



Oregon Department of Education

Kate Brown, Governor

Office of the Deputy Superintendent
255 Capitol St NE, Salem, OR 97310
Voice: 503-947-5600
Fax: 503-378-5156

July 27, 2016

HAND-DELIVERED

Mitch Kruska
Oregon Department of Education
255 Capitol St NE
Salem OR 97310

Dear Mr. Kruska:

As an employee with regular status holding the management service position of Principal Executive/Manager F (Director of Education Programs, Secondary Transition, & Alternate Assessment) with the Oregon Department of Education (ODE) in the Office of Student Services, you are notified of the following:

ACTION: Initiation of pre-disciplinary process

GROUND: Inability or unwillingness to fully and faithfully perform the duties of the position satisfactorily (ORS 240.570[3])

BACKGROUND:

You were hired on December 30, 2013 as a Principal Executive/Manager F working as the director of education programs, secondary transition, and alternate assessment in the Office of Student Services. You came to ODE with seven years of experience as a manager in Oregon school districts. You hold a valid Continuing Public School Administrator's license issued by the Teacher Standards and Practices Commission.

The most recent performance evaluation in your personnel file shows you consistently meet, and in some areas exceed, performance expectations.

ODE, and the state in general, holds managers to a higher level of performance and accountability than non-management employees because of the responsibility they have to represent the agency and the state.

CURRENT SITUATION:

During the week of June 20-24, 2016, you and other ODE staff were in [REDACTED] during the [REDACTED] conference. Allegations were brought to [REDACTED]

Human Resources that, while in [REDACTED] you made inappropriate comments about the lesbian, gay, bisexual, and transgender (LGBT) community, made inappropriate comments about ODE staff [REDACTED] and slapped the buttocks of and made inappropriate comments to ODE staff [REDACTED] Deb Skiles, Human Resources Analyst, investigated the allegations.

All of the incidents in "Supporting Facts" below occurred on June 21, 2016.

SUPPORTING FACTS:

1. On June 21, 2016, you attended a social gathering at the [REDACTED] which was scheduled 4:30 p.m. – 6:00 p.m. While at the event, you obtained the cell phone numbers of ODE employees [REDACTED] and [REDACTED]. During the investigation, you told Ms. Skiles you didn't remember any specific interaction with [REDACTED].
2. You told Ms. Skiles that after leaving the [REDACTED], you texted [REDACTED] and [REDACTED] to see about meeting up with them for drinks at another location. Neither [REDACTED] nor [REDACTED] received a text message from you and you do not have phone records supporting that you texted these two employees. [REDACTED] did receive a text from you at 9:03 p.m. when you asked, "where are you guys." She received another text from you at 9:27 p.m. when you said, "It's Mitch where are you guys." [REDACTED] responded at 9:28 p.m., "Hey Mitch, we are at [REDACTED] and [REDACTED] is on the way. Sorry I did not recognize your phone." You responded, "I figured as much."
3. You met [REDACTED] and her partner at [REDACTED] in [REDACTED]. You were there a short time and then went to another bar. You, [REDACTED] and [REDACTED] partner engaged in conversation on a variety of topics including the LGBT community. During this conversation, [REDACTED] found some of your comments about LGBT offensive although [REDACTED] partner did not find them offensive. You told Ms. Skiles you did not make comments about the LGBT community. However, the investigation shows you did make comments about LGBT during the conversation.
4. While with [REDACTED] and her partner, you also engaged in a conversation about your employee [REDACTED]. [REDACTED] is a member of the military and has been called to duty several times during your tenure with ODE. During this conversation, [REDACTED] reported you said you "put that bitch in a box" (referring to [REDACTED]). You told Ms. Skiles during the investigation that at no point in the conversation was there any talk about [REDACTED]. However, [REDACTED] partner also heard you say to [REDACTED] that you "put her in a box," referring to [REDACTED] although [REDACTED] partner did not hear you call [REDACTED] a "bitch."

5. You denied telling [REDACTED] that you "had a list" and that [REDACTED] was on it. The investigation showed both [REDACTED] and her partner heard you make this comment, implying you wanted to have sex with her.
6. You told Ms. Skiles that during the time you were with [REDACTED] and her partner, you became aware they were together as a couple. You said you were seated at the bar with an empty bar stool between you and them, and they began "hanging on each other." You said that made you uncomfortable so you paid your bill and left, leaving the women at the bar. You denied slapping [REDACTED] on the buttocks, saying both women were still at the bar when you left and you did not touch them. The investigation shows you, [REDACTED] and [REDACTED] partner were seated at the bar in a row without empty bar stools between you and the women. It also shows you did slap [REDACTED] on the buttocks and that the three of you left the bar at the same time.
7. At 11:39 p.m., you texted [REDACTED] saying, "Thank you that was fun." During the investigation, Ms. Skiles asked what the text meant and why you sent it if you were uncomfortable being around [REDACTED] and her partner. You told Ms. Skiles you didn't remember sending the text and didn't know what it meant. Ms. Skiles asked if someone else could have sent the text from your phone, and you said no one else had access to your phone at that time. You also told Ms. Skiles you didn't remember being at [REDACTED] on June 21.
8. During the investigation, you told Ms. Skiles the allegations were "bullshit," you were "fucking pissed" about them, all the allegations were "lies," and there was no truth to any of them. The investigation found the allegations about your making comments about [REDACTED] your having [REDACTED] name on your list, and your slapping [REDACTED] on the buttocks were true.

PRE-DISCIPLINARY MEETING:

If accurate, the above facts would show you acted in an inappropriate manner when you made comments to [REDACTED] about [REDACTED] when you said [REDACTED] was "on your list," and when you slapped [REDACTED] on the buttocks. They would show you were untruthful during the investigation when you denied these things. They would also show you were untruthful when you said you texted [REDACTED] and [REDACTED] and when you said you left the bar before [REDACTED] and her partner. If the above charges are true, your actions created unnecessary exposure for the agency.

The department has the need and the right to hold managers to a higher level of performance and accountability than classified staff. Managers are expected to use good judgment, even

Mitch Kruska
July 27, 2016
Page 4 of 4

outside of normal work hours. That you were in [REDACTED] because of your work as an ODE manager creates a nexus to your off-the-job actions, especially but not exclusively because of your interactions with other ODE staff.

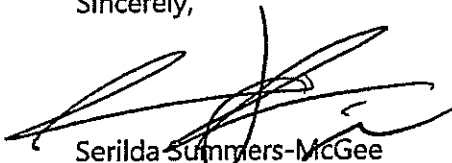
In addition, your providing information that is inconsistent with what the investigation found causes us to mistrust you. We need to be able to trust the information you provide is true. If the above is true, then we have lost some confidence that you are able to function effectively as a manager for ODE. Your actions would show you are unable or unwilling to perform your duties in a satisfactory manner as a manager for the Oregon Department of Education.

You may be disciplined on the above charges. You are therefore offered an opportunity to meet with me to refute these charges or to present mitigating circumstances. This meeting will be on Tuesday, August 9, 2016 at 12:30 p.m. in my office on the fourth floor of the Public Service Building. You may have representation at this meeting at your own expense.

If you choose not to attend this meeting, you may present your refutation or mitigation in writing delivered no later than August 9 at 12:30 p.m.

If you fail to appear at this meeting or fail to offer any refutation of these charges or present mitigating circumstances or information, a decision shall be made with available information.

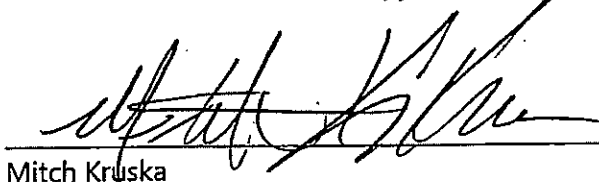
Sincerely,



Serilda Summers-McGee
Director of Human Resources
503-947-5885

cc: Sarah Drinkwater

"I have read and received a copy of this document."



Mitch Kruska

7/27/16
Date



Oregon Department of Education

Kate Brown, Governor

Office of the Deputy Superintendent
255 Capitol St NE, Salem, OR 97310
Voice: 503-947-5600
Fax: 503-378-5156

September 21, 2016

HAND-DELIVERED

Mitch Kruska
Oregon Department of Education
255 Capitol St NE
Salem OR 97310

Dear Mr. Kruska:

As an employee with regular status holding the management service position of Principal Executive/Manager F (Director of Education Programs, Secondary Transition, & Alternate Assessment) with the Oregon Department of Education (ODE) in the Office of Student Services, you are notified of the following:

ACTION: Initiation of pre-disciplinary process. Letter dated July 27, 2016 rescinded and re-issued.

GROUND: Inability or unwillingness to fully and faithfully perform the duties of the position satisfactorily (ORS 240.570[3])

BACKGROUND:

You were hired on December 30, 2013 as a Principal Executive/Manager F working as the director of education programs, secondary transition, and alternate assessment in the Office of Student Services. Part of your job responsibility is to supervise subordinate staff. As part of your supervisory duties, you sometimes work with ODE's human resources staff to investigate performance and conduct issues related to your subordinate staff. You came to ODE with seven years of experience as a manager in Oregon school districts. You hold a valid Continuing Public School Administrator's license issued by the Teacher Standards and Practices Commission.

Your position description makes clear that you are responsible for:

- treating customers, stakeholders, and co-workers with dignity and respect;
- soliciting and engaging diverse groups in program planning and implementation;
- recognizing the value of individual and cultural differences; and
- creating a work environment where individual differences are valued.

The most recent performance evaluation in your personnel file shows you consistently meet, and in some areas exceed, performance expectations.

ODE, and the state in general, holds managers to a higher level of performance and accountability than non-management employees because of the responsibility they have to represent the agency and the state.

CURRENT SITUATION:

During the week of June 21-24, 2016, you and other ODE staff were in [REDACTED] in order to attend [REDACTED] training, followed by the [REDACTED] conference. On June 27, 2016, allegations were brought to Human Resources that, while in [REDACTED] you behaved inappropriately toward ODE represented staff [REDACTED] and her partner.

Deb Skiles, Human Resources Analyst, investigated the allegations. On July 5, 2016, pending the investigation, you were placed on paid administrative leave. On July 14, 2016, once the investigation was complete, you were returned to work. You took a pre-approved vacation and returned to the office on July 27, 2016. An initial pre-disciplinary letter was delivered to you on July 27, 2016. A pre-disciplinary meeting was held on August 11, 2016 to give you the opportunity to respond to the allegations. Before the meeting, you were provided with a copy of Ms. Skiles' investigation report and her notes. You attended this meeting with your lawyer and presented a letter from your lawyer at the meeting.

After the meeting, the agency reviewed the letter from your attorney and conducted additional investigation. In order to clarify the issues and address additional information, the July 27, 2016 letter is rescinded and replaced by this letter.

CHARGES AND SUPPORTING FACTS:

A. You demonstrated poor judgment when you met a non-management ODE employee at a bar after attending a professional conference, made inappropriate and offensive comments to her and her partner, and touched her on her buttocks.

1. On June 21, 2016, you attended a social gathering at the [REDACTED] which was scheduled 4:30 p.m. – 6:00 p.m. The event was scheduled by ODE following the [REDACTED] conference. While at the event, you saw ODE employees [REDACTED] and [REDACTED] and obtained their cell phone numbers.
2. After leaving the [REDACTED] you texted [REDACTED] to see about meeting up for drinks at another location. [REDACTED] received a text from you at 9:03 p.m. when you asked, "where are you guys." She received another text from you at 9:27 p.m. when you said, "It's Mitch where are you guys." [REDACTED] responded at 9:28 p.m., "Hey Mitch, we are at [REDACTED] and [REDACTED] is on the way. Sorry I did not recognize your phone." You responded, "I figured as much." Although you were not

[REDACTED] direct supervisor at work, at the time, she was a non-management union-represented employee who also worked in the Office of Student Services on the second floor of the Public Service Building in Salem.

3. You met [REDACTED] and her partner at [REDACTED] in [REDACTED] [REDACTED] another co-worker, was unable to attend. You were there a short time and then went to another bar. You, [REDACTED] and [REDACTED] partner engaged in conversation on a variety of topics including the LGBT community. [REDACTED] and her partner let you know that they were part of the LGBT community, and you remarked, "Lesbians aren't really gay, they're just desperate." You also made a remark to [REDACTED] partner that she was "big like a man" or "strong like a man," that you like "beautiful strong women" and that [REDACTED] was "on your list." [REDACTED] interpreted this to mean that she was on your list of women with whom you would like to have sex.
4. Finally, as the three of you left the bar, you slapped [REDACTED] on the buttocks.

B. You were disrespectful and unprofessional with your manager and human resources staff.

1. During the investigation meeting you had with Ms. Skiles and your manager, Sarah Drinkwater, on July 5, 2016, you told Ms. Skiles the allegations against you were "bullshit" and that you were "fucking pissed" about them.
2. On July 27, 2016, Human Resources Analyst Chris Stewart hand-delivered the original pre-disciplinary letter to you. Upon receiving the letter, you responded to Ms. Stewart by saying, "This is all bullshit" and throwing the letter down on the table.

PRE-DISCIPLINARY MEETING:

If accurate, the above facts would show you acted in an inappropriate manner when you made comments to [REDACTED] and her partner, when you slapped [REDACTED] on the buttocks, and when you were unprofessional and disrespectful in your interactions with Ms. Skiles and Ms. Stewart during and after the investigation. The department has the need and the right to hold managers to a higher level of performance and accountability than classified staff. Managers are expected to use good judgment, even outside of normal work hours. That you were in [REDACTED] because of your work as an ODE manager creates a nexus to your off-the-job actions, especially but not exclusively because of your interactions with other ODE staff.

You may be disciplined on the above charges. You are therefore offered an opportunity to meet with Rick Crager to refute these charges or to present mitigating circumstances. This meeting will be at 3:00 p.m. on Tuesday, October 4, 2016 in Room 477 on the fourth floor of the Public Service Building. You may have representation at this meeting at your own expense.

Mitch Kruska
September 21, 2016
Page 4 of 4

If you choose not to attend this meeting, you may present your refutation or mitigation in writing delivered to Mr. Crager no later than 3:00 p.m. on October 4, 2016.

If you fail to appear at this meeting or fail to offer any refutation of these charges or present mitigating circumstances or information, a decision shall be made with available information.

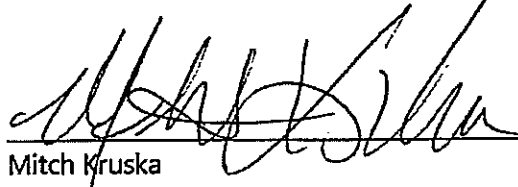
Sincerely,



Deb Skiles
Human Resources Analyst
503-947-5770

cc: Rick Crager
Sarah Drinkwater

"I have read and received a copy of this document."



Mitch Kruska

9/21/16

Date



Oregon Department of Education

Kate Brown, Governor

Office of the Deputy Superintendent
255 Capitol St NE, Salem, OR 97310
Voice: 503-947-5600
Fax: 503-378-5156

October 11, 2016

HAND-DELIVERED

Mitch Kruska
Oregon Department of Education
255 Capitol St NE
Salem OR 97310

RECEIVED

OCT 12 2016

OREGON DEPARTMENT OF EDUCATION
EMPLOYEE SERVICES

Dear Mr. Kruska:

As an employee with regular status holding the management service position of Principal Executive/Manager F (Director of Education Programs, Secondary Transition, & Alternate Assessment) with the Oregon Department of Education (ODE) in the Office of Student Services, you are notified of the following:

ACTION: Reprimand in Lieu of Salary Reduction

EFFECTIVE DATE: October ¹²/~~11~~, 2016

GROUND: Inability or unwillingness to fully and faithfully perform the duties of the position satisfactorily (ORS 240.570[3])

BACKGROUND:

You were hired on December 30, 2013 as a Principal Executive/Manager F working as the director of education programs, secondary transition, and alternate assessment in the Office of Student Services. Part of your job responsibility is to supervise subordinate staff. As part of your supervisory duties, you sometimes work with ODE's human resources staff to investigate performance and conduct issues related to your subordinate staff. You came to ODE with seven years of experience as a manager in Oregon school districts. You hold a valid Continuing Public School Administrator's license issued by the Teacher Standards and Practices Commission.

Your position description makes clear that you are responsible for:

- treating customers, stakeholders, and co-workers with dignity and respect;
- soliciting and engaging diverse groups in program planning and implementation;
- recognizing the value of individual and cultural differences; and
- creating a work environment where individual differences are valued.

The most recent performance evaluation in your personnel file shows you consistently meet, and in some areas exceed, performance expectations.

ODE, and the state in general, holds managers to a higher level of performance and accountability than non-management employees because of the responsibility they have to represent the agency and the state.

CURRENT SITUATION:

During the week of June 21-24, 2016, you and other ODE staff were in [REDACTED] in order to attend ODE's [REDACTED] training, followed by the [REDACTED] conference. On June 27, 2016, allegations were brought to Human Resources that, while in [REDACTED] you behaved inappropriately toward ODE represented staff [REDACTED] and her partner.

Deb Skiles, Human Resources Analyst, investigated the allegations. On July 5, 2016, pending the investigation, you were placed on paid administrative leave. On July 14, 2016, once the investigation was complete, you were returned to work. You took a pre-approved vacation and returned to the office on July 27, 2016. An initial pre-disciplinary letter was delivered to you on July 27, 2016. A pre-disciplinary meeting was held on August 11, 2016 to give you the opportunity to respond to the allegations. Before the meeting, you were provided with a copy of Ms. Skiles' investigation report and her notes. You attended this meeting with your lawyer and presented a letter from your lawyer at the meeting.

After the meeting, the agency reviewed the letter from your attorney and conducted additional investigation. In order to clarify the issues and address additional information, the July 27, 2016 letter was rescinded and replaced by a letter dated September 21, 2016.

CHARGES AND SUPPORTING FACTS:

A. You demonstrated poor judgment when you met a non-management ODE employee at a bar after attending a professional conference, made inappropriate and offensive comments to her and her partner, and touched her on her buttocks.

1. On June 21, 2016, you attended a social gathering at the [REDACTED] which was scheduled 4:30 p.m. – 6:00 p.m. The event was scheduled by ODE following the [REDACTED] conference. While at the event, you saw ODE employees [REDACTED] and [REDACTED] and obtained their cell phone numbers.
2. After leaving the [REDACTED] you texted [REDACTED] to see about meeting up for drinks at another location. [REDACTED] received a text from you at 9:03 p.m. when you asked, "where are you guys." She received another text from you at 9:27 p.m. when you said, "It's Mitch where are you guys." [REDACTED] responded at 9:28 p.m., "Hey Mitch, we are at [REDACTED]"

and [REDACTED] is on the way. Sorry I did not recognize your phone." You responded, "I figured as much." Although you were not [REDACTED] direct supervisor at work, at the time, she was a non-management union-represented employee who also worked in the Office of Student Services on the second floor of the Public Service Building in Salem.

3. You met [REDACTED] and her partner at [REDACTED] in [REDACTED]. [REDACTED] another co-worker, was unable to attend. You were there a short time and then went to another bar. You, [REDACTED] and [REDACTED] partner engaged in conversation on a variety of topics including the LGBT community. [REDACTED] and her partner let you know that they were part of the LGBT community, and you remarked, "Lesbians aren't really gay, they're just desperate." You also made a remark to [REDACTED] partner that she was "big like a man" or "strong like a man," that you like "beautiful strong women" and that [REDACTED] was "on your list." [REDACTED] interpreted this to mean that she was on your list of women with whom you would like to have sex.
4. Finally, as the three of you left the bar, you slapped [REDACTED] on the buttocks.

B. You were disrespectful and unprofessional with your manager and human resources staff.

1. During the investigation meeting you had with Ms. Skiles and your manager, Sarah Drinkwater, on July 5, 2016, you told Ms. Skiles the allegations against you were "bullshit" and that you were "fucking pissed" about them.
2. On July 27, 2016, Human Resources Analyst Chris Stewart hand-delivered the original pre-disciplinary letter to you. Upon receiving the letter, you responded to Ms. Stewart by saying, "This is all bullshit" and throwing the letter down on the table.

A pre-disciplinary meeting was held on October 4, 2016 to give you the opportunity to present mitigating information. At the meeting you read a statement in which you continued to deny the allegations against you and explained that the reason you reacted to your manager and the HR staff the way you did was because you were insulted by the charges. You noted that your lawyer's letter dated August 11, 2016 continued to be your official response to the situation.

CONCLUSION:

Your statements and your lawyer's letter were considered. However, the above facts show you acted in an inappropriate manner when you made comments to [REDACTED] and her partner, when you slapped [REDACTED] on the buttocks, and when you were unprofessional and disrespectful in your interactions with Ms. Drinkwater, Ms. Skiles, and Ms. Stewart during and after the investigation. The department has the need and the right to hold managers to a higher level of performance and accountability than classified staff. Managers are expected to use good judgment, even outside of normal work hours. That you were in [REDACTED] because of your work as an ODE manager creates a nexus to your off-the-job actions, especially but not exclusively because of your interactions with other ODE staff. Your job

Mitch Kruska
October 11, 2016
Page 4 of 4

requires travel and a high level of independence. We need to be able to trust that you will represent yourself and the agency in a professional manner.

The Department considers your actions to be of a serious nature. These actions warrant a disciplinary action beyond just a letter of reprimand; however, we are unable to reduce your monthly salary because of your FLSA exempt status. Therefore, it is found that a Letter of Reprimand, in lieu of economic sanction, is appropriate to impress upon you the serious nature of this matter. This action is considered equivalent to an economic sanction.

It is the agency's expectation that you will immediately and permanently correct your behavior and demonstrate respectful and professional conduct toward your co-workers and others with whom you come into contact through your job. Failure to do so will result in further discipline up to and including dismissal from State service.

In order to re-enforce the agency's expectations, you are to complete the DAS – CHRO – Maintaining a Harassment-Free and Professional Workplace training through iLearn no later than November 10, 2016 and report back to HR Analyst Deb Skiles when you have completed the training. She will work with you to get this scheduled.

APPEAL RIGHTS:

If you choose to contest this disciplinary action, you have a right to file a grievance with the agency head or designee. Your grievance must reach the agency head within 30 calendar days from the effective date of the disciplinary action. You may also file an appeal with the Employment Relations Board (ERB). Your appeal must reach the ERB no later than 30 calendar days from the effective date of the disciplinary action. Filing a grievance with the agency head DOES NOT extend the 30-day deadline for filing an appeal with the ERB.

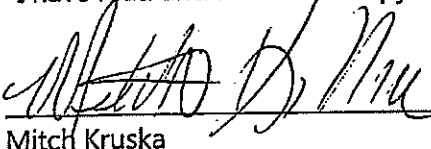
Sincerely,



Rick Crager, Assistant Superintendent
Office of Finance and Administration

cc: Sarah Drinkwater
Human Resources

"I have read and received a copy of this document."



Mitch Kruska

10/11/16
Date

LAW OFFICE OF
LARRY L.
LINDER, LLC

3000 MARKET STREET NE; SUITE 150
SALEM, OR 97301

TEL: (503) 585-1804
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LARRY L. LINDER (ATTORNEY)
LLINDER@SALEMEMPLOYMENTLAWYER.COM

DOUGLAS J. DAVIS (ATTORNEY)
DDAVIS@SALEMEMPLOYMENTLAWYER.COM

August 11, 2016

Via Hand Delivery

Serilda Summers-McGee
255 Capitol Street NE
Salem, OR 97310

Re: Mitch Kruska Response to Pre-Disciplinary Letter Dated July 27, 2016

Dear Mrs. Summers-McGee:

My office represents Mitch Kruska ("Kruska") with regards to his employment at the Oregon Department of Education ("ODE"). Please consider this letter a supplemental response, in addition to Kruska's statements at the hearing on August 11, 2016, to the pre-disciplinary letter referenced above.

Kruska has been an employee of ODE for approximately three years. During that time, there have previously been no allegations of sexually harassing conduct, homophobic remarks, or sexist comments in the workplace. Simply put, the allegations brought forth in this investigation are not consistent with Kruska's work history or his character. Throughout the pre-disciplinary document, it consistently states that Kruska was dishonest with the clear implication that the investigator believes [REDACTED] and [REDACTED] consequently disbelieving Kruska. However, on close examination of their responses to questions, and the clear bias given their romantic relationship, they should not be found credible.

The allegations denoted as "SUPPORTING FACTS" will be addressed in turn by paragraph. In paragraph 1, Kuska admits that on June 21, 2016 he received the phone number of [REDACTED] and [REDACTED]. In that same paragraph, you state that "you told Ms. Skiles you didn't remember any specific interaction with [REDACTED]. While inconsequential to the charges, that statement is inaccurate as, during Kruska's interview on July 5, 2016, he stated and the interview notes reflect that [REDACTED] approached Kruska at the social gathering to state she was leaving, that she gave him a side hug, and several times kicked his feet. It should also be noted that during this same time period, [REDACTED] gives inconsistent statements stating she has never had contact with Kruska in the past yet states that he was louder than normal. Without having contact with Kruska previously there would be no baseline to determine that he was louder or quieter than normal.

In paragraph 2 it states, "You told Ms. Skiles that after leaving the [REDACTED] you texted [REDACTED] and [REDACTED] to see about meeting up with them for drinks at another location." This statement is factually inaccurate. Kruska did not state he texted them. He stated that if he texted them he believes it would have been a group text.

With regards to specific texts that Kruska allegedly had with [REDACTED] over the course of the evening, Kruska has no recollection of the texts. In addition, his telephone records do not show text messages at all times he allegedly sent them to her. In support of Kruska's position, there is an allegation by [REDACTED] that there were missed calls from Kruska, that cannot provide documentary evidence to support that, and Kruska's phone records do not demonstrate that they occurred. One of the factors that appear to be used against Kruska is that he only provided what looked like a word processed copy of his phone log rather than some other variation. Kruska was not asked if it was a word processed document or a printout of the phone log. If the format of his evidence is the basis of not believing him, you could have addressed that with him and asked if he could provide it in another format.

In paragraph 3, it states that Kruska went to two bars with [REDACTED] and her significant other, [REDACTED]. Kruska provided statements consistently that he only went to one bar with them. The paragraph continues that Kruska made comments towards the LGBT community that [REDACTED] found derogatory but [REDACTED] did not. The paragraph concludes that "the investigation shows you did make comments about LGBT during the conversation." This conclusion can only be based upon the testimony of [REDACTED] and [REDACTED] who have a clear bias. Given their inconsistent testimony, their stories should not be believed and certainly are not a basis of alleging Kruska was dishonest during the investigation. It is alleged by [REDACTED] that after Kruska made these LGBT comments, [REDACTED] called Kruska a "homophobic motherfucker" and a racist. [REDACTED] the person allegedly making these comments did not make mention of these seemingly significant facts during her interview and the tenor of her interview does not support that she made these comments.

In paragraph 4, it addresses comments that Kruska allegedly made directed at a subordinate employee, [REDACTED]. Not only does Kruska deny making negative statements regarding [REDACTED] that "he put her in a box" or he "put that bitch in a box", it is also inconsistent with the facts making the comment even harder to believe. First, it seems like an important element that one of the witnesses uses the term "bitch" and the other did not. One could argue it was due to the passage of time, but given that they both started complaining about Kruska shortly after their interaction with him, an argument about passage of time lacks credibility. Second, the comments about putting [REDACTED] in a box do not even make sense. Kruska has been working with his supervisor, Sarah Drinkwater ("Drinkwater"), developing a position for [REDACTED] that works with both ODE and Oregon Youth Authority. Working to provide her this employment opportunity is anything but "put[ting] that bitch in a box." Simply stated, the allegation does not even make sense and the comment was not made.

In paragraph 5, the allegation implies Kruska allegedly "had a list" with [REDACTED] on it of women he wanted to have sex with. Kruska clearly denies making this statement. Further it goes against his historical employment record at ODE. It also makes no sense as [REDACTED] states that prior to June 21 she never had contact with Kruska.

In paragraph 6, the allegations are that, while the three of them were at the bar, Kruska slapped [REDACTED] on the buttocks and that the three of them left at the same time discounting Kruska's statements that they were not sitting in a row, [REDACTED] and [REDACTED] were hanging on each other, Kruska did not slap her on the buttocks, and Kruska was uncomfortable so he paid his bill and left. This allegation is another basis for stating that Kruska was untruthful in the investigation. However, when you look at the testimony presented by [REDACTED] and [REDACTED] there are serious credibility issues. [REDACTED] states that Kruska slapped both [REDACTED] and [REDACTED] on the buttocks. Somehow, [REDACTED] does not state that she was slapped on the buttocks; something you would expect her to remember. This lack of a critical fact calls into question both of their statements. In addition, their allegation that they left with Kruska is suspect. [REDACTED] states that, after her interaction with Kruska at the bar, where he was hitting on her, making offensive

Letter to Summers-McGee.

August 11, 2016

Page 3

statements, and slapping them both on the buttocks, they then left the bar with Kruska. Why would they leave the bar and, as [REDACTED] states, walk with him for a bit and then go to their hotel if he had engaged in this conduct. Further, the story of them going back to their hotel room is called into question, because [REDACTED] stated they went and met up with [REDACTED] after leaving Kruska which is consistent with [REDACTED] statement and not consistent with going back to their hotel.

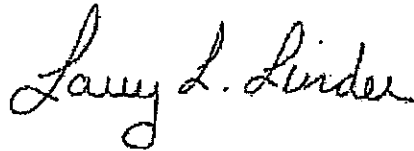
In paragraph 7, the allegation is that Kruska sent a text (which does not show up on his phone log) to [REDACTED] stating, "Thank you that was fun." Kruska does not remember sending the text and his phone logs support that it was not sent by him. If he had sent the text, [REDACTED] emoticon response does not denote anger, hostility, or that Kruska acted offensively towards her.

In paragraph 8, it talks about Kruska's demeanor during his interview. Kruska admits that he was extremely frustrated regarding being interviewed for this alleged conduct as he has never had allegations like this leveled against him. He also agrees that he could have handled the situation in a more professional manner. With regards to the second half of the paragraph, it again states Kruska was dishonest with the basis for that being that you believe [REDACTED] and [REDACTED] and therefore disbelieve Kruska. Kruska has no history of engaging in sexually harassing conduct. In fact, Kruska is confident that if his subordinates that travel with him [REDACTED] and [REDACTED] were interviewed, they would corroborate that Kruska does not engage in this type of conduct.

Kruska did not engage in the conduct he is accused of regarding sexual harassment, homophobic statements, and sexist statements. Kruska does agree that he put himself in a difficult situation by allowing himself to be alone at a bar with two females after hours, one of which works for ODE. In the future, he will not allow himself to be placed in that situation. For that reason, Kruska would accept a letter of instruction regarding being alone with the opposite sex and instructing him not to engage in the type of behavior that has been alleged here. Kruska's conduct of putting himself in this difficult situation does not warrant discipline. In addition, it is unnecessary as Kruska has agreed he will not put himself in that situation in the future. Thank you for your attention to this matter. If you require any additional information, please advise.

Sincerely,

LAW OFFICE OF LARRY L. LINDER, LLC



Larry L. Linder

cc: Mitch Kruska

SKILES Deb - ODE

From: STEWART Chris - ODE
Sent: Friday, August 19, 2016 9:46 AM
To: SKILES Deb - ODE
Subject: Delivery of Letter

I delivered the pre-disciplinary letter to Mitch on July 27, 2016, in a closed door meeting in Sarah Drinkwater's office. When Mitch began reading the letter he stated, "This is all bullshit." and threw the letter down on the table.

Chris Stewart | Human Resource Analyst

Oregon Department of Education | 255 Capitol Street NE | Salem, OR 97310
Ph: 503.947.5846 | Fax: 503.378.5156
Email: chris.stewart@state.or.us | Web: <http://www.ode.state.or.us>

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SKILES Deb - ODE

From: KRUSKA Mitch - ODE
Sent: Thursday, October 13, 2016 11:14 AM
To: CRAGER Rick - ODE
Cc: DRINKWATER Sarah - ODE; SKILES Deb - ODE
Subject: Attachment to Letter

Rick,

I am formally requesting that the attorney letter that I provided to ODE be attached to the letter I received yesterday when the letter is placed in my file.

Mitch Kruska-

Director
Educational Programs, Secondary Transition & Alternate Assessment
Student Services Unit
Oregon Department of Education
☎ 503.947.5634 | ☎ 971-273-9170 | ✉ mitch.kruska@state.or.us

"Ultimately our worth can only be determined by how much we value ourselves"

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per Brenna Lopez, this is fine

*DS
10/17/2016*

10/4/2010 3pm

Rick Creager, Sarah Drinkwater, Brenda Lopez DOJ,
Deb, Mitch Knutke

RC intro'd purpose of mtg

MK written stmts to read

all allegations are false

not corroborated by ^{mtg} past behavior

behavior during mtgs ~~is~~ yes (HR + SD)

his atty's previous ltr stands

no pattern of behavior

professionalism is above reproach

behavior doesn't support disc

agrees lot appropriate

resp asks be brought to closure ASAP

RC anything further?

MK nothing

—end 3:06p

SKILES Deb - ODE

From: KRUSKA Mitch - ODE
Sent: Monday, October 10, 2016 4:03 PM
To: SKILES Deb - ODE
Subject: RE: Interaction with [REDACTED]

Deb,

I need to revise my statement. I added the following to the statement: "I did not see again during the conference."

Mitch Kruska-

Director
Educational Programs, Secondary Transition & Alternate Assessment
Student Services Unit
Oregon Department of Education
☎ 503.947.5634 | ☎ 971-273-9170 | ✉ mitch.kruska@state.or.us

"Ultimately our worth can only be determined by how much we value ourselves"

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From: SKILES Deb - ODE
Sent: Monday, October 10, 2016 10:53 AM
To: KRUSKA Mitch - ODE
Subject: RE: Interaction with [REDACTED]

Thank you.

From: KRUSKA Mitch - ODE
Sent: Monday, October 10, 2016 10:43 AM
To: SKILES Deb - ODE
Cc: CRAGER Rick - ODE; DRINKWATER Sarah - ODE
Subject: RE: Interaction with [REDACTED]

Deb,

On Thursday October 6th at approximately 9:30, I was crossing the lobby at the conference center and [REDACTED] approached me. Her demeanor was very positive and she was smiling at me. As she approached me she said "Hi, how are you?" and it was clear she was attempting to strike up a conversation with me. I responded by looking past her and kept on walking. It was clear that she did not appear offended by seeing me, that she was not uncomfortable and in fact it appeared she was wanting to talk to me. I considered this extremely unusual and not how a reasonable person would respond to someone who had done what she has accused me of. I reported this encounter to my direct supervisor Sarah Drinkwater at the conference later that day and also to Rick Crager when I returned to the office Friday afternoon October 7th. I did not see again during the conference.

Mitch Kruska-

Director
Educational Programs, Secondary Transition & Alternate Assessment
Student Services Unit
Oregon Department of Education
☎ 503.947.5634 | ☎ 971-273-9170 | ✉ mitch.kruska@state.or.us

"Ultimately our worth can only be determined by how much we value ourselves"

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From: SKILES Deb - ODE
Sent: Monday, October 10, 2016 9:25 AM
To: KRUSKA Mitch - ODE
Cc: CRAGER Rick - ODE
Subject: Interaction with [REDACTED]

Mitch,

I understand you had an interaction with [REDACTED] at a conference last week. Would you please provide me a brief write-up of that interaction? I would appreciate receiving that by close of business Wednesday, October 12. You can either send an email or do a hard-copy document. Thanks.

Deb

Deb Skiles | Human Resources Analyst

Oregon Department of Education | 255 Capitol Street NE | Salem, Oregon 97310
Ph: 503.947.5770 | Fax: 503.378.8162
Email: deb.skiles@ode.state.or.us | Web: <http://www.ode.state.or.us>

Pre-discipline mtg - knuska
8/11/2016 2:00pm 1:55p

In attendance:

- Mitch Knuska, Larry Linder atty
- Senida, Sarah, Brenna Lopez-DAJ, Deb

SM - intro to mtg

- keep voices inside level and prof + respectful language

MK - has stmts + comments to make

- apology to SD + DS on day of investigation
- angry, frustrated, insulted
- this is not typical behavior on his part
- never been accused of this behavior in past
- didn't remember sending text but doesn't deny saying it
- phone records are an accurate reflection as requested
- never spoke about [redacted] to the 2 women. he was trying to walk up [redacted] as creating a formal job w/ OYA. Undermines the false allegation
- never said to anyone he has a list. Always treats all men + women - respectfully. Never touched either woman
- his history supports him
- never will ~~make~~ meet w/ a single female

Mk employee again

Mk - presented a letter from
- doesn't remember using any explosives when
Chris gave Mitch the letter to sign

SSM will give a response to Mk by 4/1 at
latest.

end @ 2:05

< Messages

Details

iMessage
Tue, Jun 21, 9:03 PM

Where are you guys 9:03 PM

It's Mitch where are you guys 9:27 PM

Hey Mitch, we are at
[redacted] and [redacted] is on
the way 9:28 PM

Sorry I did not recognize
your phone 9:28 PM

I figured as much 9:28 PM

Tue, Jun 21, 11:39 PM

Thank you that was fun 11:39 PM

Wed, Jun 22, 8:22 AM

 8:22 AM
Delivered



iMessage



Verizon

7:01 AM

* 100%

Messages

Details

Yesterday 1:43 PM

The text is very interesting. I'm very interested in the missed calls. I just learned by looking at my account record on line that you can get a list of all calls to and from your phone. It shows the number, time, and duration. Would you be able to check online to see if the info is there showing Mitch called you? It would be helpful to me. Deb

My phone is on my partners account - we will check



iMessage



Verizon

10:37 AM

96%

Messages

Details

I figured as much

Tue, Jun 21, 11:33 AM

Thank you that was fun

Wed, Jun 22, 10:22 AM

Delivered

For some reason, my phone's recent calls end on June 24th, so I am unable to see my phone's missing calls prior to the 24th; however what I conveyed to you is accurate and these texts confirm. Thank you,

Thanks, this is helpful.
Deb

Delivered



iMessage



< Messages

Details

My phone is on my partners account - we will check

I would appreciate it

Friday 10:26 AM

hope you are doing well.

As I'm reviewing the information I've gathered, I see it would be helpful to have

perspective. She is the only other person who was there with you and Mitch. She would be able to substantiate what I've been told.

If she is willing to meet



iMessage



[redacted] perspective. She is the only other person who was there with you and Mitch. She would be able to substantiate what I've been told.

If she is willing to meet with me, I will come to [redacted] to meet with her (and you, if you want to be there). I am available to meet Monday between noon and 5. I'm also available Tuesday 8-3.

Thanks for your consideration.

Deb

Delivered



iMessage



< Messages

Details

Time with me is that is
your preference. Would
sometime Tuesday
before 3:30 work?

Sure. My number is
Just tell
me when you'd like to
call

Is 7:30 too early? If so
how about 8 or 8:30?

8 or 8:30 works - I need
to drop off my car at the
shop prior - talk then.
Have a good evening

Thanks so much. I'll call
at 8:30.

Delivered



Message



[REDACTED]

June 28, 2016 7:15a

- ① how long worked for ODE
- ② what has been your contact with Mitch in past
- ③ what happened Tuesday, June 21
 where were you
 who else was there
 what did Mitch say
 what did Mitch do
- ④ who did you tell? when? why?
- ⑤ Did Mitch say anything about [REDACTED]
- ⑥ Had Mitch been drinking? How do you know
- ⑦ anything else you think I should know about
- ⑧ anyone you think I should talk with
- ⑨ anything else you want to tell me
- ⑩ please don't talk w/ coworkers about this while I'm locking into it
- ⑪ retaliation - please report if you feel it is happening

① worked since Feb 2016

② no contact in the past

③ [REDACTED]

[REDACTED] conference [REDACTED] + [REDACTED]

social gathering @ 5:30-6p

ran into [REDACTED] Mitch, [REDACTED]

[REDACTED]

Mitch came up. You're leaving

2/4

Mitch was drinking heavily (big container)

Mitch louder than usual

Mitch asked for her # + she gave it - in case of job

[redacted] was there

[redacted] in [redacted] - she + partner there, 8 or 9pm

waiting for [redacted] tested her,

got phone call - didn't answer

got text - where are you

got phone, answered, this is Mitch, he came up

[redacted] called, not coming

Mitch didn't acknowledge her partner, [redacted]

tried 2-3 times

they were going somewhere else, Mitch invited himself

Mitch was drinking alot, 3 of them there

[redacted] was talking w/ Mitch, transgender people

Mitch relayed when he was an admin, told parent to deal w/ it himself

[redacted] told Mitch she + [redacted] were gay + together

Mitch was "really"

Mitch - lesbians aren't really gay, they are just desperate.

[redacted] didn't respond, tried to change ~~topic~~ topic

do you work w/ [redacted]? M - yes I'm her

boss [redacted] - expressed concern about [redacted]

M - I put that bitch in the box, made severe

[redacted] left
+ went to
[redacted]

missed
calls

3/4

she didn't have any thing todo. You can't fire them

conv about racial inequity - M said he doesn't like the trans orgs are having. Can't help

██████████ called Mitch a homophobic MF.

he called her big, almost like a man

██████████ called him a racist. M didn't

Mitch said he likes beautiful strong women.

He said ██████████ was on his list. She didn't respond - ignored Mitch's strut

As ██████████ get up, Mitch slapped her butt + ██████████ too. Mitch walked with them a bit, then they went to their hotel + Mitch went to his - they pointed him to ~~the~~ his hotel

She has been in US 20 yrs, lots of bigotry in Eastern Europe, interaction w/ Mitch brought back some trauma

feels like M could retaliate "bitch in box" comment M said lots of inappropriate things but she was most upset about ██████████ comments

Plastered - he

This shouldn't be happening, insulting people for who they are

doesn't think this was out of character, he sought her out, asked for #, sought her out, the way he "loves multiple women", not out of character

4/4

- he must really think + feel this way. Not out of character. How he feels about racial + LB + people
- shared w/ [redacted] last week, friend / close w/ [redacted]
- talked w/ Sarah, need to have good people
- not sure if M has influence on her job in [redacted]
- moral + ethical respon to give me this info
- [redacted] told [redacted] + [redacted]

end 7:53am

1/2

[redacted]

6/29/2016 8:03a
via phone [redacted]

2nd day - Wed - [redacted] attend
after day over,

[redacted] + [redacted] talked - [redacted] to [redacted] (Mitch)
[redacted] to [redacted]: "I called one of your doctors a
"wino phobe" [redacted] said, "Oh I'm not surprised"

[redacted] said "don't be talking about that" to
[redacted]

[redacted] did not talk w/ [redacted] at all about this

end 8:07am

[REDACTED]
[REDACTED]

→ re text sent Friday, 7/8/2016
7/11/2016 9:59am

left VM asking if she had thought about my
request to meet w/ [REDACTED] today or tomorrow

[redacted] by phone

9-8-2016 7:33am

When left [redacted] they went to another bar but she doesn't remember the name. She had been there before and they liked the games so want back

Mitch hugged her several times. She didn't initiate hugging with Mitch. She didn't feel comfortable saying no b/c Mitch was a manager at D.F. She didn't know what to do so didn't do anything.

Thought he did slaps [redacted] but it's been a long time now since it happened

end 7:38a

Questions for [REDACTED]

- When we spoke on June 28, 2016, about your interactions with Mitch in [REDACTED] you told me you and [REDACTED] were at [REDACTED] when Mitch joined you.

* my notes say you and [REDACTED] were going to go some where else and Mitch invited himself to join you. Where did you go when you left [REDACTED]?

- Would you please let [REDACTED] know I have a couple of ~~you~~ follow-up questions for her as well?
Thanks.

* Mitch ~~reported~~ said, while at the social event at the brewing company, you came up to him and side-hugged him. Do you recall if you did this?

* ~~You told me~~ My notes show you reported Mitch slapped you and [REDACTED] on the buttocks. [REDACTED] told me ~~she~~ Mitch slapped you on the buttocks but didn't say he ~~slap~~ did the same to her. Do you remember seeing Mitch do this?

[redacted]

June 28, 2016 10:30

- [redacted] talked w [redacted], "I'm upset"
- [redacted] + [redacted] + Mitch at [redacted]
- M drinking a lot
- M has a list of women he wants to sleep with
- [redacted] was on his list
- lots of profanity, Mitch drunk
- M has been w/ other women, wife knows, wife doesn't like it
- M slapped their asses
- M tried to touch [redacted] breast
- M doesn't understand: "partner,"
- M: you guys are fking lesbians, desperate
- M fumbled [redacted], "you feel like a man"
- M - "I have that bitch in a box" she doesn't have much to do, M deliberately gave her nothing to work on
- M "I hate that bitch"
- [redacted] would ask [redacted] if she could help with things, Mitch has not given any assignments
- M doesn't talk w [redacted] in her kitchen
- [redacted] doesn't have much interaction w/ Mitch
- M likes to be dominant and being right
- M pushes, she pushes back + M backs down
- number he drinks a lot
- saw M on Tues eve, he was drinking

some SS staff travel w/M

[redacted] & [redacted]

[redacted] said she screamed this w/ [redacted] almost immediately + [redacted] laughed and said "I'm not surprised"

✓/this
→
[redacted] denies
telling [redacted]

[redacted] + [redacted] talked on Friday
- fear of retaliation ^{by Mitch} from [redacted] & [redacted] etc by M

- "People take me up to HR all the time"

- how can HR handle it?

- M has gone to [redacted] on what she has given to [redacted] (M to archives)

- Thurs am - M said "I haven't gotten the info & asked about [redacted]"

end 11:15

SKILES Deb - ODE

From: [REDACTED]
Sent: Monday, July 11, 2016 1:52 PM
To: SKILES Deb - ODE
Subject: Re: Text messages

I didn't suspect anything at that time, so I did give him my cell number [REDACTED]

Is there something I need to worry about? I have not been in the office for a week because I am out with pneumonia and still out.

Thanks,
[REDACTED]

From: SKILES Deb - ODE
Sent: Monday, July 11, 2016 11:30 AM
To: [REDACTED]
Subject: RE: Text messages

What number did you give him? Thanks.

Deb

From: [REDACTED]
Sent: Monday, July 11, 2016 10:08 AM
To: SKILES Deb - ODE
Subject: Re: Text messages

Hi Deb,

He didn't text message me, but while at the gathering with everyone on 6/21 after the conference he asked [REDACTED] and I for our cell phone numbers while sitting at a table together and added them into his cell phone. That was the first time he had asked me for my cell number.

Thanks,
[REDACTED]

From: SKILES Deb - ODE
Sent: Monday, July 11, 2016 7:12 AM
To: [REDACTED]
Subject: Text messages

Good morning [REDACTED]

While you were in [REDACTED] on June 21, did you get any text messages from Mitch? If so, would you please send me a screen shot of them if you still have them? Thanks.

1/5

Mitch Kruska

7/5/2016 7:30 (approx 7:35)

Search D's office

Present - Mitch, Search, me

- inappropriate comments about LGBT people
- inappropriate comment about [REDACTED]
- inappropriate touching of [REDACTED]

- at [REDACTED], arrived Mon pm

PSO thing on Tuesday

NO thing all day Wed

not at [REDACTED] on Tuesday

was at [REDACTED] function

[REDACTED] [REDACTED] [REDACTED]

Mitch heard
lots of profanity
from [REDACTED]

[REDACTED] approached him, telling him she was leaving

[REDACTED] share also, ^(in general) talked to [REDACTED], etc. Don't

remember spec interaction w [REDACTED]

→ told him allegations - he seemed surprised - thought it was ^{some} ^{else's} ^{was}

inappropriately touch [REDACTED] "Bullshit", never touched

her, she nugged him, never touched [REDACTED]

→ [REDACTED] has lied to her director, she was inappropriate

at the social

* took a minute, he is fucking pissed, get this over

branch went [REDACTED] muted Mitch together

→ Mitch went back to hotel, texted [REDACTED] [REDACTED]

[REDACTED] gave # to Mitch at [REDACTED], he gave his # to [REDACTED]

doesn't remember where he went
[redacted] and some woman was there, [redacted] said others
weren't coming, none else showed up

? [redacted] said she got a text that [redacted] wasn't
coming

[redacted] doesn't remember who introduced [redacted]
[redacted] didn't say she was lesbian, another woman
did. She said she was an oceanographer at
OSU. ^{introduces herself as} As a vegetarian lesbian

[redacted] + other women started hanging out each other.
So he paid his bill and left. They ~~was~~ were
"behind" him, they may have paid bill at
same time, doesn't know. Uncomfortable

Didn't say "lesbians aren't gay" fucking stupid,
wouldn't make a comment. Has never made
comments about gay & lesbian people

No memory about [redacted]. Denies making [redacted]
comments. Complete bullshit.

May want to stop get an attorney. Wants to not
make

These are all lies!

nothing about equity training

no comment about [redacted] on his list and he likes strong beautiful women. Bullshit!

not close enough to touch either of them when he left. Didn't touch either at the bar after stood btwn him + women. [redacted] was standing by other woman. Didn't touch either of them.

women were still sitting at bar when he paid his bill and left. Doesn't know if they were behind him or when they paid bill

- [redacted] lied - Mitch get email that [redacted] resigned, [redacted] was happy. [redacted] said [redacted] said [redacted] reached out to her, recruited her. [redacted] said no, she applied, they didn't recruit her. Either [redacted] or [redacted] lied. [redacted] told Mitch to his face [redacted] didn't recruit her.

- [redacted] lots of profanity at social
[redacted] walked by several times, kicked his feet, smiled at him, [redacted] came up to him and side-hugged him. Everything [redacted] came near him, she want to put her arm around him. No one else came to the to report touching (after mitch asked)

4/5

Bullshit - he didn't touch them or butt when they stood up. Absolute lie

██████████ side-hugged her him

██████████ said no ██████████ didn't recruit her

left and went to hotel from ██████████ social, talked w/ ██████████ about drinks after social

→ 35-40 mins at social, went to hotel, texted ██████████ + ██████████ b/c hadn't heard anything.

Mitch ask ██████████ for # + ██████████ offered her #

██████████ He texted ██████████ "where are you," ██████████ responded
Set went to bar, sat w/ beer stand b/c fun them.

██████████ got text from ██████████ he isn't coming.

At no pt any talk about ██████████ or lesbians.

They did most of the talking

be clear - no truth to any of this

women w/ ██████████ was very militant, derogatory about men, he was uncomfortable

Denied other woman called him a homophobic MF
this is a complete absolute lie. No reason for her to say this to Mitch.

5/5

did he call [REDACTED] - no didn't call [REDACTED]

→ duty station at home
explained process

wants to have mtg w/ Sarah b4 he returns. Concern
the allegations will damage his...
wants to meet w/ Sarah

If [REDACTED] shares this bullshit w/ anyone, he may
have to sue her for defamation.

end 8:31am

[redacted] afterward
- she will inactivate Mitch's computer access
- never has ~~not~~ seen Mitch like this

9:15 7/5/2016

left VM for [redacted] on her cell number [redacted]
asking for a screen shot of the missed calls from
Mitch to [redacted] cell #

→ ask for Mitch's text exchange + call log

7/6/2016

9:57 am

VM from Mitch Kruska

→ [REDACTED] (personal cell)

VM: Is there any update? Please call.

returned call @ 10:25 am. No update from me. How long before I have info? Probably Monday at soonest. Anything I need from him? Not right now but I may contact him if there are ~~under~~ unanswered questions. What about access to his work email? ~~Can~~ has no access at this. He has some POP^s things - what about them? Is he restricted from talking with anyone about work, or just about the investigation? Should only talk w/me or Sarah. He can contact Sarah about his concerns re his email in case she wants to grant limited access.

per Sarah

MITCH has 2 phones - work and phone
work phone #. 7/8/2016 per Sarah, Mitch turned in
his work cell some time ago and has only ~~the~~
his personal cell that she is aware of.

~~MITCH~~ left

Friday

7/8/2016 mid-morning

VM from Mitch

[REDACTED]

VM: any update?

7/11/2016

I returned his call + left VM. Wanted to meet w/ him and Sarah Monday morning @ Broadway Coffee house at 9:00. Please respond letting me know he got msg.

7/11/2016 - no msg or email from Mitch about the mtg.

Mitch + Sarah
7/1/2016 9:00am

[redacted] @social
[redacted] @social

- I think I texted everyone, group text to [redacted] + [redacted]
- would have been [redacted] or [redacted]? not [redacted]
- doesn't remember

- text from [redacted] phone? what does he recall about this
- doesn't remember sending the text, ^{now} went into his bill, and doesn't know to respond
- no one else had access to the ^{cell} phone was very uncomfortable so he left [redacted]
- doesn't remember they were at [redacted]
- doesn't remember sending the msg

Mitch leaves ^{for} 2 hrs vacation on ~~Wed~~ ^{Thurs}, I will let him know by COB wed of where we are going on Thurs action

and 9:20a

Mitch



7/13/2016 8:00

- ① completed investigation
- ② ^{we} will not pursue dismissal
- ③ we will initiate a disciplinary process after he returns from vacation
- ④ he will return to the office when vacation is over
- ⑤ disciplinary process will ~~include~~ be a letter outlining the charges/facts; there will be a mtg w/SSM + Scavone; a decision on level of discipline will be made after that mtg; the decision will be in writing.

when does Mitch return from vacation? 7/26/2016

SKILES Deb - ODE

From: [REDACTED]
Sent: Tuesday, July 05, 2016 6:15 PM
To: SKILES Deb - ODE
Subject: Re: Phone screen shots
Attachments: Phone Bill.docx

Deb,

Attached is a document that shows my entire phone usage history for June 19,20, and 21. Please note that I was mistaken and do not show any history with [REDACTED] phone number. Unfortunately, my phone does not save history this old and I regularly delete text messages except to my immediate family so this is all I have.

From: SKILES Deb - ODE <deb.skiles@state.or.us>
Sent: Tuesday, July 5, 2016 11:31 PM
To: [REDACTED]
Subject: Phone screen shots

Mitch,

Would you please e-mail me screen shots from your phone of:

1. Your call log for June 21, 2016
2. Your text messages with [REDACTED] on June 21, 2016

Thank you.

Deb

Deb Skiles | Human Resources Analyst

Oregon Department of Education | 255 Capitol Street NE | Salem, Oregon 97310
Ph: 503.947.5770 | Fax: 503.378.8162
Email: deb.skiles@ode.state.or.us | Web: <http://www.ode.state.or.us>

06/21/2016 09:30PM	503.810.1569
06/21/2016 09:29PM	503.810.1569
06/21/2016 09:29PM	503.810.1569
06/21/2016 09:02PM	503.998.8097
06/21/2016 09:00PM	503.998.8097
06/21/2016 08:21PM	541.706.1966
06/21/2016 08:13PM	541.913.9765
06/21/2016 08:10PM	541.706.1966
06/21/2016 07:01PM	503.810.1569
06/21/2016 06:51PM	503.810.1569
06/21/2016 03:35PM	32665
06/21/2016 01:31PM	--
06/21/2016 10:31AM	--
06/21/2016 01:08AM	--
06/20/2016 11:35PM	--
06/20/2016 09:35PM	--
06/20/2016 08:42PM	503.810.1569
06/20/2016 06:31PM	503.810.1569
06/20/2016 04:24PM	--
06/20/2016 08:42PM	503.810.1569
06/20/2016 06:31PM	503.810.1569
06/20/2016 04:24PM	--
06/19/2016 09:12PM	--
06/19/2016 08:12PM	--
06/19/2016 08:11PM	--
06/19/2016 05:13PM	--
06/19/2016 10:42AM	--

148	21-Jun	11:55 PM		Web
149	21-Jun	11:50 PM		Web
150	21-Jun	11:45 PM		Web
151	21-Jun	9:31 PM		Web
152	21-Jun	9:30 PM	503.810.1569	TextMessaging
153	21-Jun	9:29 PM	503.810.1569	TextMessaging
154	21-Jun	9:29 PM	503.810.1569	TextMessaging
155	21-Jun	9:02 PM	503.998.8097	TextMessaging
156	21-Jun	9:00 PM	503.998.8097	TextMessaging
157	21-Jun	8:21 PM	541.706.1966	TextMessaging
158	21-Jun	8:13 PM	541.913.9765	TextMessaging

159	21-Jun	8:10 PM	541.706.1966	TextMessaging
160	21-Jun	7:01 PM	503.810.1569	TextMessaging
161	21-Jun	6:51 PM	503.810.1569	TextMessaging
162	21-Jun	3:35 PM	32665	TextMessaging
163	21-Jun	1:31 PM		Web
164	21-Jun	10:31 AM		Web
165	21-Jun	1:08 AM		Web
166	20-Jun	11:35 PM		Web
167	20-Jun	9:35 PM		Web
168	20-Jun	8:42 PM	503.810.1569	MultimediaMessaging
169	20-Jun	6:31 PM	503.810.1569	TextMessaging
170	20-Jun	4:24 PM		Web
171	19-Jun	9:12 PM		Web
172	19-Jun	8:12 PM		Web
173	19-Jun	8:11 PM		Web
174	19-Jun	5:13 PM		Web
175	19-Jun	10:42 AM		Web
176	19-Jun	10:39 AM		Web
177	19-Jun	5:06 AM		Web

SKILES Deb - ODE

From: SKILES Deb - ODE
Sent: Wednesday, August 31, 2016 7:13 AM
To: [REDACTED]
Subject: RE: Phone screen shots

Mitch,

My original request was for screen shots from your phone of your cell phone call log for June 21, 2016 and for your text messages with [REDACTED] on June 21, 2016. The document you attached in response to my request appears to be a Word document (Phone Bill.docx).

I am now requesting a copy of your phone bill for the period that includes June 21, 2016. Please provide a copy of the bill at your earliest convenience. Thank you.

Deb

From: [REDACTED]
Sent: Tuesday, July 05, 2016 6:15 PM
To: SKILES Deb - ODE
Subject: Re: Phone screen shots

Deb,

Attached is a document that shows my entire phone usage history for June 19,20, and 21. Please note that I was mistaken and do not show any history with [REDACTED] phone number. Unfortunately, my phone does not save history this old and I regularly delete text messages except to my immediate family so this is all I have.

From: SKILES Deb - ODE <deb.skiles@state.or.us>
Sent: Tuesday, July 5, 2016 11:31 PM
To: [REDACTED]
Subject: Phone screen shots

Mitch,

Would you please e-mail me screen shots from your phone of:

1. Your call log for June 21, 2016
2. Your text messages with [REDACTED] on June 21, 2016

Thank you.

Deb



MITCHELL KRUSKA



Page: A-32 of 38
Bill Cycle Date: 06/08/16 - 07/07/16
Account: [Redacted]
Foundation Account: [Redacted]

Visit us online at: www.att.com



Data Detail - Continued

Time	To/From	Type/Unit	Rate Code
Text Messages:			
Tuesday, 06/14			
04:54p	Rcvd	Text Message	MSGF 0.00
04:54p	Rcvd	Text Message	MSGF 0.00
04:56p	Sent	Text Message	MSGF 0.00
04:57p	Rcvd	Text Message	MSGF 0.00
04:57p	Sent	Text Message	MSGF 0.00
04:58p	Rcvd	Text Message	MSGF 0.00
04:58p	Sent	Text Message	MSGF 0.00
Friday, 06/17			
09:15a	Rcvd	Text Message	MSGF 0.00
09:15a	Rcvd	Text Message	MSGF 0.00
09:15a	Rcvd	Text Message	MSGF 0.00
10:47a	Rcvd	Text Message	MSGF 0.00
11:15a	Sent	Text Message	MSGF 0.00
11:37a	Rcvd	Text Message	MSGF 0.00
11:47a	Sent	Text Message	MSGF 0.00
11:48a	Rcvd	Text Message	MSGF 0.00
11:48a	Rcvd	Text Message	MSGF 0.00
03:23p	Sent	Text Message	MSGF 0.00
03:23p	Sent	Text Message	MSGF 0.00
03:23p	Sent	Text Message	MSGF 0.00
03:29p	Rcvd	Text Message	MSGF 0.00
03:29p	Rcvd	Text Message	MSGF 0.00
03:29p	Rcvd	Text Message	MSGF 0.00
03:31p	Sent	Text Message	MSGF 0.00
03:33p	Rcvd	Text Message	MSGF 0.00
03:33p	Rcvd	Text Message	MSGF 0.00
Saturday, 06/18			
10:38a	Rcvd	MTH TEXT MESSAG	MSGF 0.00
Monday, 06/20			
06:31p	Sent	Text Message	MSGF 0.00
Tuesday, 06/21			
03:35p	Rcvd	32665 Text Message	MSGF 0.00
06:51p	Sent	503-810-1569 Text Message	MSGF 0.00
07:01p	Rcvd	503-810-1569 Text Message	MSGF 0.00
08:10p	Rcvd	541-706-1966 Text Message	MSGF 0.00
08:13p	Rcvd	541-913-9765 MTH TEXT MESSAG	MSGF 0.00
08:21p	Rcvd	541-706-1966 Text Message	MSGF 0.00
09:00p	Rcvd	503-998-8097 MTH TEXT MESSAG	MSGF 0.00
09:02p	Rcvd	503-998-8097 MTH TEXT MESSAG	MSGF 0.00
09:29p	Rcvd	503-810-1569 Text Message	MSGF 0.00
09:29p	Rcvd	503-810-1569 Text Message	MSGF 0.00
09:30p	Sent	503-810-1569 Text Message	MSGF 0.00
Wednesday, 06/22			
08:58a	Sent	Text Message	MSGF 0.00
Thursday, 06/23			
04:45p	Sent	Text Message	MSGF 0.00
Friday, 06/24			
10:43a	Sent	Text Message	MSGF 0.00
10:51a	Rcvd	Text Message	MSGF 0.00

Time	To/From	Type/Unit	Rate Code
Text Messages			
Friday, 06/24			
10:56a	Sent	Text Message	MSGF 0.00
10:56a	Rcvd	Text Message	MSGF 0.00
10:56a	Rcvd	Text Message	MSGF 0.00
10:58a	Sent	Text Message	MSGF 0.00
10:58a	Rcvd	Text Message	MSGF 0.00
10:59a	Sent	Text Message	MSGF 0.00
11:05a	Rcvd	Text Message	MSGF 0.00
01:28p	Sent	Text Message	MSGF 0.00
01:28p	Rcvd	Text Message	MSGF 0.00
03:24p	Sent	Text Message	MSGF 0.00
Saturday, 06/25			
09:06a	Rcvd	MTH TEXT MESSAG	MSGF 0.00
09:08a	Sent	MTH TEXT MESSAG	MSGF 0.00
09:24p	Rcvd	Text Message	MSGF 0.00
Sunday, 06/26			
12:08p	Rcvd	Text Message	MSGF 0.00
01:09p	Sent	Text Message	MSGF 0.00
01:09p	Sent	MTH TEXT MESSAG	MSGF 0.00
Monday, 06/27			
06:07a	Rcvd	MTH TEXT MESSAG	MSGF 0.00
07:39a	Rcvd	MTH TEXT MESSAG	MSGF 0.00
08:02a	Rcvd	MTH TEXT MESSAG	MSGF 0.00
09:03a	Rcvd	Text Message	MSGF 0.00
09:04a	Rcvd	Text Message	MSGF 0.00
09:06a	Rcvd	MTH TEXT MESSAG	MSGF 0.00
03:34p	Sent	Text Message	MSGF 0.00
03:54p	Rcvd	Text Message	MSGF 0.00
03:54p	Sent	Text Message	MSGF 0.00
04:00p	Rcvd	Text Message	MSGF 0.00
04:33p	Rcvd	MTH TEXT MESSAG	MSGF 0.00
04:33p	Rcvd	MTH TEXT MESSAG	MSGF 0.00
05:31p	Rcvd	MTH TEXT MESSAG	MSGF 0.00
Tuesday, 06/28			
08:07a	Rcvd	Text Message	MSGF 0.00
08:20a	Sent	Text Message	MSGF 0.00
08:24a	Rcvd	Text Message	MSGF 0.00
08:34a	Sent	Text Message	MSGF 0.00
09:06a	Sent	Text Message	MSGF 0.00
11:32a	Rcvd	Text Message	MSGF 0.00
11:35a	Rcvd	Text Message	MSGF 0.00
03:23p	Rcvd	Text Message	MSGF 0.00
05:59p	Rcvd	Text Message	MSGF 0.00
06:00p	Sent	Text Message	MSGF 0.00
07:02p	Rcvd	Text Message	MSGF 0.00
Wednesday, 06/29			
08:22a	Rcvd	Text Message	MSGF 0.00
08:34a	Sent	Text Message	MSGF 0.00
08:34a	Rcvd	Text Message	MSGF 0.00
08:43a	Rcvd	Text Message	MSGF 0.00
10:41a	Sent	Text Message	MSGF 0.00
10:43a	Rcvd	Text Message	MSGF 0.00
10:43a	Sent	Text Message	MSGF 0.00

Investigative Report
Mitch Kruska
Student Services
Allegations of Inappropriate Conduct June 2016

Report Date: July 20, 2016

Investigator: Deb Skiles

I. Introduction

On June 27, 2016, Sarah Drinkwater, Assistant Superintendent for the Office of Student Services (OSS), informed me she had received information on Sunday, June 26, 2016, that one of her directors, Mitch Kruska, Director of Education Programs, Secondary Transition, & Alternate Assessment, may have been inappropriate with [REDACTED] Special Education Specialist in OSS, in [REDACTED] on June 21, 2016 while attending a business conference, the [REDACTED] conference.

Sarah said she was contacted on June 26, 2016 by [REDACTED] OSS education program specialist in Early Intervention-Early Childhood Special Education. [REDACTED] told Sarah that [REDACTED] informed [REDACTED] during the business conference that Mitch had said inappropriate things to [REDACTED] and her partner and had touched [REDACTED] inappropriately. [REDACTED] suggested Sarah contact [REDACTED] and Sarah did so.

[REDACTED] told Sarah that Mitch was very drunk, made disparaging remarks to [REDACTED] about lesbians, gays, bisexuals, and transgenders (LGBT), slapped [REDACTED] on the butt, and said about [REDACTED] OSS education program specialist, that he "put that bitch in a box." [REDACTED] is lesbian. [REDACTED] is a member of the National Guard and has frequently been called to duty on military orders while Mitch has been her supervisor. [REDACTED] reportedly told [REDACTED] and [REDACTED] about this encounter while still in [REDACTED]

After getting the above information from Sarah, I determined I needed to talk with [REDACTED] Mitch, [REDACTED] [REDACTED] and [REDACTED] partner, [REDACTED]

II. Investigation Methodology

I spoke with [REDACTED] on June 28, 2016 in room 351 of the Public Service Building. I also spoke with her by phone on June 29, 2016 and I texted with her on Tuesday, July 5, 2016. I sent a text on Friday, July 8, 2016 and left a voice message on July 11, 2016 at 9:59 a.m. [REDACTED] responded to my text and voice message on July 11, 2016 by text at 6:18 p.m.

I spoke with Mitch Kruska, OSS Director of Education Programs, Secondary Transition, & Alternate Assessment, on July 5, 2016 in Sarah's office. I also spoke on the phone with him on July 6, 2016 when I returned a call he made to me. I met with Mitch and Sarah on July 11, 2016 at 9:00 a.m. at the Broadway Coffeehouse in Salem to ask Mitch some follow-up questions.

I spoke with [REDACTED] OSS Director of Regional Programs & Best Practices, on June 27, 2016 in Sarah's office.

I spoke with [REDACTED] OSS education program specialist in Early Intervention-Early Childhood Special Education, on June 28, 2016 in room 200A of the Public Service Building.

I spoke with [REDACTED] OSS Coherent Strategies Specialist in Regional Programs & Best Practices, on June 29, 2016 in the Human Resources Director's office. Sarah was also present.

I spoke with [REDACTED] partner, by phone on July 12, 2016.

I told [REDACTED] and [REDACTED] that I was investigating allegations of inappropriate conduct during the [REDACTED] conference held June 22-24, 2016 in [REDACTED] Oregon. I told them they were not the subject of the allegations but might have information about them. I told Mitch he was the subject of the investigation and I told him the allegations. I took handwritten notes during the interviews but did not record the interviews.

III. Allegations

1. Mitch made inappropriate comments about LGBT people to [REDACTED]
2. Mitch made an inappropriate comment about [REDACTED] when he said he "put that bitch in a box."
3. Mitch touched [REDACTED] inappropriately when he slapped her on the butt.
4. Mitch insinuated he wanted to have sex with [REDACTED] when he said she was "on his list."

IV. Interviews

[REDACTED] interview on June 28, 2016

[REDACTED] began working for the Department of Education on January 19, 2016 as an education program specialist in OSS Regional Programs & Best Practices. She reported to [REDACTED] who is director in OSS and a colleague of Mitch. [REDACTED] had minimal contact with Mitch prior to the business conference in [REDACTED] as she was not on his team. [REDACTED] provided notice on June 15,

2016 that she was leaving the department and her last day was June 30, 2016. I learned she was leaving ODE to work for the [REDACTED] school district.

ODE staff was in [REDACTED] for the [REDACTED] conference. Some of the OSS staff attended the [REDACTED] conference on June 21, including [REDACTED] and [REDACTED]. There was a social gathering at the [REDACTED] 4:30-6:00 p.m. after the [REDACTED] conference. [REDACTED] said she attended the gathering and saw ODE employees [REDACTED] and [REDACTED] as well as [REDACTED] and Mitch.

[REDACTED] said Mitch approached her at that gathering about her resignation from ODE. She said Mitch asked for her phone number, which she provided, saying he wanted it in case he learned of any jobs in which she might be interested. [REDACTED] observed Mitch was louder than usual and appeared to be drinking heavily, as he was carrying a large drink container.

[REDACTED] said she left the social gathering and went with her partner [REDACTED] to [REDACTED] in [REDACTED]. Around 8 p.m. or 9 p.m., [REDACTED] was waiting for [REDACTED] to join them. [REDACTED] texted to say she wasn't going to join them. [REDACTED] said she received a phone call from a number she did not recognize and she didn't answer. She then got a text from the same number, which said "Where are you?" She didn't respond. She said she got another phone call from the same number and answered. It was Mitch, asking where they were. She said she told him where they were and he joined them. [REDACTED] provided a screen shot of her text with Mitch, showing Mitch texted at 9:03 p.m., 9:27 p.m., 9:28 p.m., and 11:39 p.m. when he texted, "Thank you that was fun." [REDACTED] said her phone's recent calls log ended on June 24 and she cannot see any of the missed calls prior to June 24, 2016. There is no record to support [REDACTED] statement that Mitch called her.

[REDACTED] said she, [REDACTED] and Mitch were all drinking at [REDACTED]. [REDACTED] said she introduced [REDACTED] as her partner. She said Mitch didn't acknowledge that [REDACTED] and [REDACTED] were together as partners although [REDACTED] attempted 2-3 times to have Mitch do so. Mitch and [REDACTED] were talking about transgender people. [REDACTED] told Mitch she and [REDACTED] were gay and were together. [REDACTED] said Mitch said, "Really?" expressing disbelief. She said Mitch said that lesbians aren't really gay, they are just desperate. [REDACTED] didn't respond to this; she said she tried to change the topic.

[REDACTED] asked Mitch if he worked with [REDACTED] and he said he was [REDACTED] boss. [REDACTED] expressed concern that [REDACTED] seemed to just stare at her computer all the time. [REDACTED] said Mitch said he "put that bitch in the box and made sure she didn't have anything to do" and he said he couldn't fire her. The three of them [REDACTED] Mitch, [REDACTED] also talked about racial inequity. [REDACTED] said Mitch said he didn't like the trainings the ODE managers are having and he can't help it if he was born a white male. During the conversation, [REDACTED] said [REDACTED] called Mitch a

"homophobic motherfucker" and a "racist." [REDACTED] said Mitch told [REDACTED] she was big, almost like a man. [REDACTED] also said Mitch said he likes beautiful strong women and that [REDACTED] was "on his list." [REDACTED] said she didn't respond to his statement.

[REDACTED] said as she and [REDACTED] were getting up to leave, Mitch slapped her butt and [REDACTED] too. Mitch walked with them a bit as they were leaving, then they went to their hotel and Mitch went to his after they pointed him to his hotel.

[REDACTED] was talking with a Salem-Keizer school district employee on Wednesday, June 22, when she heard [REDACTED] say to [REDACTED] "I called one of your directors a homophobe." [REDACTED] said [REDACTED] said she wasn't surprised, and [REDACTED] said she told [REDACTED] not to talk about it. [REDACTED] said she never talked with [REDACTED] about the interaction with Mitch.

[REDACTED] feels like Mitch could retaliate against her, although she doesn't know if he has any influence on her work at the [REDACTED] school district. She feels this way because of Mitch's "bitch in a box" comment. [REDACTED] said that although Mitch said a lot of inappropriate things to her on June 21, she was most upset by the comment about [REDACTED]. [REDACTED] is from Eastern Europe, where she experienced a lot of bigotry. She has been in the United States for 20 years. Her interaction with Mitch brought back some of the trauma she experienced before coming to the United States. She doesn't think this sort of thing—insulting people for who they are—should happen.

[REDACTED] doesn't think Mitch's comments were out of character, because he sought her out at the social gathering, he asked for her phone number, and he made a comment about how he "loves multiple women." She thinks he really thinks and feels the way he talked about racial and LGBT issues.

[REDACTED] said she told [REDACTED] about the interaction with Mitch, and [REDACTED] urged her to talk with Sarah Drinkwater about it. Although [REDACTED] didn't want to talk with Human Resources staff when I contacted her, [REDACTED] said she felt she had a moral and ethical responsibility to give me the information.

Mitch Kruska interview on July 5, 2016

Sarah and I interviewed Mitch in Sarah's office. Mitch was very loud and used profanity during the interview.

I told Mitch the allegations—that he made inappropriate comments about LGBT people to [REDACTED] and her partner, that he made inappropriate comments about [REDACTED] and that he inappropriately touched [REDACTED]. I told him these were only allegations and I was investigating

them. Mitch seemed surprised about the allegations and began to say something like "Oh, I thought it was..." but stopped himself. I got the impression he thought the investigation was about something else. I asked if there was something he wanted to say or something we needed to know and he said no, so we continued.

I asked Mitch about being in [REDACTED] during the week of June 20-24, 2016. He said he was at [REDACTED] training on Tuesday, June 21, and at [REDACTED] training all day on Wednesday, June 22. He did not attend the [REDACTED] training on June 21. He did attend the social gathering at the [REDACTED] on Tuesday after the [REDACTED] training. He saw [REDACTED] and [REDACTED]. Mitch said he spent 35-40 minutes at the social, talked with [REDACTED] about meeting for drinks afterward, and left the gathering.

Mitch asked if anyone other than [REDACTED] had reported to HR that Mitch touched them, and I said no one had. Mitch said he didn't remember any specific interaction with [REDACTED]. He said [REDACTED] approached him and told him she was leaving ODE. Mitch said [REDACTED] walked by him several times at the social gathering, kicked his feet as she went by (his legs were outstretched), smiled at him, and side-hugged him. He said every time [REDACTED] came near him, she wanted to put her arm around him. Mitch asked [REDACTED] for his cell number, and he said [REDACTED] offered her number to Mitch. After leaving the social, Mitch said he texted [REDACTED] and [REDACTED] to ask where they were. Mitch denied calling [REDACTED] as [REDACTED] asserted. He said [REDACTED] responded to his text and he went to the bar to join them. Mitch said [REDACTED] said she got a text from [REDACTED] that he wasn't coming.

Mitch said it was "bullshit" that he inappropriately touched [REDACTED] he said he never touched her but she hugged him. Mitch then stated [REDACTED] was inappropriate at [REDACTED] using a lot of profanity, and that [REDACTED] lied to her director ([REDACTED]). He said [REDACTED] told him that [REDACTED] said the [REDACTED] school district recruited her [REDACTED]. When Mitch asked [REDACTED] about this, he said [REDACTED] told him [REDACTED] didn't recruit her, she applied for the job. Mitch said that either [REDACTED] or [REDACTED] lied, and [REDACTED] told Mitch to his face that [REDACTED] did not recruit her.

During the interview, Mitch asked to take a moment because he was "fucking pissed." After a moment, he asked that we "get this over with." When we continued, Mitch said [REDACTED] invited him to the gathering at the brewery. Mitch said after the gathering he went back to his hotel, then texted [REDACTED] and [REDACTED] about joining them. Mitch doesn't remember the name of the bar where he went but when he arrived [REDACTED] and another woman were there. No one else showed up.

Mitch doesn't remember who introduced the other woman ([REDACTED]) to him. Mitch said [REDACTED] didn't say she was lesbian, [REDACTED] did. Mitch said [REDACTED] said she was an oceanographer at OSU, and

introduced herself as a vegetarian lesbian. He said the three of them were at the bar, with a bar stool between Mitch and the women. He said the women were sitting, and then he said [REDACTED] was sitting and [REDACTED] was standing next to [REDACTED]. Mitch said [REDACTED] and [REDACTED] started hanging on each other and that made him uncomfortable so he paid his bill and left. He said [REDACTED] and [REDACTED] were "behind him" and they may have paid their bill at the same time. He then said he didn't know if they were behind him or when they paid their bill. Later in the interview, Mitch said he didn't touch either [REDACTED] or [REDACTED] when they stood up, that it was an absolute lie.

Mitch said that at no point while he was with [REDACTED] and [REDACTED] was there any talk about [REDACTED] or lesbians. He said [REDACTED] and [REDACTED] did most of the talking. During our interview Mitch said, "Let me be clear—there is no truth to any of this." I acknowledged that he made that statement. I took his statement to mean none of the allegations were true. Mitch denied saying "lesbians aren't gay," saying it was "fucking stupid" and he wouldn't make that comment. He said he has never made comments about gay and lesbian people.

Mitch said he had no memory of talking about [REDACTED] and denied making comments about her. He said the allegation was "complete bullshit." He then said he might want to stop the interview and get an attorney. He took some time to think about it and then said he wanted to continue the interview without an attorney. He said all of the allegations were lies.

Mitch denied making any comments about the equity training ODE managers are taking. He also denied making any comment about [REDACTED] being "on his list" or that he likes strong beautiful women. He said these were "bullshit".

Mitch said the woman with [REDACTED] was very militant and derogatory about men. This made him uncomfortable. He denied that [REDACTED] called him a "homophobic motherfucker," saying it was a complete, absolute lie. He said there was no reason for her to say this to him.

During our meeting on July 11, 2016, Mitch said he did not text [REDACTED], [REDACTED], and [REDACTED] individually on June 21. He said he sent a group text to [REDACTED], [REDACTED], and [REDACTED]. Then he said maybe he texted just [REDACTED] and [REDACTED] and not [REDACTED] and he then said he didn't remember.

I showed Mitch the screen shot of his text messages to [REDACTED] and asked him what he meant in the text, "Thank you that was fun," which was sent at 11:39 p.m. on June 21. Mitch said he didn't remember sending that text. He said he had checked his bill and there was no information about that text. He said no one else had access to his phone at the time of day the text was sent. He said he didn't know how to respond to my question about that text.

Mitch said he didn't remember he was at [REDACTED] and he doesn't remember sending the 11:39 p.m. text.

[REDACTED] phone interview on July 12, 2016

[REDACTED] is [REDACTED] partner and joined [REDACTED] in [REDACTED] on June 21, 2016. [REDACTED] agreed to talk with me by phone; I called her from the HR Director's office.

[REDACTED] told me she didn't want to be the factor that tips the scale either direction. She was willing to answer questions I had. I reviewed my notes and asked questions, and [REDACTED] provided the following information.

[REDACTED] drove from [REDACTED] to [REDACTED] on June 21. She met [REDACTED] at [REDACTED] and Mitch was there but no other ODE employees. [REDACTED] had thought others would be joining them. She said Mitch didn't like [REDACTED] so they all left and went somewhere else. [REDACTED] did not remember the name of the bar they went to.

All three of them were sitting at the bar—Mitch, [REDACTED] in the middle, and [REDACTED]—without any empty stools between them. All three of them were drinking, and it was clear to [REDACTED] that Mitch had been drinking before they met up. [REDACTED] told Mitch a couple of times that she and [REDACTED] were partners and together but Mitch didn't seem to understand. Later in the evening [REDACTED] could see that Mitch "got it" that she and [REDACTED] were together. [REDACTED] said Mitch didn't really have a reaction when he understood she and [REDACTED] were together.

[REDACTED] said Mitch slapped [REDACTED] on the ass during the evening, and he did make a comment about [REDACTED] being on "his list." [REDACTED] does not believe Mitch was "coming on" or flirting with [REDACTED] when he slapped her ass, but he did do so. [REDACTED] said Mitch had had a couple of drinks. [REDACTED] heard some conversation between [REDACTED] and Mitch about [REDACTED] and she heard Mitch say he "put her in a box." [REDACTED] didn't pay much attention to that conversation but she did not hear Mitch call [REDACTED] a bitch. [REDACTED] asked Mitch questions about the use of transgender pronouns in schools, just to hear his response. She said she wasn't sure that what he said during their casual conversation is what he would actually do in a business setting but she did not tell me what Mitch said to her.

[REDACTED] said Mitch said [REDACTED] was on his list and he liked strong, beautiful women. [REDACTED] and Mitch left the bar together. After leaving Mitch, [REDACTED] and [REDACTED] met up with [REDACTED] and his friend. [REDACTED] told [REDACTED] about Mitch slapping [REDACTED] ass.

█ doesn't think Mitch was trying to be offensive when he responded to her questions about LGBT people; he was responding to her questions as she engaged him in conversation. She did find his responses to be sexist; she said he made a comment about two women in the bar but █ did not provide information about what Mitch said other than it was a sexist comment.

█ interview on June 28, 2016

█ told █ on Friday, June 24, 2016 that she was upset. █ said █ told her that █ and Mitch were at █ and Mitch was drinking a lot. █ said █ told her Mitch has a list of women he wants to sleep with and █ is on his list. She also said █ said Mitch was using a lot of profanity. █ said █ told her Mitch has been with other women, his wife knows, and she doesn't like it. █ did not say if █ said Mitch told her this.

█ said █ told her that Mitch tried to touch █ breast, touched █ and said she "felt like a man," and slapped their butts. █ also said █ told her Mitch didn't understand that █ was █ partner and then he said, "You guys are fucking lesbians? You are desperate."

█ said that █ said Mitch told her (about █) that he has that bitch in a box, and she doesn't have much to do because he deliberately gave her nothing to work on. █ said █ told her Mitch said, "I hate that bitch." █ told me █ would ask her if she could help with things because Mitch had not given her any assignments.

█ said she doesn't have much interaction with Mitch. █ said Mitch likes to be dominant and right. He "pushes" and when she pushes back, he backs down. █ saw Mitch on Tuesday night, June 21, and he was drinking. █ said there is a rumor that he drinks a lot. She said █ and █ travel with Mitch and they may have information about this rumor. I did not follow up on this because I did not think it was pertinent to the current situation.

█ talked with █ on Friday, June 24, 2016. █ said █ told her that she █ told █ about the conversation with Mitch and that █ laughed, saying she wasn't surprised.

█ has some fear of retaliation by Mitch, and she thinks █ does as well. █ said Mitch has said, "People take me up to HR all the time."

█ interview on June 27, 2016

On Wednesday evening, June 22, 2016, █ was with Salem-Keizer school district employee (and former ODE employee) █ after work hours. █ and █ joined them. █ mentioned to █ that she and Mitch had had a conversation the day before (on Tuesday, June 21). █ didn't remember exactly what █ said but recalled the subject was sexual in nature.

██████ recalled being at a table with ██████, ██████, and ██████ on Wednesday evening; ██████ was talking a lot. ██████ bought a round of drinks and ██████ said that may be why she didn't clearly remember the conversation. ██████ said she was surprised Mitch would say what ██████ reported he said. ██████ never heard of Mitch being sexually sarcastic or suggestive. When ██████ shared her information, ██████ said ██████ didn't say she wanted ██████ to do anything with it. ██████ said she knew she should check in with Sarah about it but then she moved on to other things and did not follow up. ██████ remembers ██████ was surprised by Mitch's comments.

██████ said she saw Mitch at the brew pub the day before (Tuesday, June 21). ██████ saw ██████ and other people there as well. ██████ never saw Mitch and ██████ communicating at that time.

██████ interview on June 29, 2016

██████ was at ██████ for the ██████ meeting held Tuesday, June 21, 2016 and the ██████ conference the rest of the week. After the Tuesday meeting, there was a social gathering at the ██████ 4:30 – 6:00 p.m. ██████ was there, as were ██████, Mitch, ██████, ██████, and ██████. Some of the attendees ate dinner, getting separate checks.

██████ said he gave Mitch his phone number in case they wanted to meet up after the social gathering. Mitch also got ██████ phone number; ██████ did not say if Mitch asked for the number or if ██████ offered it. ██████ did not see any interactions between Mitch and ██████ other than that. ██████ went back to his room, then had dinner with a friend. ██████ did not receive any text messages from Mitch. ██████ said he and his friend met up with ██████ and ██████ later in the evening. ██████ heard from ██████ that Mitch met up with her and ██████ and he (Mitch) was pretty inebriated. ██████ thought ██████ and ██████ were drinking as well. ██████ said ██████ and ██████ said Mitch was hitting on ██████ not knowing ██████ is gay. ██████ said she pushed Mitch's hand away from her. ██████ said ██████ and ██████ were fired up about it, and he thought they were probably all pretty inebriated. ██████ said ██████ told him Mitch said things about his sexual preferences, that lesbians still need a man, and all women want him. ██████ said ██████ told him that Mitch was sitting next to her and he put his hand on her butt. ██████ said she told Mitch she is gay and he said no, you're not. ██████ asked ██████ if she was going to report the incident and she said no.

██████ talked with ██████ on Wednesday as well. ██████ said ██████ told him she had been thinking about the interaction with Mitch. She said she had given her phone number to Mitch, and he seemed scary and like a predator. ██████ asked ██████ again if she needed to report this. ██████ said she was starting a new job and she was still on probation at ODE, so she wasn't sure she should report it.

██████████ said he was surprised the interactions happened. ██████████ said it is alarming that a man in a position of leadership and power would put himself in this situation. He hopes this is addressed.

V. Duty-Station at Home

I informed Mitch we were duty-stationing him at home while we completed the investigation. I explained if we were going to charge him, he would receive written notice. He stated the information would be in his personnel file and I said it would only be there if we charged him with anything. I told him we would complete our process as quickly as possible.

Mitch told Sarah he wants to have a meeting with Sarah before he returns, because he is concerned the allegations will damage his... (he did not complete the statement). He also said if ██████████ "shares this bullshit with anyone" he may have to sue her for defamation.

I notified Mitch by phone on July 13, 2016 that he would return to the office on July 26 after his pre-approved vacation was over. I said we would begin the pre-disciplinary process at that time but we would not be doing a pre-dismissal process.

VI. Discussion

██████████, ██████████, and Mitch spent some time together on Tuesday evening, June 21, 2016. During that time, Mitch allegedly made disparaging comments about LGBT people; allegedly made inappropriate comments about ██████████; and allegedly slapped ██████████ on the butt. There was conflicting information from ██████████, ██████████, and ██████████ who did not observe what was reported but rather received their information from ██████████, ██████████ or both. I relied on the first-hand information provided by ██████████ Mitch, and ██████████

██████████ stated Mitch asked for her phone number; Mitch said ██████████ offered it to him when he asked ██████████ for his phone number. Mitch said he texted ██████████ and ██████████ about meeting up with them for drinks. He then said he texted ██████████ and ██████████. Neither ██████████ nor ██████████ received text messages from Mitch. Mitch does not have phone records showing he texted ██████████ or ██████████. ██████████ provided a screenshot of the text messages between Mitch and her on June 21.

Mitch denied calling ██████████ as she alleged but said he did text ██████████ and ██████████. He provided a Word document that he said shows his phone usage for June 19-21, 2016. The document does not include information showing he texted ██████████, or ██████████ but it also supports his statement that he did not call ██████████. The document provided is not a screen shot of his phone bill, so it may not be an accurate representation of his call and text usage on June 21, 2016.

█████ said she told Mitch a few times she was gay and █████ was her partner. █████ said █████ told Mitch this a couple of times and she could tell he didn't get it. █████ said she could tell later in the evening when he did get it, but she said he didn't have much reaction. █████ said Mitch made inappropriate comments about lesbians. █████ told me she █████ was asking Mitch questions about transgender pronouns in schools and it was a casual conversation. She doesn't know if Mitch would have responded the same way in a business conversation but █████ did not give me specific information.

Both █████ and █████ said Mitch told █████ she was "on his list," although Mitch denied making that statement. █████ and █████ both said they left the bar with Mitch, although Mitch said he was uncomfortable around them and left before they did.

Mitch said he did not remember being at █████ on June 21 nor did he remember sending █████ the text at 11:39 p.m. on June 21. He had no explanation for how the text was sent or what it meant.

Although █████ did not tell █████ about her interaction with Mitch, █████ had knowledge that something happened and she should have followed up with █████ and informed Sarah.

VII. Conclusion

1. ODE employees █████ Mitch Kruska, █████, █████, and █████ were in █████ the week of June 20-24, 2016.
2. There was a social gathering on June 21, 2016 at the █████ 4:30-6:00 p.m. █████, Mitch, █████ and █████ were at that gathering.
3. █████ and █████ provided Mitch their cell numbers.
4. Mitch texted █████ after the social.
5. █████ has text messages from Mitch from June 21 at 9:03 p.m., 9:27 p.m., 9:38 p.m., and 11:39 p.m.
6. █████ and █████ did not receive text messages from Mitch.
7. █████ and █████ were at █████ and Mitch met them there.
8. █████ does not have phone records showing Mitch called her.
9. █████ learned there was an encounter on June 21, 2016 between █████ and Mitch.

Allegation #1, that Mitch made inappropriate comments about LGBT people to █████ is ***unsubstantiated***.

Allegation #2, that Mitch made an inappropriate comment about █████ when he said he "put that bitch in a box," is ***substantiated in part, unsubstantiated in part***.

Mitch did make the comment about putting [REDACTED] in a box, but it is not substantiated that he referred to [REDACTED] as a "bitch."

Allegation #3, that Mitch touched [REDACTED] inappropriately when he slapped her on the butt, is **substantiated**.

Allegation #4, that Mitch insinuated he wanted to have sex with [REDACTED] when he said she was "on his list," is **substantiated**.

In addition, Mitch was untruthful when:

1. he denied making the comment about [REDACTED];
2. he denied slapping [REDACTED] on the butt;
3. he denied saying [REDACTED] was on his list;
4. he said he texted [REDACTED] and [REDACTED] and [REDACTED];
5. he said he left the bar before [REDACTED] and [REDACTED].

—End of report—

DATE: September 15, 2016
SUBJECT: Mitch Kruska's Use of Profanity
INVESTIGATOR: Kaci Bartholomew

FACTS:

Deb Skiles had an investigatory meeting with Mitch Kruska on July 5, 2016 in Sarah Drinkwater's office. Deb did not tell Mitch the purpose of the meeting prior to the meeting taking place. Not long after Deb began asking questions of Mitch he wanted to know why they were being asked, what the allegations were, and who reported the allegations. Deb explained the three allegations against him and he quickly responded by saying "bullshit" after Deb told him the allegation about inappropriately touching an employee [REDACTED]. Mitch also responded by saying that he never touched [REDACTED] that she lied to her director, and that she was the one who was inappropriate. As Mitch continued to talk he got up and paced around the office and said he was "fucking pissed" with a continued loud voice. Deb continued to ask Mitch questions about things he had said. When Deb asked Mitch if he said "lesbians aren't gay, they're just desperate" he responded by saying it would be "fucking stupid" to say and that he didn't say that. When Deb asked Mitch if he made comments about [REDACTED] he said "no" and that it was complete "bullshit" to be accused of. At that point Mitch said he may want to stop and get an attorney and stated that all of the allegations were lies. Mitch stood up and paced around his chair for a moment. After waiting, Deb asked if he wanted an attorney and he said "no" so they continued with questions. When Deb asked Mitch if he said that [REDACTED] was on his list he said it was "bullshit." Mitch ended the conversation by saying that if [REDACTED] shared that "bullshit" with anyone he would sue her for defamation.

Chris Stewart gave Mitch a pre-disciplinary letter on July 27, 2016. Mitch started reading the letter and tossed the letter onto Sarah's table. He said "this is all bullshit." Then Mitch continued reading the letter, muttering additional swear words. Mitch said he did not want to sign the letter so Chris explained that his signature shows he read the document, not that he agrees with it.

SUPPORTING INFORMATION:

Deb's perspective of Mitch during the investigatory meeting was that he was very agitated throughout the conversation. Deb noticed that Mitch initially seemed surprised when she explained the allegations to him. Deb said that Mitch is already very loud in normal interactions but he was louder than normal and used profanity throughout. When Chris gave Mitch his pre-disciplinary letter, she said she noticed he was very upset. Chris also stated that Mitch has a very loud voice already and that during this interaction his voice was not louder than normal, although he did use some profanity.

Sarah stated that Mitch was very agitated throughout the meeting and she had never seen him that agitated before. She mentioned that he normally speaks very loudly and was loud throughout the investigation meeting. Sarah also pointed out that he was no louder than he is when he gets excited about positive events. From her perspective, it was Mitch's language and pacing that stood out to her during the meeting. Sarah also added that he used a variety of profane words throughout the conversation including "fuck," "shit," and "hell," but she could not pinpoint the exact times this language was used.

Mitch also agreed that he normally speaks very loudly but stated that he did not feel like he was speaking louder than normal during either interaction. Mitch said he was caught off guard during the investigatory meeting with Deb and was very offended and angry. He said his anger came from being falsely accused of things that are so far outside of his character. Mitch said that he used profanity during his meeting with Deb but could not recall any specific words and did not want to add or detract from other reports given. When Chris gave Mitch the pre-disciplinary letter he said he became angry because he had never been accused of lying before and the letter blatantly accused him of lying about his report. Mitch said he read the entire letter but does not recall whether or not he used profanity.

[redacted]
6/29/2016 1:00pm

[redacted] - Mon thru Fri, Tuesday?
[redacted] mtg all day Monday, social in the evening
conf rest of time
dinner for [redacted] center group on Monday Tuesday?
[redacted], [redacted], [redacted], [redacted] center folks

planned this evening social
[redacted] @ 4:30-6p
[redacted] Mitch

no planned social events rest of week

on Tuesday, convers carried over from wednesday
some ate dinner, separate checks
didn't see interactions btwn Mitch + [redacted]

went back to
room first, then
back dinner w/ my
friend

[redacted] out with someone else,
[redacted] texted him later, had a conv
@ [redacted] Mitch ~~was~~ might have mtg, gave
Mitch his phone #. Mitch got [redacted] phone #
Mitch met up w/ [redacted] later, pretty inebriated,
prob [redacted] + [redacted] were drinking too
Mitch prob said things inappropriate
[redacted] + [redacted] said Mitch hitting on [redacted]
not knowing [redacted] is gay

Mitch's

[redacted] said she pushed his hand away
They were probably all loaded
[redacted] + [redacted] were fired up about it

[redacted] surprised the interactions happened
asked [redacted] if she was going to report it
he understands [redacted] wasn't going to report

[redacted] didn't see
Saw Mitch at [redacted] seemed okay, think
there was a mtg 6:30 or 7:00

Talked of [redacted] next day as well

[redacted] + [redacted] Mitch pretty inebriated
Mitch said things like sexual preferences, lesbians still
need a man, all women want him, May see Mitch
saying that.

Mitch sitting next to [redacted] he put his hand on [redacted]
butt. May have touch [redacted] too

[redacted] told Mitch gay "no you're not"

On Wed, [redacted] had been thinking about it, she gave
phone # to Mitch, he seemed scary and a predator.
Asked her again, did she need to report. Starting

new job, still on probation, [redacted] not severe to report

nothing separate with [redacted]
^{including}

[redacted] told Mitch he was a Fg asshole after he made comments about lesbianism. He was saying sexual comments about himself.

Mitch was trying to touch [redacted] arm

Mitch's team at the [redacted] event on Tues, they opened it to all

Men in pos^s of leadership and putting yourself in that situation. This is alarming

Surprised but believes [redacted] + [redacted]

Concern about people in power. Hope this is addressed

end ~~35~~ 1:35

SKILES Deb - ODE

From: [REDACTED]
Sent: Wednesday, July 06, 2016 9:49 AM
To: SKILES Deb - ODE
Subject: RE: Cell phone number

I did not send or receive a text from Mitch. I verbally gave him my number.

From: SKILES Deb - ODE
Sent: Wednesday, July 06, 2016 9:42 AM
To: [REDACTED]
Subject: RE: Cell phone number

Did he text you at that number on June 21, to see about meeting up after the [REDACTED] social? If so, can you send me a screen shot of that/those texts? Or if he called you, can you send me a screen shot of your call log? Thanks.

Deb

From: [REDACTED]
Sent: Wednesday, July 06, 2016 9:39 AM
To: SKILES Deb - ODE
Subject: RE: Cell phone number

My cell number is [REDACTED]

That is the number I gave him.

From: SKILES Deb - ODE
Sent: Wednesday, July 06, 2016 9:28 AM
To: [REDACTED]
Subject: Cell phone number

[REDACTED]

What cell phone number did you give Mitch as a contact number when you were at [REDACTED] in June? Thanks.

Deb

Deb Skiles | Human Resources Analyst

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Email: deb.skiles@ode.state.or.us | Web: <http://www.ode.state.or.us>

SKILES Deb - ODE

From: [REDACTED]
Sent: Thursday, July 14, 2016 10:10 AM
To: SKILES DEB; [REDACTED]
Subject: Re: Voice mail: 42 sec.

Deb,
Regarding your voice mail, I met up with [REDACTED] and [REDACTED] only, later after our [REDACTED] social gathering.
[REDACTED]

From: SKILES DEB <deb.skiles@state.or.us>
Sent: Thursday, July 14, 2016 9:02:55 AM
To: [REDACTED]
Subject: Voice mail: 42 sec.

[redacted]

6/27/2016 3pm

Sarah Drinkwater, [redacted] DS

Last week [redacted] + [redacted] got together on Wednesday evening. [redacted] + her partner came in and joined. [redacted] Mitch, [redacted] on Tuesday

[redacted] mentioned that the day before she and Mitch had a conversation. Doesn't ~~rem~~ remember exactly what was said but it was sexual in nature

knew she s/check in w/ Sarah but + moved on

~~Thurs~~ Mitch was at a brew pub Tuesday before [redacted] and other people. Never saw Mitch + [redacted] communicating

[redacted] ^{was} surprised by Mitch

Felt it was sexual in nature

sitting at table - [redacted] [redacted] [redacted] + her partner. Partner was talking a lot

Can visualize looking at [redacted]

If surprises [redacted] Mitch would [redacted] Mitch would be sarcastic

never heard of Mitch being sexually sarcastic or suggestive

partner

heard secondhand that [redacted] heard Mitch on the phone

when [redacted] shared, she didn't say she wanted to do anything

end 3:27

Sarah → [redacted] + [redacted] - [redacted] had a mitigation calendar w/ Mitch

Sarah → [redacted] + LGBT guidelines, some verbal exchange w/ Mitch, [redacted] may have been there. w/ last couple of weeks

Sarah → [redacted] may have said "I'm surprised"