

TO: Trent Smith, Principal, Hidden Valley Middle School
FROM: Justin Armbruster, 6th Grade Teacher
DATE: January 26, 2017
SUBJECT: Rebuttal to Letter of Reprimand dated January 24, 2017

Written rebuttal regarding the accusations levied against me by [REDACTED] in our conference on Wednesday, January 18, 2017 concerning the sexual harassment complaint.

To preface this rebuttal, the relationship I had with [REDACTED] can be described as socially friendly outside of work, and professionally socially friendly at work. Over the past year and a half, [REDACTED] and I developed a friendship that included non sexual physical contact professionally and socially. This could best be illustrated by her initiating a non sexual friendly hug prior to Christmas break and having a positive conversation about our various holiday plans. Multiple times in the past year and a half, [REDACTED] has openly initiated non sexual friendly hugs in the back teacher's lounge, at staff meetings, in the hallways, in her work space, and in the breeze ways. During this time, because we were friends socially and professionally, [REDACTED] has openly discussed her family and personal life with me in confidence, admitting to having some overly fun nights and attending school with a hang over. Outside of campus, [REDACTED] and I have hung out socially as friends with other teachers and colleagues. During these social encounters, [REDACTED] often was overly physical with me and my boyfriend, occasionally making the two of us feel uncomfortable. Specifically, [REDACTED] would join a group of us at Orfilia's winery. After a glass or two, she would become

very comfortable with touching everyone, sitting on my lap and pressing her breasts into me. This would cause me to feel embarrassed for her.

On Monday, January 9, 2017, at 10:00am, within the transition to the Library during ALICE training, I approached [REDACTED] from the side while she was leaning against the counter overlooking the library. I hugged her from the side, as friendly non sexual hugs were customary to our friendship for the past year and a half and prior to Christmas Break, and she immediately elbowed me in the side with force. I immediately apologized and stepped back asking if she was ok and had a good break. She then replied and we had a nice conversation about both of our vacations. At no time in the conversation did [REDACTED] state she was uncomfortable with me being near her or around her. I took her negative reaction to our side hug to simply imply that she was physically hurt or not feeling social at the time, chalking it up to her moodiness which has been noted by me and other colleagues, and resolved to provide her space until she allowed and approached me to hug.

The following week on Tuesday, January 17, 2017, during first lunch after the teacher cooking class, the next time I saw [REDACTED], I approached the table with recipe handouts on it to bring some home and share with my family. Fellow colleagues and [REDACTED] were seated at the table talking while I approached and began looking over the recipes. I was not near [REDACTED], and was not touching her, my focus was on getting the recipes I just enjoyed learning about. Not even addressing [REDACTED], with effort and having to lean from her chair, she elbowed me hard and solid in the groin telling me to get that out of her face. I was surprised

and embarrassed by [REDACTED]'s actions. I rhetorically asked what was that for, uncomfortably turning and walking out of the front lounge. This being the second time [REDACTED] had physically assaulted me, I determined to leave her alone and to no longer have a personal and/or professional friendship with her.

That evening and subsequent evenings to follow, I racked my brain for any reason I could find for this sudden switch in [REDACTED]'s behavior towards me. Prior to break we were friends and now after break she was physically assaulting me. I had to question if it was because of me being gay, or had [REDACTED] learned about my political point of view and was now attacking me for it. Either way, I vowed to avoid her.

The next morning, still feeling confused and embarrassed in front of my colleagues by [REDACTED]'s action's, I found myself in Mr. Smith's office, shockingly being accused of sexual harassment. [REDACTED] claimed that I violated the district sexual harassment policy via unwanted physical contact when for the past year and a half we have exchanged friendly non sexual hugs which were mutually characteristic of our friendship. Photos and other adults can testify that [REDACTED] was comfortable with physical contact between us, with both parties mutually initiating contact.

[REDACTED] and Mr. Smith have both caused me to feel uncomfortable and singled out at work. [REDACTED] has made me feel unwelcome to use the teachers lounge and other school spaces in fear of meeting up with her. I have felt isolated and targeted by her, and feel

uncomfortable leaving my room and with the door opening into my room. I have continued to attend school to work as to not disrupt the students' learning; regardless of the environment [REDACTED] and Mr. Smith have created for me here on campus.

After the awkward second encounter where [REDACTED] physically assaulted me, I vowed to avoid any and all contact with [REDACTED] unless mediated by an administrative third party. Additionally, I have worked to avoid being anywhere close to her work space located in room 40 and that area of the campus entirely. Furthermore, I have worked to avoid the back teacher's lounge in fear of meeting [REDACTED] in room 47 by accident.

I have reminded myself of the district sexual harassment policy provided in Mr. Smith's letter;

"3. Ensuring prompt, thorough, and fair investigation of complaints"

I do not feel that a fair or complete investigation has been conducted. Furthermore, when being presented this letter of reprimand in Mr. Smith's office Wednesday, January 25, 2017 at 8:05am, I immediately asked to postpone the meeting until I could have my union representative in attendance. Mr. Smith's response was to brush over my request and state that I should review the letter with him. He then began to outline what he wrote in the letter. I again respectfully stopped him stating that I felt uncomfortable having this discussion without my union representative present. I asked to postpone the meeting until my union representative could attend with me. Mr. Smith again brushed off my request saying I could write a rebuttal to attach to this letter within five days. In an effort to be respectful to my boss, Mr. Smith, I stayed seated in the meeting as he continued to read through the letter. I then

asked, to bring a copy of the letter of reprimand with me to have my union representative read over it prior to signing. Mr. Smith again brushed my request aside, pushing me to sign the document there in his office. During my interaction with Mr. Smith, I felt pressured and bullied into listening and signing the document. I asked respectfully on three different occasions to pause and have my union representative present, and Mr. Smith repeatedly bypassed my requests, brushing me off. Reflecting back, I feel that Mr. Smith used his authoritative position of power to push me into signing the document.