



ABERNATHY ROEDER
BOYD HULLETT

EST. 1876

Angie Sander
asander@abernathy-law.com

1700 Redbud Boulevard, Suite 300 | McKinney, Texas 75069
Main: 214.544.4000 | Fax: 214.544.4044

On behalf of:
Marianna McGowan
mmcgowan@abernathy-law.com

July 17, 2024

Mr. Craig Wood
cwood@wabsa.com

Ms. Paige Kyle
pkyle@wabsa.com

Re: NOTICE OF FINAL DETERMINATION RE KITE-SCARFO TITLE IX FORMAL COMPLAINT

Dear Mr. Wood and Ms. Kyle,

Enclosed is decision-maker Ms. Giana Ortiz's determination of responsibility for the Title IX retaliation complaint where [REDACTED] is the Complainant and [REDACTED] is the Respondent. The determination of responsibility was determined using the preponderance of the evidence standard of evidence in accordance with DIA (LOCAL).

Below is the determination of responsibility for the allegations made by [REDACTED] against [REDACTED] under Title IX:

1. Respondent is **not responsible** for any violation of Title IX or Board Policy related to Complainant's allegation of sexual harassment in the form of a pattern of unwanted physical touch by Respondent at numerous locations during school-related events.
2. Respondent is **not responsible** for any violation of Title IX or Board Policy related to the allegation of discrimination on the basis of sex as Complainant felt uncomfortable reporting the alleged harassment because Respondent is a man and Complainant's boss.
3. Respondent is **not responsible** for any violation of Title IX or Board Policy related to the allegation of retaliation and/or possible future retaliation because Respondent is a member of the Board which is investigating Complainant in another matter.
4. Respondent is **not responsible** for any violation of Title IX or Board Policy related to the allegation that the Board treated Respondent more favorably than Complainant and/or retaliated against Complainant by continuing to keep Complainant on forced leave without mandating a similar leave for Respondent.

This written determination was provided to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Below we set forth your right to appeal the determination under Title IX.

Appeal

Complainant and Respondent have the right to appeal the final determination regarding responsibility pursuant to Title IX regulations. Herein are the Title IX appeal procedures. A party may appeal the final determination of responsibility on the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

To initiate an appeal, a party must file a written request for appeal with the Title IX Coordinator within **5 days** of a party's receipt of the decision-maker's written responsibility determination.

The Title IX Coordinator will review the request and assign an appropriate appeal hearing officer that will serve as the appeal decision-maker in compliance with law and policy. If the reason for appealing the dismissal or determination of responsibility is not one of the permitted bases for appeal, the District may dismiss the appeal. If the request for an appeal is not dismissed, the Title IX Coordinator will designate an appeal hearing officer to proceed as the appeal decision-maker.

After an appeal is filed, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The District must ensure that the appeal hearing officer / appeal decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator. The District must ensure that the appeal hearing officer / appeal decision-maker for the appeal is free from bias and comply with the standards set forth in 34 C.F.R. 106.45(b)(1)(iii). The appeal hearing officer / appeal decision-maker must give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. At the conclusion, the appeal hearing officer / appeal decision-maker will issue a written decision describing the result of the appeal and the rationale for the result. Written statements must be submitted within **5 days** of receipt of the notice of appeal to be considered. The final determination by the appeal hearing officer / appeal decision-maker will be provided in writing simultaneously to both parties.

A Title IX appeal may be submitted as follows: Appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the Title IX Coordinator by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic

July 17, 2024

Page 3

communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the Title IX Coordinator no more than three days after the deadline.

Title IX Coordinator
Mari McGowan
1700 N, Redbud Blvd #300
McKinney, TX 75069
mmcgowan@abernathy-law.com
Fax: 214.544.4040

As Title IX Coordinator, we continue to be responsible for the implementation of supportive measures for the Complainant or Respondent during the appeal process.

Title IX Disciplinary Sanctions & Title IX Coordinator

Once the determination of responsibility is considered final, pursuant to 34 CFR 106.45(b)(7)(iv), “the Title IX Coordinator is responsible for effective implementation of any remedies.” The determination becomes final when an appeal would no longer be considered timely or when the appeal hearing officer / appeal decision-maker issues his/her written decision of the appeal. The District must proceed with implementing Title IX disciplinary sanctions, remedies, or take other appropriate action, if any is necessary.

Given the determinations outlined above, the decision-maker does not recommend any Title IX disciplinary sanction and/or Title IX remedies to restore or preserve equal access to the District’s education program or activity.

We will send written notification to the District if we receive an appeal by Complainant or Respondent or, in the absence of an appeal request, when the determination of responsibility is final. If you have questions regarding this letter, please contact my office directly. Thank you for your cooperation and assistance in this matter.

Sincerely,

Angie Sander
On behalf of Mari McGowan

To: ██████████, Complainant
██████████, Respondent

From: Giana Ortiz, Decision-maker

Date: July 17, 2024

Re: Formal Title IX Determination – Investigation dated May 28, 2024

All,

Pursuant to Humble Independent School District Board Policy and Title IX Formal Complaint Procedures, below is the Title IX Determination related to the above-referenced investigation.

I. Identification of the allegations potentially constituting sexual harassment

The District’s Formal Title IX Investigative Findings of Facts (the “Report”) defines the scope of this determination by identifying the allegations potentially constituting a violation of Title IX. (Report at ¶ 8, 18.) The parties as identified in the Report are Respondent, ██████████, and Complainant, ██████████. The allegations potentially constituting a violation of Title IX identified in the Report are as follows:

1. Complainant alleges he experienced sexual harassment in the form of a pattern of unwanted physical touch by Respondent at numerous locations during school-related events. Specifically, Complainant alleges that:
 - a. at the June 2021 graduation at Turner Stadium, Respondent rubbed his hands on Complainant’s chest and unzipped Complainant’s jacket;
 - b. on June 10, 2022, at a Pillars of the Community event at Kingwood Country Club, Respondent moved place cards to ensure he could sit next to Complainant where he touched Complainant on the back and shoulder and leaned his chest against Complainant;
 - c. in August 2022, at a convocation at United City Church, Respondent sat next to, and put his arm around, Complainant while inviting Complainant over to see his backyard;
 - d. on February 20, 2023, at a Humble ISD golf program fundraiser, Respondent touched Complainant’s chest and, again, invited Complainant to see his backyard.
2. Complainant alleges discrimination on the basis of his sex as Complainant felt uncomfortable reporting the alleged harassment because Respondent is a man and Complainant’s boss.
3. Complainant alleges retaliation and/or possible future retaliation because Respondent is a member of the Board which is investigating Complainant in

another matter. Complainant feels his employment will be terminated in retaliation for directly and indirectly resisting Respondent's sexual advances.

4. The Board treated Respondent more favorably than Complainant and/or retaliated against Complainant by continuing to keep Complainant on forced leave (and have denied his petition to return) without mandating a similar leave for [REDACTED] or, at the very least, requiring his recusal, which shows deliberate indifference, citing 34 C.F.R. § 106.44(a).

Further, in his Charge of Discrimination to the EEOC, Complainant alleges:

- a. he was subjected to unwanted sexual touching and comments by Respondent for at least two years;
- b. over time, the touching escalated, with Respondent sometimes putting his hand on the small of Complainant's back;
- c. examples of Respondent's conduct included:
 - i. Respondent "rub[bing] his hands up and down" Complainant's chest, while saying with a mischievous smile, "That's [sic] really feels nice," and then unzipping Complainant's jacket while at a high school graduation;
 - ii. Respondent angling to make contact with Complainant while at an Astros Baseball game, which required [REDACTED] to run "interference" on Complainant's behalf;
 - iii. Respondent moving his name placard at a community event to sit next to Complainant and then inappropriately touching Complainant by placing his hand on Complainant's back/shoulder and leaning his chest against Complainant while talking to [REDACTED].
 - iv. Respondent seeking Complainant out at a convocation and putting his arm around the back of Complainant's chair; and
 - v. Respondent touching Complainant's chest while saying, "You need to come see my backyard, my verbena looks beautiful" at a school-related golf tournament.

(Report at ¶ 10.) These allegations are incorporated into Complainant's July 21, 2023 allegations. (Report at ¶ 8.)

II. A description of the procedural steps taken from the receipt of the formal complaint through the determination

The procedural history as drafted by the Investigator in the Report is adopted as if set out in full. In addition, the following procedural steps occurred thereafter:

May 29, 2024: The Coordinator shared with me as decision-maker official documentation and notice that the Investigator has completed the investigation of Complainant's Title IX claims against Respondent. In this letter, the Coordinator included a summary of the role of the decision-maker and the role of the Title IX Coordinator. The Coordinator further shared the following information:

1. Formal Title IX Investigation Report
2. Investigation Evidence
3. Contact information for the parties

May 30, 2024: I reached out to counsel for the parties to introduce myself and advise them of their right to submit a written response to the Report, and written, relevant questions that either party wants asked of any other party or witness noted in the Report by June 4, 2024. (Ex. 1.)

June 5, 2024: I circulated to both parties, simultaneously, Respondent's written response to the investigation report. At the time, the Complainant had not submitted a written response to the Report, and neither party submitted questions to be asked of any other party or witness noted in the Report. (Ex. 2.) Thereafter, I was informed by the Coordinator that Complainant did submit questions for several people and an email related to Complainant's questions to Respondent. Those were erroneously sent to the incorrect email address, so they were not received by me until June 5.

June 7, 2024: I circulated Complainant's witness questions (which I reviewed to ensure they were relevant, respectful, and not abusive) to the parties simultaneously. (Ex. 3.) I noted to the parties that in reviewing the Complainant's propounded questions, I endeavored to be sparing in excluding questions, however some questions were excluded and omitted from the attachment with explanation. In addition, on June 7 and June 10, I circulated Complainant's witness questions for each non-party witness to each witness along with a copy of the District's Title IX Procedures. (Ex. 4.)

June 19, 2024: I disseminated responses to witness and party questions to the parties. (Ex. 5.) I advised the parties that according to HISD Title IX Procedures, each party had additional time to submit follow-up questions to me for review in the same manner as the initial questions.

June 28, 2024: I received follow-up questions from the Respondent to the Complainant and witness responses to questions. I reviewed the questions to ensure they were

relevant, respectful, and non-abusive and circulated those questions to the parties. (Ex. 6.) Certain questions were excluded in that process with explanation, and I informed the parties of same. I circulated the witness follow up questions to the questioned witness on this day.

July 10-12, 2024: The District was closed due to power outages and storm cleanup.

July 10, 2024: I informed the parties that the witness requested an extension to respond to the questions. (Ex. 7.) The deadline was extended until close of business Monday, July 15, 2024. (Ex. 8.) However, no response was received from the witness as of the date of this determination.

III. Preliminary matters

A. Statement of review

As decision-maker, I conducted an objective evaluation of all relevant evidence. This evaluation was conducted impartially and free from conflicts of interest or bias against the individual complainant and/or respondent involved in this formal complaint. The fact that any party or witness in this decision-making process may have been involved in any other decision-making process does not create a conflict of interest or bias for or against that party or witness in this decision-making process. I do not hold any bias against complainants and/or respondents generally. The review included both inculpatory and exculpatory evidence. This evidence consisted of:

- The Report (summarizing relevant evidence)
- Relevant evidence contained in exhibits to the Report, including summaries of all witness interviews
- The parties' responses to the Report
- Relevant responses to party and witness questions

B. Standard of evidence

The District's Board Policy FFH(Local) provides that the standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

C. Credibility

No credibility determinations have been based on the person's status as a complainant, respondent, or witness.

IV. Findings of fact supporting the Determination

After due consideration of and based upon the preponderance of the credible evidence, including the credibility of the witnesses and matters officially noticed, in my capacity as decision-maker, I make the following Findings of Fact (citations to evidence are not exhaustive or exclusive, but are intended to indicate some basis for the particular finding of fact):

A. The investigative findings of facts (“FOF”) as drafted by the Investigator in the Report are attached hereto and adopted as if set out in full, with the following modifications (indicated in bold underline font):

1. FOF ¶ 10: In his EEOC Charge of Discrimination, ██████ alleges he was subjected to unwanted sexual touching and comments by ██████ for at least two years. [HISD 092-097]. ██████ alleges that, over time, the touching escalated, with ██████ sometimes putting his hand on the small of ██████ back. [HISD 092]. ██████ provided examples of ██████ conduct, which included: ██████ “rubbing his hands up and down” ██████ chest, while saying with a mischievous smile, “That’s [sic] really feels nice,” and then unzipping ██████ jacket while at a high school graduation; ██████ angling to make contact with ██████ while at an Astros Baseball game, which required ██████ to run “interference” on ██████ behalf; ██████ moving his name placard at a community event to sit next to ██████ and then inappropriately touching ██████ by placing his hand on ██████ back/shoulder and leaning his chest against ██████ while talking to ██████; ██████ seeking ██████ out at a convocation and putting his arm around the back of ██████ chair; and ██████ touching ██████ chest while saying, “You need to come see my backyard, my verbena looks beautiful” at a school-related golf tournament. [HISD 92-097].
2. FOF ¶ 16: On October 31, 2023, after being released to return to work by his health care provider, ██████ requested to return to work. [HISD 336; 504]. ██████, the ██████, denied ██████ request and returned ██████ to administrative leave. [HISD 336; 502-04]. ██████ sent a return-to-work demand to Mr. Wood on November 10, 2023. [HISD 338-40, 506]. On November 14, 2023, Ms. McGowan determined that ██████ should remain on administrative leave. [HISD 342; 509]. ██████ made subsequent requests to return to work, which Ms. McGowan denied. [HISD 338-340; 342-343; *see also* 666; 676].
3. FOF ¶ 25: HISD’s Board Policy FFH(Legal) defines “sexual harassment” as conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or

c. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

4. FOF ¶ 41: ██████ said she observed ██████ touch the shoulder area of ██████ jacket and do something with the zipper. [HISD 779; 780]. ██████ said the entire encounter lasted a matter of seconds. [HISD 779; 780]. According to ██████, ██████ did not appear uncomfortable and remained jovial and in a good mood, like everyone else, during the interaction with ██████. [HISD 779; 780]. ██████ believes ██████ was considering whether the school district should purchase Gore-Tex jackets and was analyzing whether the jacket was of a good enough quality to justify the cost. [HISD 779; 780]. ██████ did not interpret the interaction between ██████ and ██████ as sexual. [HISD 779; 780].
5. FOF ¶ 56: ██████ did not formally report ██████ conduct **before July 21, 2023**. [HISD 006-081; 670]. ██████ said he did not report ██████ because he was afraid of losing his job. [HISD 670].
6. FOF ¶ 90: Other HISD attendees included: ██████ ██████ and his ██████; ██████ ██████ and his ██████; and ██████. [HISD 668; 707; 712; 751; 760; 764].
7. FOF ¶ 104: At another time during the event, ██████ said ██████, while talking to ██████, stood behind ██████ chair with his hand on ██████ shoulder and touched ██████ back and the back of ██████ head with his chest. [HISD 668]. ██████ believes the contact was intentional. [HISD 668]. No witness corroborated this specific assertion **that ██████ stood behind ██████ chair with his hand on ██████ shoulder and touched ██████ back and the back of ██████ head with his chest intentionally**. [HISD 687; 722; 755; 761; 764].
8. FOF ¶ 106: ██████ said ██████ could not take ██████ behavior any longer, so ██████ got up and left the table. [HISD 722]. ██████ said she moved ██████ arm and said something like, "Why are you always touching him? You need to stop. He doesn't like it. It's just weird." [HISD 722; 723].
9. FOF ¶ 129: ██████ attended one of the convocations at United City Church in August 2022 and sat in the back of the church. [HISD 669; 689].
10. FOF ¶ 135: ██████ talked to ██████ about his garden. [HISD 253; 669; 689]. ██████ said he told ██████ that his lantanas were "going crazy," they looked

beautiful, and ██████ could come by and see his yard and garden if ██████ liked. [HISD 689]. ██████ said he is an avid gardener. [HISD 253]. ██████ said, at some time earlier, ██████ told ██████ about his yard and how he did not have a lot of time to work on it. [HISD 689]. ██████ recalls telling ██████ he could come by and see his yard and garden. [HISD 689].

11. FOF ¶ 191: ██████ said the Title IX investigator **and/or “outside counsel”** has handled all aspects of the investigation regarding ██████’ Title IX Complaint. [HISD ~~694~~-95; 699].

B. I make the following additional findings of fact, which are numbered to correspond to the findings of fact in the Report:

1. FOF ¶ 42b: No witnesses to the incident at the June 2021 Graduation at Turner Stadium reported that the interaction was objectively severe, pervasive, and/or offensive (or anything of the like). No witness described the interaction as “sexual conduct.” ██████ and ██████ did not think too much of it. ██████ later thought it was “weird,” upon reflection. ██████ thought it was inappropriate because of the setting (*i.e.*, a graduation), but did not report believing it was inappropriate physical contact because of the nature (*e.g.*, sexual, severe, pervasive, or offensive).
2. FOF ¶ 55b: There is no evidence that Respondent contributed to, participated in, or was even aware of any running jokes about Complainant.
3. FOF ¶ 79b: The evidence does not reflect a reasonable explanation for why ██████ felt that she needed to “act as a ‘human shield,’” or “run[] interference,” between Complainant and Respondent at the June 8, 2021 Astros Baseball game. Respondent leaning around ██████ to speak with Complainant (who was seated on the other side) is a predictable and reasonable scenario when sitting in stadium seats with a group at a sporting event. No witnesses at the baseball game reported that the interaction was objectively severe, pervasive, and/or offensive (or anything of the like). No witness described the interaction as “sexual conduct.”
4. FOF ¶ 104b: Regarding the June 10, 2022 Pillars of the Community Event, ██████ described it as a “personal space issue,” and ██████ described it as “a little awkward.” However, no witnesses to the incident at the June 2022 Pillars of Community Event reported that the interaction was objectively severe, pervasive, and/or offensive (or anything of the like). No witness described the interaction as “sexual conduct.” It was a loud event, and people (including Respondent) were leaning over others, craning to speak to and hear one another. (*E.g.*, FOF ¶ 99.) Respondent putting an arm around the neighboring chair or leaning over to speak with another guest at the event (who was seated at the table) is a predictable and reasonable scenario when sitting at a banquet table with a group. (*E.g.*, FOF ¶ 103.)

5. FOF ¶ 126b: Respondent extending an invitation to Complainant to see a baseball game or to see plants in Respondent's yard is not objectively severe, pervasive, and/or offensive (or anything of the like); nor would such an invitation be "sexual conduct." No witnesses to an invitation by Respondent to Complainant reported that the interaction was objectively severe, pervasive, and/or offensive (or anything of the like). No witness described the interaction as "sexual conduct."
6. FOF ¶ 141b: Respondent putting his arm around an empty chair at the August 2022 Convocation at United City Church in order to speak with Complainant (who was sitting beyond the empty chair) is not objectively severe, pervasive, and/or offensive (or anything of the like); nor is such an action "sexual conduct."
7. FOF ¶ 150b: No witnesses to the incident at the February 20, 2023 Golf Tournament Fundraiser at Kingwood Country Club reported that the interaction was objectively severe, pervasive, and/or offensive (or anything of the like). No witness described the interaction as "sexual conduct." [REDACTED] reported it was "weird."
8. FOF ¶ 167b: No witness reported their own observations of, or interactions with, Respondent as objectively severe, pervasive, and/or offensive. No witness described any aspect of their own interaction with Respondent as "sexual conduct."
9. FOF ¶ 167c: None of the conduct reported would constitute a sexual advance, a request for sexual favor, sexually motivated conduct, or other conduct or communication of a sexual nature.

V. Conclusions regarding the application of the District's applicable code of conduct or other policy to the facts and results as to each allegation

After due consideration of the evidence, the submissions from the parties, and matters in the Report and Findings of Fact, in my capacity as decision-maker, I make the following conclusions:

A. Applicable Authority

1. Sexual Harassment. Title IX Regulations ensure that no person should be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, on the basis of sex. *See* 34 C.F.R. § 106.51. *See also* HISD Board Policy DIA(Legal) ("It is an unlawful employment practice for a district to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's...sex.").

Policy DIA(Local) defines sexual harassment:

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Examples

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communication, including electronic communication.

Board Policy FFH(Legal) defines Sexual Harassment:

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

See also HISD Board Policy DIA(Local) ("Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)].").

2. Retaliation. Federal regulations prohibit retaliation (including intimidation, threats, coercion, etc.) for the purposes of interfering with any right or privilege secured by Title IX. 34 C.F.R. § 106.71(a). *See also* HISD Board Policy DIA(Legal) (“A district may not discriminate against any employee...because the employee...has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice.”); DIA(Local) (“The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or otherwise participates or refuses to participate in an investigation.”).

Humble ISD’s Board Policy FFH(Legal) specifically prohibits Title IX retaliation as follows:

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

See also HISD Board Policy FFH(Local) (“In this policy, the term ‘prohibited conduct’ includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.”). Board Policy provides examples of retaliation including, threats and intimidation. (*See* HISD Board Policy FFH(Local).)

B. Application of Authority to the Facts & Result of Allegation 1 (Conclusion 1):

Complainant alleges he experienced sexual harassment in the form of a pattern of unwanted physical touch by Respondent at numerous locations during school-related events. Respondent is not responsible for any violation of Title IX or Board Policy related to this allegation.

Complainant identifies the specific incidents wherein he alleged that Respondent subjected him to sexual harassment:

- a. at the June 2021 graduation at Turner Stadium, Respondent rubbed his hands on Complainant's chest and unzipped Complainant's jacket;
- b. on June 10, 2022, at a Pillars of the Community event at Kingwood Country Club, Respondent moved place cards to ensure he could sit next to Complainant where he touched Complainant on the back and shoulder and leaned his chest against Complainant;
- c. in August 2022, at a convocation at United City Church, Respondent sat next to, and put his arm around, Complainant while inviting Complainant over to see his backyard;
- d. on February 20, 2023, at a Humble ISD golf program fundraiser, Respondent touched Complainant's chest and, again, invited Complainant to see his backyard.

(FOF ¶ 8.) In short, none of these incidences constitute sexual harassment.

No witnesses to the incident at the June 2021 Graduation at Turner Stadium reported that the interaction was objectively severe, pervasive, and/or offensive (or anything of the like). (FOF ¶ 42b.) ██████████ and ██████████ did not think too much of it. (FOF ¶ 42b.) ██████████ later thought it was "weird," upon reflection. (FOF ¶ 42b.) ██████████ thought it was inappropriate because of the setting (i.e., a graduation), but did not report believing it was inappropriate physical contact because of the nature (e.g., sexual, severe, pervasive, or offensive). (FOF ¶ 42b.)

Regarding the June 10, 2022 Pillars of the Community Event, no witnesses to the incident at the June 2022 Pillars of Community Event reported that the interaction was objectively severe, pervasive, and/or offensive (or anything of the like). (FOF ¶ 104b.) Instead, ██████████ described it as a "personal space issue," and ██████████ described it as "a little awkward." (FOF ¶ 104b.) Physical contact caused by leaning over to speak with another guest at the event (who was seated at the table) is a predictable and reasonable scenario when sitting at a banquet table with a group.¹ (FOF ¶¶ 103, 104b.)

¹ There is no evidence that Respondent contributed to, participated in, or was even aware of any running jokes about Complainant. (FOF ¶ 55b.)

Respondent extending an invitation to Complainant to see a baseball game or to see plants in Respondent's yard is not objectively severe, pervasive, and/or offensive (or anything of the like); nor would such an invitation be "sexual conduct." (FOF ¶ 126b.) No witnesses to an invitation by Respondent to Complainant reported that the interaction was sexual, objectively severe, pervasive, and/or offensive (or anything of the like).

Respondent putting his arm around an empty chair at the August 2022 Convocation at United City Church in order to speak with Complainant (who was sitting beyond the empty chair) is not objectively severe, pervasive, and/or offensive (or anything of the like); nor is such an action "sexual conduct." (FOF ¶ 141b.)

No witnesses to the incident at the February 20, 2023 Golf Tournament Fundraiser at Kingwood Country Club reported that the interaction was objectively severe, pervasive, and/or offensive (or anything of the like). (FOF ¶ 150b.) [REDACTED] reported it was "weird," but no witness described the interaction as sexual conduct.

A preponderance of evidence does not support a conclusion that Respondent is responsible for causing any sexual advances; requesting sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature. (See Board Policy DIA(Local).) A preponderance of evidence does not support a conclusion that a reasonable person would find the incidents to be severe, pervasive, and objectively offensive—even if Complainant subjectively considered the conduct to be unwelcome. (See Board Policy FFH(Legal).) A preponderance of evidence does not support a conclusion that Respondent's conduct effectively denied Complainant equal access to the district's education program or activity. A preponderance of evidence does not support a conclusion that Respondent conditioned the provision of any aid, benefit, or service of the district on Complainant's "participation" in any unwelcome sexual conduct. Indeed, the preponderance of evidence does not support a conclusion that any sexual conduct or sexual harassment occurred.

The conduct reported does not constitute sexual harassment, discrimination, or a violation of Board Policy or Title IX.

C. Application of Authority to the Facts & Result of Allegation 2 (Conclusion 2):

Complainant alleges discrimination on the basis of his sex as Complainant felt uncomfortable reporting the alleged harassment because Respondent is a man and Complainant's boss. Respondent is not responsible for any violation of Title IX or Board Policy related to this allegation.

Respondent is not Complainant's boss. Although Respondent does have authority to vote as one member of a seven-member board to propose action (e.g., renewal, nonrenewal, and/or termination) of District employee contracts, that action would be

taken upon a recommendation from District administration. (*See, e.g.,* Board Policy DFBB(Local).) Further, the Report does not reflect that any such vote was taken related to Complainant’s employment. Finally, the underlying conduct reported by Complainant here does not constitute sexual harassment, discrimination, or a violation of Board Policy or Title IX.

A preponderance of the evidence does not support a conclusion that Respondent discriminated against Complainant.² The conduct reported does not constitute sexual harassment, discrimination, or a violation of Board Policy or Title IX.

D. Application of Authority to the Facts & Result of Allegation 3 (Conclusion 3):

Complainant alleges retaliation and/or possible future retaliation because Respondent is a member of the Board which is investigating Complainant in another matter. Complainant feels his employment will be terminated in retaliation for directly and indirectly resisting Respondent’s sexual advances. Respondent is not responsible for any violation of Title IX or Board Policy related to this allegation.

A preponderance of the evidence does not support a conclusion that the Board is investigating Complainant in another matter. The evidence reflects that the Board has retained outside counsel to investigate, coordinate, and issue a determination regarding Complainant’s conduct in a different Title IX complaint previously filed by another District employee. That Title IX complaint was filed more than two months before Complainant’s complaint against Respondent. (*See* FOF ¶ 2.) The determination in that Title IX complaint process was issued February 9, 2024, recommending the District propose nonrenewal and termination based on the conclusions made therein – unrelated to the allegations raised in Complainant’s Title IX complaint against Respondent. (*See* FOF ¶ 20-21.) Respondent had no influence or involvement in the February 9, 2024 Title IX Complaint determination. (*See, e.g.,* ¶¶ 184, 191, 194.)

Although Respondent does have authority to vote as one member of a seven-member board to propose action (e.g., renewal, nonrenewal, and/or termination) of District employee contracts, that action would be taken upon a recommendation from District administration. (*See, e.g.,* Board Policy DFBB(Local).) Further, Report does not reflect that any such vote was taken related to Complainant’s employment. The evidence does not support that any action taken by Respondent was motivated by retaliatory animus. Finally, a preponderance of evidence does not support a conclusion that Respondent made any sexual advances toward Complainant.

² Respondent’s gender is immaterial to an alleged violation of Title IX or Board Policy. Whether Respondent were a man or woman, a violation of Title IX or Board Policy could occur.

The conduct reported does not constitute retaliation (actual or threatened), or a violation of Board Policy or Title IX.

E. Application of Authority to the Facts & Result of Allegation 4 (Conclusion 4):

Complainant alleges the Board treated Respondent more favorably than Complainant and/or retaliated against Complainant by continuing to keep Complainant on forced leave (and have denied his petition to return) without mandating a similar leave for Respondent or, at the very least, requiring his recusal, shows deliberate indifference, citing 34 C.F.R. § 106.44(a). Respondent is not responsible for any violation of Title IX or Board Policy related to this allegation.

The preponderance of the evidence does not support a conclusion that Respondent has retaliated against Complainant or shown deliberate indifference in this Title IX proceeding. Although Respondent does have authority to vote as one member of a seven-member board to propose action (e.g., renewal, nonrenewal, and/or termination) of District employee contracts, the Report does not reflect that any such vote was taken related to Complainant's employment. Further, the evidence reflects that Respondent has participated in only one vote related to Complainant—a vote in which the majority of the Board authorized [REDACTED] to engage in settlement discussions with Complainant. There is no evidence that Respondent had any direct influence in specific terms (if any) in those settlement discussions. Finally, there is no law mandating that the Board or the Respondent himself suspend or recuse Respondent from his role as Trustee for the District.

As for his placement on administrative leave, the Report reflects that at different times, [REDACTED] and the Title IX Coordinator (an outside counsel) determined that Complainant should remain on administrative leave, not Respondent or the Board. (See FOF ¶ 210.) There is no evidence that the Respondent or the Board retaliated against Complainant by continuing to keep Complainant on administrative leave.

The conduct reported does not constitute retaliation, deliberate indifference, or otherwise constitute a violation of Board Policy or Title IX.

VI. Recommendation for disciplinary sanctions and/or Title IX remedies designed to restore or preserve equal access to the District's education program or activity

Given the Conclusions drawn herein, I do not recommend any Title IX disciplinary sanction and/or Title IX remedies to restore or preserve equal access to the District's education program or activity.

VII. The procedures and permissible bases for the complainant and respondent to appeal the determination

In accordance with law and local policy, either party may appeal the written determination regarding responsibility or a dismissal of a formal complaint or any allegations therein only on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Title IX does not require the District to accept appeals based on any other reasons.

To initiate an appeal, a party must file a written request for appeal with the Title IX Procedures Coordinator within 5 days of a party's receipt of the decision-maker's written responsibility determination.

The Title IX Coordinator will review the request and assign an appropriate appeal hearing officer in compliance with law and policy. If the reason for appealing the dismissal or determination of responsibility is not one of the permitted bases for appeal, the District may dismiss the appeal.

If the request for an appeal is not dismissed, the Coordinator will designate an appeal hearing officer to proceed. The appeal hearing officer may not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator who investigated the complaint at issue, or the Title IX Coordinator.

The Title IX Coordinator will notify the non-appealing party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal of a formal complaint or determination of responsibility. Written statements must be submitted within 5 days of receipt of the notice of appeal to be considered.

[END]

FINDINGS OF FACT

TITLE IX FINAL INVESTIGATION REPORT

COMPLAINANT: [REDACTED]

RESPONDENT: [REDACTED]

FINDINGS OF FACTS

Witnesses Interviewed:

1. [REDACTED] Complainant and Humble ISD (“HISD”) [REDACTED]
2. [REDACTED]; HISD School Board of Trustees [REDACTED]
3. [REDACTED]; HISD [REDACTED]
4. [REDACTED] HISD [REDACTED]
5. [REDACTED] HISD [REDACTED] [REDACTED]
6. [REDACTED]; HISD [REDACTED]
7. [REDACTED]; HISD [REDACTED]
8. [REDACTED]; HISD [REDACTED]
9. [REDACTED]; HISD [REDACTED]
10. [REDACTED] HISD [REDACTED]
11. [REDACTED] HISD [REDACTED]
12. [REDACTED]; Wife of [REDACTED]
13. Craig Wood; Board Attorney
14. [REDACTED] Former HISD [REDACTED]
15. [REDACTED]; HISD [REDACTED]
16. [REDACTED] [REDACTED]
17. [REDACTED]; Former HISD [REDACTED]
18. [REDACTED] Friend [REDACTED]
19. [REDACTED] [REDACTED]

Witnesses Who Declined to be Interviewed/Failed to Respond to Contacts:

1. [REDACTED] HISD [REDACTED] (Declined to be Interviewed)
2. [REDACTED] [REDACTED] Declined to be Interviewed)
3. [REDACTED] Former HISD [REDACTED] (Failed to Respond to Contacts)
4. [REDACTED] [REDACTED] No Contact Information received)
5. [REDACTED]; HISD [REDACTED] Failed to Respond to Contacts)

Exhibits:

Documents		
Exhibit	Description	Bates Label
1	Humble ISD's May 22, 2023 Letter to [REDACTED] re Administrative Leave	HISD 001-002
2	[REDACTED] June 26, 2023 Email to Craig Wood re Stepping Down as Humble ISD Lead	HISD 003-004
3	[REDACTED] July 21, 2023 Letter and Exhibits A-F to Humble ISD School Board	HISD 005-081
4	[REDACTED] July 21, 2023 Grievance	HISD 082-090
5	[REDACTED] July 27, 2023 EEOC Charge of Discrimination	HISD 091-097
6	Marianna McGowan's July 28, 2023 Letters to [REDACTED] [REDACTED] Providing Written Title IX Notice	HISD 098-105
7	Humble ISD Board of Trustees' August 1, 2023 Agenda	HISD 106-107
8	Marianna McGowan's August 4, 2023 Letters to Keith Lapeze, Christopher Tritico, and [REDACTED] re Written Notice of Supportive Measures and Informal Resolution	HISD 108-112
9	Marianna McGowan's August 22, 2023 Letter to Keith Lapeze, Christopher Tritico, [REDACTED] and [REDACTED] re Title IX Investigation	HISD 113-119
10	Marianna McGowan's August 23, 2023 Letter to Lynn Rossi Scott Providing Written Notice of Title IX Investigation	HISD 120-210
11	Lynn Rossi Scott's August 24, 2023 Letter to Keith Lapeze and Christopher Tritico re Request for Interview in Title IX Investigation	HISD 211-224
12	Lynn Rossi Scott's August 24, 2023 Email and Letter to [REDACTED] [REDACTED] re Request for Written Statement from [REDACTED]	HISD 225-239
13	[REDACTED] September 1, 2023 Grievance	HISD 240-246

14	██████████ September 5, 2023 Letter to Lynn Rossi Scott re Response to Request for Written Statement in Title IX Investigation and Exhibit A	HISD 247-262
15	August 28 - September 21, 2023 Emails re Lynn Rossi Scott's Efforts to Interview ██████████ and ██████████ Ability to be Interviewed	HISD 263-292
16	Lynn Rossi Scott's October 18, 2023 Email and Letter to David Minces and Keith Lapeze re ██████████ October 24, 2023 Interview	HISD 292-311
17	David Minces' October 24, 2023 Letter to Lynn Rossi Scott and Exhibits re Issues to Investigate and Exhibits 1-4	HISD 312-332
18	October 25-31, 2023 Emails re ██████████ Request to Return to Work and Humble ISD's Response	HISD 333-336
19	David Minces' November 10, 2023 Return to Work Request to Craig Wood	HISD 337-340
20	Marianna McGowan's November 14, 2023 Email re Administrative Leave	HISD 341-343
21	Marianna McGowan's December 19, 2023 Written Notice to Lynn Rossi Scott re Request for Title IX Investigation of Retaliation Claims	HISD 344-374
22	Lynn Rossi Scott's January 26, 2024 Email to C. Tritico, D. Minces, K. Lapeze re ██████████ Suppl Allegations, Request for Written Statement, Interview, D Minces' Response re Delay	HISD 375-377
23	Lynn Rossi Scott's January 26, 2024 Email to Shannon Almes re ██████████ Supplemental Allegation, Request for Written Statement, Interview of ██████████	HISD 378-409
24	██████████ January 31, 2024 Supplemental EEOC Charge of Discrimination and 51 Exhibits	HISD 410-608
25	Shannon Almes' February 2, 2024 Response to Lynn Rossi Scott re Written Statement in Title IX Investigation	HISD 609-611
26	February 9, 2024 Title IX Determination from Giana Ortiz re ██████████ Complaint	HISD 612-635

27	February 16, 2024 Appeal of Determination re [REDACTED] Title IX Complaint	HISD 636-650
28	Lynn Rossi Scott's February 19, 2024 Email to Shannon Almes re Supplemental EEOC Allegations and Shannon Almes' Feb. 20, 2024 Response	HISD 651-661
29	[REDACTED] March 11, 2024 Response to [REDACTED] Supplemental EEOC Charge and Request for Statement	HISD 662-664
Statements from Parties		
30	[REDACTED] October 24, 2023 Interview	HISD 665-673
31	[REDACTED] February 27, 2024 Supplemental Interview	HISD 674-678
32	[REDACTED] December 8, 2023 Interview	HISD 679-697
33	[REDACTED] April 4, 2024 Supplemental Interview	HISD 698-701
Statements from Corroborating Witnesses		
34	[REDACTED] October 4, 2023 Interview	HISD 702-704
35	[REDACTED] October 4, 2023 Interview	HISD 705-708
36	[REDACTED] October 9, 2023 Interview	HISD 709-716
37	[REDACTED] October 10, 2023 Interview	HISD 717-727
38	[REDACTED] October 17, 2023 Interview	HISD 728-735
39	[REDACTED] October 19, 2023 Interview with additions made via telephone on Feb. 6, 2024	HISD 736-741
40	[REDACTED] October 20, 2023 Interview	HISD 742-746
41	[REDACTED] October 25, 2023 Interview	HISD 747-758
42	[REDACTED] October 30, 2023 Interview	HISD 759-762
43	[REDACTED] November 10, 2023 Interview	HISD 763-765
44	Craig Wood's November 14, 2023 Interview	HISD 766-767
45	[REDACTED] November 27, 2023 Interview	HISD 768-770

46	██████████ December 6, 2023 Interview Points	HISD 771-772
47	██████████ December 12, 2023 Interview	HISD 773-775
48	██████████ January 25, 2024 Interview	HISD 776-782
49	██████████ January 26, 2024 Interview	HISD 783-786
50	██████████ January 25, 2024 Interview	HISD 787-792
51	██████████ March 26, 2024 Supplemental Interview and Statement	HISD 790-792
Written Efforts to Obtain Additional Interviews		
52	October 3 and 10, 2023 Emails Requesting ██████████ Interview – No Response	HISD 793-795
53	██████████ October 11, 2023 Email to Lynn Rossi Scott Declining Interview	HISD 796-799

Investigative Findings of Fact:

I. Background and Allegations

1. Humble ISD (“HISD”) has employed [REDACTED] for over 24 years. [HISD 007]. [REDACTED] began his career at HISD as the [REDACTED] for HISD High School. [HISD 086.] [REDACTED] was promoted to [REDACTED] in or around 2005 and then promoted to [REDACTED] in 2017. [HISD 086.] [REDACTED] is currently employed as the [REDACTED] [REDACTED] [HISD 086.]
2. On May 4, 2023, [REDACTED] the [REDACTED] reported claims of harassment, discrimination, and retaliation in violation of Title IX against [REDACTED] [REDACTED] Title IX Complaint”). [HISD 015].
3. The Humble ISD Board of Trustees (the “Board”) retained an independent Title IX investigator and decisionmaker to investigate and determine [REDACTED] Title IX Complaint. [HISD 007-008].
4. On May 19, 2023, [REDACTED] was placed on administrative leave pending the investigation of [REDACTED] Title IX Complaint. [HISD 002; 676].
5. While on voluntary administrative leave, [REDACTED] applied for and took 90 days of leave under the Family and Medical Leave Act (“FMLA”) beginning on or around July 7, 2023. [HISD 666; 676]. [REDACTED] then applied for and took temporary disability leave through October 31, 2023. [HISD 676].
6. Initially, Board President [REDACTED] served as the liaison between the Board and the independent Title IX investigator for [REDACTED] Title IX Complaint. [HISD 004; 694].
7. On June 26, 2023, after [REDACTED] was elected [REDACTED] emailed Craig Wood, the Board’s attorney, regarding her decision to step down from acting as the [REDACTED] and to allow [REDACTED] to act as the [REDACTED] moving forward. [HISD 004].
8. On July 21, 2023, in response to [REDACTED] Title IX Complaint, [REDACTED] raised Title IX allegations against [REDACTED] which incorporated the allegations [REDACTED] set forth in his soon-to-be-filed Equal Employment Opportunity Commission (“EEOC”) Charge of Discrimination and included the following, as summarized by the Title IX Coordinator:
 - i. Complainant alleges he experienced sexual harassment in the form of a pattern of unwanted physical touch by [REDACTED] at numerous locations during school-related events. Specifically, Complainant alleges that at the June 2021 graduation at Turner Stadium, [REDACTED] rubbed his hands on Complainant’s chest and unzipped Complainant’s jacket; on June 10, 2022, at a Pillars of the Community event at Kingwood Country Club, [REDACTED] moved place cards to ensure he could sit next to Complainant where he touched Complainant on the back and shoulder and leaned his chest against Complainant; in August 2022, at a convocation at United City Church, [REDACTED] sat next to, and put his arm around, Complainant while inviting

Complainant over to see his backyard; on February 20, 2023, at a Humble ISD golf program fundraiser, [REDACTED] touched Complainant's chest and, again, invited Complainant to see his backyard.

- ii. Complainant alleges discrimination on the basis of his sex as Complainant felt uncomfortable reporting the alleged harassment because [REDACTED] is a man and Complainant's boss.
 - iii. Complainant alleges retaliation and/or possible future retaliation because [REDACTED] is a member of the Board which is investigating Complainant in another matter. Complainant feels his employment will be terminated in retaliation for directly and indirectly resisting [REDACTED] sexual advances. [HISD 006-081].
9. [REDACTED] filed the Charge of Discrimination with the EEOC on July 27, 2023, alleging sexual harassment and retaliation in violation of Title VII of the Civil Rights Act. [HISD 092-097].
 10. In his EEOC Charge of Discrimination, [REDACTED] alleges he was subjected to unwanted sexual touching and comments by [REDACTED] for at least two years. [HISD 092-097]. [REDACTED] alleges that, over time, the touching escalated, with [REDACTED] sometimes putting his hand on the small of [REDACTED] back. [HISD 092]. [REDACTED] provided examples of [REDACTED] conduct, which included: [REDACTED] 'rubbing his hands up and down' [REDACTED] chest, while saying with a mischievous smile, "That's [sic] really feels nice," and then unzipping [REDACTED] jacket while at a high school graduation; [REDACTED] angling to make contact with [REDACTED] while at an Astros Baseball game, which required [REDACTED] to run "interference" or [REDACTED] behalf; [REDACTED] moving his name placard at a community event to sit next to [REDACTED] and then inappropriately touching [REDACTED] by placing his hand on [REDACTED] back/shoulder and leaning his chest against [REDACTED] while talking to [REDACTED] seeking [REDACTED] out at a convocation and putting his arm around the back of [REDACTED] chair; and [REDACTED] touching [REDACTED] chest while saying, "You need to come see my backyard, my verberna looks beautiful" at a school-related golf tournament. [HISD 092-097].
 11. [REDACTED] became engaged to the [REDACTED] in July 2023. [HISD 678]. [REDACTED] and [REDACTED] married on November 23, 2023. [HISD 678].
 12. In or around July 2023, the Board retained an independent Title IX Coordinator, Mari McGowan, for [REDACTED] Title IX Complaint against [REDACTED] [HISD 099-105].
 13. On August 4, 2023, Ms. McGowan sent a letter to [REDACTED] attorney implementing the following supportive measures:
 - a. No communication between [REDACTED] and [REDACTED] (written, verbal or otherwise) other than through the parties' attorneys.
 - b. If [REDACTED] needs to visit District facilities, campuses, or otherwise, he must first obtain written consent from a person designated by the administration (that individual will confirm [REDACTED] will not be at the particular location).

- c. Semi-weekly (twice-a-week) updates on the schedule and process (can be verbal conversations with [REDACTED] lawyers).
 - d. Completion of the investigation in a timely manner subject to the investigator's timeline and the required written report will be provided to [REDACTED] as required under Title IX regulations.
 - e. The investigators will follow Board policy and the Title IX regulations. [HISD 109-110].
14. On August 4, 2023, Ms. McGowan sent a letter to [REDACTED] implementing the following supportive measures:
- a. [REDACTED] should not be present at any event where [REDACTED] is in attendance in his official role as a Humble ISD Board member. If [REDACTED] needs to visit District facilities, campuses, or otherwise, he must first obtain written consent from a person designated by the administration (that individual will confirm [REDACTED] will not be at the particular location).
 - b. Communication between [REDACTED] and [REDACTED] will be limited to in-person meetings (with [REDACTED] present) or email with a carbon copy (cc) to [REDACTED]. If [REDACTED] is not available, [REDACTED] will have the option to select who will attend meetings / receive a copy of communications.
 - c. All communications between [REDACTED] and [REDACTED] (written, verbal or otherwise) may only occur through the parties' attorneys. [HISD 111-112].
15. On August 23, 2023, Lynn Rossi Scott was retained as the investigator of [REDACTED] allegations against [REDACTED] [HISD 120-124].
16. On October 31, 2023, after being released to return to work by his health care provider, [REDACTED] requested to return to work. [HISD 336]. [REDACTED] the [REDACTED] of [REDACTED] denied [REDACTED] request and returned [REDACTED] to administrative leave. [HISD 336] [REDACTED] sent a return-to-work demand to Mr. Wood on November 10, 2023. [HISD 506]. On November 14, 2023, Ms. McGowan determined that [REDACTED] should remain on administrative leave. [HISD 509]. [REDACTED] made subsequent requests to return to work, which Ms. McGowan denied. [HISD 338-340; 342-343; 666; 676].
17. On December 15, 2023, Ms. McGowan's office modified the supportive measures as follows:
- a. [REDACTED] shall refrain from contacting/communicating, in any form, with [REDACTED] or [REDACTED] is no longer required to request consent before attending school sponsored functions. Since [REDACTED] will remain on administrative leave, his access is limited to that of a member of the public or the spouse of [REDACTED]. He does not have access to school sponsored functions in his professional capacity with the District while he remains on leave. Due to his unique access as the

██████████ spouse with a “sideline pass”, ██████████ access excludes any spaces where ██████████ is actively performing her employment duties, such as, the sidelines, on the field, at Humble ISD box, etc. The purpose of the modification to the supportive measure is to preserve equal access and protect the safety of all parties and the District’s educational environment by avoiding ██████████ and ██████████ coming into contact and interfering with ██████████ ability to perform her job duties. [HISD 517].

18. On December 19, 2023, ██████████ supplemented his Title IX Complaint against ██████████ to include a fourth allegation: “The Board of Trustees treated ██████████ more favorably/retaliated against ██████████ by: continuing to keep ██████████ on forced leave (and have denied his petition to return) without mandating a similar leave for ██████████ or, at the very least, requiring his recusal, shows deliberate indifference.” [HISD 345-374].
19. On January 31, 2024, ██████████ filed a Supplemental EEOC Charge of Discrimination alleging illegal actions by the Board. [HISD 411-608]. ██████████ alleged: the Board unlawfully met in secret and made decisions in closed sessions regarding matters involving ██████████ the Board ignored ██████████ grievances to protect the political careers of members of the Board; the Board retaliated against ██████████ by leaving ██████████ on perpetual involuntary leave and denying his requests to return to work; the Board improperly allowed ██████████ to preside over matters involving ██████████ and did not require ██████████ to go on a similar leave, despite being charged with sexual harassment; and the Board’s attorney conspired with the Board to violate ██████████ rights. [HISD 411-608].
20. Giana Ortiz, the decisionmaker of ██████████ Title IX Complaint, issued a formal determination on February 9, 2024. [HISD 613-635]. In the formal determination, Ms. Ortiz concluded that ██████████ was responsible for creating a hostile work environment within Humble ISD’s athletic department by using sexually explicit language to and about his subordinates in the athletic department. [HISD 613-635].
21. Ms. Ortiz further concluded that ██████████ was not responsible for Title IX sexual harassment when he disclosed ██████████ domestic partners’ name. [HISD 613-635]. Ms. Ortiz concluded ██████████ was not responsible for Title IX retaliation when he: interviewed individuals to replace ██████████ the same day she expressed an interest in retiring; for failing to promote ██████████ to the position of ██████████ or for placing ██████████ on leave after she reported Title IX violations. [HISD 613-635]. Ms. Ortiz recommended term contract nonrenewal for ██████████ HISD 613-635].
22. On February 16, 2024, ██████████ appealed Ms. Ortiz’s February 9, 2024 Title IX determination. [HISD 637-650].
23. ██████████ remains on involuntary administrative leave pending his appeal of Ms. Ortiz’s February 9, 2024 Title IX determination. [HISD 676].
24. ██████████ is currently the ██████████ HISD 699].

II. Definition of Sexual Harassment

25. HISD's Board Policy FFG (Legal) defines "sexual harassment" as conduct on the basis of sex that satisfies one or more of the following:
- a. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
 - c. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

III. Allegation Nos. 1 and 2

A. June 2021 Graduation at Turner Stadium

26. HISD held its 2021 graduations outside at Turner Stadium due to the COVID-19 pandemic. [HISD 666; 680].
27. On the day of one of the graduations, it was raining off and on. [HISD 680; 719; 751; 780].
28. Before the graduation ceremony began, several members of the Board and a few other individuals were having a conversation in an outdoor area near the fieldhouse. [HISD 666; 719; 731; 754; 780; 789].
29. The conversation included: [REDACTED]
[REDACTED] and [REDACTED]
[REDACTED] [HISD 666; 706; 719; 731; 751; 780; 789]. At some point, [REDACTED] joined the conversation. [HISD 666; 719; 751; 780].
30. [REDACTED] the [REDACTED] may have been present. [HISD 666].
31. The group discussed and admired the weather-proof Gore-Tex jacket [REDACTED] was wearing. [HISD 666; 680; 706; 719; 751; 754; 780].
32. One of the Board members made a comment that the Board would like to have a jacket like [REDACTED] jacket. [HISD 666; 732; 754; 780].
33. [REDACTED] offered to get the Board similar Gore-Tex jackets.¹ [HISD 666; 780].

¹ Each year, the athletic department gives the Board something as a token of appreciation, such as shirts with HISD logos for each of the different schools. [HISD 780].

34. ██████ said ██████ rubbed ██████ chest for 8-12 seconds, commented, “that’s really nice,” and then unzipped and zipped his jacket for approximately 20 seconds. [HISD 666].
35. ██████ said he touched the sleeve of ██████ jacket and pulled the zipper up and down to see how well the zipper operated, which altogether lasted a matter of seconds. [HISD 681] ██████ stated he was testing the jacket because ██████ was acting like he was going to buy all of the Board members the same jacket. [HISD 681].
36. When ██████ touched ██████ jacket, ██████ did not say anything to ██████ and ██████ did not observe any body language that ██████ did not want to be touched. [HISD 666; 681].
37. ██████ said he saw ██████ touch ██████ jacket, but he did not recall ██████ rubbing his hands up and down ██████ jacket or zipping and unzipping ██████ jacket. [HISD 706]. ██████ did not view ██████ rubbing ██████ jacket as sexual harassment. [HISD 706].
38. ██████ said she observed ██████ put his hands on ██████ chest, rub his hands around ██████ chest, and move the zipper up and down. [HISD 719] ██████ said the entire incident was 15-20 seconds, maybe 30 seconds. [HISD 719]. ██████ said she saw the surprise on ██████ face when ██████ touched ██████ and she believes everyone was surprised as it was an invasion of space. [HISD 719] ██████ believes ██████ was unhappy about the interaction. [HISD 719].
39. ██████ said she saw ██████ rub the front of ██████ jacket with his palms flat on ██████ chest. [HISD 732]. ██████ does not remember ██████ touching the jacket’s zipper. [HISD 732]. ██████ did not think too much of ██████ touching ██████ at the time, but she did notice ██████ was uncomfortable. [HISD 731].
40. ██████ said ██████ approached the group and said, “Oh, yeah, that feels nice,” while rubbing ██████ jacket and “messing” with the jacket’s zipper. [HISD 754]. ██████ said the entire incident lasted 30 seconds to one minute. [HISD 754]. ██████ said he saw ██████ face immediately following the interaction, which to him expressed, “what just happened?” [HISD 751]. When the interaction occurred, ██████ did not think anything of it, but, after sitting with it, he believes ██████ touching ██████ jacket was weird. [HISD 754]. ██████ initially thought ██████ was joking around. [HISD 751].
41. ██████ said she observed ██████ touch the shoulder area of ██████ jacket and do something with the zipper. [HISD 779]. ██████ said the entire encounter lasted a matter of seconds. [HISD 779]. According to ██████ ██████ did not appear uncomfortable and remained jovial and in a good mood, like everyone else, during the interaction with ██████ [HISD 779]. ██████ believes ██████ was considering whether the school district should purchase Gore-Tex jackets and was analyzing whether

the jacket was of a good enough quality to justify the cost. [HISD 779]. [REDACTED] did not interpret the interaction between [REDACTED] and [REDACTED] as sexual. [HISD 779].

42. [REDACTED] recalls [REDACTED] hand moving in an up and down motion near [REDACTED] chest. [HISD 789]. [REDACTED] does not know if [REDACTED] touched [REDACTED] chest or was zipping/unzipping the jacket. [HISD 789] [REDACTED] said [REDACTED] and was near [REDACTED] chest for approximately five seconds. [HISD 789]. [REDACTED] believes [REDACTED] behavior was odd and inappropriate because of the setting. [HISD 789].

43. After [REDACTED] touched [REDACTED] jacket, [REDACTED] walked away, and [REDACTED] walked away. [HISD 666; 682].

44. After [REDACTED] walked away, [REDACTED] said people who witnessed [REDACTED] rubbing his jacket began teasing [REDACTED] at the graduation, including [REDACTED] and [REDACTED] who referred to [REDACTED] as [REDACTED] 'boyfriend.'" [HISD 667]. [REDACTED] said he told them it was not funny, and it was gross. [HISD 667]. [REDACTED] said these jokes continued for the rest of the graduation, and, thereafter, it became a running joke. [HISD 667].

45. [REDACTED] does not recall teasing [REDACTED] regarding [REDACTED] or referring to [REDACTED] as [REDACTED] boyfriend, and he is not aware of a running joke regarding [REDACTED] and [REDACTED] [HISD 789]. [REDACTED] believes something to the effect of "there's your boyfriend" may have been said, but he does not recall when it was said or by whom. [HISD 789].

46. [REDACTED] failed to respond to efforts to be interviewed. [HISD 794-795].

47. [REDACTED] recalls some jokes immediately following the incident, such as, "he's always touching you" or "he likes you" (referring to [REDACTED]), but [REDACTED] did not view the jokes as sexual harassment or serious, only uncomfortable for a moment. [HISD 706].

48. [REDACTED] and [REDACTED] are not aware of any running joke regarding [REDACTED] and [REDACTED] [HISD 706; 733; 780; 789].

49. [REDACTED] said that no one said anything at the time of the incident, but, later, [REDACTED] heard [REDACTED] being referred to as [REDACTED] boyfriend. [HISD 719]. [REDACTED] does not remember the names of the individuals who made the jokes, except for [REDACTED] [HISD 719]. [REDACTED] said [REDACTED] did not laugh at the joke, was upset about the joke, and had really strong feelings about it. [HISD 720]. [REDACTED] believes people were surprised [REDACTED] did not joke about it as they expected, explaining [REDACTED] is a "big strong guy and [REDACTED] is a smaller older man." [HISD 720].

50. [REDACTED] admits he and some others picked on [REDACTED] saying things such as, "saw your boyfriend." [HISD 751]. According to [REDACTED] attitude towards the joking was: "What am I going to do about it[,] I'm a coach, a guy's guy, and [REDACTED] is 5 foot nothing." [HISD 751].

51. When others joked about [REDACTED] and [REDACTED] recalls [REDACTED] and others saying, "What are you going to do? He's a school [REDACTED] [HISD 667].
52. [REDACTED] does not recall any conversation in which [REDACTED] mentioned a concern regarding [REDACTED] touching [REDACTED] whether [REDACTED] believed it was inappropriate, or how [REDACTED] should proceed because [REDACTED] is a Board member. [HISD 706].
53. No witnesses corroborated [REDACTED] assertion that [REDACTED] and others said, "What are you going to do? He's a school [REDACTED]
54. [REDACTED] did not witness the interaction between [REDACTED] and [REDACTED] at the 2021 graduation at Turner Stadium, but he said [REDACTED] did speak to [REDACTED] regarding the interaction. [HISD 703] [REDACTED] told [REDACTED] that [REDACTED] put his hands on him while [REDACTED] was talking about how nice [REDACTED] Gore-Tex jacket was. [HISD 703]. During the conversation, [REDACTED] called [REDACTED] "handsy" and stated that [REDACTED] was "putting his hands all over me." [HISD 703]. [REDACTED] told [REDACTED] that he felt like he was being violated and that it was weird, awkward, and odd. [HISD 703] [REDACTED] perception of the incident, based on his conversation with [REDACTED] was that [REDACTED] believed his personal space had been violated, but he did not describe it as sexual harassment. [HISD 703].
55. [REDACTED] is not aware of any jokes in which [REDACTED] was referred to as [REDACTED] boyfriend, and he is not aware of any running joke regarding [REDACTED] touching [REDACTED] [HISD 704].
56. [REDACTED] did not formally report [REDACTED] conduct. [HISD 670] [REDACTED] said he did not report [REDACTED] because he was afraid of losing his job. [HISD 670].
57. [REDACTED] did not formally report [REDACTED] conduct. [HISD 720]. This was the first incident of which she was aware between [REDACTED] and [REDACTED] [HISD 720].
58. [REDACTED] is one member of a seven-member Board. [HISD 686; 779].
59. The Board's only employee is [REDACTED] [HISD 686; 718].

B. June 8, 2021 Astros Baseball Game at Minute Maid Park

60. On June 8, 2021, [REDACTED] a friend of [REDACTED] and [REDACTED] attended a Houston Astros game. [HISD 667; 684-685].
61. [REDACTED] received Astros tickets from his employer, Insperity, for club seats, which are located in a suite. [HISD 682-684].
62. [REDACTED] invited [REDACTED] to the game. [HISD 683; 720] [REDACTED] said he later asked if [REDACTED] wanted to bring a guest of her choosing to the game. [HISD 683; 720]. [REDACTED] said [REDACTED] later asked if she wanted to bring [REDACTED] [HISD 720].

63. ██████ asked ██████ to go to the game to get to know her better. [HISD 683]. ██████ accepted ██████ invitation, believing it was an opportunity to improve her relationship with ██████ [HISD 720].
64. ██████ was reluctant to attend the game, but ██████ wanted him to go and thought it would be fine because she would be there. [HISD 720-721]. ██████ agreed to go to support ██████ [HISD 720].
65. ██████ also invited his personal friend, ██████ to the game. [HISD 684; 784].
66. Before the game, ██████ drove himself and ██████ to the Humble ISD administrative offices where they met ██████ and ██████ [HISD 684; 784].
67. ██████ only had one parking pass for the Diamond Club parking area that was right outside the entrance to the suite. [HISD 684].
68. ██████ and ██████ drove to the game together. [HISD 667; 684; 721; 784].
69. ██████ drove his vehicle, ██████ sat in the front passenger seat, and ██████ and ██████ sat in the back seat. [HISD 667; 721; 784] ██████ said ██████ at behind ██████ which made ██████ nervous. [HISD 721].
70. ██████ said ██████ asked ██████ and ██████ to drive. [HISD 721]. ██████ said ██████ and ██████ offered to drive. [HISD 683]. ██████ said ██████ insisted on driving to the game. [HISD 784].
71. Once at the game, ██████ and ██████ sat in the last row (highest) to the right of the main aisle. [HISD 785].
72. According to ██████ and ██████ they sat in the following order, with ██████ sitting in the seat closest to the aisle; ██████ and ██████ [HISD 668; 685; 721]. ██████ recalls them sitting in the following order: ██████ and ██████ [HISD 785].
73. ██████ said the game was a little uncomfortable because ██████ tried to sit near ██████ [HISD 720-721; 667].
74. At some point during the game, ██████ switched seats because ██████ wanted to talk to ██████ about a project he was working on for HISD. [HISD 685; 785].
75. After ██████ and ██████ conversation ended, ██████ wanted to talk to ██████ so ██████ and ██████ switched back to their original seats. [HISD 685; 785].
76. ██████ did not touch ██████ at the game or make any inappropriate comments. [HISD 667-668].

77. ██████ said ██████ was “angling” to make contact with ██████ during the game and that ██████ very overtly, had to act as a “human shield.” [HISD 667-668]. ██████ also said ██████ would get up each time ██████ left his seat to go to the concession stand or to get a drink, and that each time, ██████ would get up to remain in between ██████ and ██████ [HISD 668].
78. ██████ said the game was stressful because she was “running interference” between ██████ and ██████ [HISD 721].
79. ██████ said ██████ leaned around her to try to talk to ██████ a lot during the game. [HISD 721].
80. ██████ did not observe any direct association between ██████ and ██████ at the game, except when ██████ showed ██████ where the food and drinks were located when they first arrived. [HISD 785] ██████ did not observe ██████ lean over ██████ to talk to ██████ [HISD 785]. ██████ did not observe ██████ act as a human shield between ██████ and ██████ [HISD 785] ██████ did not observe ██████ follow ██████ when ██████ got up out of his seat. [HISD 786] ██████ did not observe any signs of hostility or disappointment by ██████ and believes ██████ enjoyed the game and was thrilled by the whole evening. [HISD 785].
81. According to ██████ on the way home, ██████ talked about what a great experience it was to go to the game and how much he enjoyed it. [HISD 785]. ██████ asked ██████ if he could get any more tickets so ██████ could attend another game. [HISD 785]. ██████ said ██████ explained the tickets were a marketing tool for Insperity and that he would not have tickets unless someone else was unable to attend. [HISD 785]. ██████ continued to ask to be included, and ██████ again explained that the tickets were for marketing purposes. [HISD 785]. According to ██████ repeated how much he enjoyed the game and that he would like to go back and be included if any tickets became available. [HISD 785]. ██████ continued to explain that he did not always get the tickets, that he did not know when he would get any more tickets, and that it could be on short notice. [HISD 785]. ██████ said that ██████ replied that he was available on short notice. [HISD 785]. ██████ also stated that ██████ expressed appreciation for being able to attend and expressed interest in attending another game in the Insperity Suite [HISD 683-685)
82. ██████ is homophobic and said he would not be friends with ██████ if he had homosexual tendencies. [HISD 786].

C. June 10, 2022 Pillars of Community Event at Kingwood Country Club

83. On June 10, 2022, the Pillars of the Community event took place at Kingwood Country Club. [HISD 040].
84. HISD secured two tables for the event because ██████ a former Board member, and his wife were being honored as pillars of the community. [HISD 686; 721; 764].

85. Several administrators and Board members attended the event. [HISD 686; 721; 764].
86. The event was held in a large ballroom. [HISD 761].
87. Seating for the event was pre-assigned with each guest having a name placard indicating where to sit. [HISD 668; 751; 752].
88. [REDACTED] invited [REDACTED] to the event, and he attended. [HISD 668]. Despite [REDACTED] connection with the [REDACTED] family, [REDACTED] said he had reservations about attending. [HISD 668].
89. [REDACTED] attended the event alone. [HISD 686].
90. Other HISD attendees included: [REDACTED] and [REDACTED] Board Trustee [REDACTED] and nis [REDACTED] and [REDACTED] [HISD 707 712; 751; 760; 764].
91. [REDACTED] and [REDACTED] were originally assigned to sit at different tables. [HISD 668; 686-687; 764].
92. When [REDACTED] arrived at the event, [REDACTED] said he noticed he was seated at the same table as [REDACTED] [HISD 686].
93. [REDACTED] said he did not want to sit next to [REDACTED] because of what happened the day before in a meeting to select next year's [REDACTED] and how he perceived he was treated by [REDACTED] (when [REDACTED] was not voted in as [REDACTED] in the traditional Board rotation). [HISD 686-687].
94. According to [REDACTED] moved the name placards around because [REDACTED] felt he was being ostracized after the Board meeting. [HISD 752].
95. [REDACTED] moved his name placard to the other HISD table, next to [REDACTED] [HISD 687].
96. [REDACTED] recalls moving his name placard but said he did not intentionally move it to sit next to [REDACTED] [HISD 687]. [REDACTED] said he moved his name placard to the administrators' table because he did not feel comfortable sitting at a table with [REDACTED] and [REDACTED] [HISD 686-687]. [REDACTED] said he did not give seat placement at the administrators' table any thought. [HISD 687].
97. [REDACTED] recalls [REDACTED] saying, "I tried to save you," when referring to [REDACTED] moving his name placard. [HISD 668].
98. [REDACTED] does not recall saying "I tried to save you" to [REDACTED] [HISD 764].
99. The event was very loud. [HISD 724; 755; 761].
100. [REDACTED] sat in the seat immediately to [REDACTED] left. [HISD 668; 687].

101. During the event, [REDACTED] put his arm around the back of [REDACTED] chair and leaned over [REDACTED] to talk to [REDACTED] and/or [REDACTED]. [HISD 668; 687; 721; 722; 755].
102. [REDACTED] said [REDACTED] put an arm over the back of [REDACTED] chair and leaned in while laying his hand on [REDACTED] chest. [HISD 755]. [REDACTED] said [REDACTED] touchiness” occurred once or twice and was a little awkward. [HISD 755].
103. According to [REDACTED] people would put their hand on the back of the chair next to them and lean in to talk during the event because they could hardly hear. [HISD 755].
104. At another time during the event, [REDACTED] said [REDACTED] while talking to [REDACTED] stood behind [REDACTED] chair with his hand on [REDACTED] shoulder and touched [REDACTED] back and the back of [REDACTED] head with his chest. [HISD 668] [REDACTED] believes the contact was intentional. [HISD 668]. No witness corroborated this specific assertion. [HISD 687; 722; 761; 764].
105. [REDACTED] said he became upset, removed himself from the table, and went to the bar. [HISD 668].
106. [REDACTED] said [REDACTED] could not take [REDACTED] behavior any longer, so [REDACTED] got up and left the table. [HISD 720]. [REDACTED] said she moved [REDACTED] arm and said something like, “Why are you always touching him? You need to stop. He doesn’t like it. It’s just weird.” [HISD 721; 723].
107. [REDACTED] recalls [REDACTED] randomly saying something like, “Why are you touching him, touching his shoulder?” [HISD 687]. [REDACTED] said he did not know what [REDACTED] was talking about and thought [REDACTED] was joking or teasing. [HISD 687-688].
108. [REDACTED] and [REDACTED] witnessed all or a portion of the conversation between [REDACTED] and [REDACTED] and have varying recollections of what [REDACTED] said to [REDACTED]. [HISD 712; 714; 751; 755; 761].
109. [REDACTED] said [REDACTED] told [REDACTED] that [REDACTED] “does not like it when you touch him, please take your hands off him.” [HISD 714]. To [REDACTED] it was a personal space issue. [HISD 712].
110. [REDACTED] said [REDACTED] told [REDACTED] “You need to stop. You need to stop touching him that way. It makes him uncomfortable. He’s tried to tell you to stop. I’ve told you to stop. I’m telling you right now you need to stop touching him that way.” [HISD 751]. [REDACTED] said [REDACTED] was adamant that [REDACTED] behavior toward [REDACTED] had become a problem and needed to stop. [HISD 751].
111. [REDACTED] said he witnessed [REDACTED] take [REDACTED] hand while saying “get your hand off of him” or “I told you to knock it off.” [HISD 761]. While [REDACTED] was away from the table, [REDACTED] said [REDACTED] continued to speak with [REDACTED] but does not recall what [REDACTED] said. [HISD 761].

112. While away from the table, ██████ said he spoke with ██████ and ██████ at the bar, and they joked about ██████ conduct toward ██████ [HISD 669]. ██████ allegedly said he “now knows what it feels like to be a female in the 1970s who was being approached in an unwanted manner by her boss but could not do anything about it out of fear for losing her job.” [HISD 669]. ██████ said he made it clear that he did not think the running joke of ██████ targeting him was funny. [HISD 669].
113. ██████ recalls overhearing ██████ tell ██████ and ██████ that ██████ knows what it was like to be a woman in the 1950s and being touched without being able to say anything. [HISD 721-722].
114. ██████ does not recall ██████ saying he now knows how women in the 1970s must have felt; that ██████ did not believe it was funny; or that ██████ was uncomfortable because ██████ was his boss. [HISD 707].
115. ██████ said either ██████ or ██████ sent ██████ a text message during the event and thanked ██████ for “taking one for the team.” [HISD 669]. ██████ does not have the text message. [HISD 669].
116. ██████ recalls hearing ██████ and ██████ joke about ██████ “taking one for the team.” [HISD 722].
117. ██████ does not recall sending a text message thanking ██████ for “taking one for the team.” [HISD 715]. ██████ does not retain his text messages. [HISD 716]. ██████ does not recall verbally thanking ██████ for “taking one for the team.” [HISD 715]. ██████ has said the phrase “taking one for the team” before as a running joke to others, explaining the phrase applied to anyone who had to sit by ██████ [HISD 715].
118. ██████ believes someone did say “take one for the team” at the event, which he guessed may have been ██████ [HISD 715].
119. ██████ does not remember telling ██████ “Your boyfriend wanted to sit by you,” but he could see himself doing so. ██████ said he did not hear anyone say ██████ was “taking one for the team.” [HISD 755].
120. ██████ does not recall anyone thanking ██████ for “taking one for the team.” [HISD 707].
121. ██████ said the event had an auction and that ██████ suggested that he and ██████ bid for Astros tickets together. [HISD 668]. According to ██████ he said he needed to talk to ██████ to which ██████ replied, “Can you not go without ██████” [HISD 668].
122. ██████ recalls ██████ asking ██████ if he wanted to bid on Astros tickets together, suggesting they could go without ██████ [HISD 668; 721].

123. ██████ recalls ██████ expressing real thankfulness and enjoyment at being able to attend the Astros game and wanting to attend another game. [HISD 683-684, 686]. ██████ saw ██████ as a work colleague who looked favorably on him. [HISD 686].
124. While at the event, ██████ said ██████ talked about gardening and invited ██████ to see his backyard. [HISD 668]. ██████ said ██████ had previously invited ██████ to see his backyard on approximately three other occasions. [HISD 668]. ██████ said he does not garden, but he is meticulous about cutting his grass. [HISD 668].
125. ██████ stated that he and ██████ previously discussed gardening, and ██████ told ██████ about his grass and also mentioned that he liked to plant things. [HISD 689].
126. ██████ said ██████ likes to have pretty grass but does not garden and has no interest in gardening. [HISD 724].

D. August 2022 Convocation at United City Church

127. HISD's August 2022 convocations occurred at United City Church. [HISD 669; 688].
128. Board members typically attend all convocations and sit in reserved seats in the front. [HISD 688; 714; 761].
129. ██████ attended one of the convocations at United City Church in August 2022 and sat in the back of the church. [HISD 669; 761].
130. ██████ also attended the convocation ██████ attended. [HISD 669; 688-689].
131. ██████ said he sat in the back of the room prior to the convocation starting because he had to leave early for a work commitment and did not want to disrupt the event when he left. [HISD 689]. ██████ did not sit there long because he had to leave early. [HISD 689].
132. ██████ sat in the row where ██████ was sitting, leaving one chair in between them. [HISD 252; 669; 68].
133. ██████ said that when ██████ saw ██████ stopped and sat down near him with one seat between them. [HISD 669].
134. Before the event started, ██████ and ██████ talked to each other. [HISD 669; 689].
135. ██████ talked to ██████ about his garden. [HISD 253; 669; 689]. ██████ said he told ██████ that his lantanas were "going crazy," they looked beautiful, and ██████ could come by and see his yard and garden if ██████ liked. [HISD 689]. ██████ said he is an avid gardener. [HISD 252]. ██████ said, at some time earlier, ██████ told ██████ about his yard and how he did not have a lot of time to work on it. [HISD 689]. ██████ recalls telling ██████ he could come by and see his yard and garden. [HISD 689].

136. When [REDACTED] invited [REDACTED] to his house, [REDACTED] said [REDACTED] told him that he could come over “any morning.” [HISD 669]. [REDACTED] said [REDACTED] invited him to come see his garden “in the morning” three different times during their conversation. [HISD 669]. [REDACTED] does not know why [REDACTED] specified mornings but assumes [REDACTED] wife works. [HISD 669]. [REDACTED] said he only responded, “I bet it looks nice.” [HISD 669].
137. [REDACTED] wife retired in May or June 2021. [HISD 689; 774]. [REDACTED] said his wife is there at the house since she retired. [HISD 253; 689].
138. In [REDACTED] EEOC Charge of Discrimination, [REDACTED] said [REDACTED] “put his arm around me (on the back of the chair)...” [HISD 095].
139. [REDACTED] said [REDACTED] put his arm around the back of [REDACTED] chair, but says there was an empty chair between them, and that Mr. Scarfo touched Mr. Kite’s arm and shoulder. [HISD 669]
140. [REDACTED] recalls putting his arm around the empty chair. [HISD 252].
141. There were no known witnesses to [REDACTED] and [REDACTED] conversation, although many people were present.

E. February 20, 2023 Golf Tournament Fundraiser at Kingwood Country Club

142. On February 20, 2023, there was a HISD golf tournament and fundraiser at Kingwood Country Club. [HISD 670; 690].
143. At the event, [REDACTED] and [REDACTED] who previously worked with [REDACTED] in the Athletic Department, grilled sausages on a patio area for guests of the event. [HISD 670; 690; 772]
144. [REDACTED] walked up to get a sausage. [HISD 670; 690; 772].
145. [REDACTED] said [REDACTED] and [REDACTED] invited [REDACTED] to come over to them. [HISD 690]. [REDACTED] said they did not call out to [REDACTED] [HISD 772].
146. [REDACTED] said [REDACTED] approached [REDACTED] and rubbed [REDACTED] shoulder blade while saying, “That’s a nice shirt.” [HISD 670]. [REDACTED] recalls [REDACTED] again inviting [REDACTED] to see [REDACTED] backyard, while mentioning that his verbena plant looked beautiful. [HISD 670] [REDACTED] said he did not respond to [REDACTED] and that he never told [REDACTED] he had any interest in gardening. [HISD 670].
147. [REDACTED] observed [REDACTED] pat [REDACTED] chest and tell [REDACTED] to come see his backyard because the verbena was beautiful. [HISD 772]. [REDACTED] does not recall [REDACTED] making a comment about [REDACTED] shirt. [HISD 772].
148. [REDACTED] stated that he probably did pat [REDACTED] on the chest, shoulder, or back, as that is normal for him to do. [HISD 690]. [REDACTED] said he does not have any verbenas in his

yard. [HISD 689]. [REDACTED] said [REDACTED] previously told [REDACTED] about his grass and that he liked to plant things. [HISD 689].

149. When [REDACTED] left the patio area, [REDACTED] said “[T]hat was weird” to [REDACTED] to which [REDACTED] said [REDACTED] ‘does it to me all the time[;] it freaks me out.’ [HISD 772].

150. Other than [REDACTED] and [REDACTED] there were no other witnesses to this conversation.

F. Other Touching

151. [REDACTED] alleges [REDACTED] put his hand on the small of [REDACTED] back on numerous occasions beginning before 2021. [HISD 667].

152. [REDACTED] did not formally report these instances, but said others knew about it, including [REDACTED] [HISD 667]. [REDACTED] did not report seeing that behavior, and said that [REDACTED] never had a serious conversation with him about [REDACTED] behavior. [REDACTED] said [REDACTED] has never touched him on the small of his back. [HISD 707-708].

153. [REDACTED] said [REDACTED] would often say, “No man should touch another man in the small of his back.” [HISD 720]. [REDACTED] did not file a sexual harassment complaint on [REDACTED] behalf. [HISD 725].

G. Others’ Interactions with Mr. Scarfo

154. [REDACTED] said [REDACTED] is a touchy guy and touches people when he talks to them, including himself. [HISD 706; 708]. For example [REDACTED] has put his arm around [REDACTED] shoulder and back while talking to him. [HISD 706]. [REDACTED] does not believe [REDACTED] sexually harassed [REDACTED] [HISD 706-708]. [REDACTED] was never uncomfortable with [REDACTED] touching and never viewed it as sexual harassment. [HISD 706-708].

155. [REDACTED] said [REDACTED] has touched him on his shoulder or touched his arm, describing [REDACTED] as a “people person.” [HISD 713]. [REDACTED] described [REDACTED] as a unique and quirky person. [HISD 711; 713]. [REDACTED] reported that [REDACTED] invades personal space but is like that with everyone. [HISD 715]. [REDACTED] noted that [REDACTED] is like that with men and women. [HISD 713]. [REDACTED] said [REDACTED] does not like it and has told [REDACTED] he does not like it. [HISD 715]. [REDACTED] believes [REDACTED] has not adjusted his behavior with [REDACTED] to accommodate [REDACTED] strong dislike of the behavior. [HISD 715].

156. [REDACTED] describes [REDACTED] as a constant politician. [HISD 750]. [REDACTED] said [REDACTED] is aggressive when he enters a room for a community event and will determine with whom he needs to speak, whose hands he needs to shake, and with whom he needs to take a picture. [HISD 750]. [REDACTED] said [REDACTED] will pat individuals on the shoulder and does not have a lot of boundaries. [HISD 750]. [REDACTED] said [REDACTED] general mannerisms do not include a lot of handshaking. [HISD 750]. Instead, [REDACTED] will approach people with a more casual mannerism, like patting people on the shoulder. [HISD

750]. [REDACTED] has observed behaviors by [REDACTED] that [REDACTED] believes are socially awkward. [HISD 750]. [REDACTED] said that the more he observed [REDACTED] behavior, the more he could see how uncomfortable [REDACTED] was, especially the more [REDACTED] was “picked on” about it. [HISD 751].

157. [REDACTED] said [REDACTED] makes a point of speaking with everyone and makes the rounds at public events. [HISD 730]. Most of the time, [REDACTED] has observed [REDACTED] approach people with his hand extended before he reaches them. [HISD 731]. With some people, she has observed [REDACTED] lean in to hug them. [HISD 731] [REDACTED] said she does not know if the touching she has observed or heard about by [REDACTED] is sexual in nature because [REDACTED] does not do it to everyone. [HISD 735]. [REDACTED] does not believe only men are impacted by [REDACTED] behavior, explaining that another Board member said she experienced similar behavior that made her uncomfortable. [HISD 735].

158. [REDACTED] stated that [REDACTED] can be very handsy. [HISD 744]. [REDACTED] has observed [REDACTED] place his hand on the small of someone’s back. [HISD 744].

159. [REDACTED] has observed [REDACTED] put his arm around others, men and women. [HISD 726]. [REDACTED] said she does not know if she would have considered [REDACTED] conduct towards [REDACTED] as sexual harassment at the very first event, but that it became pervasive and unwanted. [HISD 725].

160. [REDACTED] has observed [REDACTED] touch others by putting his hand on peoples’ backs, arms, and shoulders. [HISD 764]. [REDACTED] presumes it is a friendly gesture and stated [REDACTED] contact with others never made her uncomfortable. [HISD 764].

161. [REDACTED] has never witnessed [REDACTED] touch anyone in a manner that he considered inappropriate. [HISD 760]. [REDACTED] compares the way [REDACTED] touches others as the same way a person would touch someone with whom they are having a conversation and comfortable and trying to reiterate or emphasize a specific point. [HISD 760] [REDACTED] has observed [REDACTED] touch others during conversations in a casual way, including himself. [HISD 760]. For example, [REDACTED] said [REDACTED] may touch him on the shoulder when saying goodbye. [HISD 760]. [REDACTED] believes [REDACTED] calling [REDACTED] touching “sexual harassment” is an overreach. [HISD 762].

162. [REDACTED] said [REDACTED] often puts a hand on an arm or a shoulder when [REDACTED] greets a person to shake hands. [HISD 704]. It has never made [REDACTED] feel uncomfortable. [HISD 704].

163. At public events, [REDACTED] described [REDACTED] as friendly. [REDACTED] said she has observed [REDACTED] work the room and talk to people. [HISD 738]. [REDACTED] described [REDACTED] as a toucher and hugger and said he will tap a person on the shoulder, pat a person on the back, or rub an individual on the shoulder or back, or something similar. [HISD 738]. [REDACTED] said [REDACTED] is an over-toucher but that it has never made her uncomfortable and she does not believe it is in a sexual way. [HISD

738]. She believes it is a “cultural thing” for [REDACTED] [HISD 738] [REDACTED] believes [REDACTED] filed his Title IX Complaint against [REDACTED] in retaliation and in an attempt to intimidate [REDACTED] and the [REDACTED] with embarrassing information. [HISD 741].

164. [REDACTED] describes [REDACTED] as a great politician. [HISD 781]. [REDACTED] said [REDACTED] will go to an event, survey the room, and go person to person and group to group working the room. [HISD 781]. [REDACTED] said [REDACTED] will shake hands and pat you on the back and always tries to remember something personal about you. [HISD 781]. [REDACTED] describes [REDACTED] physical touch of people as “old school.” [HISD 781]. It reminds [REDACTED] of how her grandfather interacted with people. [HISD 781]. [REDACTED] said [REDACTED] style is “old school” in that he will shake a person’s hand and touch their shoulder at the same time (nothing sexual); pat a person on the shoulder to greet them from behind; and give a side hug/pat when leaving. [HISD 781]. [REDACTED] said [REDACTED] is the same with everyone, both men and women. [HISD 781]. [REDACTED] said [REDACTED] is not a super personal-space invader, but he might stand a little closer than some people are used to. [HISD 781]. [REDACTED] has never been uncomfortable with [REDACTED] greetings. [HISD 781]. [REDACTED] described [REDACTED] as “your grandpa from New York.” [HISD 781] [REDACTED] believes [REDACTED] Complaint is nothing but a thinly veiled attempt to manipulate the Board. [HISD 782]. Had the Title IX Complaint against [REDACTED] never been filed, [REDACTED] does not believe [REDACTED] would have ever complained about [REDACTED] [HISD 782].
165. [REDACTED] said she has seen [REDACTED] hug other people but does not recall seeing him pat anyone else on the chest. [HISD 772]. [REDACTED] said [REDACTED] has hugged her and that she does not like it because they do not have that type of relationship. [HISD 772]. She does not consider it sexual harassment, but rather unwanted touching. [HISD 772]. She does not recall [REDACTED] specifically saying “sexual harassment,” but said she knows [REDACTED] does not like it, stating it is unwelcome and uncomfortable. [HISD 772].
166. [REDACTED] stated he is homophobic and that had [REDACTED] ever given any signs of homosexual tendencies, [REDACTED] would not have become best friends or remained best friends with [REDACTED] for over 20 years. [HISD 786].
167. [REDACTED] said [REDACTED] is less respectful of personal space in his interactions, dialogue, and conversations. [HISD 769]. [REDACTED] said [REDACTED] has touched her on her arm, shoulder, and the middle of her back, which she did not perceive as sexual harassment. [HISD 769]. [REDACTED] has had some discussions with [REDACTED] regarding the uncomfortableness of [REDACTED] presence. [HISD 769]. [REDACTED] explained [REDACTED] makes people uncomfortable in two ways. [HISD 769]. First, he is less respectful of personal space. [HISD 769]. Second, [REDACTED] asks a lot of questions that appear to be designed to “throw you off.” [HISD 769-770]. She agreed that the uncomfortableness stems from a lack of personal space and multiple questions asked of administrators. [HISD 770].

H. Miscellaneous Findings

168. [REDACTED] and [REDACTED] have a close relationship. [HISD 712; 753].
169. [REDACTED] and [REDACTED] have a great relationship. [HISD 710].
170. [REDACTED] said he never made a formal complaint about [REDACTED] conduct but said his statements to others made it clear that [REDACTED] touching was unwelcome. [HISD 672].
171. [REDACTED] [REDACTED] said [REDACTED] would sometimes say things about [REDACTED] like, "he drives me crazy" or "he touches me all the time." [HISD 712]. [REDACTED] [REDACTED] said he has observed [REDACTED] telling [REDACTED] "Don't touch me" and "Stay out of my personal space." [HISD 712] [REDACTED] also said he observed [REDACTED] back away from [REDACTED] or just turn and wiggle away to evade [REDACTED] touch. [HISD 712]. [REDACTED] [REDACTED] perceived part of it as [REDACTED] being [REDACTED] explaining that is just the nature of [REDACTED] personality. [HISD 712]. He said [REDACTED] did not make a formal complaint. [HISD 712].
172. [REDACTED] [REDACTED] said he has a good relationship with [REDACTED], but [REDACTED] never sat down and said he needed help, never said it was not a joke, or said that he took it seriously. He said he wished [REDACTED] had come to him as he could have talked to [REDACTED]. He did not view [REDACTED] conduct as sexual harassment. [HISD 707-708].
173. [REDACTED] said he never told [REDACTED] to stop touching him or told [REDACTED] that he believed [REDACTED] touching was inappropriate or made him uncomfortable, but he said [REDACTED] did at the Pillars of Community event. [HISD 670; 672].
174. [REDACTED] said [REDACTED] never requested a sexual favor from [REDACTED] but [REDACTED] is convinced that [REDACTED] would have made such an advance if [REDACTED] had accepted one of [REDACTED] invitations to [REDACTED] backyard and garden. [HISD 672].
175. [REDACTED] said [REDACTED] never made a sexual joke around [REDACTED] [HISD 672].
176. [REDACTED] said [REDACTED] never overtly communicated to [REDACTED] that submission to [REDACTED] touching was a term of [REDACTED] employment with the District, but [REDACTED] said he was always worried that, if he responded the wrong way, including reporting [REDACTED] his job would be in jeopardy. [HISD 672-673].
177. To [REDACTED] knowledge, [REDACTED] has never shown up to a school-related function uninvited, and only attends events that all board members are expected to attend. [HISD 673].
178. [REDACTED] never made an overt sexual advance to [REDACTED] [HISD 673].
179. [REDACTED] did not send [REDACTED] any unwanted text messages, emails, or make any unnecessary calls to [REDACTED] [HISD 673].

IV. Allegation No. 3

180. ██████████ recommended obtaining outside counsel to investigate ██████████ Title IX Complaint and outside counsel was retained, Laura O’Leary. [HISD 734].
181. The Board also hired an independent Title IX Coordinator, Mari McGowan. [HISD 572; 615].
182. Initially, ██████████ was the Board President and served as the liaison between the Board and the Title IX investigator. [HISD 734].
183. On June 26, 2023, after ██████████ was elected ██████████, ██████████ emailed Mr. Wood regarding her decision to step down from acting as the liaison of the investigation and to allow ██████████ to act as the liaison moving forward. [HISD 004; 694; 699; 734].
184. Mr. Wood said ██████████ indicated that he would go along with the recommendations of the Title IX decision makers. [HISD 767].
185. ██████████ said he did not learn of ██████████ allegations against him until Christopher L. Tritico’s, one of ██████████ attorneys, July 21, 2023 letter to the Board. [HISD 693].
186. On or around August 30, 2023, ██████████ said he objected to ██████████ acting as the liaison for the investigation of ██████████ Title IX Complaint. [HISD 767].
187. Shortly thereafter, ██████████ stepped down as the liaison for the investigation of ██████████ Title IX Complaint, and Board members ██████████ and ██████████ became the acting liaisons regarding ██████████ Title IX Complaint. [HISD 767; 740; 791].
188. ██████████ said the moment ██████████ took over as ██████████ the tone of ██████████ investigation changed. [HISD 677]. At the beginning, ██████████ said it appeared to be going in a favorable direction for ██████████ and then a few weeks after ██████████ became ██████████ the tone changed, and ██████████ lawyer called ██████████ and said it “doesn’t look good.” [HISD 677].
189. At some point in time, a preliminary report was discussed and circulated among the Board regarding ██████████ Title IX Complaint. [HISD 700; 757; 767; 791].
190. ██████████ said the outside attorney from “Walsh” called the Board during an executive session and said, if the final report regarding ██████████ Title IX Complaint was consistent with the preliminary report, then remedial action for ██████████ was appropriate. [HISD 757]. Three weeks later, on July 7, 2023 ██████████ said he received an email with a written copy of the preliminary report. [HISD 757]. When the Board met with the outside attorney on July 7, ██████████ said the outside attorney informed the Board that he did not

see any other option but to bring ██████ back to work and find an exit strategy for ██████ [HISD 757]. ██████ said the only change, to his knowledge, between the call with the attorney and the meeting with the attorney was that ██████ had taken over as liaison for the Board with outside counsel. [HISD 757]. ██████ said when he received the bill from Walsh, it listed eight phone calls and one email between the outside attorney and ██████

191. ██████ said the Title IX investigator has handled all aspects of the investigation regarding ██████ Title IX Complaint. [HISD 695; 699].
192. ██████ said the preliminary report from the law firm investigating ██████ Title IX Complaint was circulated in or around October 2023. [HISD 700].
193. Mr. Wood of the Walsh Gallegos law firm stated the preliminary report regarding ██████ conduct was “pretty damning.” [HISD 767].
194. Mr. Wood of the Walsh Gallegos law firm said he did not believe and is not aware of any evidence that ██████ influenced or was involved in the outcome of ██████ Title IX Complaint. [HISD 767]. Mr. Wood said, to his knowledge, there were no changed conclusions regarding ██████ conduct before and after ██████ became Board President. [HISD 767].
195. Ms. Ortiz issued a final Title IX determination on February 9, 2024 regarding ██████ Title IX Complaint. [HISD 613-635].
196. In the determination, Ms. Ortiz concluded that ██████ created a hostile work environment within Humble ISD’s athletic department by using sexually explicit language to and about his subordinates in the athletic department, among other things. [HISD 613-635]. She recommended employment termination. [HISD 613-635]. She did not find sexual harassment violations related to ██████ other allegations. [HISD 613-635].
197. On February 16, 2024, ██████ appealed Ms. Ortiz’s February 9, 2024 Title IX determination. [HISD 637-650].
198. ██████ remains on involuntary administrative leave pending his appeal of Ms. Ortiz’s February 9, 2024 determination. [HISD 676].
199. It takes the approval of four Board members to perform any official act, as the Board can only act as a body corporate. [Tex. Educ. Code § 11.051].

V. Allegation No. 4

200. ██████ said he is being retaliated against because: 1) ██████ continues to vote on items that involve ██████ 2) no one will hear ██████ grievances; and 3) ██████ is on perpetual leave while ██████ is allowed to remain on the Board. [HISD 677].
201. ██████ said at least four Board members—██████, ██████, ██████, and ██████—have already made the decision to terminate ██████ employment.

- [HISD 675] ██████ said this decision is evident based on the way the Board votes. [HISD 675]. ██████ mentioned several votes, including a 6-1 vote, a 4-3 vote, and a 5-2 vote. [HISD 675]. ██████ does not recall any details of the 6-1 vote or the 4-3 vote. [HISD 675]. ██████ said the Board voted 5-2 to allow ██████ and Mr. Wood to negotiate with him, and then continued to vote on February 15, 2023 regarding a settlement offer made to ██████ [HISD 675].
202. In February 2024, ██████ participated in a vote in which the Board voted 5 to 2 to allow ██████ and the Board's attorney to engage in settlement discussions with ██████ [HISD 699]. ██████ and ██████ said ██████ has not voted on any other matters involving ██████ [HISD 699; 791].
203. ██████ stated that ██████ has not had any involvement in ██████ Title IX Complaint against ██████ other than previously acting as the liaison and voting to authorize ██████ and the Board's attorney to proceed with settlement negotiations as discussed in a closed Board meeting on February 15, 2024. [HISD 791].
204. ██████ said he has never felt pressured by ██████ to vote a certain way or to take a specific side on an issue. [HISD 792].
205. The Board has not made any decision regarding ██████ employment with the District. [HISD 699].
206. ██████ filed two grievances with the District—one on July 21, 2023 and another one on September 1, 2023. [HISD 83-90; 241-246; 676]. ██████ said he does not know the status of either of his grievances or the timelines for their determinations. [HISD 676]. ██████ believes both grievances should be at Level III. [HISD 676].
207. ██████ stated that he and the Board were informed by Mr. Wood that ██████ grievances would not be heard until the Title IX investigations were completed. [HISD 791].
208. ██████ said ██████ called Keith Lapeze, one of ██████ attorneys, on May 19, 2023, to tell him ██████ was being placed on administrative leave. [HISD 676]. ██████ agreed to go on leave per his attorney's recommendation. [HISD 676].
209. ██████ requested FMLA leave on or around July 7, 2023. [HISD 676]. HISD's Human Resources Department approved ██████ request for FMLA leave. [HISD 676]. Thereafter, ██████ went on short-term disability leave. [HISD 676].
210. On or around October 31, 2023, after ██████ FMLA and short-term disability leave ended, ██████ asked to return to work. [HISD 504]. ██████ denied ██████ request to return to work. [HISD 504]. ██████ sent a return-to-work demand to Mr. Wood on November 10, 2023. [HISD 506]. On November 14, 2023, Ms. McGowan determined ██████ should remain on administrative leave. [HISD 509]. ██████ said he has unsuccessfully petitioned to return to work multiple other times, but he does not recall how many times he has asked. [HISD 676].

211. ██████ said he does not believe the Board has the ability to remove ██████ however, ██████ believes they could censure ██████ or exclude ██████ from voting. [HISD 677].
212. ██████ is an elected official and said he does not believe there is any “leave” the Board can place him on or any statutory requirement that he recuse himself on matters involving ██████ [HISD 699].
213. ██████ said he recused himself from two closed-session Board discussions regarding ██████ Title IX Complaint against him in August 2023 and October 2023. [HISD 699]. After these two occurrences, ██████ said he has not stepped out of any other meetings. [HISD 699].
214. There is no law mandating that ██████ be suspended or recuse himself.

Exhibit 1

From: [Giana Ortiz](#)
To: mnix@lynnllp.com; [Chris Tritico](#); [David Minces](#); shannon.almes@feldman.law
Subject: Humble ISD Title IX
Date: Thursday, May 30, 2024 8:42:00 AM

Greetings, counsel:

As you know, I have been appointed as Decisionmaker in the Title IX investigation for Humble ISD regarding the claims raised by [REDACTED] against [REDACTED] (as investigated in Lynn Rossi Scott's Report enclosed with her letter dated May 28, 2024).

I am writing to notify the parties of the next deadline. The Coordinator's communication reflects that the parties received this final investigation report as of May 27, 2024. Because May 27, 2024 was a District holiday, each party will have until **June 4, 2024** (five (5) District business days from May 28) to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report.

Any submissions made in this regard should be sent **to me only** at this email address. Any questions that a party wants asked of any other party or witness should be sent to me in a Word document as an attachment to an email (not a document link or through google drive), with the intended recipient clearly listed on the face of the document above the questions for that witness. Questions should be clearly set forth in a list fashion.

Thereafter, I shall review the submissions to ensure that any questioning is relevant, respectful, and non-abusive. I will circulate to all parties, simultaneously, any written responses to the investigation report, and the relevant questions which have been reviewed to ensure they are relevant, respectful, and non-abusive.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information. Likewise, if you should anticipate requesting an extension of this or any timeline as we proceed from this point forward, please include all counsel on your request and make such requests as soon as the need is anticipated.

I look forward to working with you.

Sincerely,

Giana Ortiz

THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Exhibit 2

From: [Giana Ortiz](#)
To: "mnix@lynllp.com"; "[Chris Tritico](#)"; "[David Minces](#)"; "shannon.almes@feldman.law"
Subject: RE: Humble ISD Title IX
Date: Wednesday, June 5, 2024 8:06:00 AM
Attachments: [2024.06.04 - \[REDACTED\] Response to Investigative Report.pdf](#)

Greetings,

I am circulating to both parties, simultaneously, the response I received to the investigative report. Please see attached.

Thank you,

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Thursday, May 30, 2024 8:43 AM
To: mnix@lynllp.com; [Chris Tritico <chritrico@triticorainey.com>](mailto:chritrico@triticorainey.com); David Minces <david@mincesrankin.com>; shannon.almes@feldman.law
Subject: Humble ISD Title IX

Greetings, counsel:

As you know, I have been appointed as Decisionmaker in the Title IX investigation for Humble ISD regarding the claims raised by [REDACTED] against [REDACTED] (as investigated in Lynn Rossi Scott's Report enclosed with her letter dated May 28, 2024).

I am writing to notify the parties of the next deadline. The Coordinator's communication reflects that the parties received this final investigation report as of May 27, 2024. Because May 27, 2024 was a District holiday, each party will have until **June 4, 2024** (five (5) District business days from May 28) to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report.

Any submissions made in this regard should be sent **to me only** at this email address. Any questions that a party wants asked of any other party or witness should be sent to me in a Word document as an attachment to an email (not a document link or through google drive), with the intended recipient clearly listed on the face of the document above the questions for that witness. Questions should be clearly set forth in a list fashion.

Thereafter, I shall review the submissions to ensure that any questioning is relevant, respectful, and non-abusive. I will circulate to all parties, simultaneously, any written responses to the investigation report, and the relevant questions which have been reviewed to ensure they are relevant, respectful, and non-abusive.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information. Likewise, if you should anticipate requesting an extension of this or any timeline as we proceed from this point forward, please include all counsel on your request and make such requests as soon as the need is anticipated.

I look forward to working with you.

Sincerely,

Giana Ortiz

THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100

Arlington, Texas 76013

t. 817-522-1381

f. 817-549-7358



FELDMAN & FELDMAN ^{PC}

CRISTEN D. FELDMAN ‡ °
Cris.Feldman@feldman.law

DAVID M. FELDMAN, 1949 - 2023

GORDON W. HALL
Gordon.Hall@feldman.law

SHANNON ALMES ◊
Shannon.Almes@feldman.law

3355 WEST ALABAMA ST., SUITE 1220
HOUSTON, TEXAS 77098
TELEPHONE: 713-986-9471
FACSIMILE: 713-986-9472
WWW.FELDMAN.LAW

DEREK D. BAUMAN
Derek.Bauman@feldman.law
*Board Certified, Civil Appellate Law
Texas Board of Legal Specialization*

FERNANDO DE LEON
Fernando.Deleon@feldman.law

LARA HALL
Lara.Hall@feldman.law

◊ Licensed in California
† Licensed in Hawaii
‡ Licensed in New York
° Licensed in Washington DC

June 4, 2024

Via Email gortiz@ortizlawtx.com

Giana Ortiz
The Ortiz Law Firm
1304 West Abram, Suite 100
Arlington, Texas 76013

Re: Response to Investigative Report in Title IX Investigation

Dear Ms. Ortiz:

As you are aware, the undersigned represents ██████████ for purposes of this investigation. Please allow this to serve as ██████████'s response to the investigative report of Lynn Rossi Scott, dated May 28, 2024 (the "Investigative Report").

██████████ is a trustee on the ██████████ for Humble ISD (the "██████████"). ██████████ filed a Title IX report against ██████████, only after a Title IX report had been filed against Mr. ██████████ by one of his athletic staff.

Standard for Sexual Harassment under Title IX

The allegations asserted against ██████████ should be dismissed in their entirety. The Humble ISD Title IX complaint procedures require dismissal when the allegation(s), if proved would not meet the definition of sexual harassment under 34 C.F.R. § 106.30(a).

34 C.F.R. § 106.30(a) and Humble ISD Board Policy FFH(Legal), define sexual harassment as conduct *on the basis of sex* that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's educational program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

34 C.F.R. § 106.30(a) (emphasis added); *See* Humble ISD Board Policy FFH(Legal).

None of ██████'s allegations, even if taken as true, would meet the definition of sexual harassment. Under Texas law, the only employee of the Humble ISD ██████ is the ██████. There is no allegation, nor is there evidence, that ██████ is an employee of the District, therefore subsection 1 would not apply to ██████'s allegations. ██████ makes no allegations which fall under subsection 3. Accordingly, ██████'s allegations must be analyzed on whether the actions alleged are unwelcome conduct that a reasonable person would consider to be *so severe, pervasive, and objectively offensive* that it effectively denies a person equal access to the recipient's educational program or activity. Even taking ██████'s allegations as true, he does not allege conduct that is severe, pervasive, objectively offensive and that denied him access to the District. Quite the opposite, ██████'s own allegations relate to five (5) events that happen over the course of twenty (20) months during which he continued to have full access under his employment at the District and the only allegation he makes related to purported lack of access is a "fear of retaliation" by a person who is not his direct supervisor or employer.

Further, ██████'s allegations and the evidence submitted fails to meet the high bar required to demonstrate any alleged harassment is "on the basis of sex" as required by Title IX. This language is routinely interpreted to be consistent with the "based on sex" language found within Title VII. *See Wolfe v. Fayetteville Sch. Dist.*, 648 F.3d 860, 866-67 (8th Cir. 2011). "For offensive conduct to be considered 'based on sex' for purposes of Title IX, the conduct must be more than 'merely tinged with offensive sexual connotations.'" *Estate of Brown v. Ogletree*, No. 11-cv-1491, 2012 U.S. Dist. LEXIS 21968, at *40 (S.D. Tex. 2012) (citing *Sanchez v. Carrollton-Farmers Branch Indep. Sch. Dist.*, 647 F.3d 156, 165 (5th Cir. 2011)). As a preliminary matter, to support an allegation of same-sex sexual harassment, ██████ must provide evidence that ██████'s conduct was "on the basis of sex." To meet this burden, ██████ would need evidence (1) that ██████ made "explicit or implicit proposals of sexual activity" and that ██████ was homosexual, (2) that ██████ was motivated by a general hostility towards men, or (3) that ██████ treated men and women differently. *See Noto v. Regions Bank*, 84 F. App'x, 399, 401-03 (5th Cir. 2003) (finding that a supervisor who routinely hugged, kissed on the cheek, and said "I love you" to both male and female employees may have exhibited overly effusive behavior, but not sexual harassment – even though it made a female employee uncomfortable and embarrassed).

As can be seen from the report and multiple witness accounts, ██████'s allegations rise to nothing more than uncomfortable gestures of which he never filed a complaint or alerted his alleged harasser to the discomfort and others did not view as sexual in nature. Further, several

witnesses confirm that [REDACTED] is very physically expressive with people of each gender. Lastly, [REDACTED] neither has nor had any direct influence over [REDACTED]'s employment with Humble ISD and [REDACTED]'s repeated assertions that he failed to report [REDACTED]'s behavior "because he was afraid of losing his job" have no basis in fact.

Response to Individual Allegations

Allegation 1: Complainant alleges he experienced sexual harassment in the form of a pattern of unwanted physical touch by [REDACTED] at numerous locations during school-related events. Specifically, Complainant alleges that, at the June 2021 graduation at Turner Stadium, [REDACTED] rubbed his hands on Complainant's chest and unzipped Complainant's jacket; on June 10, 2022, at a Pillars of the Community event at Kingwood Country Club, [REDACTED] moved place cards to ensure he could sit next to Complainant, and then he touched Complainant on the back and shoulder and leaned his chest against Complainant; in August 2022, at a convocation at United City Church, [REDACTED] sat next to, and put his arm around, Complainant while inviting Complainant over to see his backyard; on February 20, 2023, at a Humble ISD golf program fundraiser, [REDACTED] touched Complainant's chest and, again, invited Complainant to see his backyard.

Allegation 2: Complainant alleges discrimination on the basis of sex as Complainant felt uncomfortable reporting the alleged harassment because [REDACTED] is a man and Complainant's boss.¹

[REDACTED]'s allegations regarding the first event enumerated under this allegation was that, while at an outdoor graduation event during which [REDACTED] was wearing a Gore-Tex jacket that he commented he may order for the [REDACTED], [REDACTED] rubbed [REDACTED]'s chest for several seconds and then unzipped and zipped his jacket for approximately 20 seconds.² The Investigative Report reflects that those who were present and were interviewed did not think much of it and nothing was said to [REDACTED] by [REDACTED] or anyone else present.³ Though [REDACTED] claims the way [REDACTED] interacted with him became a running joke after that, the witnesses interviewed refute that claim.⁴

The second event of which [REDACTED] complains is an Astros game in June 2022. It is undisputed that [REDACTED] invited [REDACTED] to the game to have the chance to interact with her socially in advance of his anticipated rotation in as [REDACTED].⁵ It is also undisputed that [REDACTED] did not sit next to [REDACTED] at all during the game.⁶ [REDACTED] makes no allegations related to this June 2022 Astros game related to unwanted touching or other alleged unwelcome conduct arising to sexual harassment under Title IX.

¹ Investigative Report, 8-9. We address these together as they were also addressed together in the Investigative Report.

² Investigative Report, 13.

³ Investigative Report, 13-14.

⁴ Investigative Report, 14-15.

⁵ Investigative Report, 16; HISD 683.

⁶ Investigative Report, 16.

██████████ then points to the Pillars of the Community Event at Kingwood Country Club. The ██████████s acknowledge there was tension between ██████████, ██████████, and ██████████ at that event due to a discussion regarding committee placements held the day before between those three trustees, and ██████████ did not want to sit at the table with ██████████ and ██████████.⁷ Witnesses acknowledged that the event was loud and people would put their hand on the back of the chair next to them and lean in to talk to be able to hear.⁸ No witness corroborated that any contact by ██████████ towards ██████████ during the event was intentional.⁹ Once again, ██████████ alleges nothing that rises to the level of severe or pervasive at this event. It should also be pointed out that, given the prior allegation regarding the Astros game and ██████████'s access to very nice seats through his employer, there would not have been a need for ██████████ to convince ██████████ to bid on Astros tickets with him.¹⁰

The fourth event of which ██████████ complains relates to a Convocation at United City Church. Once again, ██████████'s allegations related to this interaction amount to nothing more than a conversation between two colleagues wherein he alleges ██████████ put his arm around an empty chair and discussed his garden.¹¹

The last specific event referenced by ██████████ is the February 20, 2023 golf tournament. Once again, the only comment supposedly made by a witness to that interaction was “[t]hat was weird.”

The Investigative Report further confirms that both men and women alike have witnessed or been subject to ██████████'s friendly pats on the arms, back, or shoulder or hugs.¹² Further, ██████████, himself, stated he never told ██████████ to stop touching him or that such touching made him feel uncomfortable or that it was inappropriate.¹³

The allegations asserted by ██████████ is not sufficient to establish sexual harassment under Title IX and the evidence establishes that ██████████ did not harass ██████████ on the basis of sex. As discussed above, to prevail on an allegation of harassment “on the basis of sex,” ██████████ would need evidence (1) that ██████████ made “explicit or implicit proposals of sexual activity” and that ██████████ was homosexual, (2) that ██████████ was motivated by a general hostility towards men, or (3) that ██████████ treated men and women differently. *See Noto*, 84 F. App'x, 401-03. ██████████ fails to allege and the evidence directly negates that ██████████ harassed ██████████ on the basis of sex.

Allegation 3: Complainant alleges retaliation and/or possible future retaliation because ██████████ is a member of ██████████ which is investigating Complainant in another matter.

⁷ Investigative Report, 18; HISD 686, 752.

⁸ Investigative Report, 18-19.

⁹ Investigative Report, 19.

¹⁰ *See* Investigative Report 20.

¹¹ Investigative Report, 22

¹² Investigative Report, 23-25.

¹³ Investigative Report, 26.

Complainant believes his employment will be terminated in retaliation for directly and indirectly resisting ██████████'s sexual advances.

Allegation 4: The ██████████ treated ██████████ more favorably/retaliated against ██████████ by [c]ontinuing to keep ██████████ on forced leave (and have denied his petition to return) without mandating a similar leave for ██████████ ██████████ or, at the very least, requiring his recusal, shows deliberate indifference. ██████████'s counsel cites 34 CFR § 106.44(a), as its legal basis for his claim.

The anti-retaliation provisions in both Title IX and Title VII are similar and the courts interpret and apply them using the same legal test. *See Normore v. Dallas Indep. Sch. Dist.*, No. 3:18-CV-02506-E, 2023 WL 3937785, at *23 (N.D. Tex. June 9, 2023). “To establish a *prima facie* case of retaliation, the plaintiff must show that: (1) [he] engaged in a protected activity, (2) suffered an adverse employment action, and (3) a causal connection exists between the protected activity and the adverse employment action.” *Id.* ██████████ would have to provide evidence that ██████████ and ██████████ took action against ██████████ “because” he complained about the alleged sexual harassment. *See id.* at *20-26 (finding there can be no causal connection when the decision maker was not aware of the employee’s engagement in a protected activity).

As discussed above, the only employee of ██████████ is the ██████████ ██████████ is only one member of seven on ██████████.

██████████'s narrative regarding the supposed change in the ██████████ investigation prior to ██████████ becoming ██████████ is without merit. The evidence establishes that ██████████ did not make ██████████ aware that he was allegedly uncomfortable with their interactions prior to the demand from his attorney attaching the Title IX allegations.¹⁴ ██████████, after initially agreeing to continue to be the liaison between ██████████ and Board counsel, informed Mr. Wood of her decision to no longer hold such position after ██████████ had already rotated in as ██████████ and without input from ██████████.¹⁵

██████████ and its counsel have reiterated the independent nature of the investigations and reliance on advice of counsel.¹⁶ ██████████'s allegations point to know evidence that any ██████████ influenced the outcome of the investigation into ██████████ allegations, that any adverse action has been taken against him, or that refusal to take actions for which ██████████ has no legal authority or necessity amounts to deliberate indifference.

Additional Matters

In addition to his unfounded sexual harassment allegations, ██████████ makes completely unsupported and outlandish allegations that ██████████ met in secret and made decisions about him in closed session. ██████████ has not provided any evidence to support these assertions and these further illustrate the unfounded, overreaching, and desperate manner of his complaint.

¹⁴ *Id.*

¹⁵ Investigative Report, 8 and 27.

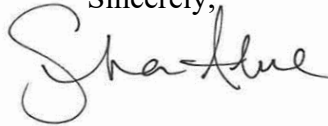
¹⁶ Investigative Report 28-30.

Ms. Giana Ortiz
June 4, 2024
Page 6 of 6

Lastly, [REDACTED] has made repeated allegations, including in an interview with Fox 26 which aired after completion of the last interview referenced in the investigative report that [REDACTED] has, somehow, delayed the investigation; however, the evidence illustrates, and [REDACTED] would reiterate, that [REDACTED] has in no way delayed this investigation, rather it has been [REDACTED] who has continued to add allegations, and delayed interviews and responses during this process.

Again, [REDACTED] vehemently denies all allegations of sexual harassment and retaliation asserted against him by [REDACTED] and requests the allegations be dismissed by the district. Should you need any additional information, please do not hesitate to contact the undersigned. [REDACTED] reserves the right to supplement this response and any information provided as needed, and he further reserves any objections he may have to the jurisdiction and application of the Title IX process to the facts alleged by [REDACTED].

Sincerely,

A handwritten signature in cursive script that reads "Shannon Almes".

Shannon Almes
shannon.almes@feldman.law

cc: Client

Exhibit 3

then please respond to the sender to this effect.

Internet communications are not assured to be secure or clear of inaccuracies as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this email, or any attachment, that have arisen as a result of e-mail transmission.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein.

On Fri, Jul 28, 2023 at 11:49 AM Alfred Southerland <alf@southerlandlawfirm.com> wrote:

Mari and Laura:

According to Humble ISD Board Policies, I do not believe that [REDACTED]' only option is a formal complaint under Title IX.

My May 4, 2023 letter specifically alleged violations of Title VII of the Civil Rights Act of 1964, the Texas Commission of Human Rights Act, Humble ISD Board Policies, and Humble ISD Employment Policies.

Since sending my May 4, 2023 letter, I also have identified other violations of Humble ISD policies, including Humble ISD Board Policy DK (Reassignments and Transfers), which states: "All personnel are subject to assignment and reassignment by the [REDACTED] or designee when the [REDACTED] determines that the assignment or reassignment is in the best interest of the district. ..." [REDACTED] did **not** have the authority to remove [REDACTED] from her position.

Is it the position of [REDACTED] and the District that Title IX preempts all of those claims and that nothing can be done unless [REDACTED] pursues a formal complaint under Title IX??

If the answer is "no," why can't [REDACTED] and the District take action based on the result of Laura's investigation at this time?

Craig Wood has told me that Laura's investigation corroborated some of [REDACTED]' complaints. He also said that [REDACTED] did not want [REDACTED] back as [REDACTED] or in any other capacity.

Is that why there is the pressure now to require [REDACTED] to pursue a formal complaint under Title IX??

Did Craig say too much and is that why he is now not returning calls or responding to emails?

As I told Mari yesterday, despite what Craig said, [REDACTED] is back at work and is involved in decisions within the Athletic Department. Since [REDACTED] "volunteered" to go on Administrative Leave, was he free to "volunteer" to return to work when he wanted to?

Laura, before you respond and assert that [REDACTED] was placed on Administrative Leave like [REDACTED], I suggest that you reread his letter.

Unfortunately, there have been several developments which cause me to question the integrity of Laura's investigation and Mari's involvement as Title IX Coordinator:

(1) Prior to Laura's questioning of witnesses within the Athletic Department, [REDACTED] met with some of the witnesses with my letter. I have heard that he went through the letter with them and discussed what they may be asked.

From: [Giana Ortiz](#)
To: ["mnix@lynlllp.com"](mailto:mnix@lynlllp.com); ["Chris Tritico"](#); ["David Mincez"](#); ["shannon.almes@feldman.law"](mailto:shannon.almes@feldman.law); [Keith Lapeze](#); [Grace Gutierrez](#); [David Carlan](#)
Subject: RE: Humble ISD Title IX
Date: Friday, June 7, 2024 9:03:00 AM
Attachments: [Humble ISD Title IX Procedures.pdf](#)
[Questions to All Witnesses 06-04-24 \(\[REDACTED\] - Decisionmaker Reviewed\).docx](#)
[Questions to \[REDACTED\].docx](#)
[2024.02.07 - Docs Produced Part10.pdf](#)

Greetings, parties:

I request each party please confirm receipt of this email.

The parties had until June 4 to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report. Respondent did submit a Response to the report which was circulated to both parties simultaneously June 5. Complainant did submit questions for several people and an email (attached, which appears to be related to Complainant's questions to Respondent). Those were erroneously sent to the incorrect email address, so they were not received by me until June 5.

Complainant's follow up questions to the Respondent and other witnesses have now been received and reviewed to ensure they are relevant, respectful, and non-abusive. Those questions are attached. (*Note that I have endeavored to be sparing in excluding questions by way of this review, however some questions have been excluded and are omitted from this attachment with explanation.) According to Humble ISD Title IX Formal Complaint Procedures, attached, a party or witness is not required to respond to any questions posed by the other party.

I am seeking contact information for certain witnesses from the investigator, but will circulate the questions to the other questioned witnesses beginning today. All witnesses have five (5) District business days of receiving the questions to submit a response to the questions. Thus, the witnesses receiving the questions today (including Respondent, by copy of this email) will have until **June 18, 2024** (five (5) District business days and today is not a District business day) to submit written responses to these questions. Thereafter, I will circulate to all parties, simultaneously, the responses to all questions.

[REDACTED]: Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent **to me only** at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Thank you,

Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Wednesday, June 5, 2024 8:07 AM
To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Mince <david@mincesrankin.com>; shannon.almes@feldman.law
Subject: RE: Humble ISD Title IX

Greetings,

I am circulating to both parties, simultaneously, the response I received to the investigative report. Please see attached.

Thank you,

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Thursday, May 30, 2024 8:43 AM
To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Mince <david@mincesrankin.com>; shannon.almes@feldman.law
Subject: Humble ISD Title IX

Greetings, counsel:

As you know, I have been appointed as Decisionmaker in the Title IX investigation for Humble ISD regarding the claims raised by [REDACTED] against [REDACTED] (as investigated in Lynn Rossi Scott's Report enclosed with her letter dated May 28, 2024).

I am writing to notify the parties of the next deadline. The Coordinator's communication reflects that the parties received this final investigation report as of May 27, 2024. Because May 27, 2024 was a District holiday, each party will have until **June 4, 2024** (five (5) District business days from May 28) to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report.

Any submissions made in this regard should be sent **to me only** at this email address. Any questions that a party wants asked of any other party or witness should be sent to me in a Word document as an attachment to an email (not a document link or through google drive), with the intended recipient clearly listed on the face of the document above the questions for that witness. Questions should be clearly set forth in a list fashion.

Thereafter, I shall review the submissions to ensure that any questioning is relevant, respectful, and non-abusive. I will circulate to all parties, simultaneously, any written responses to the investigation report, and the relevant questions which have been reviewed to ensure they are relevant, respectful, and non-abusive.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information. Likewise, if you should anticipate requesting an extension of this or any timeline as we proceed from this point forward, please include all counsel on your request and make such requests as soon as the need is anticipated.

I look forward to working with you.
Sincerely,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED] [REDACTED]

1. Do you have a history of retaliating against people you don't like or who hurt your feelings?
2. Did you threaten the [REDACTED] job?
 - a. Did she ask [REDACTED] to demote and reassign her because she was afraid you would get a key to her office and plant something in there to get her fired?
3. Did you host a meeting at Christ the King Church with the Willow Creek Community to make a plan to get [REDACTED] fired?
 - a. Did you get a key to her office?
4. Did you call [REDACTED] a "fu**ing Bitch" and then send her roses and ask her to dinner?
 - a. Why?
 - b. Do you believe that is appropriate?
5. Did you pressure [REDACTED] like [REDACTED] to go to their offices and spend time alone with you?
 - a. Was this the reason that [REDACTED] worked to accompany you on your visits?
6. Did you often show up at campuses unannounced?
 - a. Did [REDACTED] have to go to central administrators to get you to stop because teachers were complaining about you pressuring them for dates?
7. Did you go to the KHS English department looking for dates?
8. Did you have any communications with [REDACTED] before his Title IX interview for [REDACTED]'s complaint was scheduled?
9. Did you attack [REDACTED] for trying to give you legal advice?
10. Did you go to [REDACTED]'s office and demand he recuse himself from the Title IX matters?
 - a. Why?

11. Did you threaten [REDACTED]'s job?
12. What did you mean in your motion (the motion that you voted for) that putting [REDACTED] on leave was, "to protect [REDACTED]?"
 - a. Protect [REDACTED] from what?
 - b. Why does [REDACTED] need protection?
13. Why is [REDACTED] still on leave?
14. Did you ask [REDACTED] to remove [REDACTED]'s name from the contract renewal list?
15. Did you ask [REDACTED] to remove [REDACTED]'s name from the contract renewal list?
16. Did you require [REDACTED] to post the AD position?
 - a. Did Humble ISD have an AD position?
 - b. Did you require him to create one or reorganize the central administrators to create one?

17. Question Omitted for "Relevance." Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

18. Question Omitted for "Relevance." Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information;

and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

19. Did you [hire an audit firm] to protect [REDACTED]?

a. Why?

20. Why did Alf Southerland send an email to Mari McGowan at the end of July stating that Craig had told him that [REDACTED] did not want [REDACTED] back in any position ever? This was before the Title IX investigation began, but it was after you became [REDACTED]. (See email)

21. Have you directed the work of Craig Wood and his team of attorneys?

22. Are you the chair of the finance committee?

a. For how long?

23. Do you know that none of the attorneys being used were Title IX certified at the time they were hired?

24. Do you know that the Title IX Coordinator is not an employee of Humble ISD (which she is required to be)?

25. Do you feel that [REDACTED] should follow all policies and laws?

a. Can [REDACTED] break policies and laws whenever it decides to do so?

b. Can the employees of Humble ISD break policies and laws?

c. What should be the penalty for each?

26. Why haven't you recused yourself from voting on matters pertaining to [REDACTED] [REDACTED]?

27. Have you voted to fire teachers for inappropriately touching students or other staff?

a. Do you hold yourself to a different standard than those you have supervised?

28. At [REDACTED], a [REDACTED], is it best practice to keep your hands to yourself?

- a. Do you rub people's chests there?
 - b. Do you put your hand on the small of their backs?
 - c. If not, why not?
29. Are you using a team of lawyers and auditors to run the District and threaten and intimidate staff?
30. Did you use [REDACTED] allegations to get rid of [REDACTED] because he was a liability for you?
- a. Once [REDACTED] told you to stop the unwanted touching and you kept doing it, you knew you had a liability, correct?
31. Did you then use [REDACTED] to threaten and intimidate several others who were witnesses to your problematic events?
32. And aren't you using [REDACTED] to enact your revenge on [REDACTED] and [REDACTED]?
33. Did you arrange for [REDACTED] to be at the April 9 meeting?
- a. Why?
34. Do you believe that the [REDACTED] and [REDACTED] complaints were handled "promptly" like your lawyer stated in the February 2, 2024 letter?
35. What event, date, and time did you ever see [REDACTED]'s "anger and hostility toward other people."
36. Did [REDACTED] ever offer [REDACTED] a settlement?
37. Why did you vote to release the Giana Ortiz Report about [REDACTED] against legal advice?
- a. Was it to des [REDACTED] his credibility before your report was public?
38. Why hasn't the District allowed the release the most favorable records about [REDACTED]—his appeal, the final decision, and his acceptance of [REDACTED] settlement?
39. Do you currently have a sexual harassment claim or allegation against you at [REDACTED]?

Questions to Lynn Rossi-Scott

Questions Omitted for “Procedural Reasons.” Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. *See* 34 C.F.R. § 106.45(b)(6)(ii). Witnesses are indicated on pages 2-3 of the Title IX Final Investigation Report. This person to be questioned is not a party or witness, thus the questioning exceeds the scope of the Title IX Procedures, and thus the questioning is excluded.

Questions to Mari McGowan

Questions Omitted for “Procedural Reasons.” Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. *See* 34 C.F.R. § 106.45(b)(6)(ii). Witnesses are indicated on pages 2-3 of the Title IX Final Investigation Report. This person to be questioned is not a party or witness, thus the questioning exceeds the scope of the Title IX Procedures, and thus the questioning is excluded.

Questions to Craig Wood

1. Did you threaten [REDACTED] on multiple occasions?
 - a. [REDACTED] when she did not put [REDACTED] on leave?
 - b. The entire [REDACTED]—that you would take you and your team of lawyers and leave if they did not put [REDACTED] on leave or fire him?
 - c. And threaten [REDACTED] that the process would have to start all over?
2. Did you hire the firms associated with Laura O’Leary, Lynn Rossi-Scott, Gianna Ortiz and Mari McGowan yourself?
 - a. Do you or your firm have contracts with each of these firms directly?
 - b. Do you have attorney client privilege with each of these firms?
 - c. Are you their client?
 - d. Is their duty to you?
 - e. Did you do this to protect all communications between you and eliminate transparency and fairness that is the hallmark of Title IX?
3. Did you tell [REDACTED] (via his attorney Keith Lapeze) after the July 2023 Board meeting that he needed to resign?
 - a. Did you threaten him again after the February 15, 2024 meeting and tell him that he must resign, drop everything against [REDACTED] [REDACTED], and have Keith Lapeze drop his suit, or that he would be fired?
 - b. Did you and Paige Kyle threaten [REDACTED] again on April 6, 2024 that he needed to resign without ever seeing the results of his final appeal or he would be terminated on April 9, 2024?
 - c. Who directed you to make these communications?

Questions to [REDACTED] [REDACTED]

1. Do you have a history of retaliating against people you don't like or who hurt your feelings?
2. Did you threaten the [REDACTED] job?
 - a. Did she ask [REDACTED] to demote and reassign her because she was afraid you would get a key to her office and plant something in there to get her fired?
3. Did you host a meeting at Christ the King Church with the Willow Creek Community to make a plan to get [REDACTED] fired?
 - a. Did you get a key to her office?
4. Did you call [REDACTED] a "fu**ing Bitch" and then send her roses and ask her to dinner?
 - a. Why?
 - b. Do you believe that is appropriate?
5. Did you pressure [REDACTED] like [REDACTED] to go to their offices and spend time alone with you?
 - a. Was this the reason that [REDACTED] worked to accompany you on your visits?
6. Did you often show up at campuses unannounced?
 - a. Did [REDACTED] have to go to central administrators to get you to stop because teachers were complaining about you pressuring them for dates?
7. Did you go to the KHS English department looking for dates?
8. Did you have any communications with [REDACTED] before his Title IX interview for [REDACTED]'s complaint was scheduled?
9. Did you attack [REDACTED] for trying to give you legal advice?
10. Did you go to [REDACTED]'s office and demand he recuse himself from the Title IX matters?
 - a. Why?

11. Did you threaten [REDACTED]'s job?
12. What did you mean in your motion (the motion that you voted for) that putting [REDACTED] on leave was, "to protect [REDACTED]?"
 - a. Protect [REDACTED] from what?
 - b. Why does [REDACTED] need protection?
13. Why is [REDACTED] still on leave?
14. Did you ask [REDACTED] to remove [REDACTED]'s name from the contract renewal list?
15. Did you ask [REDACTED] to remove [REDACTED]'s name from the contract renewal list?
16. Did you require [REDACTED] to post the AD position?
 - a. Did Humble ISD have an AD position?
 - b. Did you require him to create one or reorganize the central administrators to create one?
17. Question Omitted for "Relevance." Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.
18. Question Omitted for "Relevance." Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information;

and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

19. Did you [hire an audit firm] to protect [REDACTED]?

a. Why?

20. Why did Alf Southerland send an email to Mari McGowan at the end of July stating that Craig had told him that [REDACTED] did not want [REDACTED] back in any position ever? This was before the Title IX investigation began, but it was after you became [REDACTED]. (See email)

21. Have you directed the work of Craig Wood and his team of attorneys?

22. Are you the chair of the finance committee?

a. For how long?

23. Do you know that none of the attorneys being used were Title IX certified at the time they were hired?

24. Do you know that the Title IX Coordinator is not an employee of Humble ISD (which she is required to be)?

25. Do you feel that [REDACTED] should follow all policies and laws?

a. Can [REDACTED] break policies and laws whenever it decides to do so?

b. Can the employees of Humble ISD break policies and laws?

c. What should be the penalty for each?

26. Why haven't you recused yourself from voting on matters pertaining to [REDACTED] [REDACTED]?

27. Have you voted to fire teachers for inappropriately touching students or other staff?

a. Do you hold yourself to a different standard than those you have supervised?

28. At [REDACTED], a [REDACTED], is it best practice to keep your hands to yourself?

- a. Do you rub people’s chests there?
 - b. Do you put your hand on the small of their backs?
 - c. If not, why not?
29. Are you using a team of lawyers and auditors to run the District and threaten and intimidate staff?
30. Did you use [REDACTED] allegations to get rid of [REDACTED] because he was a liability for you?
- a. Once [REDACTED] told you to stop the unwanted touching and you kept doing it, you knew you had a liability, correct?
31. Did you then use [REDACTED] to threaten and intimidate several others who were witnesses to your problematic events?
32. And aren’t you using [REDACTED] to enact your revenge on [REDACTED] and [REDACTED]?
33. Did you arrange for [REDACTED] to be at the April 9 meeting?
- a. Why?
34. Do you believe that the [REDACTED] and [REDACTED] complaints were handled “promptly” like your lawyer stated in the February 2, 2024 letter?
35. What event, date, and time did you ever see [REDACTED]’s “anger and hostility toward other people.”
36. Did [REDACTED] ever offer [REDACTED] a settlement?
37. Why did you vote to release the Giana Ortiz Report about [REDACTED] against legal advice?
- a. Was it to des [REDACTED] his credibility before your report was public?
38. Why hasn’t the District allowed the release the most favorable records about [REDACTED]—his appeal, the final decision, and his acceptance of [REDACTED] settlement?
39. Do you currently have a sexual harassment claim or allegation against you at [REDACTED]?

Questions to [REDACTED]

1. Do you feel threatened and intimidated by [REDACTED]?
2. Did [REDACTED] take away your legal support when you were attacked with frivolous claims?
3. Why do you think that you are being investigated so thoroughly for frivolous claims like giving one office over another when the two offices are identical?
4. Do you think you are being investigated because you are a witness in the retaliation claim against [REDACTED] [REDACTED]?
5. Have you done investigations in Humble ISD before?
 - a. How many?
6. Have you done grievance hearings in Humble ISD before?
 - a. How many?
7. Why didn't you handle the Title IX investigation against [REDACTED] when you supervise athletics?
8. Did [REDACTED] contact you and recuse herself due to the appearance of a conflict of interest?
9. Did you have a plan with [REDACTED]?
10. What happened to that plan?
11. Why do you think that [REDACTED] pushed you and all other staff out of this investigation?
12. What would it have cost taxpayers if the senior leaders (minus [REDACTED]) and in-house general counsel had handled all of this?
13. Do you believe that you all were capable of handling this investigation?
14. Have you been negatively impacted professionally due to the slowness of these investigations?
 - a. Have others?
 - b. The District?
 - c. Who benefitted from this model?

15. Why was [REDACTED] promoted to Executive Director of UIL?
16. Was there an issue with Fine Arts?
17. Were there new construction duties?
18. Do you put your hands on staff?
 - a. If not, why not?
19. Did you remove [REDACTED]'s contract from the May 21 list of contract renewals?
 - a. Why?
 - b. Who did?
20. Did you eliminate the position of Executive Director of UIL?
 - a. Who told you to reorganize the central administration with the [REDACTED] on leave?
21. Did you post a newly created Athletic Director job?
 - a. Why?

Questions to [REDACTED]

1. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding the conduct of the witness’s son) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.
2. Did [REDACTED] have to come and deal with the bullying and hazing situation [at [REDACTED]]?
3. Were you angry with the decisions made by [REDACTED] to rectify the situation?
4. Did [REDACTED] have to deal with your [REDACTED] vaping as a [REDACTED]?
 - a. Did this make you mad?
5. Did you stand in the parking lot with [REDACTED] and [REDACTED]’s mother and discuss [REDACTED] with these parents even though you were a [REDACTED]?
 - a. Do you think that was that appropriate?
6. Were you criticizing [REDACTED]’s handling of facilities and athlete safety during Covid?
7. Do you just generally not like [REDACTED] because of situations involving your [REDACTED]?
8. Did you form an alliance with [REDACTED] [REDACTED] when you were elected to [REDACTED]?
9. Did you and [REDACTED] [REDACTED] plan your questions and votes in advance of meetings?
10. Are you and [REDACTED] [REDACTED] political allies, or were you?
11. Do you put your hands on or otherwise touch your [REDACTED]?

a. If not, why not?

Questions to [REDACTED]

1. Did you try to freeze [REDACTED] out of the matter of [REDACTED] by calling [REDACTED] directly?
 - a. Did [REDACTED] tell you that you needed to call [REDACTED]?
 - b. Why did you go around her?
 - i. Was it because [REDACTED] [REDACTED] said she was biased because [REDACTED] [REDACTED] is athletic director?
 - c. Did you know that the parents, the [REDACTED], had worked with [REDACTED] [REDACTED] on the matter and had requested the current resolution in writing?
 - i. Why did you get involved?
2. Did you pressure [REDACTED] and [REDACTED] to fire [REDACTED]?
 - a. Was this because you got pressure from [REDACTED] [REDACTED] to do so?
 - i. Should any trustee pressure staff to fire an employee?
 - ii. Why were you in the middle of this personnel situation?
 - iii. Was that when you got connected to [REDACTED] [REDACTED] for the first time?
3. Did [REDACTED] [REDACTED] agree to pay for your next Board election campaign?
 - a. What did he want in exchange?
4. After receiving the May 4, 2023 complaint from [REDACTED] did you call [REDACTED] [REDACTED] and say, "I get it. I work with men. We do the same things. It's no big deal."
5. Were you aware that [REDACTED] never told [REDACTED] that [REDACTED] [REDACTED] could not attend graduation and that, on the contrary, it was [REDACTED] [REDACTED] and Craig Wood who gave [REDACTED] permission to attend and be on stage?
6. You stated you didn't want to be around [REDACTED] at graduation because the [REDACTED] was overseeing a complaint against him and it just didn't look good. Aren't you and [REDACTED] overseeing a complaint against [REDACTED] [REDACTED] for almost a year?
 - a. How often are you around [REDACTED] [REDACTED]?
 - b. Why is this different for you?
 - c. Do you think it looks good?
7. What is a "[REDACTED]"?
 - a. What is that person empowered to do?
8. When did [REDACTED] create the position of "[REDACTED]"?

- a. Which agenda was it on?
 - b. When did [REDACTED] publicly vote to make you its “Liaison”?
9. Did you make decisions in this alleged role of “[REDACTED]”?
 - a. Did you direct Humble ISD staff in the role of “[REDACTED]”?
10. How many times did you directly call Mari McGowan when you were “[REDACTED]”?
 - a. [REDACTED]?
11. While you were [REDACTED], did you ever give instructions to Mari McGowan?
 - a. If so, did she follow those instructions?
12. While you were [REDACTED], did you ever give instructions to Craig Wood?
 - a. If so, did he follow those instructions?
13. While you were [REDACTED], did you ever give instructions to Ellen Spaulding?
 - a. If so, did she follow those instructions?
14. Do you know that Mari McGowan is not qualified to be a Title IX Coordinator?
 - a. Do you know she has no contract with the District?
 - b. Do you know that there is no RFQ for her firm?
 - c. Do you know her contract is with Craig Wood and he is her client?
15. Why did [REDACTED] [REDACTED] unilaterally remove you and appoint [REDACTED] as [REDACTED]?
 - a. Was there a public vote?
 - b. If so, which agenda?
16. Did you say that [REDACTED] would never even represent you?
 - a. If yes, why are you telling people now that he gave you bad legal advice about [REDACTED]?
 - b. Isn't it true that Ellen Spaulding gave you that legal advice?
 - i. Did Ellen Spaulding help you write your motion regarding [REDACTED] [REDACTED]?
 - c. Why are you telling people that [REDACTED] is a terrible education lawyer and that he gave you that bad advice?
 - i. Do you believe that the staff perceives that you threaten and intimidate them?
17. Did you call a December 21, 2023 Board meeting without polling [REDACTED]?
 - a. If not, who called the meeting?
 - b. How did you know a quorum was available over Christmas break when the District was closed?

18. Did you ask the staff if they were available or just demand they attend?
 - a. What was the big hurry?
19. Were you enacting your revenge on [REDACTED] for speaking the truth and embarrassing you?
 - a. Does this [REDACTED], or at least you and [REDACTED], have a habit of enacting revenge on the staff?
20. Has the culture of [REDACTED] changed for the better or for the worse under [REDACTED] [REDACTED]'s leadership? Has [REDACTED] become more like him?
21. Do you know Craig Wood's contract doesn't allow him to hire subcontractors?
22. Do you put your hands on staff?
 - a. If not, why not?

Questions to [REDACTED]

1. If you saw [REDACTED] becomes moody occasionally, why didn't you do anything about it when you were his supervisor?
 - a. Did you put it in his evaluations?
2. You talked about retaliation throughout your statements. Are you (or were you) worried about retaliation from this [REDACTED]?
3. Do you feel you have already been intimidated and threatened by this [REDACTED] through their lawyers?
 - a. If so, why?
4. Did [REDACTED] take your legal counsel away—both by removing the general counsel and then removing Chris Gilbert?
 - a. Why did they do that?
5. Does [REDACTED] have legal counsel representing them at District expense?
6. Does [REDACTED] have complaints against them?
7. Why would [REDACTED] get attorneys at taxpayer expense but you don't?
8. Did you have legal support?
 - a. What happened?
 - b. Why do you think that happened?
9. Were the complaints against you frivolous?
10. Do you think it's odd that you are a witness against [REDACTED] [REDACTED] and you have very frivolous complaints filed against you that are being fully investigated by [REDACTED]?
11. How many questions did Alf Southerland send you to answer without any legal counsel?
12. Do you feel threatened and intimidated by the process being used by [REDACTED] and their attorneys?
13. Could you and the rest of the leadership team have handled these investigations for free?
 - a. Have they in the past?
 - b. When?
14. Do you have great relationships with your principals and other staff?
 - a. Do you feel this compromises your objectivity to lead them?
 - b. Is your relationship with [REDACTED] different?

Questions to [REDACTED]

1. Who pressured you to put [REDACTED] on leave months ahead of a final decision being made?
2. Who constantly called Craig Wood and interfered in your role as [REDACTED]?
3. Has [REDACTED] [REDACTED] retaliated against you since you became [REDACTED] a second time instead of him?
4. Did you plan to take [REDACTED] [REDACTED]'s spot as [REDACTED]?
 - a. Did you want to be [REDACTED] again?
5. Did you try to keep [REDACTED] [REDACTED] in the rotation?
6. Why didn't it work?
7. Has [REDACTED] been the same since [REDACTED] [REDACTED] was voted down as [REDACTED]?
8. Now that [REDACTED] [REDACTED] is [REDACTED], how is [REDACTED]?
9. Has [REDACTED] taken on [REDACTED] [REDACTED]'s character and culture?
10. Has [REDACTED] [REDACTED] threatened and intimidated [REDACTED]s in the community since he was voted down?
 - a. Does he still?
11. Do you think that the complaint [REDACTED] filed against you is suspicious given the fact that you only presided over that case a few months?
12. Do you find it odd that you and many of the other witnesses against [REDACTED] [REDACTED] have received complaints from [REDACTED]?
13. Do you think it's possible [REDACTED] [REDACTED] is orchestrating this with Craig Wood and [REDACTED] [REDACTED] behind the scenes to threaten, intimidate, and retaliate against his enemies?
14. Does [REDACTED] [REDACTED] have a reputation for retaliation against people - being vindictive?
 - a. Do you have examples?
15. Do you know that he is going after you in the community right now?
 - a. Why?

16. Question Omitted for "Relevance." Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid.

401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

17. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding findings of an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

18. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding findings of an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

19. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding switching an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is

excluded.

20. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. *See* Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. *See* 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding findings of an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.
21. Do you think trustees should keep their hands to themselves with staff as a best practice?

Questions to [REDACTED]

1. Did any of your [REDACTED] ever complain about [REDACTED] [REDACTED] showing up unannounced?
2. Did any of your [REDACTED] complain that [REDACTED] [REDACTED] asked them to go into their offices alone with him?
3. Did [REDACTED] [REDACTED] have a reputation with the [REDACTED]? If yes, what was it?
4. Did you try to run interference with them and [REDACTED] [REDACTED] because you knew they were uncomfortable? What did you do?

Questions to [REDACTED]

1. Were you contacted and/or invited to participate in questions regarding [REDACTED] and [REDACTED] [REDACTED]?
2. Were you an employee in Humble ISD prior to being on [REDACTED]?
 - a. How long?
 - b. What roles?
3. What was [REDACTED] [REDACTED]'s reputation among administrators in Humble ISD?
4. Did people fear [REDACTED] [REDACTED]?
 - a. Why?
5. Why did you run against [REDACTED] [REDACTED]?
6. Did you see [REDACTED] [REDACTED] touch [REDACTED]?
 - a. What did you see?
 - b. Did you know that [REDACTED] didn't like it?
7. Did [REDACTED] tell [REDACTED] [REDACTED] to stop touching [REDACTED]?

Questions to [REDACTED]

1. Have you ever met or spoken to [REDACTED] [REDACTED]? If yes, when?
2. Are you aware that Craig Wood's contract doesn't allow him to hire subcontractors?
3. Are you aware that Humble ISD has no contract with any of the law firms involved in this investigation including the ones where Lynn Rossi-Scott, Laura O'Leary, Mari McGowan, and Gianna Ortiz are employed?
 - a. Do you know none of them were competitively bid?
 - b. Do you know that none of them have a legal duty or attorney client privilege with the District, only with Craig Wood?
 - c. As a fiduciary and a trustee who took an oath to protect and serve Humble ISD, are you ok breaking all of the laws and rules associated with procurement of professional services?
4. Are you aware that Mari McGowan doesn't meet the federal requirements to be Humble ISD Title IX Coordinator.
5. If this team is all illegally procured, has no duty or contract with the District, and does not meet the federal regulations, should their work be declared null and void?
6. Who is responsible for your vote?
7. If attorneys give you advice, do you have to take it?
 - a. How about auditors?
8. When were you publicly voted in as [REDACTED]?
 - a. What agenda?
9. Why was [REDACTED] removed from the role by [REDACTED] [REDACTED]?
10. What are the alleged duties of [REDACTED]?
 - a. Can a single [REDACTED] speak on behalf of the entire Board?
 - b. Can a single [REDACTED] make decisions on behalf of the entire Board?
 - c. Can a single [REDACTED] withhold information from selective

trustees that are not part of their voting block?

d. Have you done any or all of these things?

11. Why is [REDACTED] [REDACTED] not [REDACTED] if he is [REDACTED]?
12. Is [REDACTED] [REDACTED] in the background calling the shots and telling you what he wants you to do?
13. Does [REDACTED] [REDACTED] constantly call the lawyers to brainstorm and direct them?
14. Do you approve the bills from Craig Wood and Walsh and Gallegos?
 - a. Do you review the itemized billing records?
 - b. How much taxpayer money have you approved to be paid to Walsh and Gallegos?
15. If he is conflicted, why is [REDACTED] [REDACTED] in executive session when [REDACTED] and the attorneys are discussing matters regarding him and matters regarding his victim?
16. Did [REDACTED] often call Mari McGowan?
17. Did [REDACTED] direct Mari McGowan to punish [REDACTED] at [REDACTED] [REDACTED]?
18. Did [REDACTED] talk to Mari McGowan about having [REDACTED] and [REDACTED] watched?
 - a. Did you agree with this?
19. When did [REDACTED] make you aware of the strong payroll and documentation irregularities in the athletics department?
20. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding concerns about an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is

excluded.

21. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

22. If you saw the exchange at Pillars of the Community, why didn’t you assist or help [REDACTED] and [REDACTED] with [REDACTED] [REDACTED]?

a. Doesn’t [REDACTED] police itself and its members?

b. If you saw it happen, why would you need an official report to do something about it?

Questions to [REDACTED]

1. Did you refuse to be interviewed because you are afraid of [REDACTED] [REDACTED]?
2. Did you refuse to be interviewed because you are afraid of [REDACTED]?
3. Have you repeatedly told [REDACTED] how much you despise [REDACTED] [REDACTED], particularly at Board meetings?
4. When you taught at [REDACTED] did [REDACTED] [REDACTED] repeatedly appear and chase teachers into their classrooms looking for dates?
 - a. Did the teachers run away from [REDACTED] [REDACTED] and dislike it?

TITLE IX FORMAL COMPLAINT PROCEDURES

Definitions

All terms in this regulation have the meaning as defined in FFH(LEGAL) at Response to Sexual Harassment. In addition:

“Coordinator” means the Title IX Coordinator. The District Title IX Coordinator shall be the Deputy Superintendent. The District Title IX Coordinator may designate additional Title IX Coordinators at the campus and departmental level.

“Complainant” means the alleged victim of conduct that could constitute sexual harassment and may include a parent acting for a student. Where the Title IX Coordinator signs a formal complaint, the Coordinator is not a complainant.

“Days” means District business days unless otherwise noted by the District.

“District” or “the district” refers to any employee or person designated to fulfill obligations under law or board policies.

“Education program or activity” means locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the alleged sexual harassment occurs.

“Party” or “parties” refers to the complainant and respondent. Where the Title IX Coordinator signs a formal complaint, the Coordinator is not a party.

“Parent” means a person defined by 34 C.F.R. § 99.3 who may act on behalf of a student unless prohibited by law or court order, including signing a formal complaint, agreeing to supportive measures, or responding to allegations in a complaint [see FL(LEGAL)].

“Preponderance of Evidence” is a standard of evidence meaning that a proposition is more likely than not to be true.

“Respondent” means the alleged perpetrator of conduct that could constitute sexual harassment and may include the parent acting on behalf of a student.

“Sexual harassment” refers to sexual harassment as defined by Title IX [see FFH(LEGAL)].

“Student” means an enrolled student or other non-employee who is participating or attempting to participate in the District’s education program or activity.

“Title IX disciplinary sanction” means an action that is not a supportive measure as defined by 34 C.F.R. § 106.30 and is imposed against a respondent only after the District follows the Title IX formal complaint process in compliance with law and board policy. Title IX disciplinary sanctions do not include an authorized interim action or measure, and do not refer to discipline imposed on a respondent under the District’s Student Code of Conduct for conduct other than sexual harassment, as defined by Title IX. [See FFH(LEGAL)]

“Title IX personnel” includes the Coordinator and other individuals designated by the District or Coordinator to perform a role in the formal complaint process, including

Humble ISD Title IX Complaint Procedures p. 1
Last Updated: 11/18/2020

**District
Response to
Allegations of
Sexual
Harassment**

investigator, decision-maker, appeal hearing officer, and, if applicable, facilitator of an informal resolution process.

The District's Title IX Coordinator will respond promptly and equitably to any verbal or written report or disclosure of alleged sexual harassment received from any source, including personal observation that provides a District employee notice of the alleged conduct. The Coordinator will address anonymous reports only if there is an identifiable party.

In accordance with law, the Coordinator may consolidate formal complaints or separate proceedings where allegations of sexual harassment arise out of the same facts or circumstances.

For all other allegations, the Title IX Coordinator will follow the applicable District policy and procedures, including FFH, as applicable, for Investigations of Reports Other Than Title IX, FFI regarding bullying, DH for employee standards of conduct, or the Student Code of Conduct. Concurrent with a Title IX formal complaint process, the District may implement discipline in accordance with board policies and the Student Code of Conduct for prohibited conduct other than sexual harassment as defined by Title IX.

Initial Response Upon receipt of a report alleging sexual harassment, the District's Title IX Coordinator or designee will promptly contact the complainant, when identified, to offer supportive measures and interact with the complainant to:

- 1) Provide information about supportive measures;
- 2) Discuss the availability of supportive measures;
- 3) Consider the complainant's wishes concerning supportive measures;
- 4) Explain to the complainant the process for filing a formal complaint under Title IX; and
- 5) Provide each complainant with a copy of the District's Title IX formal complaint process.

The Title IX Coordinator's initial response and interaction may be directed solely at the parent of the alleged victim, when appropriate based on the circumstances.

Equitable Treatment The District's treatment of complainants, respondents, witnesses, and any other person involved in a formal complaint process shall not discriminate on the basis of sex. All parties involved will be treated fairly, with dignity, respect, and sensitivity and without bias, prejudice, or reliance on stereotypes.

Supportive Measures The Title IX Coordinator is responsible for effective implementation of supportive measures and will serve as the point of contact for any questions or concerns related to supportive measures.

Supportive measures must be offered to a complainant and, as appropriate, also to a respondent. Supportive measures must be offered regardless of whether a formal complaint is initiated, or whether the complainant participates in the formal complaint process. A complainant is not required to show proof of allegations to receive supportive measures and is not required to accept supportive measures. Supportive measures shall be individualized, non-punitive, offered without fee or charge, and shall not unreasonably burden either party. The District is not required to offer or provide supportive measures to unidentified parties.

Examples of supportive measures may include:

- counseling about inappropriate behavior and educational conversations;
- explaining to a respondent in detail the district's anti-sexual harassment policy and expectations of appropriate conduct;
- temporarily sending a student to the principal's office;
- changing seating assignments or class assignments;
- providing other counseling;
- extending of deadlines or other course-related adjustments, including retaking exams or completing makeup work;
- implementing mutual or unilateral restrictions on contact between parties;
- identifying specific campus employees to serve as regular points of contact for each party
- modifying class or activity schedules;
- escorting parties when on campus;
- changing campus assignments;
- increasing security and monitoring of certain areas of the campus; or other similar measures designed to help a student stay in school and on track academically, protect the safety of a student, or deter sexual harassment.

Emergency Removal In accordance with law, the District has the right to remove a student respondent from the District's education program or activity when the District determines, based on an individualized safety and risk analysis, that removal is justified due to an immediate threat to the physical health or safety of any student or other individual, including either of the parties in a formal complaint, arising from the allegations of sexual harassment. The District shall provide notice of removal to the respondent. [See FFB]

Removal under this provision must comply with all due process requirements under law and policy, including the Individuals with Disabilities Education Act (IDEA) and Section 504.

Post-Removal Challenge Immediately following the emergency removal, the District shall provide the respondent with an opportunity to challenge the decision in accordance with the applicable board policy or the Student Code of Conduct. [See FO series]

Administrative Leave Title IX and these procedures do not restrict the District's right to place an employee respondent on administrative leave pending an investigation.

No Bias or Conflict of Interest All Title IX personnel must serve impartially and free from conflicts of interest or bias against the individual complainant and respondent involved in a formal complaint or against complainants and respondents generally.

Presumption of Non-responsibility All District actions must presume that the respondent is not responsible for the alleged conduct until after a final determination in a formal complaint process. In a formal complaint process, a respondent may face Title IX disciplinary sanctions for sexual harassment only after a fair process determines responsibility. However, even if a Title IX formal complaint is not filed or signed, the District may investigate and respond to prohibited conduct in accordance with board policies and the Student Code of Conduct.

Formal Complaints

A formal complaint may be filed with the District's Title IX Coordinator by using a form provided by the District. Copies of any documents that support the complaint should be attached to the complaint.

The Title IX Coordinator may, without consent of a complainant, sign a written complaint to initiate the process. A complainant is not required to participate in the formal complaint signed by a Coordinator but will retain all the rights of a complainant in the process.

In accordance with law and policy, the Title IX Coordinator will coordinate the assignment of duties to ensure that all obligations under Title IX are completed in a timely manner.

Time Frame for Formal Complaint Process Absent good cause for the District to delay an investigation, the Title IX formal complaint process beginning with filing or signing of the formal complaint and ending with the determination of responsibility should be completed within a prompt and reasonable time frame that complies with federal legal requirements. Days used for any voluntary informal resolution process do not count towards the time frame for concluding the formal complaint process.

Modifying Time Frames In calculating timelines under this regulation, the day a document is filed is "day zero" and the next District business day is "day one." Deadlines may be extended for good cause as determined by the Title IX Coordinator.

The District shall make reasonable attempts to schedule meetings at a time mutually agreeable to all parties. However, extensions should not unnecessarily extend the timeline established below for concluding the formal complaint process.

Notice of Allegations Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the complainant and respondent about the allegations of sexual harassment and allow sufficient time for the parties to prepare a response before any initial interview with the assigned investigator. This notice must contain the following:

- Allegations of potential sexual harassment as defined by law, including sufficient details known at the time such as identity of parties, alleged conduct, and date(s) and location(s) of alleged incident(s);
- A statement that the District, by law, must presume that the respondent is not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the formal complaint process;
- Notification that each party may choose an advisor of choice who may be, but is not required to be, an attorney;
- The right of each party to inspect and review evidence under section 34 C.F.R. § 106.45(b)(5)(vi);
- The standard of evidence that will be used [see FFH(LOCAL)];
- Notification about the District's Title IX formal complaint process, including procedures for informal resolution and appealing the final determination; and
- Any provision of a District code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the formal complaint process.

The Title IX Coordinator may attach a copy of Policy FFH to the Notice of Allegations.

Dismissal of Complaint of Allegation

Upon dismissal of a formal complaint or an allegation therein, the Coordinator will promptly provide written notification to both parties. Dismissal of an allegation or allegations does not preclude action under another provision of the code of conduct.

Mandatory Dismissal

A formal complaint or allegation must be dismissed as required by law when the allegation(s), if proved:

- Would not meet the definition of sexual harassment under 34 C.F.R. § 106.30(a);
- Did not occur against a person in the United States; or
- Did not occur in the District's education program or activity.

Discretionary Dismissal

A formal complaint may be dismissed for the following reasons:

- If, at any time, a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations in the complaint;
- If the respondent is no longer enrolled or employed by the District;
- If specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein; or
- If the complainant no longer has any involvement with the District.

Appeal of Complaint Dismissal

In accordance with law and local policy, the complainant may appeal the written dismissal of a formal complaint or any allegations therein on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Title IX does not require the District to accept appeals based on any other reasons.

To initiate an appeal, a complainant must follow the procedures below at Appeal Procedures.

Standard of Evidence

The District uses the preponderance of evidence standard of evidence to determine responsibility unless stated otherwise in FFH(LOCAL).

Privileged Information

If a party seeks or uses information protected under a legally recognized privilege (for example doctor-patient privilege or attorney-client privilege), the party must provide written documentation indicating that the individual holding the privilege has waived the privilege and consents to use for the purpose of the formal complaint process.

Investigation of Formal Complaint

The Title IX Coordinator may serve as an investigator, appoint a trained District employee to serve as an investigator, or, in consultation with the Superintendent, appoint an external investigator, to investigate the allegations in a formal complaint.

The burden of proof and burden of gathering evidence sufficient to reach a determination regarding responsibility rests with the District and not with the parties. All allegations in a formal complaint will be investigated

Gathering Evidence	While the District has the burden of proof for determining responsibility, the parties may submit evidence, testimony, witnesses, written witness statements, or other information that they wish the investigator to consider. Any deadlines or other restrictions related to the formal complaint process must apply equally to both parties. The investigator must provide to any party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of any investigative interview or other meetings, with sufficient time for the party to prepare to participate. The investigator may proceed with non-party witness interviews without providing prior written notice.
Advisors	Each party may be accompanied by an advisor of the party's choice during the interview with the investigator or other meetings during the formal complaint process. The investigator may conduct non-party witness interviews without an advisor present for the witness.
Confidentiality	In order to preserve the confidentiality of student information protected by the Family Educational Rights and Privacy Act (FERPA), the District may require the parent of a minor student to sign a release form indicating consent to allow the District to release information related to the allegations to the designated advisor. [See FL.] In addition, the District shall inform the parties and any designated advisors that confidential information received during the Title IX formal complaint process, including the evidence received for inspection and review as well as the investigation report, may be used only for purposes of the Title IX formal complaint process and may not be further disclosed or disseminated. Any restriction or requirement regarding a party or advisor must apply equally to all parties.
Inspection of Evidence	Prior to completion of the investigative report, the investigator will send to each party and the party's advisor, if any, the evidence subject to review and inspection in an electronic format or hard copy. This includes evidence upon which the District's decision-maker may choose not to rely when reaching a determination regarding responsibility, as well as inculpatory or exculpatory evidence. As required by law, each party must be allowed 10 days from the date of receipt of the evidence to inspect and review the evidence, and to submit a written response that the investigator will consider when completing the final investigative report.
Investigation Report	<p>The investigative report will fairly summarize all relevant evidence and may include the following content:</p> <ul style="list-style-type: none">• Identification of the allegations potentially constituting sexual harassment;• Responses of each party to the allegations in the formal complaint;• Relevant evidence considered by the investigator;• The parties' responses to the evidence after review and inspection; and <p>The investigator will simultaneously provide the investigation report to both parties. The investigator also will send a copy of the investigation report to the Title IX Coordinator, who immediately will assign a decision-maker and provide the decision-maker with a copy of the investigation report.</p>

Determination Regarding Responsibility

A decision-maker designated by the Title IX Coordinator will make an independent determination regarding a respondent's responsibility for alleged sexual harassment. The decision-maker cannot be the District's Title IX Coordinator or the investigator who investigated the complaint at issue. In accordance with law, the determination of responsibility may not be issued earlier than 10 days from the date the parties received the final investigation report.

After both parties have received the investigative report and prior to a determination regarding responsibility, each party will have 5 days to submit a written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report. The decision-maker shall ensure that questioning is relevant, respectful, and non-abusive. The parties must submit a response to any questions provided within 5 days of receiving the questions from the decision-maker. The decision-maker will provide any answers received to all parties, after which the parties will have 5 District business days to submit follow-up questions to the decision-maker for review in the same manner as the initial questions. The decision-maker may extend the timeline for good cause. A party or witness is not required to respond to any questions posed by the other party.

Prior Sexual Behavior

In reaching a final determination, the decision-maker will not consider relevant any questions and evidence about the complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent to sexual contact.

The decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

Written Determination

The decision-maker will issue a determination regarding responsibility for the alleged conduct in a reasonably prompt manner after the date all questions, answers, and supporting documentation were requested to be submitted to the decision-maker.

The written determination of responsibility will include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the District's applicable code of conduct or other policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any Title IX disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided to the complainant; and
- The procedures and permissible bases for the complainant and respondent to appeal the determination.

The determination of responsibility, and any recommended Title IX disciplinary sanctions therein, is not final or effective until after the period for appeal is over in accordance with these procedures at Appeal of Determination.

Appeals

In accordance with law and local policy, either party may appeal the written determination regarding responsibility or a dismissal of a formal complaint or any allegations therein only on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Title IX does not require the District to accept appeals based on any other reasons.

Appeal Procedures To initiate an appeal, a party must file a written request for appeal with the Title IX Coordinator within 5 days of a party's receipt of the decision-maker's written responsibility determination.

The Title IX Coordinator will review the request and assign an appropriate appeal hearing officer in compliance with law and policy. If the reason for appealing the dismissal or determination of responsibility is not one of the permitted bases for appeal, the District may dismiss the appeal.

If the request for an appeal is not dismissed, the Coordinator will designate an appeal hearing officer to proceed. The appeal hearing officer may not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator who investigated the complaint at issue, or the Title IX Coordinator.

The Title IX Coordinator will notify the non-appealing party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the dismissal of a formal complaint or determination of responsibility. Written statements must be submitted within 5 days of receipt of the notice of appeal to be considered.

District Response to Appeal of Complaint Dismissal In an appeal of dismissal of a complaint or any allegation therein, the District's designated appeal hearing officer will review the request for appeal and issue a written decision explaining why the appeal of the dismissal is granted or denied. The appeal hearing officer may not be the Title IX Coordinator, the investigator, or the decision-maker assigned to the complaint or allegation at issue.

The written decision of the appeal hearing officer will provide the rationale for the District's response to the complainant's appeal of the District's dismissal of a formal complaint or any allegation therein. A copy of this written response will be provided simultaneously to both parties.

Effect of Appeal of Determination If an appeal regarding the determination of responsibility is filed, the determination does not become final, and the District may not proceed with administering Title IX disciplinary sanctions or remedies based on the determination, until the date that the District provides both parties with the written result of the appeal.

If an appeal is not filed, the determination of responsibility becomes final on the date on which an appeal of the determination would no longer be considered timely.

District Response to Appeal of Determination The written decision of the appeal hearing officer will describe the result of the appeal of the determination regarding responsibility and the rationale for the result. A copy of the written decision of appeal must be provided simultaneously to both parties.

Once an appeal hearing officer issues a written decision regarding the appeal of the determination of responsibility, the District will proceed with implementing Title IX disciplinary sanctions or remedies or take other appropriate action.

Remedies

If a respondent has been determined through the formal complaint process to be responsible for the alleged sexual harassment, the District must provide remedies to the complainant that are designed to restore or preserve the complainant's equal access to the District's educational programs and activities. The Title IX Coordinator is responsible for effective implementation of remedies.

In addition to the individualized services described in this regulation as supportive measures, remedies may include the following sanctions or measures:

- Suspension
- Expulsion
- Removal to DAEP
- Any disciplinary measure provided by the District's Student Code of Conduct

Remedies need not be non-disciplinary, non-punitive, or avoid burdening the respondent.

Informal Resolution

If a formal complaint has been filed, other than a complaint alleging sexual harassment of a student by an employee, and prior to reaching a determination regarding responsibility, the Title IX Coordinator may offer but may not require a party to participate in a voluntary informal resolution process.

In addition, either party may request informal resolution by making a written request to the Title IX Coordinator, who will promptly notify the other party of this request. The other party is not required to agree to participate. If a party declines or at any time withdraws from an informal resolution process, the Coordinator will notify the other party that the informal resolution process has been terminated and resume the formal complaint process. The Title IX Coordinator may terminate the informal resolution process for good cause as determined by the Coordinator.

Prior to facilitating or designating another person to facilitate the informal resolution process, the Title IX Coordinator will provide both parties written notice that contains at least the following information:

1. the allegations;
2. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The Title IX Coordinator will obtain the parties' voluntary, written consent to participate the informal resolution process.

Title IX Sexual Harassment Training

The District will provide all Title IX personnel, including the Title IX Coordinator, investigators, decision-makers, and any person designated to facilitate an informal resolution process, training necessary to perform their duties.

Records Retention

Records related to the District's entire response and process related to an allegation of sexual harassment must be maintained in accordance with the District's records control schedules or a minimum of seven years, whichever is longer. The District will direct all assigned Title IX personnel to comply with this recordkeeping requirement. [See FFH(LEGAL)]

Confidentiality

The District must keep information confidential as required by law except as necessary to provide supportive measures, to conduct proceedings under the formal complaint process, when disclosure is required by law, or when permitted by the District in compliance with the Family Educational Rights and Privacy Act (FERPA) and state law, or to otherwise carry out the purposes of 34 C.F.R. Part 106. However, the District may not restrict the ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence.

A complainant's identity, if known, must be disclosed to the respondent once a formal complaint is filed by a complainant or signed by the Title IX Coordinator.

Required Reporting

At any point during a District's investigation that evidence is uncovered that requires reporting to law enforcement, Child Protective Services, State Board of Educator Certification, or another entity, District employees must take the necessary actions to do so in compliance with law or board policy.

Exhibit 4

From: [Giana Ortiz](#)
To: [REDACTED]@humbleisd.net
Subject: Title IX Party Questions
Date: Friday, June 7, 2024 9:04:00 AM
Attachments: [Questions to \[REDACTED\].docx](#)
[Humble ISD Title IX Procedures.pdf](#)

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Today is not a District business day under the District's summer calendar. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. If you saw [REDACTED] becomes moody occasionally, why didn't you do anything about it when you were his supervisor?
 - a. Did you put it in his evaluations?
2. You talked about retaliation throughout your statements. Are you (or were you) worried about retaliation from [REDACTED]?
3. Do you feel you have already been intimidated and threatened by [REDACTED] through their lawyers?
 - a. If so, why?
4. Did [REDACTED] take your legal counsel away—both by removing the general counsel and then removing Chris Gilbert?
 - a. Why did they do that?
5. Does [REDACTED] have legal counsel representing them at District expense?
6. Does [REDACTED] have complaints against them?
7. Why would [REDACTED] get attorneys at taxpayer expense but you don't?
8. Did you have legal support?
 - a. What happened?
 - b. Why do you think that happened?
9. Were the complaints against you frivolous?
10. Do you think it's odd that you are a witness against [REDACTED] [REDACTED] and you have very frivolous complaints filed against you that are being fully investigated by [REDACTED]?
11. How many questions did Alf Southerland send you to answer without any legal counsel?
12. Do you feel threatened and intimidated by the process being used by [REDACTED] and their attorneys?
13. Could you and the rest of the leadership team have handled these investigations for free?
 - a. Have they in the past?
 - b. When?
14. Do you have great relationships with your principals and other staff?
 - a. Do you feel this compromises your objectivity to lead them?
 - b. Is your relationship with [REDACTED] different?

From: [Giana Ortiz](#)
To: cwood@wabsa.com
Subject: Title IX Party Questions
Date: Friday, June 7, 2024 9:04:00 AM
Attachments: [Humble ISD Title IX Procedures.pdf](#)
[Questions to Craig Wood.docx](#)

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Today is not a District business day under the District's summer calendar. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to Craig Wood

1. Did you threaten [REDACTED] on multiple occasions?
 - a. [REDACTED] when she did not put [REDACTED] on leave?
 - b. The entire Board—that you would take you and your team of lawyers and leave if they did not put [REDACTED] on leave or fire him?
 - c. And threaten [REDACTED] that the process would have to start all over?
2. Did you hire the firms associated with Laura O’Leary, Lynn Rossi-Scott, Gianna Ortiz and Mari McGowan yourself?
 - a. Do you or your firm have contracts with each of these firms directly?
 - b. Do you have attorney client privilege with each of these firms?
 - c. Are you their client?
 - d. Is their duty to you?
 - e. Did you do this to protect all communications between you and eliminate transparency and fairness that is the hallmark of Title IX?
3. Did you tell [REDACTED] (via his attorney Keith Lapeze) after the July 2023 Board meeting that he needed to resign?
 - a. Did you threaten him again after the February 15, 2024 meeting and tell him that he must resign, drop everything against [REDACTED] [REDACTED], and have Keith Lapeze drop his suit, or that he would be fired?
 - b. Did you and Paige Kyle threaten [REDACTED] again on April 6, 2024 that he needed to resign without ever seeing the results of his final appeal or he would be terminated on April 9, 2024?
 - c. Who directed you to make these communications?

From: [Giana Ortiz](#)
To: [REDACTED]@humbleisd.net
Cc: [Shane Goetz](#)
Subject: Title IX Party Questions
Date: Friday, June 7, 2024 9:05:00 AM
Attachments: [Humble ISD Title IX Procedures.pdf](#)
[Questions to \[REDACTED\].docx](#)

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Today is not a District business day under the District's summer calendar. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Do you feel threatened and intimidated by [REDACTED]?
2. Did [REDACTED] take away your legal support when you were attacked with frivolous claims?
3. Why do you think that you are being investigated so thoroughly for frivolous claims like giving one office over another when the two offices are identical?
4. Do you think you are being investigated because you are a witness in the retaliation claim against [REDACTED] [REDACTED]?
5. Have you done investigations in Humble ISD before?
 - a. How many?
6. Have you done grievance hearings in Humble ISD before?
 - a. How many?
7. Why didn't you handle the Title IX investigation against [REDACTED] when you supervise athletics?
8. Did [REDACTED] contact you and recuse herself due to the appearance of a conflict of interest?
9. Did you have a plan with [REDACTED]?
10. What happened to that plan?
11. Why do you think that [REDACTED] pushed you and all other staff out of this investigation?
12. What would it have cost taxpayers if the senior leaders (minus [REDACTED]) and in-house general counsel had handled all of this?
13. Do you believe that you all were capable of handling this investigation?
14. Have you been negatively impacted professionally due to the slowness of these investigations?
 - a. Have others?
 - b. The District?
 - c. Who benefitted from this model?

15. Why was [REDACTED] promoted to Executive Director of UIL?
16. Was there an issue with Fine Arts?
17. Were there new construction duties?
18. Do you put your hands on staff?
 - a. If not, why not?
19. Did you remove [REDACTED]'s contract from the May 21 list of contract renewals?
 - a. Why?
 - b. Who did?
20. Did you eliminate the position of Executive Director of UIL?
 - a. Who told you to reorganize the central administration with the [REDACTED] on leave?
21. Did you post a newly created Athletic Director job?
 - a. Why?

From: [Giana Ortiz](#)
To: [REDACTED]@humbleisd.net
Subject: Title IX Party Questions
Date: Friday, June 7, 2024 9:06:00 AM
Attachments: [Questions to \[REDACTED\].docx](#)
[Humble ISD Title IX Procedures.pdf](#)

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Today is not a District business day under the District's summer calendar. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Who pressured you to put [REDACTED] on leave months ahead of a final decision being made?
2. Who constantly called Craig Wood and interfered in your role as [REDACTED]?
3. Has [REDACTED] [REDACTED] retaliated against you since you became [REDACTED] a second time instead of him?
4. Did you plan to take [REDACTED] [REDACTED]'s spot as [REDACTED]?
 - a. Did you want to be [REDACTED] again?
5. Did you try to keep [REDACTED] [REDACTED] in the rotation?
6. Why didn't it work?
7. Has [REDACTED] been the same since [REDACTED] [REDACTED] was voted down as [REDACTED]?
8. Now that [REDACTED] [REDACTED] is [REDACTED], how is [REDACTED]?
9. Has [REDACTED] taken on [REDACTED] [REDACTED]'s character and culture?
10. Has [REDACTED] [REDACTED] threatened and intimidated [REDACTED]s in the community since he was voted down?
 - a. Does he still?
11. Do you think that the complaint [REDACTED] filed against you is suspicious given the fact that you only presided over that case a few months?
12. Do you find it odd that you and many of the other witnesses against [REDACTED] [REDACTED] have received complaints from [REDACTED]?
13. Do you think it's possible [REDACTED] [REDACTED] is orchestrating this with Craig Wood and [REDACTED] [REDACTED] behind the scenes to threaten, intimidate, and retaliate against his enemies?
14. Does [REDACTED] [REDACTED] have a reputation for retaliation against people - being vindictive?
 - a. Do you have examples?
15. Do you know that he is going after you in the community right now?
 - a. Why?

16. Question Omitted for "Relevance." Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid.

401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

17. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding findings of an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

18. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding findings of an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

19. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding switching an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is

excluded.

20. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. *See* Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. *See* 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding findings of an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.
21. Do you think trustees should keep their hands to themselves with staff as a best practice?

From: [Giana Ortiz](#)
To: [REDACTED]@humbleisd.net
Subject: Title IX Party Questions
Date: Monday, June 10, 2024 10:45:00 AM
Attachments: [Humble ISD Title IX Procedures.pdf](#)
[Questions to \[REDACTED\].docx](#)

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Did you refuse to be interviewed because you are afraid of [REDACTED] [REDACTED]?
2. Did you refuse to be interviewed because you are afraid of [REDACTED]?
3. Have you repeatedly told [REDACTED] how much you despise [REDACTED] [REDACTED], particularly at Board meetings?
4. When you taught at [REDACTED] did [REDACTED] [REDACTED] repeatedly appear and chase teachers into their classrooms looking for dates?
 - a. Did the teachers run away from [REDACTED] [REDACTED] and dislike it?

From: [Giana Ortiz](#)
To: [REDACTED]
Subject: Title IX Party Questions
Date: Monday, June 10, 2024 10:45:00 AM
Attachments: [Humble ISD Title IX Procedures.pdf](#)
[Questions to \[REDACTED\]](#)

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Did any of your [REDACTED] ever complain about [REDACTED] [REDACTED] showing up unannounced?
2. Did any of your [REDACTED] complain that [REDACTED] [REDACTED] asked them to go into their offices alone with him?
3. Did [REDACTED] [REDACTED] have a reputation with the [REDACTED]? If yes, what was it?
4. Did you try to run interference with them and [REDACTED] [REDACTED] because you knew they were uncomfortable? What did you do?

From: [Giana Ortiz](#)
To: [REDACTED]
Subject: Title IX Party Questions
Date: Monday, June 10, 2024 10:45:00 AM
Attachments: [Questions to \[REDACTED\].docx](#)
[Humble ISD Title IX Procedures.pdf](#)

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding the conduct of the witness’s son) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.
2. Did [REDACTED] have to come and deal with the bullying and hazing situation [at [REDACTED]]?
3. Were you angry with the decisions made by [REDACTED] to rectify the situation?
4. Did [REDACTED] have to deal with your [REDACTED] as a [REDACTED]?
 - a. Did this make you mad?
5. Did you stand in the parking lot with [REDACTED] and [REDACTED]’s mother and discuss [REDACTED] with these parents even though you were a Board member?
 - a. Do you think that was that appropriate?
6. Were you criticizing [REDACTED]’s handling of facilities and athlete safety during Covid?
7. Do you just generally not like [REDACTED] because of situations involving your [REDACTED]?
8. Did you form an alliance with [REDACTED] [REDACTED] when you were elected to the Board?
9. Did you and [REDACTED] [REDACTED] plan your questions and votes in advance of meetings?
10. Are you and [REDACTED] [REDACTED] political allies, or were you?
11. Do you put your hands on or otherwise touch your [REDACTED]?

a. If not, why not?

From: [Giana Ortiz](#)
To: [REDACTED]@humbleisd.net; [REDACTED]@humbleisd.net
Subject: Title IX Party Questions
Date: Monday, June 10, 2024 10:45:00 AM
Attachments: [Humble ISD Title IX Procedures.pdf](#)
[Questions to \[REDACTED\].docx](#)

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Did you try to freeze [REDACTED] out of the matter of [REDACTED] by calling [REDACTED] directly?
 - a. Did [REDACTED] tell you that you needed to call [REDACTED]?
 - b. Why did you go around her?
 - i. Was it because [REDACTED] [REDACTED] said she was biased because [REDACTED] [REDACTED] is [REDACTED]?
 - c. Did you know that the parents, the [REDACTED], had worked with [REDACTED] [REDACTED] on the matter and had requested the current resolution in writing?
 - i. Why did you get involved?
2. Did you pressure [REDACTED] and [REDACTED] to fire [REDACTED]?
 - a. Was this because you got pressure from [REDACTED] [REDACTED] to do so?
 - i. Should any trustee pressure staff to fire an employee?
 - ii. Why were you in the middle of this personnel situation?
 - iii. Was that when you got connected to [REDACTED] [REDACTED] for the first time?
3. Did [REDACTED] [REDACTED] agree to pay for your next Board election campaign?
 - a. What did he want in exchange?
4. After receiving the May 4, 2023 complaint from [REDACTED] did you call [REDACTED] [REDACTED] and say, "I get it. I work with men. We do the same things. It's no big deal."
5. Were you aware that [REDACTED] never told [REDACTED] that [REDACTED] [REDACTED] could not attend graduation and that, on the contrary, it was [REDACTED] [REDACTED] and Craig Wood who gave [REDACTED] permission to attend and be on stage?
6. You stated you didn't want to be around [REDACTED] at graduation because the Board was overseeing a complaint against him and it just didn't look good. Aren't you and [REDACTED] overseeing a complaint against [REDACTED] [REDACTED] for almost a year?
 - a. How often are you around [REDACTED] [REDACTED]?
 - b. Why is this different for you?
 - c. Do you think it looks good?
7. What is a "[REDACTED]"?
 - a. What is that person empowered to do?
8. When did [REDACTED] create the position of "[REDACTED]"?

- a. Which agenda was it on?
 - b. When did [REDACTED] publicly vote to make you its “Liaison”?
9. Did you make decisions in this alleged role of “[REDACTED]”?
 - a. Did you direct Humble ISD staff in the role of “[REDACTED]”?
10. How many times did you directly call Mari McGowan when you were “[REDACTED]”?
11. While you were [REDACTED], did you ever give instructions to Mari McGowan?
 - a. If so, did she follow those instructions?
12. While you were [REDACTED], did you ever give instructions to Craig Wood?
 - a. If so, did he follow those instructions?
13. While you were [REDACTED], did you ever give instructions to Ellen Spaulding?
 - a. If so, did she follow those instructions?
14. Do you know that Mari McGowan is not qualified to be a Title IX Coordinator?
 - a. Do you know she has no contract with the District?
 - b. Do you know that there is no RFQ for her firm?
 - c. Do you know her contract is with Craig Wood and he is her client?
15. Why did [REDACTED] [REDACTED] unilaterally remove you and appoint [REDACTED] as [REDACTED]?
 - a. Was there a public vote?
 - b. If so, which agenda?
16. Did you say that [REDACTED] would never even represent you?
 - a. If yes, why are you telling people now that he gave you bad legal advice about [REDACTED]?
 - b. Isn't it true that Ellen Spaulding gave you that legal advice?
 - i. Did Ellen Spaulding help you write your motion regarding [REDACTED]?
 - c. Why are you telling people that [REDACTED] is a terrible education lawyer and that he gave you that bad advice?
 - i. Do you believe that the staff perceives that you threaten and intimidate them?
17. Did you call a December 21, 2023 Board meeting without polling [REDACTED]?
 - a. If not, who called the meeting?
 - b. How did you know a quorum was available over Christmas break when the District was closed?

18. Did you ask the staff if they were available or just demand they attend?
 - a. What was the big hurry?
19. Were you enacting your revenge on [REDACTED] for speaking the truth and embarrassing you?
 - a. Does this Board, or at least you and [REDACTED], have a habit of enacting revenge on the staff?
20. Has the culture of [REDACTED] changed for the better or for the worse under [REDACTED] [REDACTED]'s leadership? Has [REDACTED] become more like him?
21. Do you know Craig Wood's contract doesn't allow him to hire subcontractors?
22. Do you put your hands on staff?
 - a. If not, why not?

From: [Giana Ortiz](#)
To: [REDACTED]@humbleisd.net
Subject: Title IX Party Questions
Date: Monday, June 10, 2024 10:45:00 AM
Attachments: [Humble ISD Title IX Procedures.pdf](#)
[Questions to Ken Kirchhofer.docx](#)

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED] [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Have you ever met or spoken to [REDACTED] [REDACTED]? If yes, when?
2. Are you aware that Craig Wood's contract doesn't allow him to hire subcontractors?
3. Are you aware that Humble ISD has no contract with any of the law firms involved in this investigation including the ones where Lynn Rossi-Scott, Laura O'Leary, Mari McGowan, and Gianna Ortiz are employed?
 - a. Do you know none of them were competitively bid?
 - b. Do you know that none of them have a legal duty or attorney client privilege with the District, only with Craig Wood?
 - c. As a fiduciary and a trustee who took an oath to protect and serve Humble ISD, are you ok breaking all of the laws and rules associated with procurement of professional services?
4. Are you aware that Mari McGowan doesn't meet the federal requirements to be Humble ISD Title IX Coordinator.
5. If this team is all illegally procured, has no duty or contract with the District, and does not meet the federal regulations, should their work be declared null and void?
6. Who is responsible for your vote?
7. If attorneys give you advice, do you have to take it?
 - a. How about auditors?
8. When were you publicly voted in as [REDACTED]?
 - a. What agenda?
9. Why was [REDACTED] removed from the role by [REDACTED] [REDACTED]?
10. What are the alleged duties of [REDACTED]?
 - a. Can a single [REDACTED] speak on behalf of the entire Board?
 - b. Can a single [REDACTED] make decisions on behalf of the entire Board?
 - c. Can a single [REDACTED] withhold information from selective

trustees that are not part of their voting block?

d. Have you done any or all of these things?

11. Why is [REDACTED] [REDACTED] not [REDACTED] if he is [REDACTED]?

12. Is [REDACTED] [REDACTED] in the background calling the shots and telling you what he wants you to do?

13. Does [REDACTED] [REDACTED] constantly call the lawyers to brainstorm and direct them?

14. Do you approve the bills from Craig Wood and Walsh and Gallegos?

a. Do you review the itemized billing records?

b. How much taxpayer money have you approved to be paid to Walsh and Gallegos?

15. If he is conflicted, why is [REDACTED] [REDACTED] in executive session when [REDACTED] and the attorneys are discussing matters regarding him and matters regarding his victim?

16. Did [REDACTED] often call Mari McGowan?

17. Did [REDACTED] direct Mari McGowan to punish [REDACTED] at [REDACTED] [REDACTED]?

18. Did [REDACTED] talk to Mari McGowan about having [REDACTED] and [REDACTED] watched?

a. Did you agree with this?

19. When did [REDACTED] make you aware of the strong payroll and documentation irregularities in the athletics department?

20. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding concerns about an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is

excluded.

21. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

22. If you saw the exchange at Pillars of the Community, why didn’t you assist or help [REDACTED] and [REDACTED] with [REDACTED] [REDACTED]?

a. Doesn’t [REDACTED] police itself and its members?

b. If you saw it happen, why would you need an official report to do something about it?

From: [Giana Ortiz](#)
To: [REDACTED]
Subject: Title IX Party Questions
Date: Monday, June 10, 2024 11:50:00 AM
Attachments: [Humble ISD Title IX Procedures.pdf](#)
[Questions to Nancy Morrison.docx](#)

Yes, thank you.

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED] [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
817-522-1381

From: [REDACTED]
Sent: Monday, June 10, 2024 11:48 AM
To: Giana Ortiz <gortiz@ortizlawtx.com>
Subject: Re: Questions

The district is the Humble Independent School District. Correct?

On Mon, Jun 10, 2024 at 11:46 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Good morning and thank you for returning my call. Please confirm this is your email address by responding to this email, including the name of the school district.
Thank you.

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013

t. 817-522-1381

f. 817-549-7358

Questions to [REDACTED]

1. Were you contacted and/or invited to participate in questions regarding [REDACTED] and [REDACTED] [REDACTED]?
2. Were you an employee in Humble ISD prior to being on [REDACTED]?
 - a. How long?
 - b. What roles?
3. What was [REDACTED] [REDACTED]'s reputation among administrators in Humble ISD?
4. Did people fear [REDACTED] [REDACTED]?
 - a. Why?
5. Why did you run against [REDACTED] [REDACTED]?
6. Did you see [REDACTED] [REDACTED] touch [REDACTED]?
 - a. What did you see?
 - b. Did you know that [REDACTED] didn't like it?
7. Did [REDACTED] tell [REDACTED] [REDACTED] to stop touching [REDACTED]?

Exhibit 5

From: [Giana Ortiz](#)
To: ["mnix@lynnllp.com"](mailto:mnix@lynnllp.com); ["Chris Tritico"](#); ["David Minces"](#); ["shannon.almes@feldman.law"](mailto:shannon.almes@feldman.law); ["Keith Lapeze"](#); ["Grace Gutierrez"](#); ["David Carlan"](#)
Subject: RE: Humble ISD Title IX
Date: Wednesday, June 19, 2024 9:43:00 AM
Attachments: [Responses to Party Questions \(Combined\).pdf](#)

Good afternoon,

I am attaching the responses I received to questions propounded by the parties. According to HISD Title IX Procedures, the parties now have 5 District business days to submit limited follow-up questions to me for review in the same manner as the initial questions. Thus, the parties will have until **June 27, 2024** to submit limited follow up questions to these responses in an email **to me only** for review and distribution.

Please note that one witness ([REDACTED]) asked for a one-day extension on her responses so I will follow up with her information when I have it.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information.

Thank you,
Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Friday, June 7, 2024 9:04 AM
To: 'mnix@lynnllp.com' <mnix@lynnllp.com>; 'Chris Tritico' <ctritico@triticorainey.com>; 'David Minces' <david@mincesrankin.com>; 'shannon.almes@feldman.law' <shannon.almes@feldman.law>; Keith Lapeze <keith@lapezejohns.com>; Grace Gutierrez <grace@mincesrankin.com>; David Carlan <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Greetings, parties:

I request each party please confirm receipt of this email.

The parties had until June 4 to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report. Respondent did submit a Response to the report which was circulated to both parties simultaneously June 5. Complainant did submit questions for several people and an email (attached, which appears to be related to Complainant's questions to Respondent). Those were erroneously sent to the incorrect email address, so they were not received by me until June 5.

Complainant's follow up questions to the Respondent and other witnesses have now been received and reviewed to ensure they are relevant, respectful, and non-abusive. Those questions are attached. (*Note that I have endeavored to be sparing in excluding questions by way of this review, however some questions have been excluded and are omitted from this

attachment with explanation.) According to Humble ISD Title IX Formal Complaint Procedures, attached, a party or witness is not required to respond to any questions posed by the other party.

I am seeking contact information for certain witnesses from the investigator, but will circulate the questions to the other questioned witnesses beginning today. All witnesses have five (5) District business days of receiving the questions to submit a response to the questions. Thus, the witnesses receiving the questions today (including Respondent, by copy of this email) will have until **June 18, 2024** (five (5) District business days and today is not a District business day) to submit written responses to these questions. Thereafter, I will circulate to all parties, simultaneously, the responses to all questions.

██████████: Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent **to me only** at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Thank you,
Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Wednesday, June 5, 2024 8:07 AM
To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Minces <david@mincesrankin.com>; shannon.almes@feldman.law
Subject: RE: Humble ISD Title IX

Greetings,
I am circulating to both parties, simultaneously, the response I received to the investigative report. Please see attached.
Thank you,

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Thursday, May 30, 2024 8:43 AM
To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Minces <david@mincesrankin.com>; shannon.almes@feldman.law
Subject: Humble ISD Title IX

Greetings, counsel:

As you know, I have been appointed as Decisionmaker in the Title IX investigation for Humble ISD regarding the claims raised by [REDACTED] against [REDACTED] (as investigated in Lynn Rossi Scott's Report enclosed with her letter dated May 28, 2024).

I am writing to notify the parties of the next deadline. The Coordinator's communication reflects that the parties received this final investigation report as of May 27, 2024. Because May 27, 2024 was a District holiday, each party will have until **June 4, 2024** (five (5) District business days from May 28) to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report.

Any submissions made in this regard should be sent **to me only** at this email address. Any questions that a party wants asked of any other party or witness should be sent to me in a Word document as an attachment to an email (not a document link or through google drive), with the intended recipient clearly listed on the face of the document above the questions for that witness. Questions should be clearly set forth in a list fashion.

Thereafter, I shall review the submissions to ensure that any questioning is relevant, respectful, and non-abusive. I will circulate to all parties, simultaneously, any written responses to the investigation report, and the relevant questions which have been reviewed to ensure they are relevant, respectful, and non-abusive.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information. Likewise, if you should anticipate requesting an extension of this or any timeline as we proceed from this point forward, please include all counsel on your request and make such requests as soon as the need is anticipated.

I look forward to working with you.

Sincerely,

Giana Ortiz

THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

From: [Craig Wood](#)
To: [Giana Ortiz](#)
Cc: [Craig Wood](#); [Hannah Cramer](#); [Lisa Barrera-Carter](#); [Mark Baeza](#); [Paige Kyle](#); [Valerie Durocher](#)
Subject: RE: Title IX Party Questions
Date: Saturday, June 8, 2024 4:27:57 PM
Attachments: [image001.png](#)

Thank you, Giana. I decline to respond to the questions from [REDACTED] to me, because I don't believe they are relevant to his complaint against [REDACTED]. Instead, they appear to be seeking discovery for other matters, so I will not participate in this forum.

Craig



WALSH GALLEGOS
KYLE ROBINSON & ROALSON P.C.

CRAIG WOOD

ATTORNEY | SHAREHOLDER | LICENSED IN TX

210.979.6633 [WalshGallegos.com](#)

1020 NE Loop 410, Suite 450, San Antonio, Texas 78209

From: Giana Ortiz <gortiz@ortizlawtx.com>
Sent: Friday, June 07, 2024 9:05 AM
To: Craig Wood <cwood@wabsa.com>
Subject: Title IX Party Questions

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Today is not a District business day under the District's summer calendar. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit

written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

CONFIDENTIALITY NOTICE: This email & attached documents may contain confidential information. All information is intended only for the use of the named recipient. If you are not the named recipient, you are not authorized to read, disclose, copy, distribute or take any action in reliance on the information and any action other than immediate delivery to the named recipient is strictly prohibited. If you have received this email in error, do not read the information and please immediately notify sender by telephone to arrange for a return of the original documents. If you are the named recipient you are not authorized to reveal any of this information to any other unauthorized person. If you did not receive all pages listed or if pages are not legible, please immediately notify sender by phone.

From: [REDACTED]
To: [Craig Wood](#); [Giana Ortiz](#); [Hannah Cramer](#); [Paige Kyle](#)
Subject: Re: [EXTERNAL] Title IX Party Questions
Date: Monday, June 10, 2024 11:07:29 AM

I have received the email.

I will have no response to the questions.

Thank you.

On Mon, Jun 10, 2024 at 10:45 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

[The Ortiz Law Firm](#)

Attorneys at Law

1304 West Abram, Suite 100
Arlington, Texas 76013

t. 817-522-1381

f. 817-549-7358

From: [REDACTED]
To: [Giana Ortiz](mailto:gortiz@ortizlawtx.com)
Subject: Re: [EXTERNAL] Title IX Party Questions
Date: Monday, June 10, 2024 11:02:47 AM

Good morning Ms.. Ortiz,

I hope you are having a wonderful day. In light of pending litigation I don't think I am able to answer these.

[REDACTED]

On Mon, Jun 10, 2024 at 10:45 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

[1304 West Abram, Suite 100](#)

[Arlington, Texas 76013](#)

t. 817-522-1381

f. 817-549-7358

From: [REDACTED]
To: [Giana Ortiz](mailto:gortiz@ortizlawtx.com)
Subject: Re: Title IX Party Questions
Date: Monday, June 10, 2024 8:15:33 PM
Attachments: [Document1Title 9.docx](#)

Attached you will find my answers to your questions. Please let me know if you receive and if they are in the correct format.

On Mon, Jun 10, 2024 at 11:50 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Yes, thank you.

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

817-522-1381

From: Nancy Morrison <nancymorrison49@gmail.com>
Sent: Monday, June 10, 2024 11:48 AM
To: Giana Ortiz <gortiz@ortizlawtx.com>
Subject: Re: Questions

The district is the Humble Independent School District. Correct?

On Mon, Jun 10, 2024 at 11:46 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Good morning and thank you for returning my call. Please confirm this is your email address by responding to this email, including the name of the school district.

Thank you.

Giana Ortiz

THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

[1304 West Abram, Suite 100](#)
[Arlington, Texas 76013](#)

t. 817-522-1381

f. 817-549-7358

Title IX Answers

1. I was never contacted by anyone concerning [REDACTED] or [REDACTED].
2. I worked in the Humble Independent School District for approximately [REDACTED] years. I was a teacher at [REDACTED]
[REDACTED]
3. [REDACTED] had a negative reputation with many administrators of Humble ISD. He was well known to go into schools unannounced and bypassing the reception desk.
4. Yes, staff was afraid of him. If anyone crossed him things did not turn out well for the staff member. He made it a point to tell staff he had a lot of control. It was common knowledge that administrators and staff members would be moved after [REDACTED] would meet privately with parents.
5. I ran against him because friends and staff members told me he needed to be replaced and that he was not on [REDACTED] to improve the community, staff or students. He validated that during our election, he is very unprofessional and unethical.
6. My [REDACTED] and I witnessed [REDACTED] touching [REDACTED] in the Press Box area of Turner Stadium. [REDACTED] was touching [REDACTED] all over his back and waist area. [REDACTED] looked very uncomfortable.
7. Yes I was told by another [REDACTED] that [REDACTED] had to step in and tell him to stop.

From: [REDACTED]
To: [Giana Ortiz](#)
Subject: Re: Title IX Party Questions
Date: Monday, June 10, 2024 9:09:40 PM
Attachments: [Questions to \[REDACTED\].docx](#)

Ms. Ortiz,

Attached are my responses to [REDACTED]'s questions. Feel free to reach out if you have any additional questions.

[REDACTED]

On Monday, June 10, 2024 at 10:45:56 AM CDT, Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

[The Ortiz Law Firm](#)

Attorneys at Law

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding the conduct of the witness [REDACTED]) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

While this question was omitted for “relevance,” I would like to remind [REDACTED] of his obligations under FERPA. As a school administrator who had an official role in making determinations that would generate protected education records, he is prohibited from disclosing information from those records. My [REDACTED] is over the age of 18 and has not waived his FERPA protections.

2. Did [REDACTED] have to come and deal with the bullying and hazing situation [at [REDACTED]]?

As far as I know, [REDACTED] had only a minor role in the 2018 incident discussed in my initial statement. My primary point of contact was [REDACTED]. I did attempt to meet with [REDACTED] on one occasion, but I found his demeanor to be sexist, condescending and hostile; therefore, all of my future conversations were with [REDACTED].

3. Were you angry with the decisions made by [REDACTED] to rectify the situation?

No. I’m not aware of any decisions made by [REDACTED].

4. Did [REDACTED] have to deal with your [REDACTED] as a [REDACTED]?

Not that I’m aware of.

- a. Did this make you mad? No.

5. Did you stand in the parking lot with [REDACTED] and [REDACTED]'s mother and discuss [REDACTED] with these parents even though you were a [REDACTED] [REDACTED]?

As a parent, I attended the [REDACTED] 2020-21 school year. The parents were not allowed to enter the [REDACTED], so we sat outside and watched from our computer screens. The other parents were upset with the COVID restrictions, and I mentioned that the recently adopted district guidelines would have allowed us to watch our [REDACTED]. Unfortunately, someone in the athletic department decided not to implement the new guidelines until the [REDACTED] (at the time I did not know who had made the decision).

- a. Do you think that was that appropriate?

After the [REDACTED], I found out that someone told [REDACTED] that I was critical of him, and that I had inadvertently made him angry. So, I apologized for the misunderstanding.

As you can see from the following Facebook post (posted to the Humble ISD parents page on [REDACTED], at 10:25 p.m.), [REDACTED] does not apologize when he is perceived as being publicly critical of Humble ISD.

Jennifer Pittman Watson
I have stayed quiet for a few years to make sure my daughter wasn't retaliated against because of Fagen and Kite. I finally feel safe to share my story!
My daughter was a 4 year Varsity swimmer at KHS. She received a scholarship to swim at Texas A&M next year. I will say this Fagan raised an amazing daughter and a total team player for the KHS SWIM! So take the kids out of this! It has nothing to do with them!
While at State in 2023 we stayed at the same hotel as Fagen and Troy. After prelims we went back to the hotel bar. We kept our distance. A few days prior Fagen and kite hosted the state dinner at the fagen residence.
They were very toxic talking about our team. I ignored them. The laughter kept getting louder and louder. They clearly wanted my attention: They talked so badly about a team they were there to support! I glared at Troy Kite. Fuming inside! He yelled at me!! DO YOU HAVE A PROBLEM WITH ME?!!
I stood up and said DO YOU HAVE A PROBLEM WITH ME?!!
You are our athletic director that absolutely tried to destroy our swim program the previous year and your fiancé is our superintendent! To see you embarrass our team is disgusting! Boy did he back down quickly!
I finally feel safe to share my story.

4d Like Reply Edited 25 🤔 😡 🙌

Thursday, June 5, 2024 at 10:25 PM Top contributor

6. Were you criticizing ██████'s handling of facilities and athlete safety during Covid?

See my answer to question 5.

7. Do you just generally not like ██████ because of situations involving your ██████?

I have had only one significant interaction with ██████ as it relates to one of my ██████ (see my answer to question #2). My distaste for ██████ after that meeting was based on how he treated me, not on how he treated my ██████. To my knowledge, ██████ has never mistreated either one of my ██████.

8. Did you form an alliance with ██████ ██████ when you were elected to the Board?

No. When I served on the Humble ISD board, we were a team of 8. My only alliance was to the district.

9. Did you and ██████ ██████ plan your questions and votes in advance of meetings?

No.

10. Are you and ██████ ██████ political allies, or were you?

I genuinely liked all of my fellow ██████s and saw them all as colleagues and allies. The same can be said for how I perceived my relationship with ██████.

11. Do you put your hands on or otherwise touch your ██████?

I am not a party to this Title IX action. And I'm not sure what this question is asking or how it is relevant to the issues.

- a. If not, why not?

From: [REDACTED]
To: [Giana Ortiz](#)
Subject: Re: [EXTERNAL] Title IX Party Questions
Date: Tuesday, June 11, 2024 8:05:07 AM
Attachments: [Questions to \[REDACTED\].pdf](#)

Here are my responses. As I have mentioned to every attorney that has questioned me during the investigations, I continue to fear retaliation by the administration at Humble ISD.

[REDACTED]

Humble Independent School District
10203 Birchridge Drive
Humble, Texas 77338
Phone: [REDACTED]
E-mail: [REDACTED]

On Mon, Jun 10, 2024 at 10:45 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Did you refuse to be interviewed because you are afraid of [REDACTED] [REDACTED]? **No. I was and continue to be fearful of retaliation by administration. One athletics staff member was lost due to all of this litigation.**
2. Did you refuse to be interviewed because you are afraid of [REDACTED]? **No. I was and continue to be fearful of retaliation by administration. One athletics staff member was lost due to all of this litigation.**
3. Have you repeatedly told [REDACTED] how much you despise [REDACTED] [REDACTED], particularly at Board meetings? **I have mentioned he was long-winded at the board meetings. Never that I despised him. Despise is not a word that I commonly use.**
4. When you taught at [REDACTED] did [REDACTED] [REDACTED] repeatedly appear and chase teachers into their classrooms looking for dates? **He visited my classroom at times. His [REDACTED] was in my class. All meetings with me at [REDACTED] were cordial and usually during the passing period. I never witnessed [REDACTED] engage in any advances while at [REDACTED] or to this day.**

Did the teachers run away from [REDACTED] [REDACTED] and dislike it? **I never witnessed that behavior. He only stopped by during passing periods which were 7 minutes.**

From: [Shannon Almes](#)
To: [Giana Ortiz](#)
Cc: [Cassandra Hoff](#)
Subject: [REDACTED] Response to Questions
Date: Tuesday, June 18, 2024 8:02:02 PM
Attachments: [image001.png](#)
[2024.06.18 - \[REDACTED\] Responses to Questions to \[REDACTED\] \[REDACTED\].pdf](#)

Ms. Ortiz,

Please find attached [REDACTED]'s responses to the questions propounded by Complainant. Please let me know if there are any issues with the attachment.

Thank you,

Shannon Almes

Licensed in Texas & California

shannon.almes@feldman.law

p 713-986-9471 f 713-986-9472

3355 W. Alabama St., Suite 1220, Houston, TX 77098

www.feldman.law



FELDMAN
& FELDMAN PC

This e-mail and any attachment are confidential to Feldman & Feldman and may be privileged or otherwise protected from disclosure. It is solely intended for the person(s) named above. If you are not the intended recipient, any reading, use, disclosure, copying or distribution of all or parts of this e-mail or associated attachments is strictly prohibited. If you are not an intended recipient, please notify the sender immediately by replying to this message or by telephone and delete this e-mail and any attachments permanently from your system. The sender totally disclaims, and will not accept, any responsibility or liability for the unauthorized use, or the consequences of any unauthorized use, of this communication or message.

Questions to [REDACTED] [REDACTED]

1. Do you have a history of retaliating against people you don't like or who hurt your feelings?

No.

2. Did you threaten the [REDACTED] job?

No.

- a. Did she ask [REDACTED] to demote and reassign her because she was afraid you would get a key to her office and plant something in there to get her fired?

I have no way to know what [REDACTED] asked. The remainder of this inquiry is based on a ridiculous and false assumption.

3. Did you host a meeting at Christ the King Church with the Willow Creek Community to make a plan to get [REDACTED] fired?

No. The meeting at Christ the King Church was to hear concerns of parents of elementary school children. The parents requested to meet with me and I informed [REDACTED] about this meeting.

- a. Did you get a key to her office?

No.

4. Did you call [REDACTED] a "fu**ing Bitch" and then send her roses and ask her to dinner?

No.

- a. Why? **N/A.**

- b. Do you believe that is appropriate? **N/A.**

5. Did you pressure [REDACTED] like [REDACTED] to go to their offices and spend time alone with you?

No.

- a. Was this the reason that [REDACTED] worked to accompany you on your visits? **No. N/A.**

6. Did you often show up at campuses unannounced?

I do not show up to campuses unannounced.

- a. Did [REDACTED] have to go to central administrators to get you to stop because teachers were complaining about you pressuring them for dates?

Not that I was made aware.

7. Did you go to the [REDACTED] department looking for dates?

No.

8. Did you have any communications with [REDACTED] before his Title IX interview for [REDACTED]'s complaint was scheduled?

I have spoken to [REDACTED] on several occasions prior to Board meetings and other district events where he was working, but have not attempted to influence his testimony regarding this Title IX complaint.

9. Did you attack [REDACTED] for trying to give you legal advice?

No.

10. Did you go to [REDACTED]'s office and demand he recuse himself from the Title IX matters?

[REDACTED] appropriately engaged outside Board Counsel to insulate the District from all Title IX investigations regarding complaints involving the [REDACTED]. My message to [REDACTED] was that outside counsel should continue to handle all matters related to these Title IX complaints to maintain this insulation.

- a. Why? N/A.

11. Did you threaten [REDACTED]'s job?

No.

12. What did you mean in your motion (the motion that you voted for) that putting [REDACTED] on leave was, "to protect [REDACTED]?"

See response to Number 10 above.

- a. Protect [REDACTED] from what?
- b. Why does [REDACTED] need protection?

13. Why is [REDACTED] still on leave?

The decision regarding [REDACTED]'s status was that of our Board.

14. Did you ask [REDACTED] to remove [REDACTED]'s name from the contract renewal list?

No.

15. Did you ask [REDACTED] to remove [REDACTED]'s name from the contract renewal list?

No.

16. Did you require [REDACTED] to post the AD position?

No. And as to subheadings "a" and "b" below, I do not direct or "require" the actions of [REDACTED] or any District employee or agent.

a. Did Humble ISD have an AD position?

b. Did you require him to create one or reorganize the central administrators to create one?

17. Question Omitted for "Relevance." Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

18. Question Omitted for "Relevance." Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information;

and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

19. Did you [hire an audit firm] to protect [REDACTED]?

No.

a. Why? **N/A.**

20. Why did Alf Southerland send an email to Mari McGowan at the end of July stating that Craig had told him that [REDACTED] did not want [REDACTED] back in any position ever? This was before the Title IX investigation began, but it was after you became [REDACTED]. (See email)

I do not know why Mr. Sutherland sent this email or from where or if he ever received such information.

21. Have you directed the work of Craig Wood and his team of attorneys?

No. Mr. Wood and his attorneys advise [REDACTED].

22. Are you the chair of the [REDACTED]?

Yes.

a. For how long? **4 years.**

23. Do you know that none of the attorneys being used were Title IX certified at the time they were hired?

[REDACTED] relied on counsel in selecting and hiring appropriate personnel for these positions.

24. Do you know that the Title IX Coordinator is not an employee of Humble ISD (which she is required to be)?

There is a Title IX Coordinator that remains employed by Humble ISD, who, due to [REDACTED]'s (the [REDACTED] involvement as first a respondent and then a complainant in the Title IX process, recused himself with respect to the current Title IX investigation. To insulate the District from concerns over conflict of interest, [REDACTED], upon advice and assistance of counsel, hired an independent Title IX Coordinator for these specific complaints.

25. Do you feel that [REDACTED] should follow all policies and laws?

Yes.

- a. Can [REDACTED] break policies and laws whenever it decides to do so?

No.

- b. Can the employees of Humble ISD break policies and laws?

No, the employees of Humble ISD should not break policies and laws pertaining to them.

- c. What should be the penalty for each?

The penalty would be that imposed under such policy or law.

26. Why haven't you recused yourself from voting on matters pertaining to [REDACTED] [REDACTED]?

There has been no vote that required my [REDACTED].

27. Have you voted to fire teachers for inappropriately touching students or other staff?

I vote in such matters pursuant to counsel's recommendation and the results of investigations. I do not recall voting against counsel recommendations.

- a. Do you hold yourself to a different standard than those you have supervised?

No.

28. At [REDACTED], a [REDACTED], is it best practice to keep your hands to yourself?

At [REDACTED], different people have different ways of greeting each other and respect others' preferences for greetings. My behavior is governed by those differences.

- a. Do you rub people's chests there?
- b. Do you put your hand on the small of their backs?
- c. If not, why not?

29. Are you using a team of lawyers and auditors to run the District and threaten

and intimidate staff?

No. [REDACTED] has expended District resources on outside professionals to maintain independence in the investigation of ongoing Title IX complaints in which our [REDACTED] is both a respondent and a complainant.

30. Did you use [REDACTED] allegations to get rid of [REDACTED] because he was a liability for you?

No.

a. Once [REDACTED] told you to stop the unwanted touching and you kept doing it, you knew you had a liability, correct?

I did not consider [REDACTED] a liability, and [REDACTED] made no comment to lead me to consider him a liability.

31. Did you then use [REDACTED] to threaten and intimidate several others who were witnesses to your problematic events?

No.

32. And aren't you using [REDACTED] to enact your revenge on [REDACTED] and [REDACTED]?

No.

33. Did you arrange for [REDACTED] to be at the April 9 meeting?

No.

a. Why? N/A.

34. Do you believe that the [REDACTED] and [REDACTED] complaints were handled "promptly" like your lawyer stated in the [REDACTED] letter?

It is my understanding that these matters were addressed timely given party cooperation, participation, appeals, and additional requests.

35. What event, date, and time did you ever see [REDACTED]'s "anger and hostility toward other people."

For several years I have observed [REDACTED] exhibit a wide range of responses in his dealings with others. As to specific dates and times, I don't recall because this inquiry as to my observation of [REDACTED] is

overly broad.

36. Did [REDACTED] ever offer [REDACTED] a settlement?

The Board authorized Board Counsel to respond to settlement demands made by [REDACTED].

37. Why did you vote to release the Giana Ortiz Report about [REDACTED] against legal advice?

I did not. [REDACTED] acted on advice of counsel.

a. Was it to des [REDACTED] his credibility before your report was public?

No.

38. Why hasn't the District allowed the release the most favorable records about [REDACTED]—his appeal, the final decision, and his acceptance of [REDACTED] settlement?

I am unaware of unanswered document requests.

39. Do you currently have a sexual harassment claim or allegation against you at [REDACTED]?

No.

From: [REDACTED]
To: [Giana Ortiz](mailto:gortiz@ortizlawtx.com)
Subject: Re: [EXTERNAL] RE: [EXTERNAL] Title IX Party Questions
Date: Monday, June 17, 2024 1:38:38 PM

Dear Ms. Ortiz,

I hope this message finds you well.

Upon reviewing the questions provided again, I am still respectfully declining to answer them as they do not appear relevant to the investigation regarding [REDACTED]'s allegations against [REDACTED]. I find many of the questions to be offensive, abusive, disrespectful, and based on false premises.

I would like to clarify that I have only encountered [REDACTED] once, during a board meeting where he spoke on behalf of his sister. Apart from that instance, I have never had any interaction with him. It is concerning that there are insinuations suggesting his support for my campaign in exchange for favors, and I am troubled by the motives behind such implications.

Thank you for your understanding.

Sincerely,

[REDACTED]

On Mon, Jun 10, 2024 at 11:05 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Ok, thank you.

Giana Ortiz

817-522-1381

From: [REDACTED] <[\[REDACTED\]@humbleisd.net](mailto:[REDACTED]@humbleisd.net)>
Sent: Monday, June 10, 2024 11:02 AM
To: Giana Ortiz <gortiz@ortizlawtx.com>
Subject: Re: [EXTERNAL] Title IX Party Questions

Good morning Ms.. Ortiz,

I hope you are having a wonderful day. In light of pending litigation I don't think I am able to answer these.

On Mon, Jun 10, 2024 at 10:45 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

[The Ortiz Law Firm](#)

Attorneys at Law

[1304 West Abram, Suite 100](#)
[Arlington, Texas 76013](#)

t. 817-522-1381
f. 817-549-7358

From: [Shane Goetz](#)
To: [Giana Ortiz](#); [REDACTED]@humbleisd.net
Subject: Re: Title IX Party Questions
Date: Thursday, June 13, 2024 9:51:15 AM

Ms. Ortiz :

[REDACTED] respectfully declines to answer the questions submitted. Please be advised that I am no longer representing [REDACTED].

Thank you,
Shane Goetz

From: Giana Ortiz <gortiz@ortizlawtx.com>
Sent: Friday, June 7, 2024 9:05 AM
To: [REDACTED]@humbleisd.net <[REDACTED]@humbleisd.net>
Cc: Shane Goetz <shane@goetzlawtx.com>
Subject: Title IX Party Questions

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED] [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Today is not a District business day under the District's summer calendar. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381

From: [Giana Ortiz](#)
To: [REDACTED]@humbleisd.net
Subject: RE: [EXTERNAL] Title IX Party Questions
Date: Wednesday, June 19, 2024 8:55:00 AM

That is fine. Thank you.

Giana Ortiz
817-522-1381

From: [REDACTED] <[REDACTED]@humbleisd.net>
Sent: Wednesday, June 19, 2024 7:06 AM
To: Giana Ortiz <gortiz@ortizlawtx.com>
Subject: Re: [EXTERNAL] Title IX Party Questions

Hello Giana,

Please accept this email as a request for an extension to respond to the questions. I was traveling to move one of my children for an internship. This request is for a one-day extension, I am able to submit responses by the end of business today, June 19.

Kind Regards,

[REDACTED]
HumbleISD School [REDACTED]

On Fri, Jun 7, 2024 at 10:06 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED] [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Today is not a District business day under the District's summer calendar. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath

the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

The Ortiz Law Firm

Attorneys at Law

1304 West Abram, Suite 100

Arlington, Texas 76013

t. 817-522-1381

f. 817-549-7358

From: [Giana Ortiz](#)
To: mnix@lynnllp.com; [Chris Tritico](#); [David Minces](#); shannon.almes@feldman.law; [Keith Lapeze](#); [Grace Gutierrez](#); [David Carlan](#)
Subject: RE: Humble ISD Title IX
Date: Wednesday, June 19, 2024 5:02:00 PM
Attachments: [Questions to \[REDACTED\].docx](#)

Attached are the responses From [REDACTED].
Thank you,

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Wednesday, June 19, 2024 9:44 AM
To: 'mnix@lynnllp.com' <mnix@lynnllp.com>; 'Chris Tritico' <ctritico@triticorainey.com>; 'David Minces' <david@mincesrankin.com>; 'shannon.almes@feldman.law' <shannon.almes@feldman.law>; 'Keith Lapeze' <keith@lapezejohns.com>; 'Grace Gutierrez' <grace@mincesrankin.com>; 'David Carlan' <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Good afternoon,
I am attaching the responses I received to questions propounded by the parties. According to HISD Title IX Procedures, the parties now have 5 District business days to submit limited follow-up questions to me for review in the same manner as the initial questions. Thus, the parties will have until **June 27, 2024** to submit limited follow up questions to these responses in an email **to me only** for review and distribution.
Please note that one witness ([REDACTED]) asked for a one-day extension on her responses so I will follow up with her information when I have it.
If you should have any questions about this email or the process, please “Reply All” so that all parties can receive the same information.
Thank you,
Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Friday, June 7, 2024 9:04 AM
To: 'mnix@lynnllp.com' <mnix@lynnllp.com>; 'Chris Tritico' <ctritico@triticorainey.com>; 'David Minces' <david@mincesrankin.com>; 'shannon.almes@feldman.law' <shannon.almes@feldman.law>; Keith Lapeze <keith@lapezejohns.com>; Grace Gutierrez <grace@mincesrankin.com>; David Carlan <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Greetings, parties:

I request each party please confirm receipt of this email.

The parties had until June 4 to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report. Respondent did submit a Response to the report which was circulated to both parties simultaneously June 5. Complainant did submit questions for several people and an email (attached, which appears to be related to Complainant's questions to Respondent). Those were erroneously sent to the incorrect email address, so they were not received by me until June 5.

Complainant's follow up questions to the Respondent and other witnesses have now been received and reviewed to ensure they are relevant, respectful, and non-abusive. Those questions are attached. (*Note that I have endeavored to be sparing in excluding questions by way of this review, however some questions have been excluded and are omitted from this attachment with explanation.) According to Humble ISD Title IX Formal Complaint Procedures, attached, a party or witness is not required to respond to any questions posed by the other party.

I am seeking contact information for certain witnesses from the investigator, but will circulate the questions to the other questioned witnesses beginning today. All witnesses have five (5) District business days of receiving the questions to submit a response to the questions. Thus, the witnesses receiving the questions today (including Respondent, by copy of this email) will have until **June 18, 2024** (five (5) District business days and today is not a District business day) to submit written responses to these questions. Thereafter, I will circulate to all parties, simultaneously, the responses to all questions.

██████████: Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent **to me only** at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Thank you,

Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz

Sent: Wednesday, June 5, 2024 8:07 AM

To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Minces <david@mincesrankin.com>; shannon.almes@feldman.law

Subject: RE: Humble ISD Title IX

Greetings,

I am circulating to both parties, simultaneously, the response I received to the investigative report. Please see attached.

Thank you,

Giana Ortiz
817-522-1381

From: Giana Ortiz

Sent: Thursday, May 30, 2024 8:43 AM

To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Minces <david@mincesrankin.com>; shannon.almes@feldman.law

Subject: Humble ISD Title IX

Greetings, counsel:

As you know, I have been appointed as Decisionmaker in the Title IX investigation for Humble ISD regarding the claims raised by [REDACTED] against [REDACTED] (as investigated in Lynn Rossi Scott's Report enclosed with her letter dated May 28, 2024).

I am writing to notify the parties of the next deadline. The Coordinator's communication reflects that the parties received this final investigation report as of May 27, 2024. Because May 27, 2024 was a District holiday, each party will have until **June 4, 2024** (five (5) District business days from May 28) to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report.

Any submissions made in this regard should be sent **to me only** at this email address. Any questions that a party wants asked of any other party or witness should be sent to me in a Word document as an attachment to an email (not a document link or through google drive), with the intended recipient clearly listed on the face of the document above the questions for that witness. Questions should be clearly set forth in a list fashion.

Thereafter, I shall review the submissions to ensure that any questioning is relevant, respectful, and non-abusive. I will circulate to all parties, simultaneously, any written responses to the investigation report, and the relevant questions which have been reviewed to ensure they are relevant, respectful, and non-abusive.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information. Likewise, if you should anticipate requesting an extension of this or any timeline as we proceed from this point forward, please include all counsel on your request and make such requests as soon as the need is anticipated.

I look forward to working with you.

Sincerely,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Questions to [REDACTED]

1. Who pressured you to put [REDACTED] on leave months ahead of a final decision being made?

[REDACTED] made the decision to put [REDACTED] on leave based on the advice of legal counsel. In this instance, legal counsel refers to Craig Wood.

2. Who constantly called Craig Wood and interfered in your role as [REDACTED]? Upon review of the attorney fee bills, it appears [REDACTED] [REDACTED] has contacted Craig Woods many times throughout this process.

3. Has [REDACTED] [REDACTED] retaliated against you since you became [REDACTED] a second time instead of him?

Yes, [REDACTED] [REDACTED] has treated me differently since I became [REDACTED] for a second term. [REDACTED] used his Board comment time during school board meetings to ask me to step down, even though he knew I was neutral during the discussions regarding his [REDACTED], and he allowed the community to believe I was somehow involved in him not being selected [REDACTED]. When I served as [REDACTED] [REDACTED], we had our committee assignment meeting to determine Board committees and [REDACTED] walked out of the meeting, so we had to make final decisions without him. While he was [REDACTED], I have asked questions about why there was no communication from him on many issues and he ignored me and did not answer the questions.

4. Did you plan to take [REDACTED] [REDACTED]'s spot as [REDACTED]?

a. Did you want to be [REDACTED] again?

No, I did not plan to take [REDACTED] [REDACTED]'s spot as [REDACTED]. No, I did not want to be [REDACTED] again. Actually, as I sat in my seat at the officer rotation Board meeting, I specifically said out loud, "Yay, this is my last meeting as [REDACTED]."

5. Did you try to keep [REDACTED] [REDACTED] in the rotation?

Yes, I tried to keep [REDACTED] [REDACTED] in the rotation. [REDACTED] came to me in April of that year and said he was not going to vote for [REDACTED] to be [REDACTED]. [REDACTED] said, [REDACTED] did not represent him on [REDACTED] based on seemingly unethical things [REDACTED] did as a [REDACTED]. I spoke to [REDACTED] at length, and although I understood his concern, I suggested he vote for [REDACTED] to be [REDACTED] and stressed it would only be one year. I was successful at talking [REDACTED] off the fence and he said he would vote for [REDACTED] since I asked him to do so. In June, just before the rotation Board meeting, [REDACTED] reached out again after yet another seemingly unethical situation, which was an email [REDACTED] sent to the [REDACTED]. [REDACTED] told me that he respected our earlier conversation in April, but he would not be voting for [REDACTED] as [REDACTED] because

he keeps doing things that are not representative of him or [REDACTED]. After this point, I reached out to our internal legal counsel, Stephanie Maher, to find out what options I had during the meeting if the vote for the slate did not pass. She prepared scenarios I could use to prevent any [REDACTED] from being publicly humiliated if the vote did not pass. At the meeting, the Parliamentarian, [REDACTED], made the motion for the slate of officers based on our natural rotation, no one initially seconded, so [REDACTED] seconded the motion. I took this as a sign that the vote may not go smoothly, and I made the motion to go to closed session to protect [REDACTED] from any public humiliation.

6. Why didn't it work?

After the discussion in closed session, it was apparent the majority of [REDACTED] did not want [REDACTED] [REDACTED] as [REDACTED], so since the vote was not there, [REDACTED] rescinded her motion which included [REDACTED] as [REDACTED].

7. Has [REDACTED] been the same since [REDACTED] [REDACTED] was voted down as [REDACTED]?

No. During my second term as [REDACTED], [REDACTED] [REDACTED] spent the year vehemently speaking against me and [REDACTED] during his Board comment time. He essentially began a woe is me campaign targeted at me, although he knew I was neutral in the process.

8. Now that [REDACTED] [REDACTED] is [REDACTED], how is [REDACTED]?

The Board is now divisive, the vote is divided which is evident in our Board meeting minutes, there is a lack of communication to all [REDACTED]s, [REDACTED] even scheduled our Board retreat and training within the last month of his presidency (this is typically done early in the school year, especially in years where we have new [REDACTED]s), and our focus is on micro-managing staff and not focusing on what is best for our students, teachers, and the district.

9. Has [REDACTED] taken on [REDACTED] [REDACTED]'s character and culture?

[REDACTED] [REDACTED]'s character and culture has not been defined in this question.

10. Has [REDACTED] [REDACTED] threatened and intimidated [REDACTED]s in the community since he was voted down?

a. Does he still?

Yes, [REDACTED] [REDACTED] has made statements in public suggesting I engineered a second term to be [REDACTED], which is completely false. As a result, I have received threats from public commenters and community members that I should not run for re-election. Although, I have not decided whether I plan to run for re-election, it is not okay for persons to use threatening language in an effort to try to be intimidating.

11. Do you think that the complaint [REDACTED] filed against you is suspicious

given the fact that you only presided over that case a few months?

I believe the complaint made by [REDACTED] is unfounded and I am befuddled on where it comes from.

12. Do you find it odd that you and many of the other witnesses against [REDACTED] [REDACTED] have received complaints from [REDACTED]?

I am not a witness for or against [REDACTED] [REDACTED], and before this question, I never thought of a connection between witnesses called in this case. In result of this question, yes, I now find it odd.

13. Do you think it's possible [REDACTED] [REDACTED] is orchestrating this with Craig Wood and [REDACTED] [REDACTED] behind the scenes to threaten, intimidate, and retaliate against his enemies?

Anything is possible, but I do not know if [REDACTED] [REDACTED] is orchestrating with Craig Wood and [REDACTED] [REDACTED]. As it relates to Craig Wood, he and [REDACTED] have a high frequency of calls although [REDACTED] is not [REDACTED] liaison for the Title IX process.

14. Does [REDACTED] [REDACTED] have a reputation for retaliation against people - being vindictive?

a. Do you have examples?

Yes, [REDACTED] [REDACTED] has a reputation for getting even with people who he has perceived have wronged him. This was evident in his Board comments while I was [REDACTED] and his comments are part of the recorded record of these meetings.

15. Do you know that he is going after you in the community right now?

a. Why?

Yes. [REDACTED] [REDACTED] seems to believe and has made statements in public suggesting I engineered a second term to be [REDACTED], which is completely false.

16. Question Omitted for "Relevance." Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding hiring an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

17. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding findings of an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.
18. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding findings of an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.
19. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding switching an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.
20. Question Omitted for “Relevance.” Explanation: Humble Title IX Procedures provide parties an opportunity to submit written, relevant questions that a party wants asked of any party or witness. Questions are relevant if they seek

to learn information relevant to the Complainant's allegations. See Investigative Findings of Fact ¶¶ 8, 10. Further, the Title IX Investigation Report summarizes relevant evidence. See 34 C.F.R. § 106.45(b)(5)(vii). Information is relevant to Complainant's allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question (regarding findings of an audit firm) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

21. Do you think trustees should keep their hands to themselves with staff as a best practice?

Yes. I believe all people should refrain from unwelcome touches of others, especially when they have been asked to stop.

Exhibit 6

From: [Giana Ortiz](#)
To: ["mnix@lynnllp.com"](#); ["Chris Tritico"](#); ["David Minces"](#); ["shannon.almes@feldman.law"](#); ["Keith Lapeze"](#); ["Grace Gutierrez"](#); ["David Carlan"](#)
Subject: RE: Humble ISD Title IX
Date: Friday, June 28, 2024 3:47:00 PM
Attachments: [REDACTED] [Investigation - Follow Up Questions.docx](#)

Greetings:

I request each party please confirm receipt of this email.

The parties had until June 27 to submit any limited follow up questions that a party wants asked. Complainant did submit questions have now been received and reviewed to ensure they are relevant, respectful, and non-abusive. Those questions are attached. The witness receiving the questions today (a non-business day) will have until **July 9, 2024** (five (5) District business days) to submit written responses to these questions. Thereafter, I will circulate to all parties, simultaneously, the responses to questions.

Let me know if you have any questions or concerns.

Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Wednesday, June 19, 2024 5:03 PM
To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Minces <david@mincesrankin.com>; shannon.almes@feldman.law; Keith Lapeze <keith@lapezejohs.com>; Grace Gutierrez <grace@mincesrankin.com>; David Carlan <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Attached are the responses From [REDACTED].

Thank you,

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Wednesday, June 19, 2024 9:44 AM
To: 'mnix@lynnllp.com' <mnix@lynnllp.com>; 'Chris Tritico' <ctritico@triticorainey.com>; 'David Minces' <david@mincesrankin.com>; 'shannon.almes@feldman.law' <shannon.almes@feldman.law>; 'Keith Lapeze' <keith@lapezejohs.com>; 'Grace Gutierrez' <grace@mincesrankin.com>; 'David Carlan' <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Good afternoon,

I am attaching the responses I received to questions propounded by the parties. According to HISD Title IX Procedures, the parties now have 5 District business days to submit limited follow-up questions to me for review in the same manner as the initial questions. Thus, the parties will have until **June 27, 2024** to submit limited follow up questions to these responses in an email **to me only** for review and distribution.

Please note that one witness ([REDACTED]) asked for a one-day extension on her responses so I will follow up with her information when I have it.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information.

Thank you,
Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Friday, June 7, 2024 9:04 AM
To: 'mnix@lynllp.com' <mnix@lynllp.com>; 'Chris Tritico' <ctritico@triticorainey.com>; 'David Minces' <david@mincesrankin.com>; 'shannon.almes@feldman.law' <shannon.almes@feldman.law>; Keith Lapeze <keith@lapezejohns.com>; Grace Gutierrez <grace@mincesrankin.com>; David Carlan <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Greetings, parties:

I request each party please confirm receipt of this email.

The parties had until June 4 to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report. Respondent did submit a Response to the report which was circulated to both parties simultaneously June 5. Complainant did submit questions for several people and an email (attached, which appears to be related to Complainant's questions to Respondent). Those were erroneously sent to the incorrect email address, so they were not received by me until June 5.

Complainant's follow up questions to the Respondent and other witnesses have now been received and reviewed to ensure they are relevant, respectful, and non-abusive. Those questions are attached. (*Note that I have endeavored to be sparing in excluding questions by way of this review, however some questions have been excluded and are omitted from this attachment with explanation.) According to Humble ISD Title IX Formal Complaint Procedures, attached, a party or witness is not required to respond to any questions posed by the other party.

I am seeking contact information for certain witnesses from the investigator, but will circulate the questions to the other questioned witnesses beginning today. All witnesses have five (5) District business days of receiving the questions to submit a response to the questions. Thus, the witnesses receiving the questions today (including Respondent, by copy of this email) will have until **June 18, 2024** (five (5) District business days and today is not a District business day) to submit written

responses to these questions. Thereafter, I will circulate to all parties, simultaneously, the responses to all questions.

██████████: Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent **to me only** at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Thank you,
Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Wednesday, June 5, 2024 8:07 AM
To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Minces <david@mincesrankin.com>; shannon.almes@feldman.law
Subject: RE: Humble ISD Title IX

Greetings,
I am circulating to both parties, simultaneously, the response I received to the investigative report. Please see attached.
Thank you,

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Thursday, May 30, 2024 8:43 AM
To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Minces <david@mincesrankin.com>; shannon.almes@feldman.law
Subject: Humble ISD Title IX

Greetings, counsel:
As you know, I have been appointed as Decisionmaker in the Title IX investigation for Humble ISD regarding the claims raised by ██████████ against ██████████ (as investigated in Lynn Rossi Scott's Report enclosed with her letter dated May 28, 2024).
I am writing to notify the parties of the next deadline. The Coordinator's communication reflects that the parties received this final investigation report as of May 27, 2024. Because May 27, 2024 was a District holiday, each party will have until **June 4, 2024** (five (5) District business days from May 28) to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report.

Any submissions made in this regard should be sent **to me only** at this email address. Any questions that a party wants asked of any other party or witness should be sent to me in a Word document as an attachment to an email (not a document link or through google drive), with the intended recipient clearly listed on the face of the document above the questions for that witness. Questions should be clearly set forth in a list fashion.

Thereafter, I shall review the submissions to ensure that any questioning is relevant, respectful, and non-abusive. I will circulate to all parties, simultaneously, any written responses to the investigation report, and the relevant questions which have been reviewed to ensure they are relevant, respectful, and non-abusive.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information. Likewise, if you should anticipate requesting an extension of this or any timeline as we proceed from this point forward, please include all counsel on your request and make such requests as soon as the need is anticipated.

I look forward to working with you.

Sincerely,

Giana Ortiz

THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

[REDACTED]

All Questions Omitted for “Relevance.” Humble Title IX Procedures provide parties an opportunity to submit “written, relevant questions that a party wants asked of any party or witness noted in the investigation report.” Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question/request (related to the Facebook post and/or the hotel bar) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded. The Facebook post itself is not relevant, and thus, the follow up questions are not relevant.

Wesley Solomon (Wesley.solomon@humbleisd.net)

Questions Omitted for “Procedural Reasons.” Humble Title IX Procedures provide parties an opportunity to submit “written, relevant questions that a party wants asked of any party or witness noted in the investigation report,” and thereafter, “follow up questions.” This person to be questioned is not a party or witness noted in the investigation report, thus the questioning exceeds the scope of the Title IX Procedures, and thus the questioning is excluded. Moreover, this person was not questioned previously, and is therefore not subject to “follow-up” questions.

Questions Also Omitted for “Relevance.” Humble Title IX Procedures provide parties an opportunity to submit “written, relevant questions that a party wants asked of any party or witness noted in the investigation report.” Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question/request (related to the Facebook post and/or the hotel bar) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded. The Facebook post itself is not relevant, and thus, the follow up questions are not relevant.

[REDACTED]

Complainant ██████ Follow Up Questions
Reviewed June 28, 2024

1. Who all did you recuse from the ██████ complaint? Was it ██████ Stephanie Maher, ██████, ██████, and ██████?
2. Did the members of the ██████ know and support this?
3. Did ██████ ██████ know this?
4. Did ██████ ██████ retaliate against you in any way when you accepted a second term as ██████ when he was unable to secure enough votes to be ██████? What did he do? Does he still today?
5. Question Omitted for “Relevance.” Humble Title IX Procedures provide parties an opportunity to submit “written, relevant questions that a party wants asked of any party or witness noted in the investigation report.” Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question/request (related to the release of documents) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

██████

Questions Omitted for “Procedural Reasons.” Humble Title IX Procedures provide parties an opportunity to submit “written, relevant questions that a party wants asked of any party or witness noted in the investigation report,” and thereafter, “follow-up questions.” This person to be questioned was not questioned previously, and is therefore not subject to “follow-up” questions.

Question #3 Also Omitted for “Relevance.” Humble Title IX Procedures provide parties an opportunity to submit “written, relevant questions that a party wants asked of any party or witness noted in the investigation report.” Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question/request (related to the release of documents) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

Terry Perkins

Complainant [REDACTED] Follow Up Questions
Reviewed June 28, 2024

Questions Omitted for “Procedural Reasons.” Humble Title IX Procedures provide parties an opportunity to submit “written, relevant questions that a party wants asked of any party or witness noted in the investigation report,” and thereafter, “follow-up questions.” This person to be questioned was not questioned previously, and is therefore not subject to “follow-up” questions.

Questions 2-4 Also Omitted for “Relevance.” Humble Title IX Procedures provide parties an opportunity to submit “written, relevant questions that a party wants asked of any party or witness noted in the investigation report.” Questions are relevant if they seek to learn information relevant to the Complainant’s allegations. Information is relevant to Complainant’s allegations if it has any tendency to make a fact more or less probable than it would be without the information; and the fact is of consequence in determining the action. *C.f.* Tex. R. Evid. 401. The question/request (related to the qualifications of the witness) is not relevant to the allegations noted in the Investigative Findings of Fact, thus the question exceeds the scope of the Title IX Procedures, and thus the question is excluded.

Exhibit 7

From: [Giana Ortiz](#)
To: mnix@lynllp.com; [Chris Tritico](#); [David Minces](#); shannon.almes@feldman.law; [Keith Lapeze](#); [Grace Gutierrez](#); [David Carlan](#)
Subject: RE: Humble ISD Title IX
Date: Wednesday, July 10, 2024 1:03:00 PM
Attachments: [REDACTED] [Investigation - Follow Up Questions.docx](#)

Good afternoon,

I hope you in the Houston area are all doing OK after the storm.

I am writing to follow up on this email. I do not believe that counsel for Complainant [REDACTED] confirmed receipt of the below email. I apologize if I missed that, but I request counsel for Complainant please confirm receipt at this time.

In addition, the questioned witness ([REDACTED]) has requested additional time to respond to the questions in light of power/connectivity issues after the storm. I am simply updating you of that. I will distribute her responses when I receive them.

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Friday, June 28, 2024 3:48 PM
To: 'mnix@lynllp.com' <mnix@lynllp.com>; 'Chris Tritico' <ctritico@triticorainey.com>; 'David Minces' <david@mincesrankin.com>; 'shannon.almes@feldman.law' <shannon.almes@feldman.law>; 'Keith Lapeze' <keith@lapezejohns.com>; 'Grace Gutierrez' <grace@mincesrankin.com>; 'David Carlan' <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Greetings:

I request each party please confirm receipt of this email.

The parties had until June 27 to submit any limited follow up questions that a party wants asked. Complainant did submit questions have now been received and reviewed to ensure they are relevant, respectful, and non-abusive. Those questions are attached. The witness receiving the questions today (a non-business day) will have until **July 9, 2024** (five (5) District business days) to submit written responses to these questions. Thereafter, I will circulate to all parties, simultaneously, the responses to questions.

Let me know if you have any questions or concerns.

Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Wednesday, June 19, 2024 5:03 PM

To: mnix@lynllp.com; Chris Tritico <critico@triticorainey.com>; David Minces <david@mincesrankin.com>; shannon.almes@feldman.law; Keith Lapeze <keith@lapezejohs.com>; Grace Gutierrez <grace@mincesrankin.com>; David Carlan <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Attached are the responses From [REDACTED].

Thank you,

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Wednesday, June 19, 2024 9:44 AM
To: 'mnix@lynllp.com' <mnix@lynllp.com>; 'Chris Tritico' <critico@triticorainey.com>; 'David Minces' <david@mincesrankin.com>; 'shannon.almes@feldman.law' <shannon.almes@feldman.law>; 'Keith Lapeze' <keith@lapezejohs.com>; 'Grace Gutierrez' <grace@mincesrankin.com>; 'David Carlan' <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Good afternoon,

I am attaching the responses I received to questions propounded by the parties. According to HISD Title IX Procedures, the parties now have 5 District business days to submit limited follow-up questions to me for review in the same manner as the initial questions. Thus, the parties will have until **June 27, 2024** to submit limited follow up questions to these responses in an email **to me only** for review and distribution.

Please note that one witness ([REDACTED]) asked for a one-day extension on her responses so I will follow up with her information when I have it.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information.

Thank you,

Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz
Sent: Friday, June 7, 2024 9:04 AM
To: 'mnix@lynllp.com' <mnix@lynllp.com>; 'Chris Tritico' <critico@triticorainey.com>; 'David Minces' <david@mincesrankin.com>; 'shannon.almes@feldman.law' <shannon.almes@feldman.law>; Keith Lapeze <keith@lapezejohs.com>; Grace Gutierrez <grace@mincesrankin.com>; David Carlan <dgc@mincesrankin.com>
Subject: RE: Humble ISD Title IX

Greetings, parties:

I request each party please confirm receipt of this email.

The parties had until June 4 to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report. Respondent did submit a Response to the report which was circulated to both parties simultaneously June 5. Complainant did submit questions for several people and an email (attached, which appears to be related to Complainant's questions to Respondent). Those were erroneously sent to the incorrect email address, so they were not received by me until June 5.

Complainant's follow up questions to the Respondent and other witnesses have now been received and reviewed to ensure they are relevant, respectful, and non-abusive. Those questions are attached. (*Note that I have endeavored to be sparing in excluding questions by way of this review, however some questions have been excluded and are omitted from this attachment with explanation.) According to Humble ISD Title IX Formal Complaint Procedures, attached, a party or witness is not required to respond to any questions posed by the other party.

I am seeking contact information for certain witnesses from the investigator, but will circulate the questions to the other questioned witnesses beginning today. All witnesses have five (5) District business days of receiving the questions to submit a response to the questions. Thus, the witnesses receiving the questions today (including Respondent, by copy of this email) will have until **June 18, 2024** (five (5) District business days and today is not a District business day) to submit written responses to these questions. Thereafter, I will circulate to all parties, simultaneously, the responses to all questions.

██████████: Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent **to me only** at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Thank you,
Giana

Giana Ortiz
817-522-1381

From: Giana Ortiz

Sent: Wednesday, June 5, 2024 8:07 AM

To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Minces <david@mincesrankin.com>; shannon.almes@feldman.law

Subject: RE: Humble ISD Title IX

Greetings,

I am circulating to both parties, simultaneously, the response I received to the investigative report. Please see attached.

Thank you,

Giana Ortiz
817-522-1381

From: Giana Ortiz

Sent: Thursday, May 30, 2024 8:43 AM

To: mnix@lynnllp.com; Chris Tritico <ctritico@triticorainey.com>; David Mincec <david@mincesrankin.com>; shannon.almes@feldman.law

Subject: Humble ISD Title IX

Greetings, counsel:

As you know, I have been appointed as Decisionmaker in the Title IX investigation for Humble ISD regarding the claims raised by [REDACTED] against [REDACTED] (as investigated in Lynn Rossi Scott's Report enclosed with her letter dated May 28, 2024).

I am writing to notify the parties of the next deadline. The Coordinator's communication reflects that the parties received this final investigation report as of May 27, 2024. Because May 27, 2024 was a District holiday, each party will have until **June 4, 2024** (five (5) District business days from May 28) to submit any written response to the investigation report, and written, relevant questions that a party wants asked of any party or witness noted in the investigation report.

Any submissions made in this regard should be sent **to me only** at this email address. Any questions that a party wants asked of any other party or witness should be sent to me in a Word document as an attachment to an email (not a document link or through google drive), with the intended recipient clearly listed on the face of the document above the questions for that witness. Questions should be clearly set forth in a list fashion.

Thereafter, I shall review the submissions to ensure that any questioning is relevant, respectful, and non-abusive. I will circulate to all parties, simultaneously, any written responses to the investigation report, and the relevant questions which have been reviewed to ensure they are relevant, respectful, and non-abusive.

If you should have any questions about this email or the process, please "Reply All" so that all parties can receive the same information. Likewise, if you should anticipate requesting an extension of this or any timeline as we proceed from this point forward, please include all counsel on your request and make such requests as soon as the need is anticipated.

I look forward to working with you.

Sincerely,

Giana Ortiz
THE ORTIZ LAW FIRM

ATTORNEYS AT LAW

1304 West Abram, Suite 100
Arlington, Texas 76013
t. 817-522-1381
f. 817-549-7358

Exhibit 8

From: [REDACTED]
To: [Giana Ortiz](mailto:gortiz@ortizlawtx.com)
Subject: Re: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] Title IX Party Questions
Date: Wednesday, July 10, 2024 6:07:29 PM

Thank YOU!

Kind Regards,

[REDACTED]
HumbleISD School [REDACTED]

On Wed, Jul 10, 2024 at 3:33 PM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

That is fine, thanks.

Giana Ortiz

817-522-1381

From: [REDACTED] <[\[REDACTED\]@humbleisd.net](mailto:[REDACTED]@humbleisd.net)>

Sent: Wednesday, July 10, 2024 3:25 PM

To: Giana Ortiz <gortiz@ortizlawtx.com>

Subject: Re: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] Title IX Party Questions

Hello Giana,

Thank you so much. I just heard back from my attorney and she is available to meet with me this Thursday or Friday.

May I request the extension until the end of business Monday, July 15?

Have a wonderful day.

Kind Regards,

[REDACTED]

HumbleISD School [REDACTED]

On Wed, Jul 10, 2024 at 4:57 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Good morning and I hope you are doing ok. I agree that the circumstances do warrant an extension. When do you think you can send the responses?

Giana Ortiz

817-522-1381

From: [REDACTED] <[REDACTED]@humbleisd.net>

Sent: Tuesday, July 9, 2024 10:13 PM

To: Giana Ortiz <gortiz@ortizlawtx.com>

Subject: Re: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] Title IX Party Questions

Hello Giana,

My apologies for the late correspondence, but I would like to request an extension. We do not have power and sporadic cell service, due to Hurricane Beryl.

I am hoping this message goes through to you.

Kind Regards,

[REDACTED]
HumbleISD School [REDACTED]

On Fri, Jun 28, 2024 at 3:47 PM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Greetings,

Please find attached follow up questions from Complainant [REDACTED]. Your response to any questions provided must be made within five (5) District business days of receiving the questions. Today is not a District business day under the District's summer calendar. Thus, you will have until **July 9, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures, a party or witness is not required to respond to any questions posed by another party.

Responses may be made in the same format as the previous/original questions.

Let me know if you have any questions or concerns.

Thank you,

Giana

Giana Ortiz

817-522-1381

From: Giana Ortiz
Sent: Wednesday, June 19, 2024 4:32 PM
To: [REDACTED] <[\[REDACTED\]@humbleisd.net](mailto:[REDACTED]@humbleisd.net)>
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Title IX Party Questions

Received, thank you.

Giana Ortiz

817-522-1381

From: [REDACTED] <[\[REDACTED\]@humbleisd.net](mailto:[REDACTED]@humbleisd.net)>
Sent: Wednesday, June 19, 2024 4:12 PM
To: Giana Ortiz <gortiz@ortizlawtx.com>
Subject: Re: [EXTERNAL] RE: [EXTERNAL] Title IX Party Questions

Hello Giana,

Thank you so much. Please find my answers to the questions attached to this email.

Kind Regards,

[REDACTED]

Humble ISD School [REDACTED]

Position 5

On Wed, Jun 19, 2024 at 8:56 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

That is fine. Thank you.

Giana Ortiz

817-522-1381

From: [REDACTED] <[REDACTED]@humbleisd.net>

Sent: Wednesday, June 19, 2024 7:06 AM

To: Giana Ortiz <gortiz@ortizlawtx.com>

Subject: Re: [EXTERNAL] Title IX Party Questions

Hello Giana,

Please accept this email as a request for an extension to respond to the questions. I was traveling to move one of my [REDACTED]. This request is for a one-day extension, I am able to submit responses by the end of business today, June 19.

Kind Regards,

[REDACTED], M.A.
HumbleISD School Board Trustee

On Fri, Jun 7, 2024 at 10:06 AM Giana Ortiz <gortiz@ortizlawtx.com> wrote:

Greetings:

Please confirm receipt of this email.

You have been identified as a witness in the ongoing Title IX process involving Complainant [REDACTED] and Respondent [REDACTED]. I am the Decision Maker in the Investigation. To that end, I am sharing with you additional questions from the Complainant in that Title IX Investigation.

Your response to any questions provided must be made within five (5) District business days of receiving the questions. Today is not a District business day under the District's summer calendar. Thus, you will have until **June 18, 2024** (five (5) District business days) to submit written responses to these questions. According to Humble ISD Title IX Formal Complaint Procedures (attached), a party or witness is not required to respond to any questions posed by another party.

Regarding any responses to the questions: Please make such responses underneath the question answered, maintaining the order (i.e., sequence) of questioning created by the propounding party. The answers should be sent to me only at this email address, as a PDF or Word document, and as an attachment to an email (not a document link or through google drive).

Please let me know if you have any questions about this process.

Thank you,

Giana Ortiz

[The Ortiz Law Firm](#)

Attorneys at Law

[1304 West Abram, Suite 100](#)
[Arlington, Texas 76013](#)

t. 817-522-1381

f. 817-549-7358