the school had mishandled the situation.

E. Influence in the Election

Wendy said she did not attempt to use her position on the Board in any way to influence the outcome of the election. Wendy said she always used her personal email to communicate with the school administration and did not hint that she was trying to exploit her role on the Board.

Wendy said she always acted as a parent advocating for her child. She said she did not want to give the impression that she was trying to misuse her position and "bent over backward being patient and accommodating." Wendy said that, had she not been a trustee, she would have emailed and called more frequently, and driven to Ann Sobrato High School to demand a response from the school in person. Wendy said she was deferential and let a great deal of time elapse while the school looked into her concerns. She said, "No other parent would sit on the sidelines patiently like this."

Wendy said she did not pressure the staff or administration. She said she only spoke to Regan once, and communicated with just two administrators, Joe and Theresa. Wendy said she did not believe these individuals had any reason to feel pressured or intimidated by her role on the Board. Wendy said she has long been involved in the school as a parent, due to her participation in the Home and School Club.[7]

F. Accusations Against

Wendy said she did not feel she had harmed reputation because she documented various rules violations and did not manufacture any of the evidence against him. Wendy said she wanted to show the school what had done, and brought to their attention an "obvious case of electoral fraud and bribery."

G. Attempts at Reconciliation

Wendy said she was willing to sit down with the Lees to resolve the situation. Wendy said she was willing to work with an expert in restorative justice, as was suggested by the District. Wendy said she spoke on the phone with the restorative justice expert and he said he did not think it was worth moving forward with the process because the Lees could not restore full justice to because Wendy believed the school needed to take responsibility for their missteps. Wendy said the expert then determined that the restorative justice process was not right for them given the circumstances.

V. WITNESS EVIDENCE

A. Joe Guinane

Joe Guinane is an Assistant Principal at Ann Sobrato High School. He has been with the District for about 10 years. Joe reported to Principal Courtney Macko during the 2019-20 school year, and now reports to Principal Theresa Sage. As one of three Assistant Principals at Ann Sobrato High School, Joe is responsible for students with the last names GR-N, athletics, ASB, school-wide testing, and technology.

[7] The Home and School Club is a parent booster organization similar to a parent-teacher association.

a. ASB Campaigns and Election

Joe said ASB is responsible for on-campus events like spirit week, dances, the homecoming rally, student clubs, and fundraising. He said there are elections for each class' ASB representative, in addition to the president of the ASB organization.

Joe said he was involved in the elections during the 2019-20 school year, though less so than usual because the campaigning was not typical due to distance learning and the COVID-19 pandemic. Joe said he met with ASB Director Regan Rasley and Courtney weekly for updates on the election. He said that at their meetings, Regan would provide a status update on the ASB election and the candidates' campaigns, which were being conducted using social media.

Joe said the ASB presidential election, in which and were running, was one of the few races in which two candidates were running (as many of the roles were uncontested). Joe said it was a very tight race, according to Regan, but he was never informed of any issues or irregularities with respect to the election or the students' campaigns.

b. Contact with Wendy Sullivan

Joe said he received a call from Wendy Sullivan, mother, about a week after the ASB election. Joe said Wendy is very active in both the school and the District, as she is a trustee for the District. Joe said he had known Wendy for years, as he taught when she was in 7th grade.

Joe said Wendy expressed concerns about the ASB election, and in a follow-up email, she extensively detailed her concerns that had plagiarized and bribed students with cookies to vote for him. Joe said Wendy also stated that obliquely mentioned in his campaign, by using the word "change" – which was featured in campaign – negatively.

Joe said that after Wendy shared her concerns, he asked Wendy what she wanted. He said Wendy did not think should win and replace but she also did not feel that should be ASB president based on his behavior. Wendy said that was upset won after he ran afoul of campaigning standards. Joe said he believed Wendy's concerns were valid based on the information she shared.

Joe said he did not know what to do with the information Wendy shared. He said he met with Courtney, gave her a synopsis of Wendy's concerns, and forwarded Wendy's email. Joe said Courtney assured him she would take the lead on managing the situation. Joe said Courtney mentioned that she was going to see Wendy at the Home and School Club.

Joe said Courtney decided that she was going to let remain president and did not want to investigate the allegations. Joe said he did not hear anything more about the decision until after school concluded in mid-June. Joe said Wendy emailed him and asked if was to remain ASB president. Joe said he was confused as to why Wendy reached out to him because he thought she already knew the answer. Joe said Wendy felt the school needed to investigate the incident and was not happy with the outcome.

Joe said it is common for parents to reach out with questions or concerns, however it was unusual for a parent to continue reaching out about an issue after a decision had been made. Joe said he had not encountered a parent who asked the school to reexamine an issue again.

Joe said that when Theresa Sage took over as Principal, Wendy emailed Theresa to "reintroduce" the issue relating to the election. Joe said Theresa asked him what information he had from the Lees, and Joe explained that Courtney had told him he did not need to reach out to the Lees. Joe said Theresa asked him to contact the Lees.

c. Contact with the Lees

Joe said he reached out to and his family before the 2020-21 school year began in July or August. He said the Lees were hesitant to give a statement because they did not understand why the election results were an issue so many months after the voting had taken place.

Joe said provided a statement and his campaigning materials. Joe said it was true that did not correctly cite sources in some of his materials, and instead cited Google Images. However, Joe said also demonstrated that he had not said anything negative about though brother had been more vocal. Joe said also explained that he changed his cookie campaign promotion in accordance with the school's rules.

Joe said Jeanne subsequently called him and expressed her concern about the inquiry into the election. He said Jeanne asked why the inquiry was so delayed and why a parent was raising complaints on election wrongdoing.

Joe said he forwarded the information from to Theresa and Theresa said she was getting guidance from someone at the District office about the situation. Joe said Theresa reviewed statement and also read a statement from to understand both individuals' perspectives.[8] Joe said Theresa ultimately determined that would remain ASB president.

Joe said he knew Wendy was unhappy with Theresa's decision because Wendy's husband called Joe to offer his support of the athletics department and mentioned that his wife "was in the middle of the election thing." Joe said he thought this indicated that Wendy was still embroiled in conflict over the election results. Joe said Theresa also mentioned that Wendy was not happy with the outcome.

d. Wendy's Position on the Board

Joe said he knew Wendy well because he had known her since he taught and also knew Wendy through her involvement in the Home and School Club. Joe said Wendy attended nearly every school function, including some school dances, parent nights, and open houses. Joe described Wendy as "extremely involved," and much more so than the average parent. Joe said Wendy is known around the school to teachers and administrators because she is part of the Home and School Club and she is on campus often.

Joe said he did not know if Wendy's position on the Board impacted the school's response to her complaint against He said he took the complaint seriously because it was a question about the election and there were serious allegations involved. Joe said his response would have been the same regardless of the person who raised the complaint. He said he did not believe Wendy used her position

[8] Joe said it is standard practice to get a statement from both parties when there are students involved in a dispute.

as a Board trustee to pressure him or other staff. He said, "I know she has been persistent and it could be perceived that way. She has been persistent during the changes of Principal."

B. Theresa Sage

Theresa Sage is the Principal of Ann Sobrato High School. Theresa became Principal in July 2020. Previously, Theresa worked at Ann Sobrato High School as a Teacher and Assistant Principal. Theresa was Assistant Principal from 2015 until she became Principal in 2020. Theresa reports to Pilar Vazquez-Vialva, Assistant Superintendent of Educations Services. In her job as Principal, Theresa is responsible for overseeing the three Assistant Principals, more than 100 staff members, and the overall administration of Ann Sobrato High School.

a. ASB Campaigns and Election

Theresa said she was not responsible for the ASB election while she was Assistant Principal. Theresa said she oversaw other areas, like AP exams and the counseling department, and she did not get involved in the ASB program. Theresa said she knew there was an ASB election, but she was isolated from it because she was working from home. Theresa said she learned about the tension surrounding the ASB election when she became Principal, around July 21, 2020.

b. Contact with Wendy Sullivan

Theresa said Wendy sent her an email on July 13, 2020, congratulating Theresa on her new role as Principal. Theresa said Wendy sent another email soon after, on July 15, 2020, and asked if Theresa had been in contact with Joe. Theresa said that email prompted her to ask Joe what Wendy might be inquiring about. She said Joe informed her that the previous Principal, Courtney, had decided that the ASB election results would stand around May or June 2020 and Wendy was upset.

Theresa said Wendy then sent Joe an email on July 21, 2020, copying Theresa. In this email, Wendy wrote that she was not accepting Courtney's decision and wanted Theresa to reconsider the election.

Theresa said she talked to Wendy to get her perspective on the school election, and told Wendy she would do an investigation. Theresa said she tried to determine what had happened and obtained information from ASB Director Regan Rasley and the Lees. Theresa said she also asked her supervisor, Pilar, for advice.

Theresa said Wendy made a lot of accusations, including that the election was unfair and that it set a bad precedent for the 2020 United States presidential election. Theresa said she and Pilar did a full investigation and determined they were not going to overturn the election. Theresa said she found that any mistakes that had been made were minor, and that both students (and had worked under the guidance of the ASB Director. Theresa said, "Any missteps by the students were corrected in a short fashion. It was not compelling enough to overturn in May and it still was not compelling enough to overturn in July and August."

Theresa said she did not know if Wendy reached out to the ASB Director, Regan, to discuss the election. Theresa said she only knew of the happenings of the election once Wendy asked if she had spoken to Joe, and Joe explained the background.

c. Wendy's Position on the Board

Theresa said, "The tricky part is I was introduced to the school board and it was tricky and super awkward because Wendy is a board member and I knew she was mad at me." Theresa said she attended a closed session Board meeting on August 4, 2020, which was held so that the trustees would get to meet Theresa. Theresa said Wendy called her the night before that meeting and expressed "in great detail" her feeling that the election was unfair.

Theresa said that in the Board meeting, she knew many of the trustees and she had a very warm reception. However, while other trustees were "excited and exuberant," Wendy was "for sure" the least enthusiastic.

Theresa said that when it came time for Wendy to comment, Wendy said in a flat tone, "I've talked to Theresa and she knows how I feel." Theresa said she asked Pilar, who was also present, if she noticed Wendy's tone, but Pilar said she was not paying attention. Theresa said the encounter made her uncomfortable. She said that while the Board did not have a say in her hiring, she thought the Board might be able to overturn the decision.

Theresa said that prior to this, she had minimal interactions with Wendy. Theresa said she liked Wendy and had known Wendy prior to her running for the Board. Theresa said she and Wendy had also interacted by virtue of Wendy being president of the Home and School Club. She said Wendy is more involved than the average parent, and it is well-known among faculty that she is on the Board. Theresa said, "You try to pay attention to parents that are school board members. You are more aware when they are around because they're more high profile. Their experience might come out during a school board meeting."

Theresa said Wendy's position as a trustee did not influence the outcome of her investigation into the ASB election. Theresa said, "We went by the facts of the case and not by her being a school board member." Theresa noted that Wendy was very persistent and accused her of being unethical and unfair, and it would have been easier to change the election outcome.

Theresa said she did not know if Wendy pressured her because she was a trustee or if she would have been as persistent regardless. Theresa said parents usually advocate for their students with respect to grades, but it is not very common to have parental involvement in other matters.

Theresa said Wendy wrote something akin to, "I'm not going to stay quiet about this," in an email to Theresa. She said this made her wonder if Wendy was going to share her discontent at a Board meeting, or in the Home and School Club, or on social media. Theresa said, "I didn't have any interest in being blasted publicly about an ASB election or that we were being unfair." Theresa said she felt like this was a threat, made by Wendy in her capacity as a parent or as a Board trustee. Theresa said, however, that she was more concerned with Wendy's position as a Board trustee because Wendy could express her displeasure with Theresa to the Superintendent and Assistant Superintendent and there would be no opportunity for Theresa to counter Wendy's narrative or share her own perspective.

d. Accusations Against

Theresa said she believed Wendy had maligned and his family, but added that she thought Wendy's intent was to protect her daughter more so than to bully the Lees. She said Wendy was not

only upset about the election, but also felt Jeanne Lee was mean to at a February 2020 course registration event. Theresa said Wendy also mentioned a conflict between and about a homecoming event during their sophomore year. Theresa said Wendy had a strong belief that cheated and nothing was done, and Wendy thought had received special treatment. Theresa said Wendy was persistent in expressing these concerns about

Theresa said Wendy also said that continued to harm and Theresa reached out to and asked her to share anything that was currently happening between her and Theresa said said put "ASB President" next to his name when signing up for an event, as a means to taunt Theresa said said she did not want to share more because she knew the Lees "were going after" her mother (by filing a complaint). Theresa said she asked Joe to speak to and ask him to stop any harassment of

e. Attempts at Reconciliation

Theresa said the Lees expressed a desire to meet with Theresa, Joe, and Wendy to resolve the situation. Theresa said the Lees were very upset by Wendy's allegations. Theresa said there was some conversation about trying to have a mediation to resolve the conflict, but it never moved forward.

C. Regan Rasley

Regan Ralsey is an English Teacher and ASB Director at Ann Sobrato High School. Regan has been in these roles since she joined the District in the 2019-20 school year. As the Director of ASB, Regan oversees the ASB program, which is the student government organization responsible for planning and executing various school events.

a. ASB Campaigns and Election

Regan said the ASB president for the 2020-21 school year, was elected in the spring of the 2019-20 school year. Regan said the campaigning and election was entirely online due to the COVID-19 pandemic. Regan said the campaigning was primarily done through Instagram and each candidate had a Google site as well. Regan said this campaigning was different than usual, because normally campaigning is primarily done on campus and involves posters and buttons.

Regan said and both ran for ASB president. Regan said most of the roles in ASB were uncontested, and the role of ASB president was one of three roles for which more than one individual ran. Regan said that aside from the complications resulting from the COVID-19 pandemic, the election was "pretty typical." She said the students needed some reminders of the campaign guidelines and she had to inform some students of what was and was not permissible.[9] Regan said, "Nothing out of the ordinary for high school."

Regan said she pre-approved the candidates' campaigning materials. She said she knew less about the happenings on social media and neither candidate submitted their Instagram posts for approval. Regan said whenever she saw or was notified of something that did not meet their campaigning guidelines, she

[9] Regan said she had to chide for his use of the word "change," which was used to reference campaign tagline. Regan said did not technically break the rules, but Regan asked him to change the oblique reference to and her campaign. Regan said made her requested edits without resistance.

did not get any "pushback" from students and the problematic post or material came down immediately.

Regan said she did not believe there were any concerns about the election results with respect to the voting or how votes were counted. Regan said was concerned because she believed disparaged her and did not follow the campaign guidelines.

Regan said that while did not violate "the letter of the law," did mention platform. Regan said she had asked to correct this, and his reference to her campaign was only public for less than a day.

b. Contact with Wendy Sullivan

Regan said Wendy Sullivan emailed her to enumerate her concerns about behavior in the election. Regan said Wendy's email included a bulleted list of all the problems she saw in the election. Regan said she got the sense that Wendy wanted her to recall the election. Regan said, "That creates a rumor mill that will create more factions. It seems so petty and ridiculous."[10] Regan said she spoke to and said she did not want the election to be recalled, but was unhappy with the results.

Regan said she received just one email from Wendy, and the issue was then escalated to the administration. Regan said the administration intervened and so she was shielded from further engagement on the election issue. Regan said she believed Wendy was in contact with the Principals.

c. Wendy's Position on the Board

Regan said she had only known Wendy as a parent to her student, Regan said she has had plenty of contact with parents over her 22 years as a teacher and did not find Wendy's behavior aberrant. Regan said she also knew Wendy was a Board trustee and the Home and School Club liaison. Regan said she thought Wendy was better known around campus because of her position on the Board and the Home and School Club.

Regan said she would have responded to Wendy's concern in the same manner, regardless of whether Wendy were only a parent versus a parent and Board trustee. Regan said she believed Wendy emailed her in her capacity as mother, rather than as a Board trustee. Regan said she did not feel pressured by Wendy because she was a trustee.

d. Closing Remarks

Regan said she felt she made the right decisions about the election. Regan said she felt concerned about her students. She stated, "I wonder if we've lost sight of the students and and voices are no longer important anymore."

[10] Regan said she heard that and were "joined at the hip" their sophomore year and had an ASB-related falling out. Regan said she also heard that their parents got involved in the "blowout."

VI. DOCUMENTARY EVIDENCE

A. Emails Between Joe Guinane and Wendy Sullivan

On May 12, 2020, Wendy wrote Joe an email asking to meet with him and Principal Courtney Macko to discuss her "many concerns" regarding the ASB election. Wendy said these issues included "plagiarism, bribery and quid pro quo for votes." (See Exhibit 4.) Joe responded that he was not aware of all the issues Wendy raised in her email. Wendy replied that she wanted to have a discussion soon because the issue was time sensitive, as her allegations, if sustained, "could deem the election results invalid." (See Exhibit 5.)

On May 17, Wendy followed up with an email detailing her allegations against which included claims that he engaged in plagiarism, negative campaigning, bribery and quid pro quo. To support her allegations, Wendy included screenshots of campaign site and Instagram, dictionary definitions from Merriam Webster, and screenshots of the business Cookiemamaz, which made cookies in support of campaign. (See Exhibit 6.)

B. Emails Between Theresa Sage and Wendy Sullivan

In the wake of the ASB election, Wendy Sullivan and Theresa Sage exchanged numerous emails about Wendy's concerns about the legitimacy of the election.

On July 13, 2020, Wendy wrote Theresa an email congratulating her on her new role as the Principal of Ann Sobrato High School and mentioned a Home and School Club matter. The next day, on July 14, Theresa thanked Wendy and addressed Wendy's Home and School Club question. On July 15, Wendy replied to Theresa's email and asked if Theresa had been in touch with the Assistant Principals. (See Exhibit 7.)

Wendy then wrote an email to Joe, copying Theresa, on July 21. In this email, Wendy wrote that she wanted to "appeal" the previous Principal's decision and "escalate" the decision to Theresa. Wendy also wrote that she did not believe the school could deny the election wrongs. Wendy stated, "I have kept quiet up to this point out of respect for the school, but that too has limitations." (See Exhibit 2.) Wendy also forwarded her previous email to Joe detailing her concerns with the election. (See Exhibit 6.) Then, Wendy sent Theresa an email on July 31, in which she stated that the situation had become more challenging because of the time that elapsed. (See Exhibit 8.)

Theresa wrote to Wendy on August 18 to tell her the result of her investigation into the concerns raised about the ASB election. In this email, Theresa explained that Regan "did a good job considering the challenges" of COVID-19. Furthermore, Theresa stated that student government is an "educational endeavor" at the high school level. Finally, Theresa said the Education Code provides "highly protected free speech rights on campus." Theresa said would remain ASB president. (See Exhibit 9 for email exchange including emails from August 18 through August 28.)

In response, Wendy wrote Theresa on August 23, with 11 enumerated questions. Some of Wendy's questions were:

- "The consistent negative campaigning was probably the more minor of all of the grievances, the plagiarism and quid pro quo/bribery for votes were the major offenses. The blatant bribery for

> votes is so egregious and fraudulent that it should call into the question the results of any election. How can the school ignore this? How does the school justify this? How can the school sweep this under the rug and pretend like it never happened?"

- "If a student perpetrator is protected by free speech rights and the notion that all of their transgressions are teachable moments, what rights do victims have? How and when are victims protected?"

- "Does Sobrato condone electoral fraud? Are we to assume that the school is okay with cheating, bribery and fraud in its student elections process? Is the school expecting that the community should just accept it? Are we supposed to pretend like it never happened?"

Theresa responded on August 27, restating that she did not intend to overturn the election, but appreciated Wendy's perspective. The next day, Wendy responded restating her concern. Her email, in part, read:

> We acknowledge that the school is not willing or able to take a courageous step in the direction of doing what is right, ethical or moral in this situation, but in the very least there has to be an acknowledgment of what really happened. Are you hoping to try brush this under the rug and pretend like it never happened? If the school or ASB is not going to be honest and admit what happened, then what is the lesson learned? For which I ask again, what is the takeaway for Where is any sort of justice or restitution for the victim? Is expected to just walk away quietly knowing that she participated in an election that was fraudulent and that her opponent was allowed to blatantly bribe people for their votes?
>
> (See Exhibit 9.)

C. Emails Between Theresa Sage, Joe Guinane, and the Lees

On July 22, 2020, Jeanne Lee sent Joe an email asking about Joe's call with the previous day (July 21). Jeanne asked if she and Joe needed to discuss the issue. Joe replied on July 23 and said he asked about some issues raised by a "concerned parent." Joe said he wanted to get clarification on election-related information. (See Exhibit 10.)

In an email from the Lees on August 5, they wrote to Joe and Theresa to express their "extreme confusion and frustration regarding the accusations against The Lees said they felt the accusations against by a parent and Board trustee were "unjust." (See Exhibit 11.)

VII. FINDINGS AND DISCUSSION

The findings in this Confidential Investigative Report do not reach questions of law as to whether the alleged misconduct supports a violation of applicable laws, but instead are factual findings. The undersigned utilizes a legal analysis in reaching the determinations in this Report. These determinations, however, are not intended to equate to a finding that applicable laws were violated.

The investigator analyzed the facts and determined whether the allegations were with or without merit under a preponderance of the evidence standard. "Preponderance of the evidence," for purposes of this Report, means that the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative, not quantitative, standard.

The investigator has drawn the conclusions in this Report from the totality of the evidence and a thorough analysis of all the facts, and where necessary, has made credibility determinations. The investigator considered and gave appropriate weight to information that might be considered to be hearsay in legal proceedings. Finally, while numerous hours were spent reviewing documents and interviewing witnesses, this report does not purport to include every detail as described by the individuals involved. Rather, it assesses the important facts as they pertain to the incidents investigated.

A. Did Wendy Sullivan use her position as a member of the Board of Education to attempt to influence or cancel the outcome of the spring 2020 ASB election?

Sustained. A preponderance of the evidence supports a finding that Wendy Sullivan used her position as a member of the Board to influence the outcome of the spring 2020 ASB election.

Wendy Sullivan sent numerous emails to multiple school administrators and the ASB instructor from May through August 2020, detailing her outrage at the ASB election process. While Wendy said in multiple emails and during her interview that she did not want her daughter, to become ASB president in lieu of she was adamant that be removed as president.

Wendy said she would no longer stay quiet about the "rigged and fraudulent election" in an email to Assistant Principal Joe Guinane, with new Principal Theresa Sage copied. In that same email, Wendy requested that Theresa, who had been in the role of Principal for a matter of weeks, reconsider the prior Principal's determination in the matter.

While Wendy may not have intended to use her position as a Board trustee to influence the election, she certainly intended to influence the election as evidenced in her persistent emails. In addition, it is reasonable that a new principal would feel pressured by a persistent parent who is a member of the school board. Wendy's position on the board certainly amplified the pressure on Theresa and Wendy did little to mitigate that effect.

Furthermore, Wendy's accusations were not only levelled at but also at the administration at Ann Sobrato High School. When it became clear that school administrators would not capitulate to Wendy's demands, Wendy made various statements that would reasonably be considered threatening. Wendy accused school administrators of brushing the issue under the rug; condoning electoral fraud, bribery, and cheating; failing to act in an ethical manner; and being dishonest about the ASB election. In addition, Wendy said the school administrators did not protect victims or remedy the alleged wrongs for It is reasonable that such statements would make any Principal feel threatened, and especially a new Principal like Theresa. Wendy's communications with Joe and Theresa are replete with accusatory language that could reasonably be taken as an implicit threat, given that Wendy has access to important District officials like the Board and Superintendent.

On one hand, Wendy did not overtly call attention to her position on the Board and used her personal email to send the missives to Joe and Theresa. In addition, Wendy said she was acting as a parent advocating for her child, which she repeatedly said was her "right." However, what Wendy overlooked was her obligation to act with increased sensitivity knowing that her position on the Board set her apart from the average parent. While Wendy said she was extremely patient with the school administrators and she would have been an even more fierce advocate for her daughter if she were not on the Board, her behavior demonstrated a lack of boundaries given her position.

B. Did Wendy Sullivan use her position as a member of the Board of Education to pressure school staff about the ASB election?

Sustained. A preponderance of the evidence supports a finding that Wendy Sullivan used her position as a Board trustee to pressure school staff about the ASB election.

In her interview, Theresa credibly explained her feeling that Wendy treated her differently in the midst of the ASB election inquiry, including at a Board meeting. Theresa explained that Wendy had a clear lack of enthusiasm and displayed the most muted reaction to her appointment of any trustee. It is likely that Wendy's aggravations about the ASB election influenced her demeanor at the Board meeting, and Theresa reasonably found this concerning.

Additionally, as explained above, given her position and access to the other Board trustees and Superintendent, the fact that Wendy made numerous allegations against Theresa and the other school administrators, and said she would not stay quiet, caused Theresa to reasonably feel pressured to change the outcome of the election.

Although Wendy said that, when she told Theresa she may no longer "keep quiet," she only meant that she might share her experience with other parents, Theresa reasonably interpreted the comment as an allusion to Wendy sharing, with the Board or District administrators, her discontent with Theresa and the other Ann Sobrato High School administrators. It is hard to believe that Wendy did not consider the impact her words might have on a new Principal, given her position as Vice President of the Board. Moreover, in her interview, Wendy also said she would have "no problem" speaking about the election imbroglio in open session, and so Theresa's concerns were indeed well founded. As Theresa noted, she had "no interest in being blasted publicly" in a Board meeting where she would have no opportunity to respond.

Thus, while Wendy may not have intended to use her position at a Board trustee to pressure Theresa, she did not have any qualms about pressuring Theresa generally, and demonstrated a lack of awareness with respect to how her roles as both an involved parent and a Board trustee would be compounded and create a high-pressure situation for school administrators. As Theresa said, "You try to pay attention to parents that are school board members. You are more aware when they are around because they're more high profile. Their experience might come out during a school board meeting." It is hard to imagine that Wendy would not understand that perspective, as it is obvious that a Board trustee stands to exert more pressure on school administrators than a regular parent.

Wendy's unrelenting emails, which were not only accusatory toward but were also accusatory toward the administrators who looked into her concerns, demonstrated a lack of boundaries that reasonably made school officials feel pressured. While Joe had a more charitable view on Wendy's persistence, he still acknowledged how her doggedness, especially during the changes in Principal, could be viewed as pressuring the administrators. This more favorable perspective was likely influenced by his special connection with Wendy and as their relationship dates back to when he was teacher in 7th grade.

On balance, the evidence supports a finding that Wendy Sullivan used her position as a Board trustee to pressure school staff on the outcome of the ASB election.

C. Did Wendy Sullivan use her position as a member of the Board of Education to malign the Lee family?

Not sustained. A preponderance of the evidence does not support a finding that Wendy Sullivan used her position as a Board trustee to malign the Lee family.

On one hand, as detailed above, Wendy was unrelenting in her communication about what she perceived to be the unjust and unfair nature of the ASB election. She repeatedly accused of various unfavorable claims such as plagiarism, quid pro quo, and bribery, using sensationalist language to describe relatively minor infractions and drawing unreasonable parallels to the U.S. presidential election. It was understandable that the Lees were taken aback by these allegations and felt that Wendy was maligning their son.

On the other hand, while it is found that Wendy was overly persistent and assertive in a manner that was not fair to the administration, it does appear that Wendy's concerns about campaigning were genuine. Wendy raised specific examples of campaign posts by that Regan agreed were problematic and had take steps to correct at the time.

Wendy also used the appropriate process to raise her concerns about the election. There was no evidence that Wendy expressed her concerns in any other forum, such as online or in discussions among other parents. Rather, Wendy shared her concerns only with the appropriate high school administrators, who proceeded to investigate, subjecting to the normal complaint process. Although he did have to write a statement consistent with the school's investigations practice, suffered no adverse consequences as a result of Wendy's complaint.

Given that Wendy's complaints were based on genuine concerns, she spoke only with the appropriate high school administrators, and presidency was not ultimately impacted by the complaint, the fact that Wendy's behavior toward the administrators was unrelenting and dogged, and that she used sensationalist language in making her complaints, does not in and of itself support a finding that Wendy maligned the Lee family.

Respectfully submitted,

Madeline Buitelaar

Exhibit 1

Morgan Hill Unified School District

Complaint Concerning a District Employee
Board Policy 1312.1

Date: _8/12/2020_____

Name of individual filing complaint: Matthew and Jeanne Lee

Address: 16310 San Ramon Dr. Morgan Hill, Ca 95037_____

_____

Telephone number: 408-782-6011___ Cell phone number: 408-930-8385 and 408-427-7205_

Email address (optional): jmlee@charter.net and 711mlee@gmail.com

Name of employee: Wendy Sullivan_____ Position: _vice president school board

Summary of the complaint: __Wendy Sullivan used her position as Vice President of the school board and employee of Morgan Hill Unified to try and overturn a school ASB election where her daughter lost to our son . She tried to influence numerous people: Mrs. Sage, Ms. Rasley, and Mr Guinane to overturn the votes of the students of Ann Sobrato High School. In her attempt, she made numerous FALSE accusations against our son including that he plagiarized information on his campaign, bribed students to vote for him and that he posted negative comments about and her campaign all of which could be considered slander in a court of law.

Summary of attempt(s) to resolve the complaint: __Due to the magnitude of this situation, it was suggested that we file this complaint against Wendy Sullivan, Vice President of the school board. This is our first attempt at resolving the complaint.

_____

_____

_____

_Matthew Lee and Jeanne Lee
Signature of Individual Filing Complaint

Date received: __8/12/2020

Revised/renumbered: 5/11/10 (Formerly AR 1510)

Exhibit 2

From: **Theresa Sage** saget@mhusd.org
Subject: Fwd: Sobrato ASB Presidential Campaign Issues
Date: October 22, 2020 at 9:06 AM
To: Madeline Buitelaar madeline@amyopp.com

---------- Forwarded message ---------
From: **Wendy Sullivan** <wendyglsullivan@yahoo.com>
Date: Tue, Jul 21, 2020 at 9:36 AM
Subject: Re: Sobrato ASB Presidential Campaign Issues
To: Joe Guinane <guinanej@mhusd.org>
Cc: Mike Sullivan <sully2782@yahoo.com>, <SageT@mhusd.org>

Hi Joe,

Welcome back.

Thank you for the update. I know that Courtney made that decision, but I'd like to appeal that decision to Theresa, since she is now the administrator. As you admit, we have not been given any sort of justification or explanation for the decision.

I need to insist on accountability from the school. My child was harmed due to the actions by the other student and the school failed to protect her, and if anything, the ASB Director was a big part of the problem. has every right to have her best interests protected, just as was protected and enabled.

The ASB elections were rigged and fraudulent, plain and simple, and we have provided ample evidence. There is no way that the school can deny it or brush it under the rug to hide it. I have kept quiet up to this point out of respect for the school, but that too has limitations. This is more than just about this is about a system and process that was critically flawed and now a precedence is being set. Now we know what students can get away with in order to get what they want — even if it's based on lies, blatant cheating, and manipulation.

As our country heads into a critical election season, it's really sad to know that the politics in a high school environment can be just as tainted and corrupt. I must admit that I expected better, both ethically and morally. If the Sobrato way is to "Do Good and Be Great," isn't it logical to expect that its student leaders would be held to an even higher standard than that?

At this point, I'd like to escalate this to the next level and have a discussion that includes Theresa. As I've previously stated:

"The Sobrato Student Handbook clearly states that, '*The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit acts of academic dishonesty. (MH BP 5131.9) Disciplinary consequences will result whenever it is determined that a student has cheated, lied, plagiarized, or committed any act of academic dishonesty.'* So in actuality actions have not only been in breach of Sobrato's Student Handbook, but they have also violated Morgan Hill Unified School Board policy."

Unfortunately, I just don't understand how the school isn't taking this more seriously? Please help me understand.

Thank you,
Wendy

On Jul 21, 2020, at 8:47 AM, Joe Guinane <guinanej@mhusd.org> wrote:

> Good morning Wendy,
>
> I am sorry I am just getting back to you. I thought I had hit send on the email, but realized that it was sitting in my drafts folder. I am truly sorry for not getting this information back to you sooner.
>
> When I had reviewed this with Ms. Macko, she did understand and acknowledge the various issues surrounding the election. After presenting the information you shared with me, she wanted to continue with as ASB President for this school year. I am not aware of the reasoning behind the decision, but we will be monitoring his actions closely this school year and he will receive disciplinary action. I cannot share that information with you, but trust me when I say that I am on it.
>
> I know this is not the course of action that you were expecting, but due to the directive given to me I am going to ensure the type of actions displayed toward won't happen in the future.

Go Bulldogs!

Joe Guinane

Assistant Principal
Ann Sobrato High School
401 Burnett Avenue
Morgan Hill, CA 95037
(408) 201-6211

"Be yourself; everyone else is already taken." - Oscar Wilde

On Thu, Jun 25, 2020 at 5:13 PM Wendy Sullivan <wendyglsullivan@yahoo.com> wrote:

Hi Joe,

Congratulations on getting through the end of the school year! I hope that you're enjoying your well-deserved summer vacation. I was just wondering where things were left with Sobrato's ASB elections? I know that you're facing a new complication now that Courtney is leaving. Were you able to consult with her? Did you guys ever come to a decision?

By the way, you are more than welcome to share my detailed e-mail with Courtney so that she has as much information as possible.

Thanks,
Wendy

On May 27, 2020, at 1:25 PM, Wendy Sullivan <wendyglsullivan@yahoo.com> wrote:

> Hi Joe,
>
> I just wanted to check in and see if you got the chance to review the e-mail that I sent you back on May 17? I'm interested in your thoughts?
>
> ~ Wendy
>
> Begin forwarded message:
>
> **From:** Wendy Sullivan <wendyglsullivan@yahoo.com>
> **Date:** May 17, 2020 at 9:26:03 PM PDT
> **To:** guinanej@mhusd.org
> **Subject: Sobrato ASB Presidential Campaign Issues**
>
> Hi Joe,
>
> I hope you've enjoyed your weekend and gotten a chance to relax before the start of another crazy week. Thank you for your time on Friday and for looking more into this matter. After our discussion, I talked to and let her know that I've brought these issues to your attention. As she answered some of the questions that you had asked me, I've learned that the situation was far worse and even more egregious and damaging than I originally described to you.

situation was far worse and even more egregious and damaging than I originally described to you.

The following is a detailed account of the various intentional transgressions committed by opponent throughout the ASB Presidential election process, and the apparent lack of consequences, repercussions or discipline thereof.

1) **Plagiarism:** posted the following two images to his campaign Instagram account. The first one, "4 Things to Expect More Of," was posted on March 11, 2020 (pre Shelter-in-Place) and the "Collaborative Promise" was posted sometime in April.
<image1.png>
<image2.png>

These two posts were copied from Elam Miller (a student at the University of Mississippi), who posted them to his collegiate ASB President Instagram account back on February 20, 2018.

<image3.png>

According to Merriam-Webster, to plagiarize is: "1. To steal and pass off (the ideas or words of another) as one's own; use (another's production) without crediting the source. 2. To commit literary theft; present as new and original an idea or product derived from an existing source."

As you can see, Mr. Miller shared his campaign platform back in February 2018 and basically copied and pasted it to his own Instagram page. He stole the ideas and work and passed them off as his own. There is no reference to the original author. When this was brought to Ms. Rasley's attention, she told that he had to attribute those posts to the original author. He never did; he only listed that they were Google images, which means nothing. should have been told to remove the posts because they weren't his own work. got away with blatant plagiarism and cheating, with no disciplinary action or consequence.

2) **Negative campaigning:** had intentionally attacked and made negative references to campaign on several different occasions, even after being counseled directly and individually by Ms. Rasley that he was prohibited from doing so. All ASB and Class candidates were explicitly told by Ms. Rasley that negative campaigning would not be allowed. He was spoken to about this many times.

<FA40EBEA-219F-4DCB-AA68-83AD79271AB9.png>
The post above clearly references platform.

utilized an app called Cameo to have people make shout outs and endorsements on her behalf. When or his younger brother, figured out this part of campaign strategy, posted a direct attack against on his Instagram page.

<image5.jpeg>

After and some of her friends saw this negative reference to and her campaign, one of her friends posted proof of plagiarism (by sharing screen shots) on her Instagram page. complained to Ms. Rasley the very next morning and she reached out to both and friend to ask them to remove their negative posts. friend took down her post immediately after she saw Ms. Rasley's request. ignored Ms. Rasley's request and left the post up until it naturally expired after 24 hours. So again, got away with attacking campaign for 24 hours, while friend respected the process and her post was up for only about 10 hours. This was yet another complete and intentional disregard for the campaign rules.

After this episode, Ms. Rasley told both and that they each had one more strike before they would be disqualified. Ms. Rasley told that was told that he had one more strike before disqualification. Now what didn't understand or find fair was that she was being held to this standard when she didn't have previous strikes against her. She was being punished for offenses.

It is also worth mentioning that since seemed to have an issue and history of defying campaign rules, Ms. Rasley instituted a policy of having to pre-approve his posts/communications so that he wouldn't be in violation. No other candidate was given this much assistance or latitude. Why weren't all candidates being given the same opportunity or being held to the same standards?

Because Ms. Rasley was giving special treatment and considerations for his campaign, she had him edit/alter an endorsement/shout out from Niko Katsuyoshi before posting and was given the opportunity to edit his campaign speech, which yet again negatively referenced campaign. repeatedly and intentionally violated the rule against negative campaigning, even after being told that was prohibited and that he only had one strike left, but was safe guarded, protected and aided by Ms. Rasley. No other candidate received this type of special treatment or favoritism. Should high school elected student leaders even need this type of hand holding and guidance? Isn't there some basic level of integrity, honesty and decency that should be expected of those wishing to be leaders of the student body?

3) **Bribery/Quid Pro Quo for votes:** was bribing students for votes in at least two different ways. First, he was making campaign promises to certain students that he was not allowed to make. Early on, he promised the job of emceeing rallies, a task normally reserved for the elected position of Rally Commissioner, to football players in exchange for their support and endorsements.

The second instance occurred the day before voting began, when and posted the following on Instagram bribing students with cookies for votes for

<image6.jpeg>

<71225AEE-2B8F-4683-AAE5-9CEA7F1FD0CD.jpeg>

I've since learned that Ms. Rasley pre-approved a cookie giveaway for supporters, however the true intent was misrepresented. Once the bribery scandal was brought to Ms. Rasley's attention, she had another meeting with and to tell them that this constituted bribery, but the damage was done because the offer was already made public on Instagram.

These are clear examples of explicit quid pro quo where students were offered things in exchange for votes — whether it be special jobs/positions or the chance to win a free custom cookie basket if they sent proof of their votes for — the intent and effect was the same. Bribery/quid pro quo should be grounds for immediate disqualification because it is an obvious form of cheating, election rigging and electoral fraud.

From all of these examples, it is quite apparent that candidates were NOT held to the same standards. Please help me understand how one student can keep getting away with intentionally violating campaign/election rules without consequences or negative repercussions? These transgressions actually violate basic ethics and morality. At a minimum, shouldn't the Sobrato student body expect their elected student leaders to be held to the same standards, if not higher standards?

The Sobrato Student Handbook clearly states that, *"The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit acts of academic dishonesty. (MH BP 5131.9) Disciplinary consequences will result whenever it is determined that a student has cheated, lied, plagiarized, or committed any act of academic dishonesty."* So in actuality actions have not only been in breach of Sobrato's Student Handbook, but they have also violated Morgan Hill Unified School Board policy.

I should also mention these issues cannot be swept under the rug anymore. Parts of the Sobrato student body are aware of these issues and many students are upset. Some are claiming that the election was rigged and others are upset that has gotten away with plagiarism and especially bribery.

It should also be noted that disqualifying students from an election is nothing new. When Mrs. Carroll was the ASB Director, she disqualified a student in her ASB class whose initial interview did not go well and who she deemed unsuitable to run or hold office. Sobrato seniors in ASB have also shared an instance when a student was disqualified for being a few minutes late to their ASB interview. So students have been disqualified based on lesser grounds, and yet here we have a case where a student has intentionally and blatantly broken major rules and was allowed to run, and then even cheated and bribed his way into office.

On a more personal note, was disqualified from running for student body Vice-President in the 5th Grade at Nordstrom Elementary because she didn't turn in two copies of her typed speech. She turned in one and not the required two. So as a 5th Grader, she learned how important it is to follow the rules or suffer the consequences, but yet in high school she's learned that the same rules don't apply to everyone, or that some don't have to follow the rules. Are elementary school students held to higher standards than high school students? This is third year of participating in elections and running for office, whether ASB or Class, so he is and has been keenly aware of the rules. This was not his first rodeo, so he cannot claim ignorance or being new to the process or cognizant of the expectations.

What is the message being sent to the Sobrato student body? What about the issues of fairness, equity or equality? This entire electoral process has not been fair or equitable on any level. If Ms. Rasley really wanted a particular student to be the ASB President, then it would have been nice for that information to be shared with the other candidate ahead of time to spare her the time, effort, stress, frustration, anxiety and expense.

technically should have been disqualified early on in the campaign process with the proven plagiarism. Two other ASB students/candidates had also complained to Ms. Rasley about his obvious plagiarism, but there was no consequence. Then he should have been disqualified after his third strike after repeated attempts at negative campaigning (that were brushed under the rug by Ms. Rasley) before voting even began. Finally, he should have been disqualified for bribery and quid pro quo offers for votes during the actual election and voting. The election for ASB President was completely tainted and wrought with election rigging and fraud — it should have been invalidated. Any other ruling would be considered a disservice to Sobrato's student body, our Student Handbook, our Code of Conduct and to the democratic process.

To be clear, this has nothing to do with becoming President. I'm bringing sunshine onto these issues for transparency and honesty. has not earned, nor does he deserve to be ASP President. After all of this, he has proven that he is not suitable to represent the entire Sobrato student body. If this matter is ignored and is allowed to remain in office, you are making a mockery of ASB elections and student representation. As I suggested, the elected Vice President could assume the role since there should be a vacancy in the role of President.

I know that this is a very lengthy e-mail, but I wanted to be as thorough and accurate as possible. Should you have any questions or need additional information or clarification, please do not hesitate to contact me immediately.

Best Regards,
Wendy

Exhibit 3

From: **Theresa Sage** saget@mhusd.org
Subject: Fwd: ASB Election
Date: October 22, 2020 at 9:29 AM
To: Madeline Buitelaar madeline@amyopp.com

---------- Forwarded message ---------
From: **Theresa Sage** <saget@mhusd.org>
Date: Thu, Sep 3, 2020 at 5:47 PM
Subject: Re: ASB Election
To: Wendy Sullivan <wendyglsullivan@yahoo.com>

Hi Wendy,

Thanks for your patience regarding our correspondence on this matter. As you know, there are lots of moving parts to the startup of this year.

To clarify, I was willing to go back and review the ASB election and complete an investigation regarding this matter, even though our previous principal had already made a determination because I believe in fairness. As a part of the investigation, we reviewed a variety of statements and came to the conclusion that there were several allegations that were directed toward and in each case, they were addressed by the teacher in a timely manner and considered a teachable moment. Ultimately, we determined that campaign did not significantly impact the outcome of the election. I understand that you have a different perspective, but we do not believe that we are unethical or immoral regarding this election.

I also want to assure you that as a new principal, I will review the procedures and practices for elections moving forward. We want to be sure that students understand that student government is a learning experience that will be supported by direct teaching, so there isn't confusion regarding the process. We will also be adjusting the rules to include spending limits moving forward to make the process more equitable.

Moving forward, if there are issues that are still happening between and please have reach out to her Assistant Principal, Sarah Guthrie, to share her concerns so that we can follow up. We would like to address her concerns immediately.

Sincerely,
Theresa

On Fri, Aug 28, 2020 at 1:30 AM Wendy Sullivan <wendyglsullivan@yahoo.com> wrote:

> Dear Theresa,
>
> The questions that I posed in my last e-mail had nothing to do with any expectation of overturning the results of the election, nor did I intend to give that impression. I am asking those questions for the sake of accountability and trying to get a true understanding of students' rights — all students — and especially those who have been wronged and victimized. I also hope that by asking these questions and bringing these concerns to the forefront, that we help prevent similar situations in the future.
>
> You have explained how students who commit offenses are protected by various Ed. Codes and the spirit of instructional/teachable moments, however you have not yet addressed the protections for victims or how wrongs are made right for the students who were transgressed against.

We acknowledge that the school is not willing or able to take a courageous step in the direction of doing what is right, ethical or moral in this situation, but in the very least there has to be an acknowledgment of what really happened. Are you hoping to try brush this under the rug and pretend like it never happened? If the school or ASB is not going to be honest and admit what happened, then what is the lesson learned? For which I ask again, what is the takeaway for Where is any sort of justice or restitution for the victim? Is expected to just walk away quietly knowing that she participated in an election that was fraudulent and that her opponent was allowed to blatantly bribe people for their votes?

If the school promotes restorative justice to repair harm and restore well-being when an offense has been committed, the only way that this can be achieved here is for the school to acknowledge what happened. At a minimum, the school administration or ASB should put out a statement to the student body that acknowledges the electoral fraud or bribery in the last election. You could then state something to the effect that despite the offense, the results still stand, however those types of actions will not be tolerated in the future.

You had stated to me in a previous conversation that you care about fairness, which begs the question of how has any of this has been fair to So how do we begin to repair the harm that has been done to her? It starts with acknowledgment, honesty, transparency and an apology.

~ Wendy

On Aug 27, 2020, at 5:11 PM, Theresa Sage <saget@mhusd.org> wrote:

> Dear Wendy,
>
> I acknowledge your concerns which are expressed in your questions. As I have stated, we do not intend to overturn the results of the election. But, I certainly appreciate your perspective. We will continue to use student government elections as teachable moments for our students.
>
> Regarding your concerns about current incidents of micro-aggression and bullying against your daughter, these should be reported to her Assistant Principal, Sarah Guthrie, so that the allegations can be investigated. I will also let know that she should make a report to Ms. Guthrie.
>
> Sincerely,
>
> Theresa
>
> On Sun, Aug 23, 2020 at 12:05 AM Wendy Sullivan <wendyglsullivan@yahoo.com> wrote:
>
> > Dear Theresa,
> >
> > Thank you for your follow-up. I have many questions:
> >
> > 1) If students have great latitude under the protections of “free speech,” then why does the school bother with setting rules and guidelines in the first place? Why do we go through the pretense of stipulating certain expectations for student conduct in our Student Handbook? Why do we bother with any of these things if in the end students are protected under free speech provisions which thusly renders our rules and guidelines unenforceable?
> >
> > 2) The consistent negative campaigning was probably the more minor of all of the grievances, the plagiarism and quid pro quo/bribery for votes were the major offenses. The blatant bribery for votes is so egregious and fraudulent that it should call into the question the results of any election. How can the school ignore this? How does the school justify this? How can the school sweep this under the rug and pretend like it never

happened?

3) Why does the school and ASB set election/campaign rules if students aren't expected to follow them, and if there aren't any consequences when they don't?

4) Why does the Sobrato Student Handbook discuss the Governing Board's belief in academic honesty and personal integrity and the Board's expectations that students don't cheat, lie, plagiarize, etc. and reference specific Board policy, when there is no intent to uphold these values?

5) If you refuse to hold a student accountable for his actions by instituting consequences because you fear that it would pose a "detrimental effect" to your ability to instruct him, then what do you think the effect would be for the student who was victimized over and over again? What kind of an effect is your lack of accountability/responsibility having on the victim?

6) What is the take away supposed to be for my child? What is the lesson learned for my daughter? said that she's learned that she shouldn't follow the rules and that rules don't apply equally for everybody. Is this an example of gender bias and discrimination?

7) If a student perpetrator is protected by free speech rights and the notion that all of their transgressions are teachable moments, what rights do victims have? How and when are victims protected?

8) Does Sobrato condone electoral fraud? Are we to assume that the school is okay with cheating, bribery and fraud in its student elections process? Is the school expecting that the community should just accept it? Are we supposed to pretend like it never happened?

9) Will Sobrato, the ASB or the ASB President (whom you've enabled) accept responsibility for any of this and be honest with the student body about what really happened? Does the school plan to carry on as if nothing happened and try to pretend that the elections were fair?

10) I have shared with various school officials that my daughter has been continually harassed by and his family in various ways over the last couple of years, and to this date she continues to be the target of his micro-aggressions and bullying. Since the school chooses to protect and enable him, what is her recourse? How does continue to stand up for herself, when school officials choose to be bystanders and protect the status quo?

11) has tried to use her voice to advocate for herself, but it obviously hasn't worked, which is why I had to get involved. She recently told Mrs. Rasley that she has reached out to her for help time and time again, but it hasn't helped. also confided to Mrs. Rasley that she thinks the only way she can protect herself is to quit ASB. Mrs. Rasley admitted that she didn't know what to do or how to resolve the situation. Mrs. Rasley has also acknowledged that she knows that bullies the students in the ASB leadership class. It appears that the "instruction" you hoped for isn't working. Is the answer that my daughter should quit ASB?

I look forward to your response.

Regards,

Wendy

On Aug 18, 2020, at 4:12 PM, Theresa Sage <saget@mhusd.org> wrote:

> Dear Wendy,
>
> Thank you for your patience while I looked into your concerns regarding the ASB President election. I have carefully reviewed your correspondence and documentation, and have conducted my own investigation of this matter.
>
> As you know, student government at the high school level is an educational endeavor, and we try to guide students to behave as the most high minded of politicians as part of that endeavor. To that end, we have general guidelines to assist students in meeting those ideals. If we find that students have not followed the guidelines, we use that as a teachable moment to guide them to improve. Ms. Rasley was responsible for this role during the campaign, and did a good job considering the challenges posed by the sudden shelter in place orders.

However, it is also important to recognize that students have highly protected free speech rights on campus, provided by the Education Code. Many of the statements you have described, even criticism of another campaign, constitute protected political speech under the Education Code. Even if we do not like the tone of speech, it is protected. For us to overturn the election on that basis may constitute a violation of a student's right to free speech. This is true even if a student were to violate a particular ASB guideline.

To the extent you have described conduct that may not be protected speech, we believe that in an educational environment the best response is to guide and instruct students as to appropriate conduct. Overturning the election may have a detrimental effect on our ability to provide that instruction in the future.

Therefore, the election results will stand, and will remain ASB President. We will continue having conversations with students around election conduct and guiding them toward improving their political personas.

Please contact me if you have any questions.

Sincerely,

Theresa

Exhibit 4

time to meet early next week? I know Ms. Macko is pretty busy right now and I can give her information from our meeting if that is alright.

I look forward to hearing back from you and our future meeting.

Go Bulldogs!

Joe Guinane

Assistant Principal
Ann Sobrato High School
401 Burnett Avenue
Morgan Hill, CA 95037
(408) 201-6211

"Be yourself; everyone else is already taken." - Oscar Wilde

On Tue, May 12, 2020 at 12:17 PM Wendy Sullivan <wendyglsullivan@yahoo.com> wrote:

> Hi Joe,
>
> I hope this e-mail finds you well, and that you're staying sane, happy, healthy and safe!
>
> I'd like to request a meeting with you and possibly Courtney to discuss many concerns that I have regarding the recent ASB elections. I'm assuming that you're already aware of these issues, including plagiarism, bribery and quid pro quo for votes. I've had one conversation already with Ms.

Rasley to try to make sure that she was aware of the impacts that the harassment and cheating has had on my daughter's ( ) mental and emotional health. Our discussion was positive, but I've since learned that the outright cheating occurring during the actual voting period was swept under the rug. I'm shocked and disappointed that these activities occurred and weren't dealt with in the appropriate manner. Please let me know when we would be able to meet and whether we can loop Courtney into this discussion?

Warm Regards,
Wendy Sullivan

View less

Exhibit 5

"Be yourself; everyone else is already taken." - Oscar Wilde

On Tue, May 12, 2020 at 5:42 PM Wendy Sullivan <wendyglsullivan@yahoo.com> wrote:

> Has Ms. Rasley not been conferring with you and Courtney on all issues that have been surrounding these elections? I hate to cause a distraction for you guys right now because I certainly understand how much you have to deal with given all the uncertainties of the times and our educational system, however I do feel that this discussion may be time sensitive because an occurrence could deem the election results invalid.
>
> Do you have time sooner, rather than later for a phone call?
>
> ~ Wendy
>
> On May 12, 2020, at 3:21 PM, Joe Guinane <guinanej@mhusd.org> wrote:
>
> > Hey Wendy,
> >
> > I hope you and your family are doing well and staying safe during these times.
> >
> > I am not quite aware of all of the details you are referring to in your email, but I would be more than happy to meet with you. When would be a good day and time to meet? I know my days are pretty busy this week, but would there be a good

Exhibit 6

Fwd: FW: Sobrato ASB Presidential Campaign Issues

3 messages

Joe Guinane <guinanej@mhusd.org> Tue, Oct 20, 2020 at 4:44 PM
To: Madeline Buitelaar <madeline@amyopp.com>

Go Bulldogs!

Joe Guinane
Assistant Principal
Ann Sobrato High School
401 Burnett Avenue
Morgan Hill, CA 95037
(408) 201-6211

"Be yourself; everyone else is already taken." - Oscar Wilde

On Sun, Jul 26, 2020 at 9:47 PM Theresa Sage <saget@mhusd.org> wrote:

Hi Regan,

I am reaching out as Wendy has asked me to re-evaluate the decision to let the election of ASB President stand. I was not in the loop until last week. I am hoping that you can help me by providing information regarding the election. I need to know the information that was on their election packets and if there were any other issues other than the ones listed below. I am working with the Assistant Superintendent of Educational Services regarding this issue as well.

Do you think you might have a few minutes to talk in person on Monday?

Thanks, Theresa

From: Wendy Sullivan [mailto:wendyglsullivan@yahoo.com]
Sent: Wednesday, July 22, 2020 10:02 PM
To: SageT@mhusd.org
Subject: Fwd: Sobrato ASB Presidential Campaign Issues

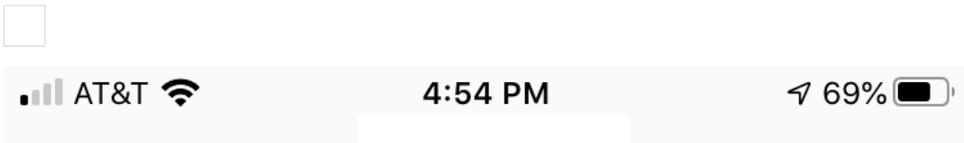
Hi Theresa,

The following is the e-mail that I sent to Joe that details the many issues.

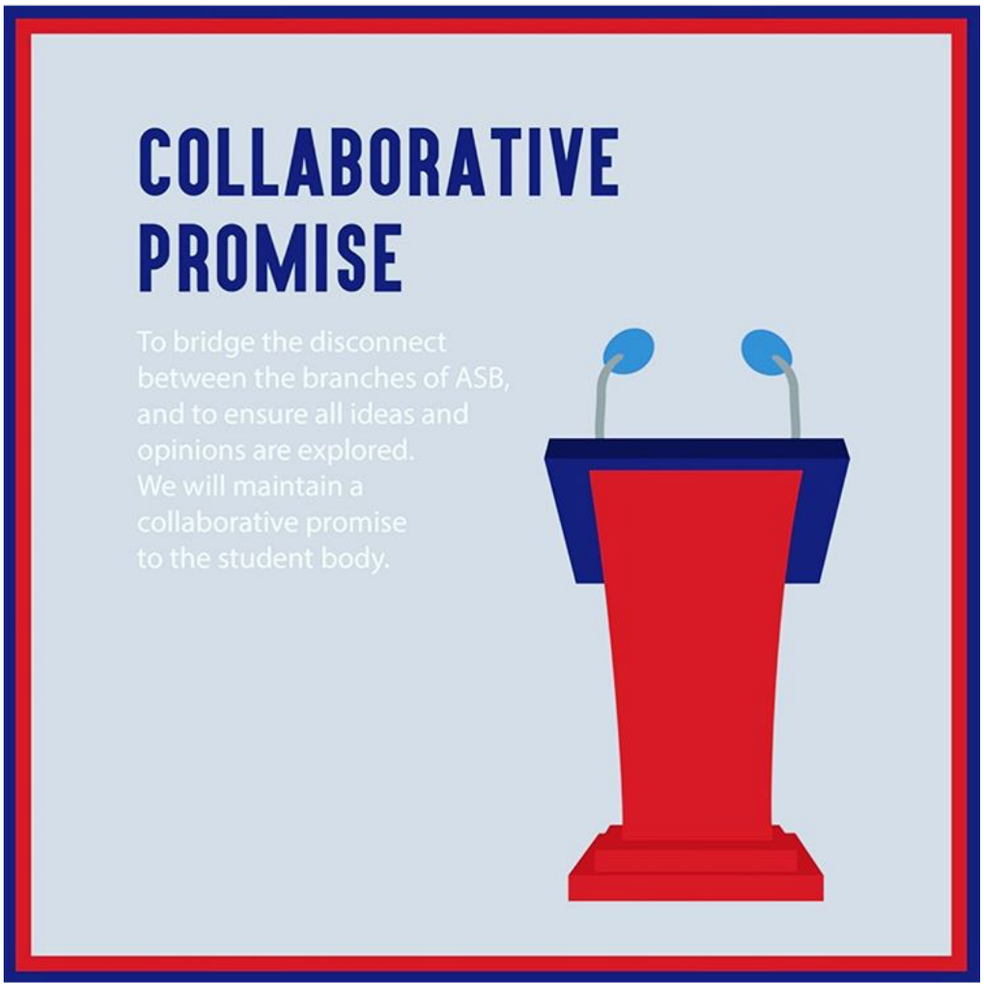
~ Wendy

Begin forwarded message:

> **From:** Wendy Sullivan <wendyglsullivan@yahoo.com>
> **Date:** May 17, 2020 at 9:26:03 PM PDT
> **To:** guinanej@mhusd.org
> **Subject: Sobrato ASB Presidential Campaign Issues**
>
> Hi Joe,
>
> I hope you've enjoyed your weekend and gotten a chance to relax before the start of another crazy week. Thank you for your time on Friday and for looking more into this matter. After our discussion, I talked to and let her know that I've brought these issues to your attention. As she answered some of the questions that you had asked me, I've learned that the situation was far worse and even more egregious and damaging than I originally described to you.
>
> The following is a detailed account of the various intentional transgressions committed by opponent throughout the ASB Presidential election process, and the apparent lack of consequences, repercussions or discipline thereof.
>
> 1) **Plagiarism:** posted the following two images to his campaign Instagram account. The first one, "4 Things to Expect More Of," was posted on March 11, 2020 (pre Shelter-in-Place) and the "Collaborative Promise" was posted sometime in April.



Posts Follow



Liked by and **60 others**

Hey Sobrato! Before we go on Spring Break I wanted to address a few things. With school being cut short, ASB has been working to... more

These two posts were copied from Elam Miller (a student at the University of Mississippi), who posted them to his collegiate ASB President Instagram account back on February 20, 2018.

Safari 4:56 PM 68%

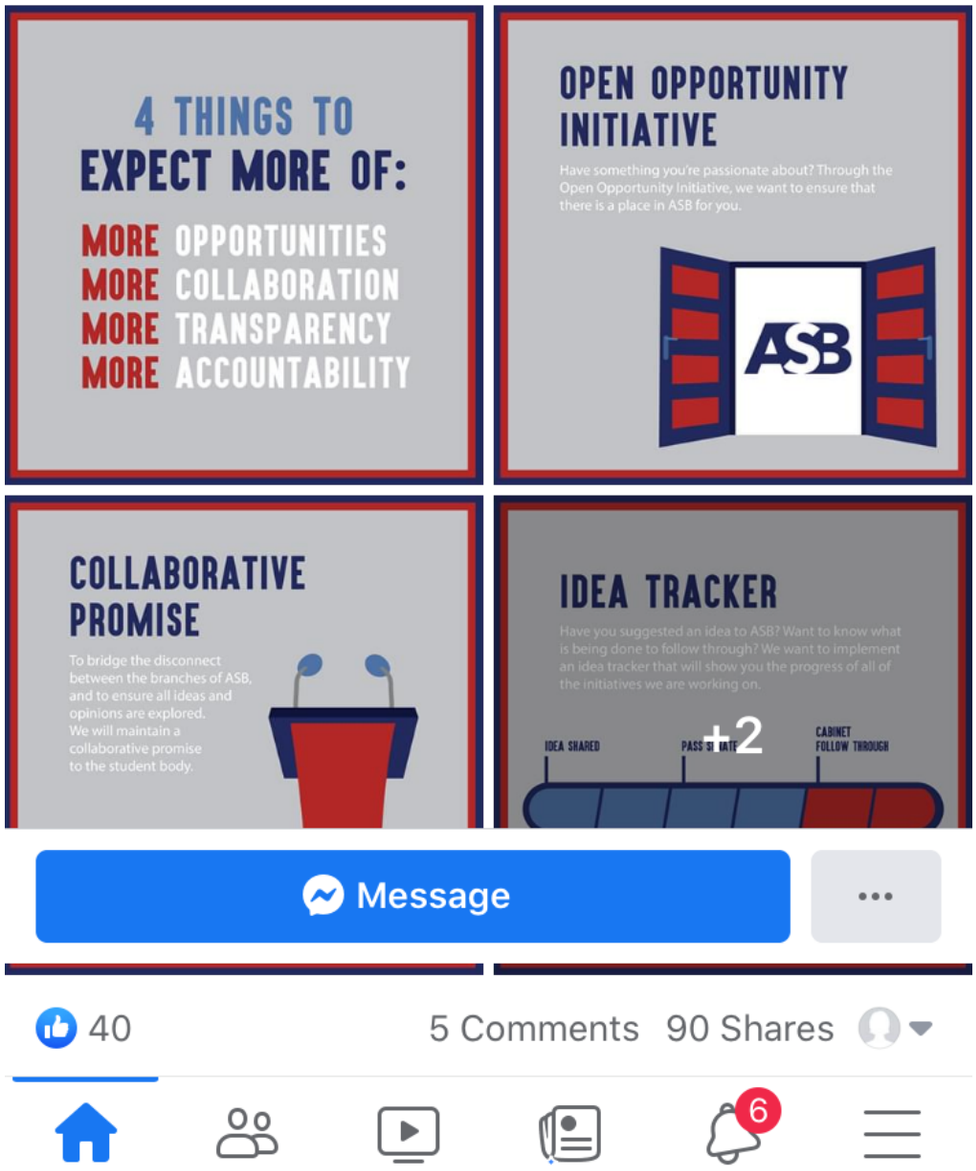
Search Facebook

Home About Videos Posts Events Phot

for ASB President added 5 new photos.

February 20, 2018 ·

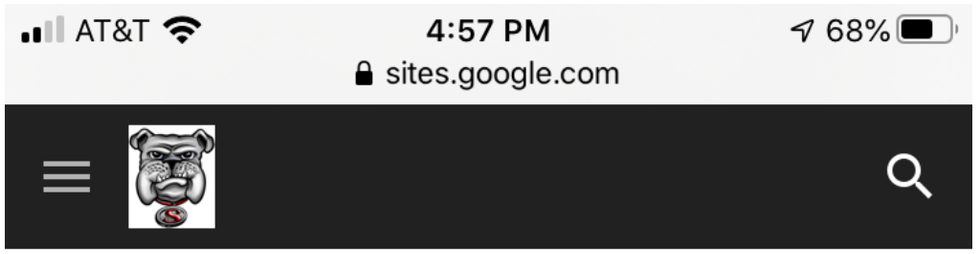
Take a look at Platform and Plan of Action!



According to Merriam-Webster, to plagiarize is: "1. To steal and pass off (the ideas or words of another) as one's own; use (another's production) without crediting the source. 2. To commit literary theft; present as new and original an idea or product derived from an existing source."

As you can see, shared his campaign platform back in February 2018 and basically copied and pasted it to his own Instagram page. He stole the ideas and work and passed them off as his own. There is no reference to the original author. When this was brought to Ms. Rasley's attention, she told that he had to attribute those posts to the original author. He never did; he only listed that they were Google images, which means nothing. should have been told to remove the posts because they weren't his own work. got away with blatant plagiarism and cheating, with no disciplinary action or consequence.

2) **Negative campaigning:** had intentionally attacked and made negative references to campaign on several different occasions, even after being counseled directly and individually by Ms. Rasley that he was prohibited from doing so. All ASB and Class candidates were explicitly told by Ms. Rasley that negative campaigning would not be allowed. He was spoken to about this many times.

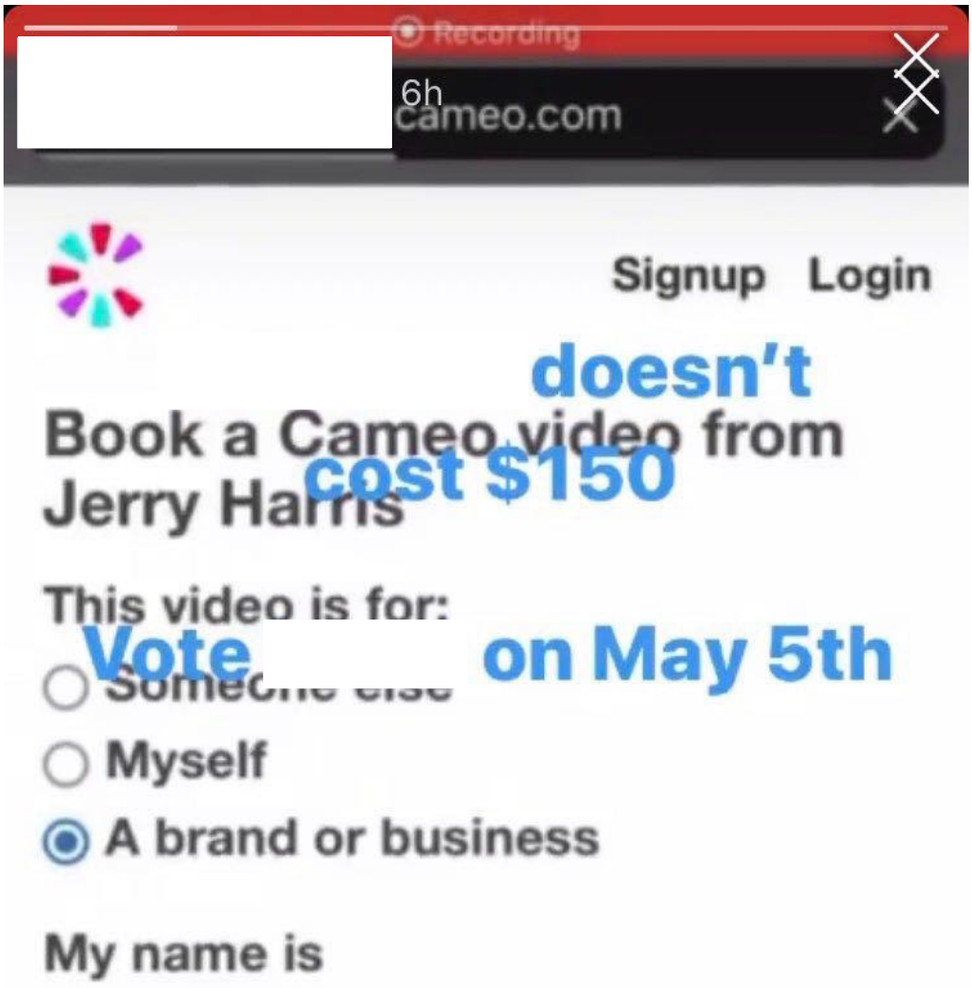


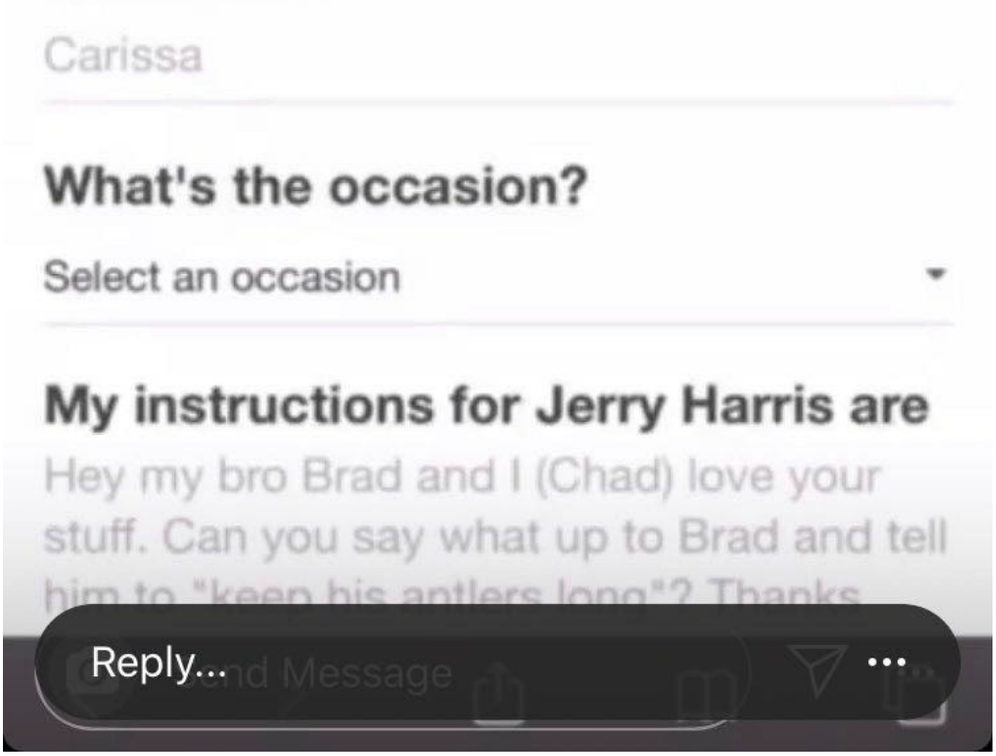
President to lead the student body and unite US as a school, community, and family.

As a current Co-Junior Class President, I have worked with our administration to improve many events, activities, and organizations. In working with them, we have realized that we follow outdated terms and conditions which, in result, output outdated events. I truly believe that it is not a matter of CHANGING our ways of behavior and operation, but instead IMPROVING the stilts in which Sobrato has been built upon. We offer great events, activities, and organizations yet they have become over done and worn out. As ASB President, we will take the overall concept and motive while modernizing it through targeting new demographics, offering more of what we, the Student Body, has to offer, and focus in on simplicity and happiness, we as a united front, can IMPROVE Sobrato as a school, community, and family.

The post above clearly references platform.

utilized an app called Cameo to have people make shout outs and endorsements on her behalf. When or his younger brother, figured out this part of campaign strategy, posted a direct attack against on his Instagram page.





After and some of her friends saw this negative reference to and her campaign, one of her friends posted proof of plagiarism (by sharing screen shots) on her Instagram page. complained to Ms. Rasley the very next morning and she reached out to both and friend to ask them to remove their negative posts. friend took down her post immediately after she saw Ms. Rasley's request. ignored Ms. Rasley's request and left the post up until it naturally expired after 24 hours. So again, got away with attacking campaign for 24 hours, while friend respected the process and her post was up for only about 10 hours. This was yet another complete and intentional disregard for the campaign rules.

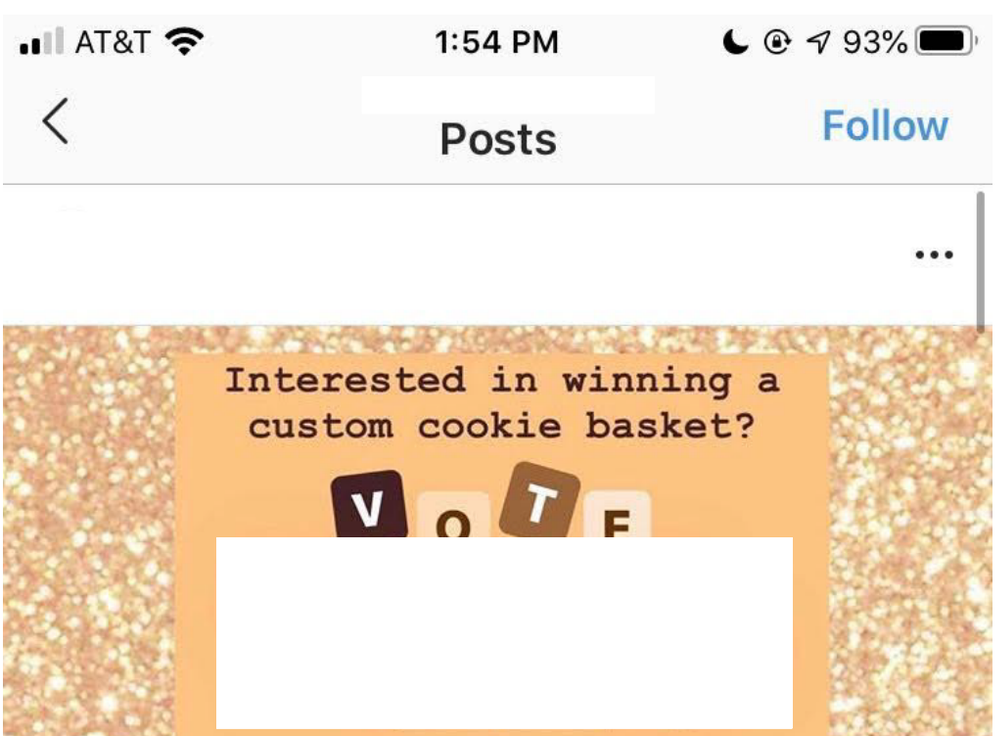
After this episode, Ms. Rasley told both and that they each had one more strike before they would be disqualified. Ms. Rasley told that was told that he had one more strike before disqualification. Now what didn't understand or find fair was that she was being held to this standard when she didn't have previous strikes against her. She was being punished for offenses.

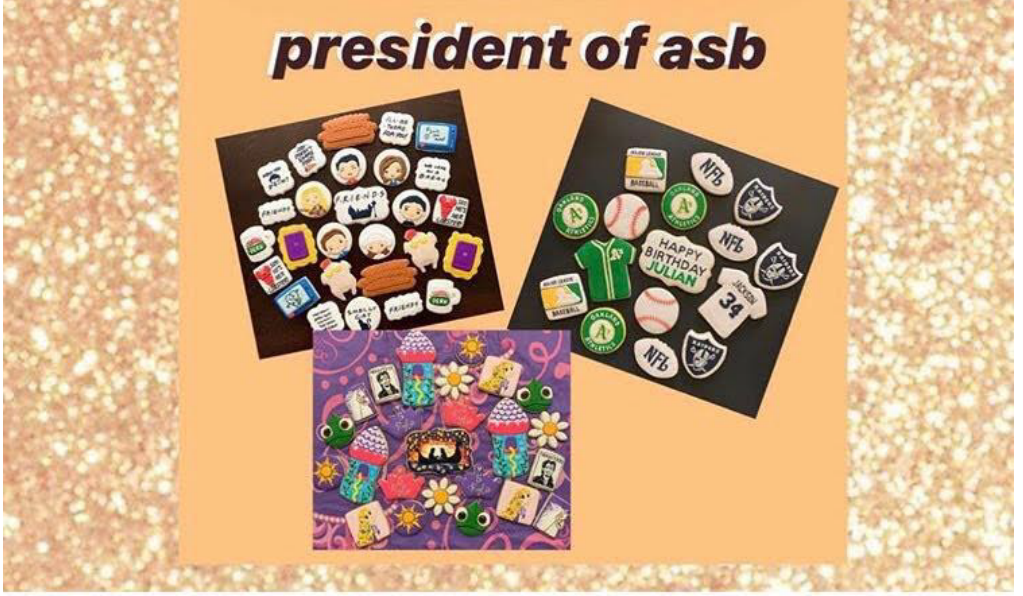
It is also worth mentioning that since seemed to have an issue and history of defying campaign rules, Ms. Rasley instituted a policy of having to pre-approve his posts/communications so that he wouldn't be in violation. No other candidate was given this much assistance or latitude. Why weren't all candidates being given the same opportunity or being held to the same standards?

Because Ms. Rasley was giving special treatment and considerations for his campaign, she had him edit/alter an endorsement/shout out from Niko Katsuyoshi before posting and was given the opportunity to edit his campaign speech, which yet again negatively referenced campaign. repeatedly and intentionally violated the rule against negative campaigning, even after being told that was prohibited and that he only had one strike left, but was safe guarded, protected and aided by Ms. Rasley. No other candidate received this type of special treatment or favoritism. Should high school elected student leaders even need this type of hand holding and guidance? Isn't there some basic level of integrity, honesty and decency that should be expected of those wishing to be leaders of the student body?

3) **Bribery/Quid Pro Quo for votes:** was bribing students for votes in at least two different ways. First, he was making campaign promises to certain students that he was not allowed to make. Early on, he promised the job of emceeing rallies, a task normally reserved for the elected position of Rally Commissioner, to football players in exchange for their support and endorsements.

The second instance occurred the day before voting began, when and posted the following on Instagram bribing students with cookies for votes for





Liked by and

SOBRATO STUDENTS GIVEAWAY 🐾
It's election time and one of our favorite kids
is running for ASB President! As a

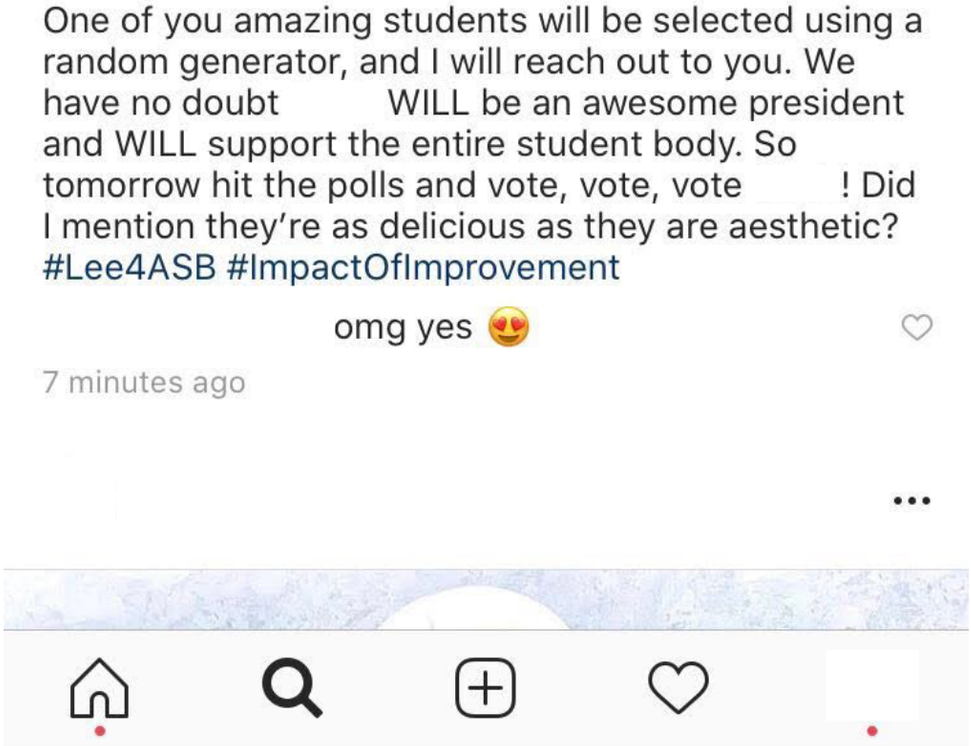
AT&T 1:54 PM 93%

Posts Follow

Liked by and

cookiemamaz SOBRATO STUDENTS GIVEAWAY 🐾
It's election time and one of our favorite kids
is running for ASB President! As a
thank you to the amazing students supporting
in his campaign, will be giving away 12
custom cookies to a lucky winner!

How To Enter:
Step 1 - Vote for President of ASB
Step 2 - DM me a screenshot of your vote
Step 3 - Wait!



I've since learned that Ms. Rasley pre-approved a cookie giveaway for supporters, however the true intent was misrepresented. Once the bribery scandal was brought to Ms. Rasley's attention, she had another meeting with and to tell them that this constituted bribery, but the damage was done because the offer was already made public on Instagram.

These are clear examples of explicit quid pro quo where students were offered things in exchange for votes — whether it be special jobs/positions or the chance to win a free custom cookie basket if they sent proof of their votes for — the intent and effect was the same. Bribery/quid pro quo should be grounds for immediate disqualification because it is an obvious form of cheating, election rigging and electoral fraud.

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The Sobrato Student Handbook clearly states that, *"The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit acts of academic dishonesty. (MH BP 5131.9) Disciplinary consequences will result whenever it is determined that a student has cheated, lied, plagiarized, or committed any act of academic dishonesty."* So in actuality actions have not only been in breach of Sobrato's Student Handbook, but they have also violated Morgan Hill Unified School Board policy.

I should also mention these issues cannot be swept under the rug anymore. Parts of the Sobrato student body are aware of these issues and many students are upset. Some are claiming that the election was rigged and others are upset that has gotten away with plagiarism and especially bribery.

It should also be noted that disqualifying students from an election is nothing new. When Mrs. Carroll was the ASB Director, she disqualified a student in her ASB class whose initial interview did not go well and who she deemed unsuitable to run or hold office. Sobrato seniors in ASB have also shared an instance when a student was disqualified for being a few minutes late to their ASB interview. So students have been disqualified based on lesser grounds, and yet here we have a case where a student has intentionally and blatantly broken major rules and was allowed to run, and then even cheated and bribed his way into office.

On a more personal note, was disqualified from running for student body Vice-President in the 5th Grade at Nordstrom Elementary because she didn't turn in two copies of her typed speech. She turned in one and not the required two. So as a 5th Grader, she learned how important it is to follow the rules or suffer the consequences, but yet in high school she's learned that the same rules don't apply to everyone, or that some don't have to follow the rules. Are elementary school students held to higher standards than high school students? This is third year of participating in elections and running for office, whether ASB or Class, so he is and has been keenly aware of the rules. This was not his first rodeo, so he cannot claim ignorance or being new to the process or cognizant of the expectations.

What is the message being sent to the Sobrato student body? What about the issues of fairness, equity or equality? This entire electoral process has not been fair or equitable on any level. If Ms. Rasley really wanted a particular student to be the ASB President, then it would have been nice for that information to be shared with the other candidate ahead of time to spare her the time, effort, stress, frustration, anxiety and expense.

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To be clear, this has nothing to do with becoming President. I'm bringing sunshine onto these issues for transparency and honesty. has not earned, nor does he deserve to be ASP President. After all of this, he has proven that he is not suitable to represent the entire Sobrato student body. If this matter ignored and is allowed to remain in office, you are making a mockery of ASB elections and student representation. As I suggested, the elected Vice President could assume the role since there should be a vacancy in the role of President.

I know that this is a very lengthy e-mail, but I wanted to be as thorough and accurate as possible. Should you have any questions or need additional information or clarification, please do not hesitate to contact me immediately.

Best Regards,

Wendy

Theresa Sage <saget@mhusd.org> Thu, Oct 22, 2020 at 9:06 AM
To: Madeline Buitelaar <madeline@amyopp.com>

---------- Forwarded message ---------
From: **Wendy Sullivan** <wendyglsullivan@yahoo.com>
Date: Tue, Jul 21, 2020 at 9:36 AM
Subject: Re: Sobrato ASB Presidential Campaign Issues
To: Joe Guinane <guinanej@mhusd.org>
Cc: Mike Sullivan <sully2782@yahoo.com>, <SageT@mhusd.org>

Hi Joe,

Welcome back.

Thank you for the update. I know that Courtney made that decision, but I'd like to appeal that decision to Theresa, since she is now the administrator. As you admit, we have not been given any sort of justification or explanation for the decision.

I need to insist on accountability from the school. My child was harmed due to the actions by the other student and the school failed to protect her, and if anything, the ASB Director was a big part of the problem. has every right to have her best interests protected, just as was protected and enabled.

The ASB elections were rigged and fraudulent, plain and simple, and we have provided ample evidence. There is no way that the school can deny it or brush it under the rug to hide it. I have kept quiet up to this point out of respect for the school, but that too has limitations. This is more than just about this is about a system and process that was critically flawed and now a precedence is being set. Now we know what students can get away with in order to get what they want — even if it's based on lies, blatant cheating, and manipulation.

As our country heads into a critical election season, it's really sad to know that the politics in a high school environment can be just as tainted and corrupt. I must admit that I expected better, both ethically and morally. If the Sobrato way is to "Do Good and Be Great," isn't it logical to expect that its student leaders would be held to an even higher standard than that?

At this point, I'd like to escalate this to the next level and have a discussion that includes Theresa. As I've previously stated:

"The Sobrato Student Handbook clearly states that, '*The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit acts of academic dishonesty. (MH BP 5131.9) Disciplinary consequences will result whenever it is determined that a student has cheated, lied, plagiarized, or committed any act of academic dishonesty.'* So in actuality actions have not only been in breach of Sobrato's Student Handbook, but they have also violated Morgan Hill Unified School Board policy."

Unfortunately, I just don't understand how the school isn't taking this more seriously? Please help me understand.

Thank you,
Wendy

On Jul 21, 2020, at 8:47 AM, Joe Guinane <guinanej@mhusd.org> wrote:

Good morning Wendy,

I am sorry I am just getting back to you. I thought I had hit send on the email, but realized that it was sitting in my drafts folder. I am truly sorry for not getting this information back to you sooner.

When I had reviewed this with Ms. Macko, she did understand and acknowledge the various issues surrounding the election. After presenting the information you shared with me, she wanted to continue with as ASB President for this school year. I am not aware of the reasoning behind the decision, but we will be monitoring his actions closely this school year and he will receive disciplinary action. I cannot share that information with you, but trust me when I say that I am on it.

I know this is not the course of action that you were expecting, but due to the directive given to me I am going to ensure the type of actions displayed toward won't happen in the future.

Go Bulldogs!

Joe Guinane
Assistant Principal
Ann Sobrato High School
401 Burnett Avenue
Morgan Hill, CA 95037
(408) 201-6211

"Be yourself; everyone else is already taken." - Oscar Wilde

On Thu, Jun 25, 2020 at 5:13 PM Wendy Sullivan <wendyglsullivan@yahoo.com> wrote:

Hi Joe,

Congratulations on getting through the end of the school year! I hope that you're enjoying your well-deserved summer vacation. I was just wondering where things were left with Sobrato's ASB elections? I know that you're facing a new complication now that Courtney is leaving. Were you able to consult with her? Did you guys ever come to a decision?

By the way, you are more than welcome to share my detailed e-mail with Courtney so that she has as much information as possible.

Thanks,
Wendy

On May 27, 2020, at 1:25 PM, Wendy Sullivan <wendyglsullivan@yahoo.com> wrote:

Hi Joe,

I just wanted to check in and see if you got the chance to review the e-mail that I sent you back on May 17? I'm interested in your thoughts?

~ Wendy

Begin forwarded message:

From: Wendy Sullivan <wendyglsullivan@yahoo.com>
Date: May 17, 2020 at 9:26:03 PM PDT
To: guinanej@mhusd.org
Subject: Sobrato ASB Presidential Campaign Issues

Hi Joe,

I hope you've enjoyed your weekend and gotten a chance to relax before the start of another crazy week. Thank you for your time on Friday and for looking more into this matter. After our discussion, I talked to and let her know that I've brought these issues to your attention. As she answered some of the questions that you had asked me, I've learned that the situation was far worse and even more egregious and damaging than I originally described to you.

The following is a detailed account of the various intentional transgressions committed by opponent throughout the ASB Presidential election process, and the apparent lack of consequences, repercussions or discipline thereof.

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<image1.png>
<image2.png>

These two posts were copied from Elam Miller (a student at the University of Mississippi), who posted them to his collegiate ASB President Instagram account back on February 20, 2018.

<image3.png>

According to Merriam-Webster, to plagiarize is: "1. To steal and pass off (the ideas or words of another) as one's own; use (another's production) without crediting the source. 2. To commit literary theft; present as new and original an idea or product derived from an existing source."

As you can see, Mr. Miller shared his campaign platform back in February 2018 and basically copied and pasted it to his own Instagram page. He stole the ideas and work and passed them off as his own. There is no reference to the original author. When this was brought to Ms. Rasley's attention, she told that he had to attribute those posts to the original author. He never did; he only listed that they were Google images, which means nothing. should have been told to remove the posts because they weren't his own work. got away with blatant plagiarism and cheating, with no disciplinary action or consequence.

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<FA40EBEA-219F-4DCB-AA68-83AD79271AB9.png>
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<image5.jpeg>

After and some of her friends saw this negative reference to and her campaign, one of her friends posted proof of plagiarism (by sharing screen shots) on her Instagram page. complained to Ms. Rasley the very next morning and she reached out to both and friend to ask them to remove their negative posts. friend took down her post immediately after she saw Ms. Rasley's request. ignored Ms. Rasley's request and left the post up until it naturally expired after 24 hours. So again, got away with attacking campaign for 24 hours, while friend respected the process and her post was up for only about 10 hours. This was yet another complete and intentional disregard for the campaign rules.

After this episode, Ms. Rasley told both and that they each had one more strike before they would be disqualified. Ms. Rasley told that was told that he had one more strike before disqualification. Now what didn't understand or find fair was that she was being held to this standard when she didn't have previous strikes against her. She was being punished for offenses.

It is also worth mentioning that since seemed to have an issue and history of defying campaign rules, Ms. Rasley instituted a policy of having to pre-approve his posts/communications so that he wouldn't be in violation. No other candidate was given this much assistance or latitude. Why weren't all candidates being given the same opportunity or being held to the same standards?

Because Ms. Rasley was giving special treatment and considerations for his campaign, she had him edit/alter an endorsement/shout out from Niko Katsuyoshi before posting and was given the opportunity to edit his campaign speech, which yet again negatively referenced campaign. repeatedly and intentionally violated the rule against negative campaigning, even after being told that was prohibited and that he only had one strike left, but was safe guarded, protected and aided by Ms. Rasley. No other candidate received this type of special treatment or favoritism. Should high school elected student leaders even need this type of hand holding and guidance? Isn't there some basic level of integrity, honesty and decency that should be expected of those wishing to be leaders of the student body?

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The second instance occurred the day before voting began, when and posted the following on Instagram bribing students with cookies for votes for

<image6.jpeg>

<71225AEE-2B8F-4683-AAE5-9CEA7F1FD0CD.jpeg>

I've since learned that Ms. Rasley pre-approved a cookie giveaway for supporters, however the true intent was misrepresented. Once the bribery scandal was brought to Ms. Rasley's attention, she had another meeting with and to tell them that this constituted bribery, but the damage was done because the offer was already made public on Instagram.

These are clear examples of explicit quid pro quo where students were offered things in exchange for votes — whether it be special jobs/positions or the chance to win a free custom cookie basket if they sent proof of their votes for — the intent and effect was the same. Bribery/quid pro quo should be grounds for immediate disqualification because it is an obvious form of cheating, election rigging and electoral fraud.

From all of these examples, it is quite apparent that candidates were NOT held to the same standards. Please help me understand how one student can keep getting away with intentionally violating campaign/election rules without consequences or negative repercussions? These transgressions actually violate basic ethics and morality. At a minimum, shouldn't the Sobrato student body expect their elected student leaders to be held to the same standards, if not higher standards?

The Sobrato Student Handbook clearly states that, *"The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit acts of academic dishonesty. (MH BP 5131.9) Disciplinary consequences will result whenever it is determined that a student has cheated, lied, plagiarized, or committed any act of academic dishonesty."* So in actuality actions have not only been in breach of Sobrato's Student Handbook, but they have also violated Morgan Hill Unified School Board policy.

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It should also be noted that disqualifying students from an election is nothing new. When Mrs. Carroll was the ASB Director, she disqualified a student in her ASB class whose initial interview did not go well and who she deemed unsuitable to run or hold office. Sobrato seniors in ASB have also shared an instance when a student was disqualified for being a few minutes late to their ASB interview. So students have been disqualified based on lesser grounds, and yet here we have a case where a student has intentionally and blatantly broken major rules and was allowed to run, and then even cheated and bribed his way into office.

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[Quoted text hidden]

Theresa Sage <saget@mhusd.org> Thu, Oct 22, 2020 at 9:07 AM
To: Madeline Buitelaar <madeline@amyopp.com>

---------- Forwarded message ---------
From: **Wendy Sullivan** <wendyglsullivan@yahoo.com>
Date: Wed, Jul 22, 2020 at 10:02 PM
Subject: Fwd: Sobrato ASB Presidential Campaign Issues
To: <SageT@mhusd.org>

Hi Theresa,

The following is the e-mail that I sent to Joe that details the many issues.

~ Wendy

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Date: May 17, 2020 at 9:26:03 PM PDT
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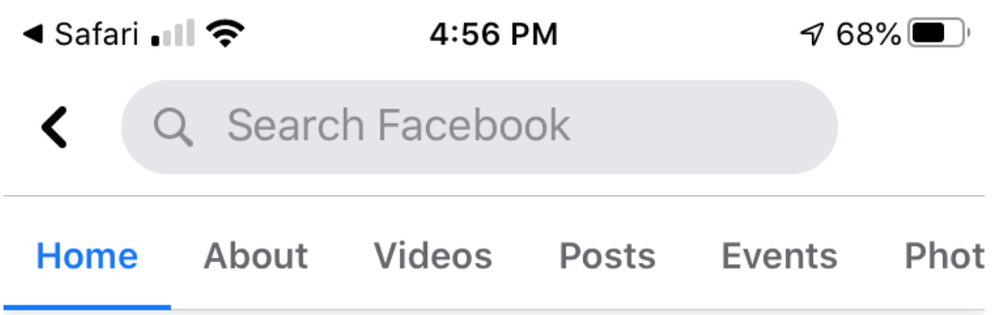

for ASB President added 5 new photos.

February 20, 2018 ·

Take a look at Platform and Plan of Action!

Message

40 5 Comments 90 Shares

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AT&T 4:57 PM 68%

sites.google.com

President to lead the student body and unite US as a school, community, and family.

As a current Co-Junior Class President, I have worked with our administration to improve many events, activities, and organizations. In working with them, we have realized that we follow outdated terms and conditions which, in result, output outdated events. I truly believe that it is not a matter of CHANGING our ways of behavior and operation, but instead IMPROVING the stilts in which Sobrato has been built upon. We offer great events, activities, and organizations yet they have become over done and worn out. As ASB President, we will take the overall concept and motive while modernizing it through targeting new demographics, offering more of what we, the Student Body, has to offer, and focus in on simplicity and happiness, we as a united front, can IMPROVE Sobrato as a school, community, and family.

The post above clearly references platform.

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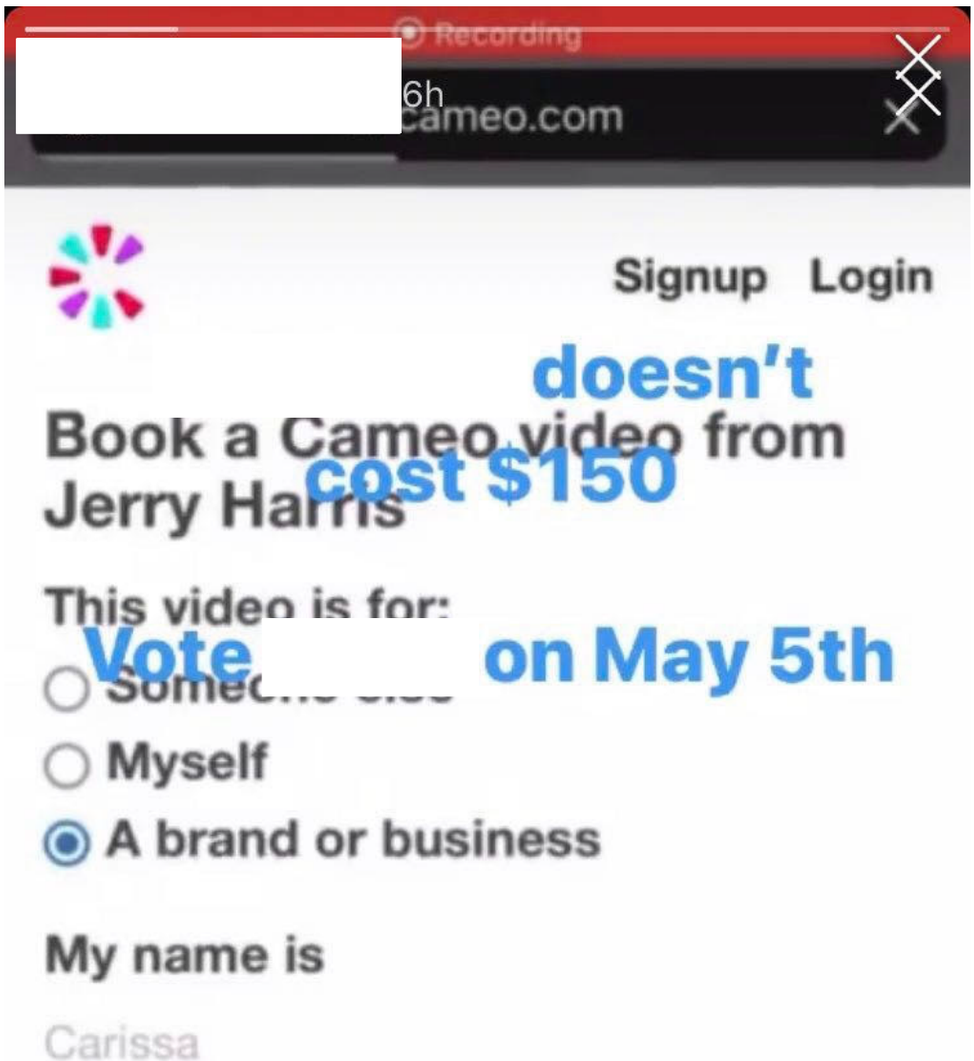

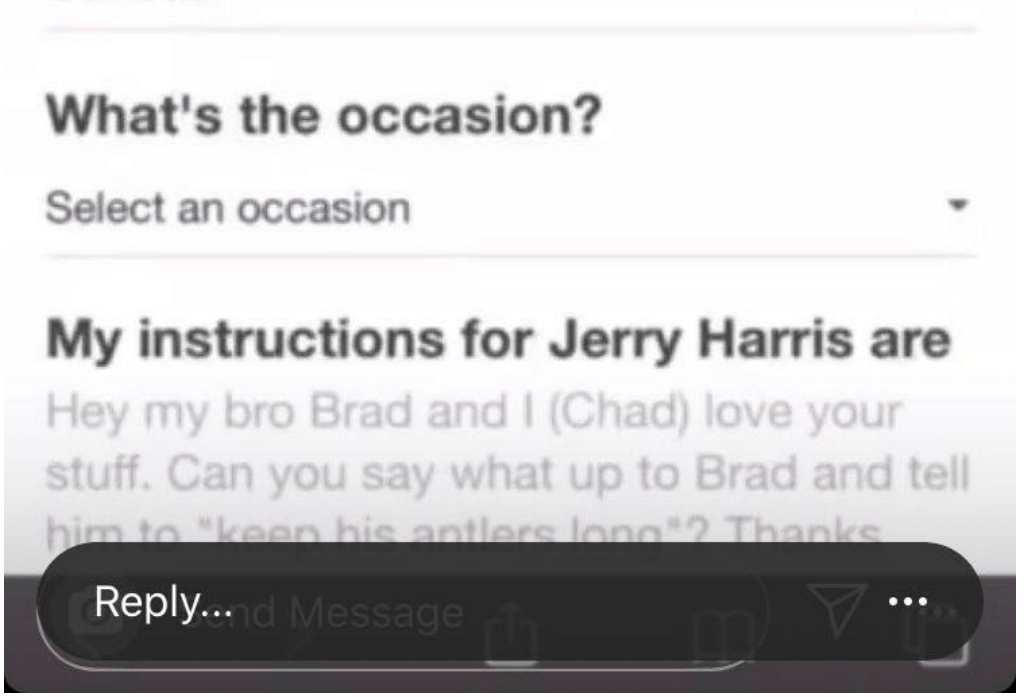

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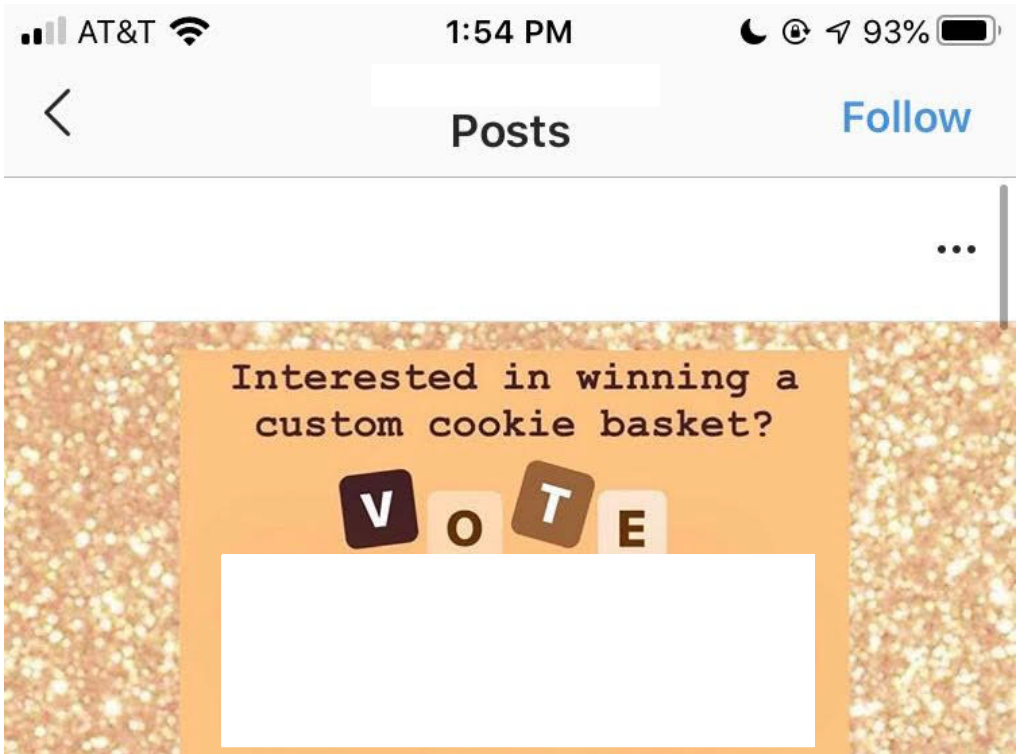

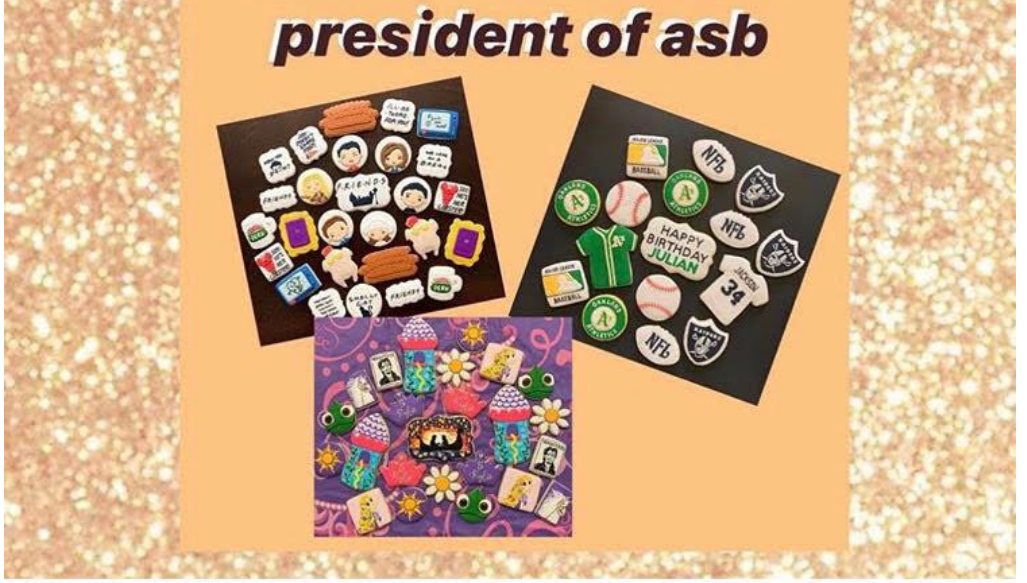

Liked by and

SOBRATO STUDENTS GIVEAWAY 🐾
It's election time and one of our favorite kids
is running for ASB President! As a

AT&T 1:54 PM 93%

Posts Follow

Liked by and

SOBRATO STUDENTS GIVEAWAY 🐾
It's election time and one of our favorite kids
is running for ASB President! As a
thank you to the amazing students supporting
in his campaign, CookieMamaz will be giving away 12
custom cookies to a lucky winner!

How To Enter:
Step 1 - Vote for President of ASB
Step 2 - DM me a screenshot of your vote
Step 3 - Wait!

One of you amazing students will be selected using a random generator, and I will reach out to you. We have no doubt WILL be an awesome president and WILL support the entire student body. So tomorrow hit the polls and vote, vote, vote Did I mention they're as delicious as they are aesthetic? #Lee4ASB #ImpactOfImprovement

omg yes 😍

7 minutes ago

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[Quoted text hidden]

Exhibit 7

From: **Theresa Sage** saget@mhusd.org
Subject: Fwd: Congratulations
Date: October 22, 2020 at 9:02 AM
To: Madeline Buitelaar madeline@amyopp.com

---------- Forwarded message ---------
From: **Wendy Sullivan** <wendyglsullivan@yahoo.com>
Date: Wed, Jul 15, 2020 at 4:24 PM
Subject: Re: Congratulations
To: Theresa Sage <saget@mhusd.org>

Hi Theresa,

Thanks for Courtney's address! The Home & School Club is having something delivered to her next week, as a token of our appreciation and best wishes.

As for the Principal Meet & Greet, your plan sounds good. We can plan to connect at the end of July to select a date and finalize other details.

Just curiously, have you been in communication with the APs or are they completely off until the end of July?

Thanks,
Wendy

> On Jul 14, 2020, at 10:14 AM, Theresa Sage <saget@mhusd.org> wrote:
>
> Hi Wendy,
> Thanks for your kind words of encouragement. I am excited about my new
> position, but there is lots to Learn! :)
>
> Regarding Courtney's address, you can send mail to:
> >

> I have been thinking about a good time to do the meet and greet, and I am
> thinking that we should do it in August. It is going to be important to know
> our schedule and have hired a new Assistant Principal before this meeting.
> Do you think we could pick a date in late July?
>
> Thanks again for your support and I look forward to working with you as we
> move forward.
>
> Sincerely,
> Theresa
>
>
>
>
> -----Original Message-----
> From: Wendy Sullivan [mailto:wendyglsullivan@yahoo.com]
> Sent: Monday, July 13, 2020 1:10 PM
> To: SageT@mhusd.org
> Subject: Congratulations
>
> Hi Theresa,
>
> Congratulations on your new role as Sobrato's new principal! With all of
> your experience, you'll be able to help to provide the stability that the
> school and community will need as we maneuver through these uncertain times.
> The Home & School Club looks forward to working with you as we continue to
> support all Sobrato students and staff.
>
> During our last H&SC meeting of the year back in May, Courtney agreed that
> is was important to continue our H&SC practice of hosting a Principal Meet &
> Greet for incoming families. You've participated in past events, so I know
> that you're familiar with them. This will also be the perfect opportunity
> for you to be formally introduced as Sobrato's new principal. Would you be
> supportive of holding a virtual H&SC Principal Meet & Greet via Zoom? If

> supportive of holding a virtual H&SC Principal Meet & Greet via Zoom? If
> so, would you prefer to have it at the end of July or beginning of August?
>
> On another note, do you have contact information for Courtney that you can
> share? I have a card that I wanted to send her and the H&SC wanted to send
> something as well.
>
> CONGRATULATIONS, again!
>
> Warm Regards,
> Wendy Sullivan

Exhibit 8

From: **Theresa Sage** saget@mhusd.org
Subject: Fwd: Meeting Request
Date: October 22, 2020 at 9:08 AM
To: Madeline Buitelaar madeline@amyopp.com

---------- Forwarded message ---------
From: **Wendy Sullivan** <wendyglsullivan@yahoo.com>
Date: Fri, Jul 31, 2020 at 1:53 PM
Subject: Meeting Request
To: <SageT@mhusd.org>

Hi Theresa,

Happy Friday! I apologize for keeping you on our call longer than you expected yesterday morning and making you late for your next meeting.

There are some things that I'd like to further discuss with you, including your request for to write a statement, that warrants more time. Thus, I'd like to request the opportunity for a meeting with you. I completely understand how busy things are right now for you and your staff as you're preparing for the start of the new school year, but I'd also like to point out that this situation has been made much more difficult because the school has let so much time elapse since this was originally brought to light back in mid-May. The longer that this drags out, the more of a challenge it's becoming. This should have been handled before the end of the last school year.

I look forward to hearing from you.

Thank You,
Wendy

Exhibit 9

From: **Theresa Sage** saget@mhusd.org
Subject: Fwd: ASB Election
Date: October 22, 2020 at 9:12 AM
To: Madeline Buitelaar madeline@amyopp.com

---------- Forwarded message ---------
From: **Wendy Sullivan** <wendyglsullivan@yahoo.com>
Date: Fri, Aug 28, 2020 at 1:30 AM
Subject: Re: ASB Election
To: Theresa Sage <saget@mhusd.org>
Cc: Mike Sullivan <sully2782@yahoo.com>

Dear Theresa,

The questions that I posed in my last e-mail had nothing to do with any expectation of overturning the results of the election, nor did I intend to give that impression. I am asking those questions for the sake of accountability and trying to get a true understanding of students' rights — all students — and especially those who have been wronged and victimized. I also hope that by asking these questions and bringing these concerns to the forefront, that we help prevent similar situations in the future.

You have explained how students who commit offenses are protected by various Ed. Codes and the spirit of instructional/teachable moments, however you have not yet addressed the protections for victims or how wrongs are made right for the students who were transgressed against.

We acknowledge that the school is not willing or able to take a courageous step in the direction of doing what is right, ethical or moral in this situation, but in the very least there has to be an acknowledgment of what really happened. Are you hoping to try brush this under the rug and pretend like it never happened? If the school or ASB is not going to be honest and admit what happened, then what is the lesson learned? For which I ask again, what is the takeaway for ? Where is any sort of justice or restitution for the victim? Is expected to just walk away quietly knowing that she participated in an election that was fraudulent and that her opponent was allowed to blatantly bribe people for their votes?

If the school promotes restorative justice to repair harm and restore well-being when an offense has been committed, the only way that this can be achieved here is for the school to acknowledge what happened. At a minimum, the school administration or ASB should put out a statement to the student body that acknowledges the electoral fraud or bribery in the last election. You could then state something to the effect that despite the offense, the results still stand, however those types of actions will not be tolerated in the future.

You had stated to me in a previous conversation that you care about fairness, which begs the question of how has any of this has been fair to ? So how do we begin to repair the harm that has been done to her? It starts with acknowledgment, honesty, transparency and an apology.

~ Wendy

On Aug 27, 2020, at 5:11 PM, Theresa Sage <saget@mhusd.org> wrote:

> Dear Wendy,
>
> I acknowledge your concerns which are expressed in your questions. As I have stated, we do not intend to overturn the results of the election. But, I certainly appreciate your perspective. We will continue to use student government elections as teachable moments for our students.
>
> Regarding your concerns about current incidents of micro-aggression and bullying against your daughter, these should be reported to her Assistant Principal, Sarah Guthrie, so that the allegations can be investigated. I will also let know that she should make a report to Ms. Guthrie.
>
> Sincerely,
>
> Theresa

On Sun, Aug 23, 2020 at 12:05 AM Wendy Sullivan <wendyglsullivan@yahoo.com> wrote:

> Dear Theresa,
>
> Thank you for your follow-up. I have many questions:
>
> 1) If students have great latitude under the protections of "free speech," then why does the school bother with setting rules and guidelines in the first place? Why do we go through the pretense of stipulating certain expectations for student conduct in our Student Handbook? Why do we bother with any of these things if in the end students are protected under free speech provisions which thusly renders our rules and guidelines unenforceable?
>
> 2) The consistent negative campaigning was probably the more minor of all of the grievances, the plagiarism and quid pro quo/bribery for votes were the major offenses. The blatant bribery for votes is so egregious and fraudulent that it should call into the question the results of any election. How can the school ignore this? How does the school justify this? How can the school sweep this under the rug and pretend like it never happened?
>
> 3) Why does the school and ASB set election/campaign rules if students aren't expected to follow them, and if there aren't any consequences when they don't?
>
> 4) Why does the Sobrato Student Handbook discuss the Governing Board's belief in academic honesty and personal integrity and the Board's expectations that students don't cheat, lie, plagiarize, etc. and reference specific Board policy, when there is no intent to uphold these values?
>
> 5) If you refuse to hold a student accountable for his actions by instituting consequences because you fear that it would pose a "detrimental effect" to your ability to instruct him, then what do you think the effect would be for the student who was victimized over and over again? What kind of an effect is your lack of accountability/responsibility having on the victim?
>
> 6) What is the take away supposed to be for my child? What is the lesson learned for my daughter? said that she's learned that she shouldn't follow the rules and that rules don't apply equally for everybody. Is this an example of gender bias and discrimination?
>
> 7) If a student perpetrator is protected by free speech rights and the notion that all of their transgressions are teachable moments, what rights do victims have? How and when are victims protected?
>
> 8) Does Sobrato condone electoral fraud? Are we to assume that the school is okay with cheating, bribery and fraud in its student elections process? Is the school expecting that the community should just accept it? Are we supposed to pretend like it never happened?
>
> 9) Will Sobrato, the ASB or the ASB President (whom you've enabled) accept responsibility for any of this and be honest with the student body about what really happened? Does the school plan to carry on as if nothing happened and try to pretend that the elections were fair?
>
> 10) I have shared with various school officials that my daughter has been continually harassed by and his family in various ways over the last couple of years, and to this date she continues to be the target of his micro-aggressions and bullying. Since the school chooses to protect and enable him, what is her recourse? How does continue to stand up for herself, when school officials choose to be bystanders and protect the status quo?
>
> 11) has tried to use her voice to advocate for herself, but it obviously hasn't worked, which is why I had to get involved. She recently told Mrs. Rasley that she has reached out to her for help time and time again, but it hasn't helped. also confided to Mrs. Rasley that she thinks the only way she can protect herself is to quit ASB. Mrs. Rasley admitted that she didn't know what to do or how to resolve the situation. Mrs. Rasley has also acknowledged that she knows that bullies the students in the ASB leadership class. It appears that the "instruction" you hoped for isn't working. Is the answer that my daughter should quit ASB?
>
> I look forward to your response.
>
> Regards,
>
> Wendy
>
> On Aug 18, 2020, at 4:12 PM, Theresa Sage <saget@mhusd.org> wrote:
>
> Dear Wendy,

Thank you for your patience while I looked into your concerns regarding the ASB President election. I have carefully reviewed your correspondence and documentation, and have conducted my own investigation of this matter.

As you know, student government at the high school level is an educational endeavor, and we try to guide students to behave as the most high minded of politicians as part of that endeavor. To that end, we have general guidelines to assist students in meeting those ideals. If we find that students have not followed the guidelines, we use that as a teachable moment to guide them to improve. Ms. Rasley was responsible for this role during the campaign, and did a good job considering the challenges posed by the sudden shelter in place orders.

However, it is also important to recognize that students have highly protected free speech rights on campus, provided by the Education Code. Many of the statements you have described, even criticism of another campaign, constitute protected political speech under the Education Code. Even if we do not like the tone of speech, it is protected. For us to overturn the election on that basis may constitute a violation of a student's right to free speech. This is true even if a student were to violate a particular ASB guideline.

To the extent you have described conduct that may not be protected speech, we believe that in an educational environment the best response is to guide and instruct students as to appropriate conduct. Overturning the election may have a detrimental effect on our ability to provide that instruction in the future.

Therefore, the election results will stand, and will remain ASB President. We will continue having conversations with students around election conduct and guiding them toward improving their political personas.

Please contact me if you have any questions.

Sincerely,

Theresa

Exhibit 10

Fwd: Mail System Error - Returned Mail with Subject: Re:

1 message

Joe Guinane <guinanej@mhusd.org> Tue, Oct 20, 2020 at 4:35 PM
To: Madeline Buitelaar <madeline@amyopp.com>

Good afternoon,

Here I am just sending the emails I have received/sent to the different people mentioned earlier.

Go Bulldogs!

Joe Guinane
Assistant Principal
Ann Sobrato High School
401 Burnett Avenue
Morgan Hill, CA 95037
(408) 201-6211

"Be yourself; everyone else is already taken." - Oscar Wilde

---------- Forwarded message ---------
From: **Mail Administrator** <Postmaster@charter.net>
Date: Thu, Jul 30, 2020 at 10:12 AM
Subject: Mail System Error - Returned Mail with Subject: Re:
To: <guinanej@mhusd.org>

This Message was undeliverable due to the following reason:

The user(s) account is temporarily over quota.

<jmlee@charter.net>

Please reply to <Postmaster@charter.net>
if you feel this message to be in error.

---------- Forwarded message ---------
From: Joe Guinane <guinanej@mhusd.org>
To: Jeanne lee <jmlee@charter.net>
Cc: Matt Lee <71mlee@gmail.com>, < gmail.com>, Theresa Sage <saget@mhusd.org>
Bcc:
Date: Thu, 30 Jul 2020 10:12:40 -0700
Subject: Re:

Good morning Mrs. Lee,

It was nice talking with you and your husband yesterday. As per our conversation, we were asking for a statement in regards to the ASB elections during the spring semester. You had mentioned there were some negative posts that were directed toward and I asked if could share those with me, which he agreed to sending me the screenshots of those posts.

You and your husband asked that we talk to Mrs. Rasley about the ASB elections since she is the ASB Director and was leading the elections, which we are reaching out to Mrs. Rasley about. In our conversation, you and your husband stated that you didn't want to write a statement unless the other student involved in the elections had to write a statement as well. In talking to Mrs. Sage, we are going to be asking that student for a statement and we would like to have a statement from as well. We always want to gather information from all parties to get a better understanding about events. This information was not gathered in the spring semester and so we would like to have this information to better understand the events from the ASB election from all parties.

I know asking for this now seems confusing, but the main reason is due to me not asking for this information back in the spring. I apologize for not asking for this information back in the spring, but I appreciate your assistance in helping us gather the information from the spring.

Go Bulldogs!

Joe Guinane
Assistant Principal
Ann Sobrato High School
401 Burnett Avenue
Morgan Hill, CA 95037
(408) 201-6211

"Be yourself; everyone else is already taken." - Oscar Wilde

On Wed, Jul 29, 2020 at 7:59 PM Jeanne lee <jmlee@charter.net> wrote:

> Hi Mr. Guinane,
>
> Thank you for getting back to us today.
> Just to confirm the points, per our phone conversation, Mrs. Sage has requested that send her a written statement about the events during the ASB election.
> You also requested that send a screenshot of a negative post that was directed at him during the campaign.
>
> Also per our conversation, will not provide any information until after you and Mrs. Sage speak with Ms. Rasley personally regarding the matter as she was in charge and has knowledge of the events, and impartial.
>
> If it is necessary to continue the conversation after you have spoken to Ms. Rasley, we will be glad to meet in person with you, Mrs. Sage, Ms. Rasley, AND the person(s) accusing our son of any wrongdoing.
>
> Again, we are confused and concerned as to why this was never brought to our and attention until now, three months after the election.
>
> Please let us know where this stands with a written response after you speak with Ms. Rasley.
>
> Sincerely,
>
> Matt and Jeanne Lee
>
> Sent from my iPhone
>
> > On Jul 23, 2020, at 12:27 PM, Joe Guinane <guinanej@mhusd.org> wrote:
> >
> > Good afternoon Mrs. Lee,
> >
> > My summer has been alright. I hope your summer has been going well. I hear you are down in San Diego and I hope you are enjoying things down there.
> >
> > I did want to chat with about concerns I had received from a concerned parent about the elections from a few months ago shortly after the elections. Our new principal, Theresa Sage, had received the same concern and asked me about information. I realized that I had never reached out to to get information from him. I always want to get information from all parties whenever there are concerns and with the events we are currently going through, figuring out graduation, and starting this school year, I forgot to ask back when I should have. I am sure let you know about what I was asking about, but there was concern about information used during his campaign, and things that have been posted on social media and I wanted to get clarification from I will be sharing the information with Mrs. Sage so she has the information.
> >
> > If you would like to have a conversation, please let me know and I can contact you.
> >
> > I hope you continue to enjoy your summer and that you and all of your family are staying safe!
> >
> > **Go Bulldogs!**
> >
> > **Joe Guinane**
> > **Assistant Principal**
> > **Ann Sobrato High School**
> > **401 Burnett Avenue**
> > **Morgan Hill, CA 95037**
> > **(408) 201-6211**
> >
> > **"Be yourself; everyone else is already taken." - Oscar Wilde**
> >
> > On Wed, Jul 22, 2020 at 6:40 PM Jeanne lee <jmlee@charter.net> wrote:
> >
> > > Hi Mr. Guinane,
> > >
> > > I hope you are having a great summer so far!
> > >
> > > told us that he received a call from you yesterday regarding the ASB election three months ago, and that Mrs. Sullivan has some concerns?
> > > Is this an issue we need to discuss? We are a bit confused about this.
> > >
> > > Please let me know if you would like to discuss this further and we would be happy to meet with you.
> > >
> > > Thank you,
> > >
> > > Jeanne Lee
> > >
> > > Sent from my iPhone

Exhibit 11

AMY OPPENHEIMER

Madeline Buitelaar <madeline@amyopp.com>

Fwd: ASB President

1 message

Joe Guinane <guinanej@mhusd.org> Tue, Oct 20, 2020 at 4:38 PM
To: Madeline Buitelaar <madeline@amyopp.com>

Go Bulldogs!

Joe Guinane
Assistant Principal
Ann Sobrato High School
401 Burnett Avenue
Morgan Hill, CA 95037
(408) 201-6211

"Be yourself; everyone else is already taken." - Oscar Wilde

---------- Forwarded message ---------
From: <jmlee@charter.net>
Date: Wed, Aug 5, 2020 at 6:39 PM
Subject: ASB President
To: saget@mhusd.org <saget@mhusd.org>
Cc: 711mlee@gmail.com <711mlee@gmail.com>, guinanej@mhusd.org <guinanej@mhusd.org>, rasleyr@mhusd.org <rasleyr@mhusd.org>

Hello Mrs. Sage,

I hope you have had a wonderful summer and congratulations on becoming Sobrato's new principle!

We want to express our extreme confusion and frustration regarding the accusations against by "another parent."
received a phone call from Mr. Guinane on Wednesday, July 21st while he was in San Diego with family friends. Mr. Guinane stated to him that a parent had made an accusation(s) against regarding the ASB Election being unfair and inquired about plagiarising, bribery, and negative posts. We were quite taken aback by this as we feel that we should have been contacted immediately since the accusations made were by another parent.
worked EXTREMELY hard to make sure every aspect of the election was clean of his campaign. Ms. Rasely (the administrator in charge of ASB), was also a part of the campaign from day one and made adjust some of his material so as not to offend anyone. Due to financial constraints, we were not able to spend thousands of dollars on campaign materials such as t-shirts, pins, and paid celebrity endorsements. We came up with cookies and bracelets which was more financially reasonable for us and turned out to be about 10% of what his opponent paid. Right away, this was an unfair advantage. Again, worked EXTREMELY hard distributing and campaigning while focusing on his studies and SAT's (which ended up getting canceled). After all, was said and done, the students voted and hard work, dedication, morals, principles and good ethics won him the election.
The very next day, he and began work on the coming school year, even though everything regarding back to school was still up in the air.

Now almost three months later, is told that this could possibly be stripped from him, even though the students voted him in as ASB President. Again, we are confused and frustrated regarding this situation which is why we contacted Mr. Guinane immediately after he spoke with
Why was this not addressed to us prior to the outcome of the election if there actually was an issue? Mr. Guinane stated that it was in fact brought to his attention and Mrs. Macko said she would handle it, however, someone should have contacted us and at that time. Here we have Mrs. Macko, Mr. Guinane, and the parent making the accusations. THREE adults involved for almost THREE months, and not once was or my husband and I contacted. Again, Ms. Rasely was involved in every aspect from day one. Instagram Campaign page is still intact for anyone to view, and has not been altered, although since this situation arose, his opponent's Instagram account has been deleted.

We feel this entire situation of being accused by a parent, (who I might also add, happens to be a school board member), and having to write a statement as if he was already guilty of something, is unfair and unjust. In a court of law, this could be considered slander.

On July 30th, I sent out an e-mail to you and Mr. Guinane requesting a meeting with everyone involved in the election, including the accusing parent, to which we have not received a response to when that will happen. We realize that with the school year starting, everyone is extremely busy, however, due to the fact that this was neglected for almost three months, we feel that it is urgent and insist on getting this situation cleared up once and for all so that can continue with his ASB presidential duties that he was elected to do so by the students of Ann Sobrato High School.

Please let us know when we can ALL meet (including and). We will work around everyone's schedule to make sure this meeting can take place.

Thank you,

Matt and Jeanne Lee