

IN THE MATTER OF THE ARBITRATION OF

STEVE GOLDSCHMIDT

and

PORTLAND SCHOOL DISTRICT NO. 1

**CONDENSED**

DEPOSITION OF DAVID ALAN GWYN WYNDE  
Taken on Behalf of Steve Goldschmidt

BE IT REMEMBERED That the deposition of DAVID ALAN GWYN WYNDE was taken on behalf of Steve Goldschmidt, before Kimberly J. Rise, Certified Shorthand Reporter for the State of Oregon, on Thursday, the 7th day of July, 2005, commencing at the hour of 10:37 a.m., at the law offices of Barran Liebman, 601 S.W. 2nd Avenue, Suite 2300, Portland, Oregon.

Reported by:  
Kimberly J. Rise  
CSR No. 90-0138

Job No. KR-312-05

REDACTED

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1 told, once you came onto the Board, by others about the  
2 job that Mr. Goldschmidt had done?

3 A. I was told that when Mr. Goldschmidt was hired  
4 that the human resource function was not performing where  
5 it needed to and that significant improvements had been  
6 made under his leadership.

7 I was told that -- I recall -- I don't have a  
8 clear recollection of specific conversations, but looking  
9 back two years in terms of impressions, I was also told  
10 that there was an adversarial relationship between HR in  
11 general and employees in the District.

12 There had been -- there had been a lot of  
13 publicity about the teachers' contract negotiations that  
14 had been settled before I came on the Board, and Steve's  
15 name was, understandably, mentioned in that context, as  
16 well.

17 Q. The publicity surrounding the teachers'  
18 contract, did Steve's name come up in connection with any  
19 problem associated with the negotiation of that contract,  
20 to your recollection?

21 MS. O'CONNOR: Object to the form.

22 Go ahead and answer.

23 THE WITNESS: Yes.

24 Q. (By Mr. Busse) What problems were you told of?

25 A. That -- that there was an adversarial approach

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1 A. I don't recall anyone making those kind of  
2 statements about Mr. Zagar.

3 Q. When Steve's name came up in connection with the  
4 PAT negotiations, who did you hear that from? Did you  
5 hear that from anyone associated with the PAT?

6 A. I'm trying to remember specifically who I heard  
7 things from. Can you repeat the question for me, please?

8 Q. Did you hear that from anyone from the PAT?

9 A. In the context of the contract negotiations?

10 Q. And mentioning Steve's name in that context.

11 A. I can't recall conversation -- I can't recall  
12 specific individuals making statements about  
13 Mr. Goldschmidt and the contract negotiations. I can't  
14 give you a specific example --

15 Q. Okay, that's fine.

16 A. -- of who.

17 Q. Did you work with Mr. Goldschmidt after you came  
18 on board in any respect?

19 A. As a member of the Board, we were, as a Board,  
20 engaged in bargaining with some of our other employee  
21 groups and we would get briefed and updated on the  
22 progress of those negotiations and other activities and  
23 asked for decisions, and Mr. Goldschmidt was often, if not  
24 always, involved in briefing the Board on those issues,  
25 so --

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1 to the contract negotiations; allegations of, sort of,  
2 untrustworthiness and hostility and -- and so forth. And  
3 those were allegations. I was not party to those  
4 negotiations, so I wasn't firsthand involved in them.

5 Q. Was there any example of anything that he said  
6 or did that was given to exemplify any lack of  
7 trustworthiness, to your recollection?

8 A. I can't recall a specific example.

9 Q. Was he on the bargaining team for that  
10 particular PAT contract negotiation round?

11 A. I don't know whether he was on the bargaining  
12 team.

13 Q. Do you know who the District spokesperson was  
14 for that particular contract with PAT?

15 A. The District had -- I'm not sure about  
16 spokesperson. I do know that the District hired an  
17 outside attorney as the lead negotiator on those  
18 contract --

19 Q. In that particular case, who was that outside  
20 attorney? Was that a Bruce Zagar?

21 A. Yes, it was.

22 Q. Did anybody say that Mr. Zagar had done anything  
23 to indicate any lack of trustworthiness or honesty in the  
24 way he conducted himself in connection with the  
25 negotiations?

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1 Q. All right. And were you satisfied with the  
2 briefing that you received from Mr. Goldschmidt in  
3 connection with those matters?

4 A. I'm not sure how to answer that question.

5 Q. Well, was there ever a time in which you said to  
6 Mr. Goldschmidt that you were dissatisfied with any of  
7 those briefings?

8 A. There was not a time where I said that to  
9 Mr. Goldschmidt, no.

10 Q. Did you say that to any other Board member, to  
11 your recollection?

12 A. I don't recall saying that to another Board  
13 member.

14 Q. In what other activities were you engaged that  
15 would bring you in contact with Mr. Goldschmidt  
16 personally?

17 A. We -- I was a member of the committee that was  
18 formed --

19 Q. You're looking at a document --

20 A. I see the document, yes.

21 Q. -- C-58.

22 A. Yes. One of the -- one of my rewards for  
23 election to the School Board was to be appointed as one of  
24 the two District representatives on the committee that was  
25 formed as a result of that contract settlement to discuss

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1 the issue of compensation and health benefits, and Steve  
 2 was another member of that committee.  
 3 Q. And did you attend those committee meetings?  
 4 A. I attended a number of those committee meetings,  
 5 yes.  
 6 Q. And did he attend those committee meetings?  
 7 A. He attended a number of those committee  
 8 meetings.  
 9 Q. As far as you could tell, was he an active  
 10 participant on that committee?  
 11 A. I don't think it would be unfair to characterize  
 12 his participation as being an active participant, yes.  
 13 Q. Did he volunteer to provide comparative data  
 14 from other school districts concerning teachers' salaries  
 15 and insurance?  
 16 A. If my recollection serves me correctly, I  
 17 believe he did, yes.  
 18 Q. And did he provide that data to the committee?  
 19 A. I recall that he did.  
 20 Q. And was that data incorporated in its report?  
 21 A. Yes, I --  
 22 Q. And did you have a hand in drafting the report?  
 23 A. Yes, I did.  
 24 Q. And to what extent were you involved in the  
 25 drafting of the report?

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1 A. I'm trying to remember what happened towards the  
 2 end of the work of the committee.  
 3 Q. If it's difficult to remember, that's fine,  
 4 you --  
 5 A. Yeah, I -- it's -- I don't have a completely  
 6 clear recollection of what the process was.  
 7 Q. Just for the record --  
 8 A. I believe that at a certain point I -- if I  
 9 recall correctly, I did have an opportunity to look at a  
 10 draft or more -- more than one draft and provide input as  
 11 to some of the content, and so on and so forth.  
 12 Q. Okay.  
 13 A. I couldn't describe the process in further  
 14 detail than that.  
 15 Q. Just for the record, is C-58 a copy of the  
 16 report of the committee?  
 17 A. It certainly appears to be.  
 18 Q. And were you complimentary of Mr. Goldschmidt's  
 19 work in connection with that committee?  
 20 A. I don't remember if I was or was not  
 21 complimentary.  
 22 Q. Were you critical, to your recollection, of  
 23 anything he did in connection with that work?  
 24 A. I don't recall being critical, either.  
 25 Q. And in what other ways did you work with

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1 Mr. Goldschmidt, to your recollection, until his  
 2 termination?  
 3 A. I was one of -- I was on the bargaining team for  
 4 the contract negotiations with the Portland Association of  
 5 Teachers on their contract -- the current contract that  
 6 was settled in September of last year. I was a member of  
 7 the bargaining team, and Mr. Goldschmidt was -- worked  
 8 with the team during the course of those negotiations.  
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 4 Q. To your recollection, did Mr. Goldschmidt do  
 5 anything to hinder the goal being reached with regard to  
 6 the third item that you just mentioned?  
 7 A. I think there were times where it was my  
 8 impression that Mr. Goldschmidt wasn't happy with the way  
 9 that negotiations were going and -- Your question was,  
 10 again?  
 11 Q. I can't remember the precise language, but,  
 12 generally speaking, did Mr. Goldschmidt do anything during  
 13 the course of negotiations to interfere with the Board's  
 14 achievement of the goal of reaching a settlement with the  
 15 PAT in the desired fashion that you've described?  
 16 MS. O'CONNOR: Object to the form.  
 17 You can answer.  
 18 THE WITNESS: There was -- I'm trying to  
 19 think of -- if this is something -- There was one  
 20 specific occasion which -- which I do recall where --  
 21 there was a meeting at which I was present and  
 22 Mr. Goldschmidt was present, Rick Liebman, who was our  
 23 negotiator was present, and I'm not sure who else was  
 24 there, there may or may not have been other people there,  
 25 I don't recall, and Rick was relating a conversation that

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1 he'd had with Nancy Arlington, who was the lead negotiator  
 2 for the PAT.  
 3 And if I recall the specifics, Rick had  
 4 verbally conveyed to Nancy an offer from the District as  
 5 part of our negotiations and I believe that there were --  
 6 there were three things that he had offered and he had --  
 7 and they had -- the PAT had said, "No, that's not good  
 8 enough," or "We don't agree to that," and Rick had agreed  
 9 that, notwithstanding their sort of -- their saying "no",  
 10 that he was going to convey that offer -- he was going to  
 11 put that offer in writing and send it to them anyway.  
 12 And my recollection is that Steve said  
 13 something like, "Well, don't put Item 3 in there, then,"  
 14 which was -- while I say I don't remember the specifics, I  
 15 remember being surprised by that statement because I felt  
 16 like it -- if Rick had followed through and not done that  
 17 or done as I recall Mr. Goldschmidt suggesting, that would  
 18 have been damaging to the progress of the negotiations.  
 19 Q. (By Mr. Busse) Any other occasion come to mind?  
 20 A. I can't think of another occasion that comes to  
 21 mind.  
 22 Q. With respect to this occasion, do you recall  
 23 when it was?  
 24 A. I do not.  
 25 Q. Do you recall whether you said anything when

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1 Steve made that suggestion?  
 2 A. I don't recall what I said.  
 3 Q. Do you recall that you said anything?  
 4 A. That was your question. No, I don't recall  
 5 whether or not I said anything. I don't -- I don't -- I  
 6 don't recall with certainty that I didn't say anything,  
 7 but I also don't recall that I did.  
 8 Q. Do you recall what the third item was?  
 9 A. No, I don't.  
 10 Q. Do you recall what the first two items were?  
 11 A. I do not.  
 12 Q. Did Mr. Liebman say anything when  
 13 Mr. Goldschmidt made the suggestion?  
 14 A. I think he said something like, "Well, no, I  
 15 told Nancy I would put the offer in writing and so that's  
 16 what I'm going to do," or something like that.  
 17 Q. Did Mr. Goldschmidt say anything in response at  
 18 that point?  
 19 A. I don't recall.  
 20 Q. You don't recall him saying anything at that  
 21 point?  
 22 A. I don't recall one way or the other whether he  
 23 did or didn't.  
 24 Q. Okay. Was that the end of the matter? Were you  
 25 privy to any -- You're looking at me quizzically, for the

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1 record, and so the reason I'm speaking on --  
 2 A. I understand.  
 3 Q. -- is to clarify.  
 4 A. Right.  
 5 Q. Was that the end of the matter, or did you have  
 6 any further conversations on that particular point or  
 7 issue, Goldschmidt, Liebman, or anyone else, to your  
 8 recollection?  
 9 A. I did say something to Rick, I believe, just  
 10 sort of clarifying -- I think I said something along the  
 11 lines later of, "Wow, what was that about?" or, you know,  
 12 that I was a little surprised at that statement, and Rick  
 13 saying something along the lines of, "Yeah, I don't  
 14 understand."  
 15 Q. Any other comments or conversations on that  
 16 issue, to your recollection, before we move on?  
 17 A. No, I don't recall any other conversations.  
 18 Q. And apart from that, were you happy with the  
 19 support that you got from Mr. Goldschmidt during those  
 20 negotiations?  
 21 MS. O'CONNOR: I'm going to object to the  
 22 form.  
 23 You can answer.  
 24 THE WITNESS: That's another sort of  
 25 black-and-white question, and I'm not sure how to

1 answer.

2 Q. (By Mr. Busse) What's the white part and what's

3 the black part?

4 A. Well, "are you happy with" -- it's the extent

5 that you are asking for a yes/no question, I'm not -- I'm

6 not sure -- I'm not comfortable with either a "yes" or a

7 "no" --

8 Q. Okay.

9 A. -- answer to that question.

10 Q. And then when I say, "What's the white part and

11 what's the black part?," let me clarify that. Tell me to

12 what extent you were happy or unhappy with anything

13 Mr. Goldschmidt said or did during the course of the

14 negotiations.

15 A. I can't recall specifics, but I think that

16 during the course of those negotiations I -- I became less

17 comfortable with or confident in Steve's support of the

18 Board and our goals and priorities. The -- the specific

19 example I gave you a little earlier is the only -- that's

20 the only specific example I could give, but I think that

21 by the end of the negotiations I -- I had less confidence

22 in Steve than I did at the beginning.

23 Q. When you say the example that you just gave,

24 were you talking about the conversation between you, Rick,

25 and Steve?

1 me about Steve -- is that essentially --

2 Q. That is.

3 A. Is that the question?

4 Q. Yes. I'm broadening it to everything since you

5 came on July 1st, 2003.

6 A. I guess there's two things that I can think of

7 at this point. When I was elected to the Board, when I

8 started my Board tenure, one of the things that then

9 Superintendent Scherzinger did was meet with, I believe,

10 all of the Board members sort of one-on-one about once a

11 month; certainly, Jim and I used to meet about once a

12 month.

13 And during those meetings, I recall

14 conversations with then Superintendent Scherzinger about a

15 whole variety of topics, but one of which was his

16 concerns -- what I understood to be his concerns about

17 some members of his senior staff team, and in particular I

18 recall conversations that we had about both

19 Mr. Goldschmidt and [REDACTED] and there were -- at

20 least in my mind, there was some question about Steve as a

21 result of those conversations.

22 Q. Do you recall anything he said in particular

23 about that?

24 A. Anything that the superintendent said?

25 Q. Yes.

1 A. Yes.

2 Q. Okay. When you say the support of the Board's

3 goals and priorities, was the Board ever at odds with

4 itself as to what its goals and priorities were?

5 A. I think that there was consensus on the Board in

6 terms of controlling healthcare costs and endeavoring to

7 make progress on hiring, assignment, and transfer and the

8 third process goal that I described earlier in terms of

9 reaching agreement in a way that improved the relationship

10 rather than harmed the relationship, so I don't think that

11 the Board was at odds about those goals and priorities

12 concerning the contract negotiations.

13 Q. You say that you became less confident of his

14 support of the Board's goals and priorities. Have you

15 given me all the information that you can recall

16 concerning his conduct, anything he said or did, that

17 support that belief?

18 A. During the contract negotiations? Yes.

19 Q. Afterwards?

20 A. Other activities or other things that happened

21 that raised questions in my mind?

22 Q. Sure.

23 A. Let me make sure I understand the question. If

24 the question is are there other things that have happened

25 during my time on the Board that have raised questions for

1 A. He talked about -- I remember him saying that

2 the relationship -- that for the District to be

3 successful, Jim and Steve and [REDACTED] needed to work

4 effectively and well together and that, in his opinion,

5 that wasn't happening at that particular time; that that

6 was a -- that that was something that he had -- that he

7 was talking to both Steve and [REDACTED] about; and that

8 they both had strengths and they both had weaknesses and

9 there were things that each of them could do to improve

10 the situation but that he wasn't entirely sure whether

11 either Steve or [REDACTED] would get to the point that he

12 was comfortable that they were doing what they needed to

13 do.

14 Q. And did he talk about anything in particular

15 having to do with Steve's performance?

16 A. I don't recall specifics.

17 Q. Okay. And the other thing that you recall?

18 A. The other thing I recall is two meetings that I

19 was a participant in. One of them occurred in December of

20 last year, 2004, and it involved -- in addition to myself,

21 the other two people who were there were the -- was

22 Superintendent Phillips and [REDACTED], who's an

23 employee of the District in human resources. And in that

24 conversation, [REDACTED] articulated a number of concerns

25 about the human resources operation and the management and

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1 leadership of that operation.  
 2 And there was a subsequent conversation where  
 3 I was present, as was Superintendent Phillips, as were a  
 4 number of employees of the District who worked in human  
 5 resources, [REDACTED] was there and there were -- I  
 6 can't recall the exact -- the specific number, but there  
 7 were five to eight other, approximately, employees, and  
 8 there were a number of concerns and issues raised.  
 9 Q. And I know you've been asked for documents, but  
 10 could you find any notes of either of those meetings?  
 11 A. I couldn't -- my recollection was I didn't keep  
 12 any notes, and I haven't found any notes of that.  
 13 Q. Did you make any notes at the time?  
 14 A. I may have -- it's often, as you saw me doing  
 15 here, sometimes as I'm thinking of something, if there's  
 16 more than one thing I'm thinking of, I'll write -- just  
 17 jot words down or I may take notes of what people are  
 18 saying or to ask clarifying questions, but I don't always  
 19 keep those.  
 20 In this particular case, I -- my best  
 21 recollection is that this was -- that the only reason I  
 22 would take notes was to help me understand the meeting  
 23 itself and that I would not keep anything like that,  
 24 because I would regard this as confidential and would not  
 25 want to retain anything that would pertain to that.

Page 23

1 Q. The one in December with Dr. Phillips and [REDACTED]  
 2 [REDACTED] was that early, mid, or late December, to your  
 3 recollection?  
 4 A. It would be mid to late December. It was  
 5 relatively close to the Christmas break.  
 6 Excuse me, I'm going to get some more water.  
 7 Q. Sure.  
 8 (There was a pause in the proceedings.)  
 9 Q. (By Mr. Busse) You don't recall a date for that  
 10 meeting, do you?  
 11 A. I don't recall a date.  
 12 Q. Do you recall what day of the week it may have  
 13 been?  
 14 A. I don't recall the day of the week.  
 15 Q. And so how long was the meeting?  
 16 A. I'm not sure. It was more than -- it was  
 17 probably somewhere between 30 to 60 minutes, but  
 18 that's --  
 19 Q. Was anyone else taking notes, to your  
 20 recollection?  
 21 A. I don't recall anyone else taking notes.  
 22 Q. Where was the meeting?  
 23 A. It was in the superintendent's office.  
 24 Q. How was it called?  
 25 A. I was in the superintendent's office talking

Page 24

1 about other issues, I mean, I -- I'm in the building from  
 2 time to time. She mentioned that an employee in human  
 3 resources had asked to speak to her, and she -- I -- my  
 4 recollection is that she said something along the lines  
 5 of, "I think it might" -- I think she was pretty clear it  
 6 was something confidential that this employee wanted to  
 7 talk about and that she felt like it would be helpful to  
 8 have a second person there but having someone who was not  
 9 a District employee would be -- would be useful and asked  
 10 me if I'd be willing to do that, and I said that I would.  
 11 Q. So it was just spur of the moment, as far as you  
 12 were concerned.  
 13 A. I don't know that I -- I'm not sure "spur of the  
 14 moment" is how I would characterize that.  
 15 Q. I'll restate that. It was an unplanned  
 16 attendance on your part; is that correct?  
 17 A. When I walked into the building, I was not  
 18 expecting or knowing that I would be part of that  
 19 conversation.  
 20 Q. Prior to that time, had you heard compliments  
 21 from Dr. Phillips about Mr. Goldschmidt's performance?  
 22 A. Yes, I'd heard compliments and --  
 23 Q. And what compliments had you heard and when had  
 24 you heard them?  
 25 A. I honestly don't believe I can recall specifics.

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1 At that point, you know, mid to late December, I was -- at  
 2 that point, I was still -- I was on the Board, but I was,  
 3 quote, a regular Board member, but it was -- I can't  
 4 remember exactly when it became clear, but we had been  
 5 talking about Board leadership, and I think at that point  
 6 I knew or had some reasonable expectation that come  
 7 January I would be going into a role in Board leadership.  
 8 And one of the conversations that I had had  
 9 with the superintendent was a general conversation about  
 10 the leadership team and, you know, what she thought of  
 11 people in the leadership team. And in her conversation  
 12 about Steve, she had said there were things that she  
 13 thought he did well and there were areas of concern that  
 14 she had.  
 15 Q. What do you recall her saying on both sides of  
 16 the fence there?  
 17 A. I honestly don't recall specifics. I just have  
 18 an impression.  
 19 Q. What month would that conversation have taken  
 20 place?  
 21 A. I think that might have been in December.  
 22 Q. Earlier in December?  
 23 A. I'm not sure.  
 24 Q. Is that the only time that you can recall her  
 25 making complimentary remarks about Mr. Goldschmidt, or had

1 she done that on other occasions, as well?  
2 A. I honestly don't recall one way or the other.

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4 Q. Did either Ms. Arlington or Ms. Nice ever come  
5 to you and tell you that Steve had to go?  
6 A. Neither of them ever came to me and said that in  
7 so many words, no.  
8 Q. Did they indicate to you that their desire was  
9 that he would no longer be employed by the District?  
10 A. I can't recall a conversation with either of  
11 them where I could characterize what they said to me in  
12 the way that -- in the words that you just used, no, I  
13 can't recall a conversation like that.  
14 Q. Just that they were critical of Mr. Goldschmidt?  
15 A. I don't recall -- I recall a conversation with  
16 Ann Nice where she was critical of human resources and  
17 concerned about the way that that department worked, but I  
18 don't -- I can't recall -- I can't recall exact specifics  
19 about that, I just recall a conversation with her not long  
20 after I came on the Board when she identified the way that  
21 HR worked as a problem.  
22 Q. Did she say what it was about HR that was a  
23 problem for her?  
24 A. I don't recall specifics.  
25 Q. Did you get good support from human resources

1 language, I believe, to cover something that had been  
2 agreed between Rick and Nancy and --  
3 The best I can do is to tell you that the way  
4 that [REDACTED] and, to a lesser extent, [REDACTED] were  
5 responding seemed -- I think it raised in my mind the  
6 question of, "Is this" -- "Is this a technical issue of 'I  
7 don't know how to write this language,' or is there an  
8 issue about, 'I don't like what it is you're agreeing  
9 to,'" and that's the best I can do.  
10 Q. How were they responding? Let's take it one at  
11 a time. What did [REDACTED] do or say in response  
12 to the request to draft language?  
13 A. I can't recall specifics.  
14 Q. What did [REDACTED] do or say in response to the  
15 request to draft language on this particular occasion?  
16 A. [REDACTED] was the one who suggested that we get  
17 [REDACTED] involved as a way of getting language drafted, if I  
18 recall correctly.  
19 Q. And what did she say was the reason for that  
20 suggestion?  
21 A. I don't remember.  
22 Q. Did you view that suggestion as a lack of  
23 cooperation?  
24 A. No.  
25 Q. Do you recall what the specific issue was about

1 during -- not Mr. Goldschmidt, we've already asked that  
2 question, but from human resources, [REDACTED] and  
3 others from human resources, during the PAT negotiations  
4 in 2004?  
5 A. That's another one of those questions that, at  
6 least superficially, begs a "yes" or "no" answer, neither  
7 of which I'm comfortable in giving.  
8 Q. Well, you can say, "Yes in some respects and no  
9 in others" and tell me about that.  
10 A. Okay. So, yes in some respects and no in  
11 others. I can't recall -- I recall a point in the  
12 negotiations where we were trying to draft language to  
13 cover something that we had agreed to and [REDACTED] and  
14 [REDACTED] -- [REDACTED] were  
15 engaged in that activity, and my recollection -- I recall  
16 coming out of that phase of the activity with some level  
17 of frustration and a -- and feeling like they -- there  
18 wasn't a -- there wasn't sort of -- I had a sense of less  
19 than full cooperation from the HR staff in trying to  
20 accomplish what we were trying to accomplish.  
21 Q. In what respect?  
22 A. I can't remember -- I mean, it's hard to give  
23 you a specific description of exactly what happened. This  
24 was towards the -- I mean, this is towards the end of the  
25 negotiations, because we were looking to draft specific

1 which language needed to be drafted?  
2 A. I think it was something to do with healthcare  
3 benefits, but I don't remember. I couldn't tell you  
4 specifically what it was.  
5 Q. Were there any problems associated with the  
6 assigned task of drafting language on that occasion that  
7 made the assigned task any more difficult for either of  
8 them?  
9 MS. O'CONNOR: I'm going to object to the  
10 form.  
11 You can answer.  
12 THE WITNESS: I'm trying to understand the  
13 question, so I don't know -- I can't answer.  
14 Q. (By Mr. Busse) Were they personally  
15 participating at the meeting at which the language -- I'm  
16 sorry, strike that. Was [REDACTED] personally in attendance  
17 at the meeting at which the agreement was struck?  
18 A. I don't recall.  
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Q. Going back to the meeting with you, Dr. Phillips, and [REDACTED] in December --

A. Uh-huh.

Q. -- what do you recall [REDACTED] saying in that meeting?

A. I remember her talking about a -- a hostile work environment, that people were fearful; I remember her talking about a -- a sort of favoritism kind of environment where some people were -- appeared to be favor -- you know, treated as -- more favorably than others; I remember her expressing concerns about behavior in the hiring process that she thought could be characterized as discriminatory; and I recall her talking

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about a specific instance in a hiring process where some documentation on-line appeared to be altered or in some way -- if I recall correctly, I remember her talking about a situation where she printed something off, printed -- did a screen print or something because there was something that she was concerned about and when she went back a day or so later that that document appeared not to exist anymore, or something like that.

Q. Before we get onto that, did you ever tell anybody that you had a sense that during negotiations you had less than full cooperation from human resources, to your recollection?

A. I think I may have mentioned it to the superintendent.

Q. When did you do that?

A. I don't remember when I did that.

Q. Do you have --

A. I mean --

Q. -- a specific recollection sitting here today that you did?

A. Yes, I believe that I did tell her that.

Q. And did she ask any probing questions to find out what you meant?

A. I don't remember.

Q. What did you mean?

Page 38

1 A. Sorry?

2 Q. Did you tell her what you meant?

3 A. I don't recall -- I don't remember specific -- I

4 don't remember much about the conversation, but I do

5 remember that I mentioned it to her, but I couldn't tell

6 you with any -- in any detail what the nature of that

7 conversation was.

8 Q. Did you give her any specific example, to your

9 recollection?

10 A. I don't recall whether I did or not.

11 Q. Did she say anything in response that you can

12 recall?

13 A. I don't remember what her response was.

14 Q. Did you say anything like that to anyone else,

15 to your recollection?

16 A. I'm not sure whether I may -- I'm -- I don't

17 recall specifically whether I mentioned it to anybody else

18 on the Board.

19 Q. Do you know whether or not she mentioned it to

20 Steve?

21 A. I don't know.

22 Q. Did she ever tell you she did?

23 A. I have no recollection of her telling me that

24 she did.

25 Q. Did that ever come up again?

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1 A. I don't recall a subsequent conversation -- I

2 don't recall a subsequent conversation with her on that

3 subject.

4 Q. In that conversation, did you mention Steve's

5 name?

6 A. I don't remember whether I did or not.

7 MS. O'CONNOR: Counsel, can we take a brief

8 break?

9 MR. BUSSE: No. I'm on a roll here.

10 Furthermore, by the time we get back, I won't be able to

11 read my notes. Can I just finish and --

12 MS. O'CONNOR: I thought you were done with

13 that particular line. Go ahead.

14 MR. BUSSE: Gosh, did I make a mistake?

15 Q. (By Mr. Busse) Okay, talking about what [REDACTED]

16 [REDACTED] told you in the December meeting, did she say which

17 people were fearful?

18 A. I don't think she mentioned specific people.

19 Q. Did she say of what?

20 A. My recollection is that people felt like if

21 there was something happening that they didn't think was

22 right that it was not safe to bring that up.

23 Q. Did she give any example in which a lack of

24 safety was evidenced by anything management did or said?

25 MS. O'CONNOR: I'm going to object to the

Page 40

1 form.

2 You can answer.

3 THE WITNESS: I can't recall a specific

4 example that she used.

5 Q. (By Mr. Busse) Did Dr. Phillips ask for any

6 examples?

7 A. She may have. I just don't remember the

8 specifics.

9 Q. And did she mention any names? Did she say that

10 anybody was fearful of any particular individual or

11 individuals?

12 A. I don't recall with certainty whether she

13 mentioned individuals. She may have mentioned [REDACTED]

14 [REDACTED] and [REDACTED], but I'm not --

15 Q. You have no specific recollection that you can

16 testify to here today under oath that she did; is that

17 correct?

18 A. I'm trying to remember with sufficient clarity

19 to be able to do that.

20 I don't believe that I can say for certain

21 that she mentioned specific names.

22 Q. You mentioned that she mentioned favoritism.

23 Did she say who was the favored persons who were treated

24 more favorably?

25 A. I think she actually acknowledged that she felt

Page 41

1 like she may have been treated more favorably than some of

2 her peers.

3 Q. She was turning herself in? That was facetious.

4 Strike that.

5 A. I recognize --

6 Q. Strike that and punish me for it.

7 A. But I -- I don't remember -- I don't remember

8 her mentioning specific other people, but I -- I mean, I'm

9 not telling you that she didn't, I just don't recall --

10 Q. What did you -- Excuse me. Had you finished

11 your response?

12 A. I was just going to say I don't remember the

13 specific details of the conversation. What I'm recalling

14 for you is my impression of that conversation.

15 Q. Did she mention during that time that she was

16 dissatisfied with her own situation in any respect?

17 A. I don't think I can characterize what I recall

18 of that conversation as her being dissatisfied with her

19 own situation.

20 Q. You mentioned that she said that there was

21 behavior during one or more hiring process that was

22 discriminatory. What did she say about that?

23 A. My recollection is that she talked about -- if I

24 recall correctly, she gave an example of a series of

25 interviews of candidates for a particular position where

1 the differential questioning of candidates was  
 2 discriminatory, and this was racial discrimination; that  
 3 minority candidates were asked different questions or  
 4 treated in a way that was categorically different than  
 5 other candidates.

1 the differential questioning of candidates was  
 2 discriminatory, and this was racial discrimination; that  
 3 minority candidates were asked different questions or  
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1 at the end of the workday, I think it may have been at  
2 5:00. And I remember that there were several people who  
3 were there who related that they had gone down to the  
4 parking structure where they regularly park their cars and  
5 had moved them to a different place and then come back to  
6 the meeting because they -- they were concerned -- they  
7 didn't want people to know they were there and they were  
8 concerned about that. And that was one of the first  
9 things I remember.  
10 There was -- there was some very emotional  
11 discussion about an employee who had requested leave in  
12 order to sprinkle someone's ashes -- I don't remember -- I  
13 don't remember the relationship between the person and the  
14 deceased -- I don't remember whose ashes they were, but my  
15 recollection is -- I don't think -- and the -- a number of  
16 the people, if not all of the people at the meeting, were  
17 very -- I mean, became visibly upset as they talked about  
18 that story and felt that that was -- they used that as an  
19 example of the harshness and of the -- the regime or the  
20 environment they were working in.  
21 The other things, I just -- there were other  
22 things that people talked about, but I don't know whether  
23 they -- they weren't as sort of concrete as anecdotes.  
24 Q. At what point in the meeting did the sprinkling  
25 of the ashes come up?

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1 A. I don't remember at what point in the meeting  
2 that came up.  
3 Q. You don't recall if that was one of the first  
4 things that was said?  
5 A. I don't remember if it was early, middle, or  
6 late.  
7 Q. If we just drew a chart with a table and we had  
8 heads around a table without identifying who they were,  
9 could you say that this person over on the end of the  
10 right said this or -- would that help pinpoint it just by  
11 location?  
12 A. I'm not sure that it would --  
13 Q. Okay.  
14 A. -- to be honest.  
15 Q. All right. Then give me a list as near as you  
16 can recall of the things that were said by the persons at  
17 the meeting.  
18 A. Some of them were similar to the issues that  
19 I've already talked about, things that had come up in the  
20 conversation with Carrie.  
21 People talked about a -- a work environment  
22 that they felt was sort of harsh, fearful. I actually  
23 believe that people used the word "poisonous" to  
24 characterize the atmosphere, although -- I think I recall  
25 that being a characterization. And some of them referred

1 back to their -- actually moving their cars and, you know,  
 2 being afraid to be known to be having this conversation.  
 3 There was -- there was -- people talked about  
 4 the fact that they felt like they could be more effective  
 5 and sort of work -- cover for each other and work more  
 6 cooperatively and share the load than they did; that there  
 7 were situations where they felt -- this is my expression,  
 8 not a word that anybody used, but that there were almost  
 9 like silos of work, that there would be one person that  
 10 was assigned one area, another person assigned to another  
 11 area, another person assigned to the third area, and that  
 12 one of them would have -- they would have differential  
 13 volumes, or something like that, and that they were -- if  
 14 I recall correctly, they felt like they were discouraged  
 15 from -- you know, "You take care of your work and you let  
 16 so-and-so take care of theirs," and there was actually --  
 17 they were discouraged from a more collaborative,  
 18 cooperative way of doing things and covering for each  
 19 other.  
 20 Q. What else?  
 21 A. I don't -- I'm trying -- I don't recall things  
 22 beyond that.  
 23 Q. Okay. You can't identify any individual who  
 24 said "harsh"? "Fearful"? "Poisonous"?  
 25 A. No.

1 don't recall a specific example at this point.  
 2 Q. Was --  
 3 A. And there may have been specific examples, but I  
 4 just don't recall what they were.  
 5 Q. I understand. Was the vacation blackout policy  
 6 mentioned?  
 7 A. Now that you mention it, I believe it was.  
 8 Q. Do you recall any other policy that was  
 9 mentioned?  
 10 A. No. I do remember there was a discussion about,  
 11 sort of, operating procedure where people were required --  
 12 there was something about covering the front desk and  
 13 sitting up front and the way that that worked and how that  
 14 impacted people and -- I don't remember the specifics of  
 15 what the concern was, but that was an issue that came up.  
 16 Q. Did anybody mention any names of persons who  
 17 were in supervisory positions in connection with the  
 18 treatment that they received?  
 19 A. Yes. In that meeting -- and I don't remember  
 20 exactly how it came up -- people mentioned [REDACTED]  
 21 they mentioned [REDACTED], and they mentioned  
 22 Steve by name.  
 23 Q. What did they say that Steve did?  
 24 A. I don't remember -- What I -- the one thing I  
 25 remember people saying was that -- and I don't remember

1 Q. Okay.  
 2 A. I couldn't point to a specific person. I  
 3 mean -- I mean, one of the things that struck me about  
 4 that meeting -- because it was clearly different -- I  
 5 mean, the first meeting was one person; from my  
 6 impression, was one person, who knows. This was a larger  
 7 group of people and it was -- it was telling to me that it  
 8 wasn't -- it wasn't -- one of the things that struck me  
 9 was --  
 10 Let me back up. I've been in a situation as a  
 11 manager where I've come in and had to turn something  
 12 around, which is what I understand the situation for Steve  
 13 was. And that doesn't make you popular with people who  
 14 have been there for a long time. I know that, too.  
 15 But what struck me about this group was that  
 16 it wasn't -- this was not a group of people who had been  
 17 there for a long time and who were mad about someone  
 18 coming in and changing their cozy work environment, this  
 19 was a group of people a number of whom had been brought in  
 20 relatively recently and were, in some ways, part of the  
 21 solution and were not happy. It seemed less likely to me  
 22 that this was -- I remember being conscious of that.  
 23 Q. Did anybody give any examples that you can  
 24 recall of harsh treatment?  
 25 A. Other than the denial of the vacation request, I

1 exactly how this came up. I think -- I mean, I actually  
 2 think it was somebody amongst the group of people  
 3 clarified that [REDACTED] and [REDACTED] were the folks on a  
 4 day-to-day basis who were managing parts of the  
 5 organization and that it was -- they were the ones who  
 6 were, for want of a better word, doing a lot of the things  
 7 that people weren't happy with.  
 8 And the characterization that came out of it  
 9 was that Steve -- Mr. Goldschmidt had to know what was  
 10 happening, that they couldn't believe that he would have  
 11 no knowledge of what was happening.  
 12 Q. Concerning what was happening, did anybody  
 13 specifically identify anything that [REDACTED] did  
 14 to them or others?  
 15 A. I can't remember specifics.  
 16 Q. Did anybody mention anything that [REDACTED]  
 17 did to them or others?  
 18 A. I don't remember specifics.  
 19 Q. Were any specifics given?  
 20 A. I can't tell you they weren't --  
 21 Q. You just don't recall what they were?  
 22 A. Yeah, I just don't recall the specifics at this  
 23 point.  
 24 Q. Did anyone tell you they had gone to Steve to  
 25 complain about either [REDACTED] or [REDACTED]?

1 A. Nobody told me that they had.  
 2 Q. Did anyone tell you that they had other  
 3 immediate supervisors besides [REDACTED] or [REDACTED]?  
 4 A. I know -- I can recall that it was my  
 5 understanding that that was the case. I don't -- I don't  
 6 know exactly how I knew that, but I do recall that I knew  
 7 that not every -- I mean, they weren't all direct reports  
 8 of those two people, I do know that I knew that.  
 9 Q. Did they have any complaints about their  
 10 immediate supervisor?  
 11 A. I don't recall that.  
 12 Q. Did any of them tell you that they had gone to  
 13 their immediate supervisor to complain about either [REDACTED]  
 14 or [REDACTED]?  
 15 A. I don't recall people specifically talking about  
 16 having done that. What I do recall is it's -- I believe  
 17 there was some discussion or mention of -- again, the word  
 18 "catch-22" was not used, but that's my characterization of  
 19 what I'm recalling, which is that what -- to the extent  
 20 that people were talking about an atmosphere where they  
 21 felt like it wasn't -- it wasn't okay to raise concerns,  
 22 that you were left in a situation where you didn't know  
 23 what to do in that situation, because if -- if part of the  
 24 problem was it's not okay to identify problems or  
 25 concerns, then if you -- how do you identify a problem or

1 concern, if the very issue of one of the things that's a  
 2 natural problem is that it's not okay to do that.  
 3 Q. Did anyone at that meeting give any example of  
 4 anyone who had raised a concern and were retaliated  
 5 against?  
 6 A. I don't remember.  
 7 Q. How many of the people who you were speaking  
 8 with mentioned, at any time during the meeting, something  
 9 about the vacation blackout policy? How many of the  
 10 people spoke up about that? One or more than one?  
 11 A. More than one.  
 12 Q. Did all of them --  
 13 A. I couldn't say for a fact that all of them did.  
 14 Q. Did most of them comment on that policy?  
 15 A. As we go from -- Yeah -- I couldn't -- I'm not  
 16 sure I could say most of them. It was more than one. I  
 17 couldn't tell you beyond that.  
 18 Q. May have been all of them?  
 19 A. It could have been all of them. There were  
 20 enough people there that -- I mean, there wasn't -- there  
 21 was never a sort of formal process where -- if somebody  
 22 articulated a concern, nobody was saying -- asking each  
 23 individual person there to say, "Yes, I agree." They  
 24 weren't sort of required to all attest to a particular  
 25 issue or something like that.

1 Q. What was the upshot of the meeting? How was it  
 2 concluded? That's two questions. Let me -- How was the  
 3 meeting concluded?  
 4 A. I believe that, if I recall correctly, I think  
 5 the upshot was that the superintendent thanked people for  
 6 coming, acknowledged that it was difficult for -- it was a  
 7 difficult conversation for people to have, and gave some  
 8 assurance that she would follow up on the concerns that  
 9 had been identified.  
 10 Q. Did she encourage any of them to go talk to  
 11 anyone in human resources, including Steve, about this?

REDACTED





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25 Q. When did you learn that Mr. Goldschmidt was

Page 67

1 going to be terminated in reference to the February 9th  
2 date?  
3 A. I don't have an exact recollection of when I was  
4 told. I was told by the superintendent that that was what  
5 she planned to do at some point in advance, but I couldn't  
6 tell you specifically when -- on what date she told me  
7 that.  
8 Q. When she first told you what she planned to do,  
9 what did she tell you?  
10 A. I don't have specific exact recall of what she  
11 told me, but my recollection of what she told me was, as I  
12 indicated earlier, that based upon the work that had been  
13 done and the advice of counsel that she and/or her staff  
14 had received that she had reached the conclusion that it  
15 was appropriate to terminate Mr. Goldschmidt's employment  
16 and that that's what she intended to do.  
17 Q. Did she mention to you at any point that what  
18 she intended to do was to direct Mr. Goldschmidt to fire  
19 [redacted] and [redacted] and  
20 if he didn't, that she would terminate him for  
21 insubordination?  
22 A. She never indicated to me that it was her  
23 intention to direct Mr. Goldschmidt to terminate the  
24 employment of those three people and, if he refused to do  
25 so, to terminate him for insubordination.

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1 Q. Did she ever tell you that it was her intention  
2 to direct him to terminate [redacted] and [redacted]  
3 [redacted] and, if he didn't, he would be terminated for  
4 insubordination?  
5 A. She never told me it was her intention to direct  
6 him to fire those two people and, if he did not do so, to  
7 terminate him for insubordination.  
8 Q. Did she ever run that idea by you, ask you what  
9 you thought of it?  
10 A. She indicated to me at the time that she told me  
11 that she had decided to terminate Mr. Goldschmidt's  
12 employment that she had also determined it was appropriate  
13 to terminate the employment of [redacted] and [redacted]  
14 [redacted].  
15 She indicated to me that one of the things  
16 that had been considered was to direct Mr. Goldschmidt to  
17 terminate the employment of those two employees first but  
18 that it was determined that that was not an appropriate  
19 course of action to take.  
20 Q. And so that was all in one conversation at the  
21 same time that she told you of his termination? Let me  
22 restate that.  
23 A. Yeah, I --  
24 Q. You understand the question.  
25 A. Yeah, I do understand the question, but you

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1 can --  
2 Q. It's hard enough to put the first one to you,  
3 so --  
4 A. Right. Um --  
5 Q. Let me make it easier for you.  
6 A. Yeah.  
7 Q. Is it your belief that you learned of this  
8 option or thought of a different way of going about it at  
9 the same time that you learned of Mr. Goldschmidt's  
10 impending termination and not before?  
11 A. I think the first thing -- the first  
12 conversation was I learned that she had decided that it  
13 was appropriate to terminate the employment of all three  
14 people. I think in a subsequent conversation where I --  
15 where -- At that point, the timing -- in the first  
16 conversation, I don't think it was clear what the timing  
17 of those actions was going to be.  
18 In a subsequent conversation not too long  
19 after the first conversation, it's my recollection that  
20 she'd indicated that she was going to terminate all three  
21 employees and that she had -- there had been some  
22 consideration to the idea of asking or directing  
23 Mr. Goldschmidt to terminate the employment of the other  
24 two employees.  
25 I have -- that's -- to the best of my

1 recollection, that is the two conversations.

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A. I thought that the issue should be decided on the merits, and if -- if in her -- if it was her determination that Mr. Goldschmidt should not be an employee of the District based on what she understood, then that should be the action and we shouldn't buy out the contract. I wasn't willing to spend public dollars on doing that, either, at that particular point.

Q. Did you have any discussions about the meaning of gross neglect of duty?

A. I did not.

Q. Did she tell you that she was terminating Mr. Goldschmidt for gross neglect of duty?

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A. I understood that under the terms of the contract there were only a limited number of grounds for his termination and that that was one of them and -- if not the only one, and that, based on advice of counsel, that's what she was doing.

Q. I'm asking you specifically, though, did she tell you that that was the ground for termination that she was using in this case? Did she communicate to you, "I'm terminating Steve" --

A. Right.

Q. -- "for gross neglect of duty"?

A. I understand the question.

Q. Or words to that effect?

A. I believe that she did.

Q. And when did she do that?

REDACTED  
REDACTED



1 STATE OF OREGON }  
2 County of Washington )  
3  
4 I, Kimberly J. Rise, Certified Shorthand Reporter for  
5 the State of Oregon, hereby certify that said witness  
6 personally appeared before me at the time and place set  
7 forth in the caption hereof; that at said time and place I  
8 reported in Stenotype all testimony adduced and other oral  
9 proceedings had in the foregoing matter; that thereafter  
10 my notes were reduced to typewriting under my direction;  
11 and that the foregoing 77 pages constitute a full, true  
12 and accurate record of all such testimony adduced and oral  
13 proceedings had and of the whole thereof.  
14 IN WITNESS WHEREOF I have hereunto set my hand this  
15 13th day of July, 2005.

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17  
18 /S/KIMBERLY J. RISE  
19 Kimberly J. Rise  
20 Certified Shorthand Reporter  
for the State of Oregon

21 CSR No. 90-0138  
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1 Q. What was the upshot of the meeting? How was it  
 2 concluded? That's two questions. Let me -- How was the  
 3 meeting concluded?  
 4 A. I believe that, if I recall correctly, I think  
 5 the upshot was that the superintendent thanked people for  
 6 coming, acknowledged that it was difficult for -- it was a  
 7 difficult conversation for people to have, and gave some  
 8 assurance that she would follow up on the concerns that  
 9 had been identified.  
 10 Q. Did she encourage any of them to go talk to  
 11 anyone in human resources, including Steve, about this?  
 12 A. I don't recall her doing that. It would -- that  
 13 wouldn't have -- given the conversation that had taken  
 14 place, I -- I can't -- I can't see how that would have  
 15 been viewed by the people in that conversation as a  
 16 constructive suggestion on her part.  
 17 Q. Did she say how she was going to follow up?  
 18 A. She did not.  
 19 Q. Did she follow up, if you know?  
 20 A. I believe that she did.  
 21 Q. What actions do you know that she took to follow  
 22 up on the substance of the information that was given at  
 23 the meeting?  
 24 A. My understanding is that she, at some -- whether  
 25 it was specifically as a result of this meeting or not, I

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1 can't tell you, but the things that I understand that she  
 2 did was that she took advice of counsel on Steve's  
 3 contract and what the -- what the terms of the contract  
 4 were and -- and that she also asked Mike Don to, at --  
 5 with benefit of legal assistance, to review the issues  
 6 that had been raised both in these meetings and any other  
 7 concerns that she had at that point.  
 8 Q. Anything else?  
 9 A. I thought that she may also -- I don't know what  
 10 conversation she was specifically having with Steve  
 11 himself, but I thought -- I thought that she was having  
 12 some conversations directly with him, but I don't know if  
 13 they were specifically about the issues raised in this  
 14 meeting or not or what they were about -- or what  
 15 specifically they were about.  
 16 Q. What led you to believe that she was having  
 17 conversations with him about that? Did she tell you she  
 18 was?  
 19 A. As I -- what I meant to say just now -- I'm not  
 20 sure exactly what I said, but I think what I said was I  
 21 don't know that she was having conversations specifically  
 22 about the issues that were raised in that meeting. I have  
 23 no knowledge of her having specific conversations about  
 24 that, but I have a recollection of her saying that she was  
 25 talking to Steve about some aspects of, you know, human

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1 resources and the way that it was operating.  
 2 Q. To what purpose?  
 3 A. To elicit changes and improvements in the way  
 4 that it was operating.  
 5 Q. So she was leading you to believe that she was  
 6 meeting with Steve to improve human resources?  
 7 A. It was my understanding that she was having some  
 8 conversations with him about that.  
 9 One of the other things that had happened --  
 10 and I don't recall the exact timing of this -- was that  
 11 the District had engaged the Annenberg Institute to review  
 12 the operations of central office in general. And to the  
 13 extent to which the office was acting in support of the  
 14 educational mission of the District, that replayed --  
 15 there was a report that came out of that work that  
 16 identified issues and concerns about aspects of the  
 17 central office, and it was my understanding that the  
 18 superintendent was talking with a number of her staff  
 19 about some of the implications of that, and this would  
 20 fall -- that whole issue would have a -- would be part of  
 21 conversations that she might be having with Steve, amongst  
 22 others, about the way things worked.  
 23 Q. When you said that she was taking advice of  
 24 counsel on Steve's contract and what the terms of the  
 25 contract were as follow-up, what did you mean by "what the

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1 terms the contract were"?  
 2 A. It was my understanding that she wanted to make  
 3 sure she understood, given that some of the allegations  
 4 that came out of these meetings, if -- if all of them  
 5 proved to be substantiated, I think she felt that those  
 6 could be deemed to be serious enough to consider whether  
 7 or not it was appropriate for Steve to continue in the  
 8 employment of the District, but that, in some part, would  
 9 depend on the nature of the contract between the District  
 10 and Mr. Goldschmidt and, therefore, it made sense, I  
 11 believe, to her to understand what the nature of the  
 12 contract was.  
 13 Q. Did she say what she was going to do to attempt  
 14 to substantiate them or not?  
 15 A. It was my understanding, as I recall, that she  
 16 was going to -- that there was going to be some form of,  
 17 you know, follow-up and further -- further conversations  
 18 with people. I wasn't privy to exactly what the form of  
 19 those would take or exactly who would be doing that, but I  
 20 believe -- I have come to understand, and I can't remember  
 21 at what point I understood it, that that was one of the  
 22 things that Mike Don had some responsibility for.  
 23 Q. Is it the policy of the Portland Public School  
 24 District to be fair to its employees?  
 25 MS. O'CONNOR: Object to the form.

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1 You can go ahead and answer.  
 2 THE WITNESS: I would expect that it is.  
 3 Q. (By Mr. Busse) And that, as part of that policy  
 4 of fairness, in the event of charges of misconduct, to  
 5 conduct a full and fair investigation concerning those  
 6 charges?  
 7 MS. O'CONNOR: Same objection.  
 8 Go ahead.  
 9 THE WITNESS: I don't know that it's the  
 10 policy of the District to do that. I don't know that --  
 11 what the policy of the District speaks to in regard to  
 12 investigating complaints against -- I'm not familiar with  
 13 the District's policy. I couldn't cite it to you at this  
 14 point.  
 15 Q. (By Mr. Busse) As chair of the Board, did you  
 16 expect that, in going about attempting to substantiate the  
 17 charges, Dr. Phillips act fairly towards Mr. Goldschmidt?  
 18 A. Yes.  
 19 Q. And to conduct an investigation concerning those  
 20 charges so that a complete investigation was performed?  
 21 MS. O'CONNOR: I'm going to object to the  
 22 form.  
 23 Go ahead.  
 24 THE WITNESS: Can you repeat the question  
 25 for me, please?

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1 MR. BUSSE: Could you read it back, please.  
 2 (The question was read by the reporter.)  
 3 THE WITNESS: Yes.  
 4 Q. (By Mr. Busse) Did she tell you that she had  
 5 conducted a full and complete investigation that  
 6 substantiated the truth of those charges --  
 7 MS. O'CONNOR: Object to the form.  
 8 Q. (By Mr. Busse) -- before his termination?  
 9 MS. O'CONNOR: You can go ahead and answer.  
 10 THE WITNESS: I wouldn't characterize what  
 11 she said to me in the way that you just did.  
 12 Q. (By Mr. Busse) Did she provide you with any  
 13 feedback concerning the results of any work that she or  
 14 Mr. Don did to follow up on these concerns?  
 15 A. She indicated to me that, in her judgment, the  
 16 appropriate course of action to take was the one that she  
 17 took and that she had the benefit of the advice of counsel  
 18 in reaching that determination and that she had -- based  
 19 on the work that had been done for her, that she felt like  
 20 that was the most appropriate course of action.  
 21 Q. But in terms of the work that was performed  
 22 before seeking that advice, so that whatever advice was  
 23 given was given with complete information, did she tell  
 24 you who she spoke with or who she interviewed or what  
 25 documents she reviewed after this meeting with the HR

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1 staff?  
 2 A. No, she did not.  
 3 Q. Did she tell you that she got confirming  
 4 information from any other person outside that room?  
 5 A. She was not that explicit about the nature of  
 6 what she had done.  
 7 Q. Now, you mentioned that Mr. Don was tasked to do  
 8 certain things --  
 9 A. Uh-huh.  
 10 Q. -- after that meeting with the HR staff. What  
 11 is your understanding as to what he was tasked to do?  
 12 A. I don't have specific knowledge of exactly what  
 13 he was asked to do.  
 14 Q. What do you recall being told about what he  
 15 actually did?  
 16 A. My understanding -- my recollection of what I  
 17 understood him to be doing was that he was involved in  
 18 conversations with counsel and that he was also involved  
 19 in some conversations with employees. I did not get -- I  
 20 did not seek nor was I given a comprehensive outline of  
 21 his activities in this regard.  
 22 Q. Nor were you told of any work-product results  
 23 that he had come up with?  
 24 A. That's correct.  
 25 Q. When did you learn that Mr. Goldschmidt was

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1 going to be terminated in reference to the February 9th  
 2 date?  
 3 A. I don't have an exact recollection of when I was  
 4 told. I was told by the superintendent that that was what  
 5 she planned to do at some point in advance, but I couldn't  
 6 tell you specifically when -- on what date she told me  
 7 that.  
 8 Q. When she first told you what she planned to do,  
 9 what did she tell you?  
 10 A. I don't have specific exact recall of what she  
 11 told me, but my recollection of what she told me was, as I  
 12 indicated earlier, that based upon the work that had been  
 13 done and the advice of counsel that she and/or her staff  
 14 had received that she had reached the conclusion that it  
 15 was appropriate to terminate Mr. Goldschmidt's employment  
 16 and that that's what she intended to do.  
 17 Q. Did she mention to you at any point that what  
 18 she intended to do was to direct Mr. Goldschmidt to fire  
 19 ~~Mr. Goldschmidt~~ and ~~Mr. Goldschmidt~~ and,  
 20 if he didn't, that she would terminate him for  
 21 insubordination?  
 22 A. She never indicated to me that it was her  
 23 intention to direct Mr. Goldschmidt to terminate the  
 24 employment of those three people and, if he refused to do  
 25 so, to terminate him for insubordination.

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1 Q. Did she ever tell you that it was her intention  
 2 to direct him to terminate ~~Mr. Goldschmidt~~ and ~~Mr. Goldschmidt~~  
 3 ~~Mr. Goldschmidt~~ and, if he didn't, he would be terminated for  
 4 insubordination?  
 5 A. She never told me it was her intention to direct  
 6 him to fire those two people and, if he did not do so, to  
 7 terminate him for insubordination.  
 8 Q. Did she ever run that idea by you, ask you what  
 9 you thought of it?  
 10 A. She indicated to me at the time that she told me  
 11 that she had decided to terminate Mr. Goldschmidt's  
 12 employment that she had also determined it was appropriate  
 13 to terminate the employment of ~~Mr. Goldschmidt~~ and ~~Mr. Goldschmidt~~  
 14 ~~Mr. Goldschmidt~~.  
 15 She indicated to me that one of the things  
 16 that had been considered was to direct Mr. Goldschmidt to  
 17 terminate the employment of those two employees first but  
 18 that it was determined that that was not an appropriate  
 19 course of action to take.  
 20 Q. And so that was all in one conversation at the  
 21 same time that she told you of his termination? Let me  
 22 restate that.  
 23 A. Yeah, I --  
 24 Q. You understand the question.  
 25 A. Yeah, I do understand the question, but you

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1 can --  
 2 Q. It's hard enough to put the first one to you,  
 3 so --  
 4 A. Right. Um --  
 5 Q. Let me make it easier for you.  
 6 A. Yeah.  
 7 Q. Is it your belief that you learned of this  
 8 option or thought of a different way of going about it at  
 9 the same time that you learned of Mr. Goldschmidt's  
 10 impending termination and not before?  
 11 A. I think the first thing -- the first  
 12 conversation was I learned that she had decided that it  
 13 was appropriate to terminate the employment of all three  
 14 people. I think in a subsequent conversation where I --  
 15 where -- At that point, the timing -- in the first  
 16 conversation, I don't think it was clear what the timing  
 17 of those actions was going to be.  
 18 In a subsequent conversation not too long  
 19 after the first conversation, it's my recollection that  
 20 she'd indicated that she was going to terminate all three  
 21 employees and that she had -- there had been some  
 22 consideration to the idea of asking or directing  
 23 Mr. Goldschmidt to terminate the employment of the other  
 24 two employees.  
 25 I have -- that's -- to the best of my



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1 recollection, that is the two conversations.  
 2 Q. Prior to that conversation, did she talk with  
 3 you about the option of buying out Mr. Goldschmidt's  
 4 contract?  
 5 A. I believe she did.  
 6 Q. And in relationship to that termination  
 7 conversation, how many days or weeks was it prior to that  
 8 that you had that conversation with her?  
 9 A. I'm not sure. My recollection of the  
 10 conversation was that at that point it was a hypothetical  
 11 conversation; it was, if we get to the point where she was  
 12 to determine that it was appropriate for Mr. Goldschmidt  
 13 to not continue in employment and what was -- what was --  
 14 what did I think was likely to be the Board's response to  
 15 the idea of buying out his contract.  
 16 Q. And what did you say?  
 17 A. I said that I would personally not vote for that  
 18 and that it was my best judgment that there was very low  
 19 likelihood of finding a majority of the Board to vote for  
 20 a buyout.  
 21 Q. Why did you take that position?  
 22 A. Because we had had conversations about buyouts  
 23 before. We had, in considering -- in discussions that had  
 24 taken place on the principle of, you know, contracts --  
 25 the contracts policy that we talked about earlier, it was

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1 my sense that there was a strong opposition on the part of  
 2 a number of the members of the Board to any additional  
 3 buyouts. I mean, some people had been about as clear as  
 4 you can be that that was not going to happen again.  
 5 Q. Was Julia Brim-Edwards amongst them?  
 6 A. I think -- I think Julia's position on it was  
 7 the quintessence of unequivocal, yes. I don't think  
 8 anyone could ever be much clearer on the subject than she  
 9 was on that one.  
 10 Q. Do you remember anything she said that  
 11 demonstrated that quintessence?  
 12 A. She was pretty explicit about her unwillingness  
 13 to vote for the use of public dollars to buy out anyone's  
 14 contract.  
 15 Q. Do you recall anything that she said, though,  
 16 any words that she used? "Hell no", or anything like  
 17 that?  
 18 (There was an interruption.)  
 19 THE WITNESS: I recall her saying that  
 20 she -- I remember her being very clear about, "I will not  
 21 vote for anything like that." It wasn't -- I don't think  
 22 it was specifically -- she was very clear, "I will not  
 23 vote for a buyout."  
 24 Q. (By Mr. Busse) How long had it been since you  
 25 had made your position known about that? When was the

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1 first time you took that position?  
 2 A. I don't think that I have -- my position, I  
 3 think, is less categorical than that. I don't think --  
 4 it's not my position that I would never vote for that. I  
 5 think it depends on the situation.  
 6 In this particular instance, the  
 7 superintendent -- when the superintendent asked me what I  
 8 thought in this particular case, then that was the point  
 9 at which I identified for her that I would not support  
 10 that.  
 11 Q. And why not?  
 12 A. I didn't believe it was appropriate.  
 13 Q. Why not?  
 14 A. I thought that the issue should be decided on  
 15 the merits, and if -- if in her -- if it was her  
 16 determination that Mr. Goldschmidt should not be an  
 17 employee of the District based on what she understood,  
 18 then that should be the action and we shouldn't buy out  
 19 the contract. I wasn't willing to spend public dollars on  
 20 doing that, either, at that particular point.  
 21 Q. Did you have any discussions about the meaning  
 22 of gross neglect of duty?  
 23 A. I did not.  
 24 Q. Did she tell you that she was terminating  
 25 Mr. Goldschmidt for gross neglect of duty?

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1 A. I understood that under the terms of the  
 2 contract there were only a limited number of grounds for  
 3 his termination and that that was one of them and -- if  
 4 not the only one, and that, based on advice of counsel,  
 5 that's what she was doing.  
 6 Q. I'm asking you specifically, though, did she  
 7 tell you that that was the ground for termination that she  
 8 was using in this case? Did she communicate to you, "I'm  
 9 terminating Steve" --  
 10 A. Right.  
 11 Q. -- "for gross neglect of duty"?  
 12 A. I understand the question.  
 13 Q. Or words to that effect?  
 14 A. I believe that she did.  
 15 Q. And when did she do that?  
 16 A. If what I believe you've already told me was  
 17 that February 9th was the date on which she terminated  
 18 Mr. Goldschmidt, then it would have been some point  
 19 within -- I don't remember exactly when it was in relation  
 20 to that date, but it was relatively close to that date,  
 21 within 48 or 72 hours of that date, I don't remember  
 22 exactly what.  
 23 Q. What other Board members had evidenced their  
 24 position that they would not be in favor of any more  
 25 buyouts, besides Ms. Brim-Edwards, to your recollection?

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1 A. I don't think anyone else had been as  
 2 categorical about it. My sense is that, for Julia, it was  
 3 a blanket unwillingness. I don't recall specific  
 4 conversations with other Board members.  
 5 Q. Before your election, did you receive the  
 6 endorsement of the PAT?  
 7 A. Yes, I was endorsed by the PAT when I ran for  
 8 the Board.  
 9 Q. And after you came onto the Board in July of  
 10 2003, about how frequently is it that you have contact  
 11 with one or another of the officials of the PAT,  
 12 Ms. Arlington, Ms. Nice, or anyone else?  
 13 A. Can you tell me what you mean by "contact"?  
 14 Q. Certainly not physical contact. Personal  
 15 meetings, voice mail, e-mail, telephone calls.  
 16 A. I just want to be clear. I mean, if you have a  
 17 Board meeting, Ann's in the audience, I will say "hello"  
 18 to her as I'm going into the room. I just want to be  
 19 clear whether or not you regard that as contact.  
 20 Q. Well, excluding --  
 21 A. -- sort of incidental --  
 22 Q. Yeah.  
 23 A. -- semisocial contact?  
 24 Q. Yeah.  
 25 A. Conversations of any substance, I would say no

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1 more than once a month and maybe not even that frequently.  
 2 Q. Was Mr. Goldschmidt instrumental in securing the  
 3 employment of Mr. Dean, the auditor, if you can recall?  
 4 A. I'm not sure what you mean by "instrumental".  
 5 Q. Did he help?  
 6 A. I believe he did have a conversation with  
 7 Mr. Dean as part of the recruitment of Mr. Dean to the  
 8 District, yes.  
 9 Q. Did he have a conversation with Mr. Dean and  
 10 identify his concerns concerning his relationship with the  
 11 Board and facilitate a meeting and get Mr. Dean and  
 12 yourself and someone else together so that you could close  
 13 the deal?  
 14 A. I believe it was something like that, although  
 15 not necessarily exactly in the way you just characterized.  
 16 I don't --  
 17 Q. How many contracts are currently in  
 18 negotiations?  
 19 A. In terms of open negotiations, the District is  
 20 in negotiation with the DC -- the District council of  
 21 unions? Is that what DC stands for?  
 22 Q. Yes.  
 23 A. I believe that is the only set of negotiations  
 24 that have been opened; although, negotiations we have  
 25 had -- we are about to negotiate with SEIU and we are

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1 also -- the contract for the substitute teachers is --  
 2 needs to be negotiated, as well, but those negotiations --  
 3 I don't believe that either SEIU or the substitute  
 4 teachers have formally opened negotiations at this  
 5 point.  
 6 Q. Did those contracts not expire on June 30th?  
 7 A. Those contracts did expire on June 30th.  
 8 Q. With respect to the PFTCE negotiations, did  
 9 Mr. Goldschmidt keep the Board updated on the status of  
 10 negotiations?  
 11 A. The -- which negotiations again? Sorry.  
 12 Q. PFTCE.  
 13 A. The negotiations which settled -- ones which  
 14 closed when?  
 15 Q. Classified employees.  
 16 A. Yes, I know who they are. Which one? The one  
 17 that closed --  
 18 Q. After you came on board.  
 19 A. Yes.  
 20 Q. And were the conditions of the agreement such  
 21 that the Board's goals were achieved?  
 22 A. I believe so.  
 23 MR. BUSSE: We're stepping out.  
 24 (There was a pause in the proceedings.)  
 25 MR. BUSSE: That's it.

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1 (The deposition concluded at 12:59 p.m.)  
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