

FEDERAL WAY PUBLIC SCHOOLS

31405 18th Avenue South Federal Way, WA 98003 941-0100 or 927-7420

[HUMAN]

MAR 28 1996

RESOURCES

Superintendent
Thomas J. Vander Ark

Board of Education
Linda Hendrickson
Holly Isaman
Joel Marks
Ann Murphy
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March 27, 1996

Mr. Paul Jensen
2225 South 287th Street
Federal Way, Washington 98003

Dear Mr. Jensen:

The District has completed its investigation of complaints against you alleging inappropriate conduct with respect to students of the District. The purpose of this letter is to apprise you of my findings that have resulted from this investigation and to reprimand you for the misconduct that I find has occurred.

The following complaints have been investigated: (1) That you patted a female eighth grade student on her buttocks when she was alone with you in your classroom on the morning of September 27, 1995; (2) that you on another occasion patted the buttocks of another member of the volleyball team as she left the bench, and that you have touched this student on the top of her shoulder and by putting your arm around her; (3) that you touched another member of the team on the shoulder and put your arm around her and that you made this same member of the team feel uncomfortable by wearing short shorts and spreading your legs in a way she described as revealing; (4) that you patted another member of the team on the buttocks; (5) that you put your arm around another female student; (6) that during the first semester of the 1994-95 school year you placed your arms over a female student's shoulders and onto her sides from behind and pressed your chest against her back and that with respect to this same student you engaged in inappropriately personal and intimate communication in connection with the journal entries you have your students make and that you made her feel uncomfortable by using the word "blow" in a vulgarism in her presence; (7) that you have massaged the shoulders of another female student in your class and in the process touched her in the area of her chest; while sitting next to this student, that you touched her on the leg and reached across in front of her brushing your arm against her chest; and that you locked elbows with this same student back-to-back and lifted her onto your back; and that you referred to this same student as a "dumb broad" to another student, her boy friend, in her presence.

Without here exhaustively recapitulating your responses to these complaints, I note that while you denied ever intentionally patting any of the students on their buttocks, you admitted that you may have touched one or more of your volleyball players in that area "without thinking" in the context of coaching. You have admitted some of the other instances of conduct as alleged, and as to others you have indicated you have no recollection. Generally, you indicated that since receiving your December 20, 1994 letter of reprimand, you have stopped giving your female students shoulder rubs, but you admitted that you still may touch a student's shoulder gently. You stated that you have stopped giving the volleyball players hugs, but that you continue to give them "high-fives." You stated that you have tried very hard not to touch at all, but that is impossible.

On the basis of the District's investigation of these allegations, I find the following:

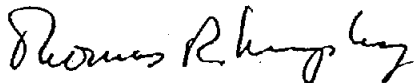
1. On or about December 20, 1994, you received a formal written reprimand from the District for inappropriate conduct in the nature of sexual harassment toward female students of the District. A copy of this prior reprimand is attached. This letter clearly directed you henceforth not to touch students in any form, including but not limited to putting your arms around any student, hugs of any kind, hands on shoulders or holding hands. The letter further directed you not to make any personal comments relating to students. Finally, the letter expressed reservations about your ability to continue as volleyball coach, but indicated that you would be allowed to continue coaching if you followed the directives in the letter and if no further complaints were received. You were thereafter permitted to coach volleyball for the 1994-95 school year.
2. Subsequent to receiving this reprimand, you initiated physical contact with female students by putting your arm around their shoulders putting your hands on their shoulders in a massaging motion, locking elbows with theirs while going back-to-back, and patting them on the buttocks.
3. Although two students reported that they were not bothered by your touching, others were made to feel uncomfortable by it -- both students whom you touched and students who witnessed you touching others.
4. The conduct referred to in finding 2, above, is totally inappropriate. The touching was neither invited nor welcomed by the students. Even if it were, it would still be inappropriate conduct for a teacher in the public schools. Because of your position as teacher and coach and the age and position of the students in question, submission to the conduct may have been understood implicitly as a term or condition of the student obtaining an education or as a factor in decisions affecting the student's education. In any event, your conduct created an intimidating, hostile or offensive environment for the complaining students, and it was likely to do so for other students witnessing or hearing about it as well.
5. The conduct referred to in finding 2, above, is totally inappropriate for the additional reason that it is in direct violation of the clear direction that you were given in the reprimand of December 20, 1994 henceforth not to touch students in any form. While not all of the complaints date from the period after December 20, 1994, the majority of them do. Those that involve touching cannot be excused on the basis that you did not understand the conduct to be inappropriate.
6. A significant number of students of Lakota Junior High School and their parents are aware of one of more of the complaints against you. Under the circumstances, your return to the School at this time would present significant difficulties, both for the students who have been subjected to your inappropriate conduct and for you in terms of acceptance by the students and their families. It would be desirable both from the standpoint of the well-being of the complaining students and from the standpoint of your ability to be successful for you to return to a different school.

I hereby reprimand you in the strongest possible terms for your misconduct identified above. Further, I direct you as follows:

1. You are not to touch or have volitional physical contact in any form with any students of the District. This includes all the forms of physical contact and touching identified in your prior letter of reprimand. There are no exceptions to this prohibition. There is no acceptable or appropriate touching of students in which you are permitted to engage.
2. The directives contained in your prior letter of reprimand remain in effect and are hereby incorporated herein.
3. Because of the physical nature of the activity involved in coaching team sports and the correspondingly greater opportunity for touching, you will not be allowed to coach for the District. In addition, you are prohibited from any and all contacts with students outside the structured classroom experience.
4. Upon your return to duty, you will be transferred from Lakota Junior High School to a substitute-on-contract position at Thomas Jefferson High School, Harry S. Truman High School, and Federal Way High School. You are to contact Human Resources no later than March 29, 1996 for substitute instructions.
5. You will immediately seek and receive training in the area of sexual harassment awareness. You will develop and implement strategies, other than touching and other than communicating about private, personal matters, for developing rapport with students.

In view of your prior letter of reprimand on precisely this same subject, no violation of the directives of this letter or future misconduct of a similar nature will be tolerated. Any future violations will subject you to further disciplinary action, including the likelihood of termination.

Sincerely Yours,



Thomas R. Murphy
Assistant Superintendent

TM:nh

c: Steve Pulkkinen, FWEA Business Representative
Ben Lastimado, Director of Human Resources