



Stingray
INVESTIGATIONS & CONSULTING

CONFIDENTIAL INVESTIGATIVE REPORT

Three Rivers School District Board Member Conduct Investigation

Subject: Board Member Rick Nelson
Related Governance Concern: Board Chair Pat Kelly

Prepared by: Stingray Investigations & Consulting, LLC
Date: July 6, 2026

**Privileged / Attorney-Client Work Product Requested
For District Legal Counsel Review**

Note: This report is written from the investigator perspective based on the materials, interviews, exhibits, training documents, public district information, and official legal-reference sources available to investigators at the time of drafting. It avoids final legal conclusions where counsel review is required, particularly regarding constitutional speech, public meeting law, elected-official remedies, insurance coverage, and discrimination/retaliation liability.

Confidential investigative report prepared District/Board of Directors/Legal Counsel review

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1. About the District

Three Rivers School District is located in Josephine County, Oregon. The District website describes the District as serving students and families among the three main rivers of Josephine County, throughout rural mountain and valley communities, and states that it serves over 4,000 students. The public website also describes the District mission as “Ensuring high levels of learning for all students” and states that the District goal is life-ready students who have the skills to be successful after high school. The District website lists elementary, middle, high school, alternative, virtual, and charter school options, including but not limited to Hidden Valley High School, Illinois Valley High School, North Valley High School, Southern Oregon Success Academy, Applegate School, and multiple elementary and middle schools.

The District website includes a Notice of Non-Discrimination stating that no person shall be discriminated against or harassed in any educational program, activity, or employment on the basis of age, disability, race, color, national origin, marital status, religion, sex, sexual orientation, gender identity, or other categories protected by law. The notice identifies District Title IX and civil rights contacts. The District also provides bias incident reporting resources through its website.

2. Scope of Investigation

Stingray Investigations & Consulting was retained to investigate concerns raised by staff regarding the conduct of Board Member Rick Nelson. The concerns included allegations of bias, discrimination, harassment, inappropriate comments regarding protected classes, comments regarding female staff, professional-boundary concerns, board-process concerns, and public-meeting/governance concerns.

During the investigation, an additional concern arose involving Board Chair Pat Kelly. Specifically, a complainant reported that Board Chair Kelly approached the complainant privately to discuss the pending complaint/investigation and potential resolution. Investigators also contacted Board Chair Kelly by email and telephone regarding timeline/process concerns and received no response. These issues are addressed in the findings and limitations sections because they are relevant to board governance, responsiveness, and potential risk management.

Mr. Nelson was represented by legal counsel from the Pacific Justice Institute for his interview. Investigators considered Mr. Nelson's responses and exhibits, including materials he provided regarding youth mental health, social media, cell phone policy, girls' sports, student opt-out notices, Supreme Court materials, a proposed resolution, and related documents.

The investigation was not designed to decide whether Mr. Nelson may hold personal, political, or religious beliefs. He may. The operative questions are whether, while acting as a school board member, his conduct complied with board role boundaries, collective governance expectations, public meeting requirements, District policy, nondiscrimination obligations, and professional-boundary standards.

3. Legal and Policy Framework Considered

This section provides the framework used by investigators. It is not legal advice and should be reviewed by District legal counsel before the report is finalized.

- Oregon civil rights framework. Oregon Department of Education public guidance identifies protected classes in Oregon education as age, color, disability, gender identity, marital status, national origin, race, religion, sex, and sexual orientation.
- ORS 659.850. Oregon law prohibits discrimination in public elementary and secondary education programs, services, schools, and interschool activities financed in whole or in part with public funds.
- OAR 581-022-2312 / Every Student Belongs. Oregon's rule states that students, employees, and visitors in public schools are entitled to learn, work, and participate in an environment that is safe and free from discrimination, harassment, and intimidation. The rule also requires education providers to adopt policies addressing bias incidents and displays of symbols of hate.
- Federal civil rights framework. Potentially relevant federal frameworks include Title IX for sex-based discrimination and sexual harassment, Title VI for race/color/national origin, Section 504 and the ADA for disability, and retaliation/whistleblower protections depending on the protected activity and future board action. Because federal Title IX interpretation has been subject to regulatory and litigation changes, counsel should determine the currently applicable federal standard at the time of final issuance.
- District policies. Policies referenced in the complaint packet and witness interviews included Policy AC/Nondiscrimination; Policy ACB/ACBA/Every Student Belongs or All Students Belong; Policy BBF/Board Member Standards of Conduct; Policy BBBB/Oath of Office; Policy AD/Educational Philosophy; Policy AE/District Goals; and complaint/retaliation procedures. Investigators also reviewed the District's public OSBA policy portal as available.
- Governance and liability training. The Board received OSBA governance training and Brown & Brown/PACE liability training. The training was relevant to board role clarity, collective board action, public meeting requirements, appropriate board/superintendent roles, and the potential distinction between political activity and legal liability risk.
- Scope-of-role risk. Based on the PACE training and general governance principles, board members who act outside the scope of their official role may potentially increase liability risk for the District and may also create individual coverage/defense issues. Final insurance-coverage determinations are outside the scope of this report.

4. Materials Considered

Investigators considered the following categories of materials. This list should be reconciled against the final exhibit binder before report issuance:

- Board Complaint Packet, including staff complaint materials and policy references.
- Interview transcript: Board Member Rick Nelson.
- Interview transcripts: District staff witnesses and administrators.
- Follow-up transcript regarding Board Chair Kelly's private approach to a complainant.
- Staff timeline of concerns regarding Mr. Nelson's conduct.
- Email regarding room availability and related staff comments.
- Timeline concerns correspondence from investigators to District/Board leadership regarding complaint-processing timeline issues.
- Board Governance Essentials training materials.
- PACE/Brown & Brown training materials regarding political/legal reality, Oregon tort claims, and participant/coverage concepts.
- Mr. Nelson's exhibits: email to board secretary regarding investigation, response materials, school board sign-in sheets, Charlie Kirk article, mental health well-being material, Surgeon General advisory on social media/youth mental health, proposed cell phone policy, October 6 work-session agenda, TRSD Resolution 1-25, Supreme Court ruling material, proposed girls' sports materials, Oregon Student Opt-Out Notice, and related notes.
- Complainant exhibits: photos, flag rally photo and flyer, student council/student panel minutes, agenda materials, resolution/opt-out materials, and staff notes.
- District public website, including District description, school listings, nondiscrimination notice, complaint process information, and bias incident report resources.
- Official Oregon and federal legal-reference sources listed in the source log.

5. Executive Summary

The investigation found that the record supports a pattern of governance concerns involving Mr. Nelson. The concerns are not limited to disagreement with his personal, political, or religious beliefs. The substantiated and partially substantiated evidence shows repeated protected-class-related comments, difficulty with board-role boundaries, professional-boundary concerns, and recurring staff concern that Mr. Nelson's public comments and conduct undermined the District's obligation to maintain an educational and work environment free from discrimination, harassment, bias, and intimidation.

The record supports that the Board received governance and liability training. Staff and administrative witnesses consistently described OSBA training and PACE/Brown & Brown liability training provided to the Board. Mr. Nelson acknowledged receiving training after his election and also acknowledged frustration with board process and Oregon public meeting law constraints. His interview statements reflected a belief that he was elected to represent Christian values, that his First Amendment rights remained intact as a board member, and that he should be able to speak from those values. At the same time, he stated that he should not force religion as policy or onto staff or students.

The evidence supports a finding that Mr. Nelson made or acknowledged comments regarding LGBTQ+ "lifestyle," curriculum, books, girls' sports, gender identity, and protected-class policy language. Mr. Nelson's interview confirmed that he does not respect what he calls the LGBTQ+ "lifestyle," that he views such instruction as propaganda or agenda, and that he carries a binder with a rainbow/pride symbol crossed out to reflect his opposition to that "lifestyle" or related instruction. Staff witnesses reported that these comments and symbols were perceived as hostile, exclusionary, or inconsistent with Every Student Belongs/Nondiscrimination obligation.

The evidence also supports concern regarding comments about women/female staff. Mr. Nelson acknowledged making a comment to a staff member along the lines of "but you're a woman" after she referenced her math degree, and he acknowledged apologizing. A separate staff member reported that he stated certain jobs are done better by men. Mr. Nelson did not recall that second statement. Investigators therefore find the first gender-related comment substantiated and the second not independently corroborated but relevant to the overall sex/gender concern.

The lanyard/name-tag incident is substantiated as to core conduct. A staff member reported that Mr. Nelson reached toward and lifted or grabbed her lanyard/name tag while it hung in the chest/breast area, causing discomfort. Mr. Nelson admitted that he lifted or looked at a staff name tag/lanyard to see what it said and explained that he wanted a board name tag. He denied inappropriate intent. The evidence supports a professional-boundary concern and a potential sexual harassment/sex-based hostile environment issue for counsel review, even without proof of sexual intent.

The evidence regarding the flag rally supports a governance concern, but not a final legal conclusion. The record includes a flyer, photos, sign-in/attendance materials, and a staff timeline alleging that multiple board members assembled offsite and discussed schools/board roles. Determining whether a public meeting law violation occurred would require additional quorum, communication, content, and context analysis by counsel.

The record also supports concern regarding Board Chair Kelly. A complainant reported that Board Chair Kelly asked to speak privately shortly after a board retreat, discussed conflict and possible resolution, referenced Mr. Nelson positively, and used a slur while recounting a childhood game. The complainant stated she was uncomfortable and repeatedly directed him back to the written complaint. Investigators contacted Board Chair Kelly by email and telephone regarding timeline/process issues and did not receive a response. Because Mr. Kelly was board chair and involved in determining how the complaint process would proceed, his conduct and lack of responsiveness should be considered by counsel and the Board in determining process integrity and risk management.

Investigators do not make a final legal conclusion that Mr. Nelson violated ORS 659.850, Title IX, public meeting law, or any particular District policy. However, the evidence supports several findings that his conduct was inconsistent with core board governance expectations, raised nondiscrimination and harassment concerns, created potential risk for students and staff, and may have increased liability risk for the District if not addressed. If future performance or employment concerns develop involving any complainant, the Board should proceed with heightened caution. Because complainants engaged in protected complaint activity, future adverse action involving complainants may create retaliation or whistleblower allegations if not handled with clear documentation, legitimate non-retaliatory rationale, and counsel-guided conflict/recusal analysis.

6. Findings Matrix

Theme / Concern	Evidence Issue	Finding	Analysis
1. Individual board-member role and process	Mr. Nelson repeatedly used his board role to raise or circulate topics tied to curriculum, cell phones, girls' sports, Title IX, opt-out rights, health curriculum, protected-class policy language, and school-based programs.	Substantiated as governance concern.	Staff testimony, Mr. Nelson's exhibits, and Mr. Nelson's interview show repeated individual advocacy. The concern is not viewpoint itself; it is whether the advocacy was conducted through proper board process and role boundaries.
2. Protected-class-related comments	The record contains repeated comments or concerns involving LGBTQ+ students/families/staff, gender identity, sexual orientation, protected-class language, inclusive books/curriculum, girls' sports, and immigration-related student information.	Substantiated as recurring pattern; legal conclusion reserved.	Multiple staff witnesses described the comments. Mr. Nelson confirmed his objection to LGBTQ+ "lifestyle" and related instruction while denying intent to disrespect individual children or staff. Counsel should assess legal effect.
3. Staff/student impact	Staff reported that comments and symbols caused concern regarding belonging, safety, and whether LGBTQ+ students, families, staff, and immigrant/multilingual families were welcome and protected.	Substantiated as staff-reported impact; direct student harm not fully established.	Staff interviews consistently described concern and agenda/process adjustments to protect students/families from hurtful comments. Direct student interviews were not part of the current record.
4A. Student panels and school events	Staff reported needing to monitor Mr. Nelson at events/panels and expressed concern regarding a binder/symbol and discouraging comments to students.	Partially substantiated; further corroboration recommended.	Staff witnesses described concern; student council minutes/photos were considered.
4B. Alleged inappropriate student-directed comment during school visit	Complaint packet and staff timeline identify allegation that Mr. Nelson told a student during a dodgeball activity "He always aimed for the fat ones."	Student directed comment substantiated.	Evidence supports inclusion as a governance/professional-conduct concern. Not enough evidence, standing alone, to determine protected-class discrimination without additional facts connecting the comment to disability, sex, perceived disability, harassment, or another protected category.
5. Public meeting law / agenda process	Concerns included circulation of materials to board members, agenda-related conduct, and potential offsite board-member discussions.	Governance concern substantiated; legal violation not determined.	Evidence shows training and alleged correction on public meeting concerns. Counsel should determine whether quorum/serial communication/public business elements are met.
6. Professional boundaries / lanyard	A staff member reported that Mr. Nelson lifted/grabbed her lanyard/name tag near the breast/chest area without permission. Mr. Nelson admitted looking at/lifting a	Substantiated as to contact/lanyard conduct; harassment	The core physical conduct was admitted. Conduct raises professional-boundary and sex-based/harassment risk concerns.

Theme / Concern	Evidence Issue	Finding	Analysis
	staff name tag/lanyard but denied improper intent.	analysis reserved.	
7. Comments regarding women/female staff	Mr. Nelson acknowledged saying “but you’re a woman” to a staff member after she referenced a math degree and apologized. A second staff member alleged he said certain jobs are done better by men; Mr. Nelson did not recall that statement.	Substantiated in part.	The acknowledged gender comment is substantiated. The “certain jobs” statement is not independently corroborated in the current record but remains relevant context.
8. Board Chair Kelly conduct/responsiveness	A complainant reported Board Chair Kelly privately approached her about the complaint/investigation and possible resolution. Investigators contacted Kelly by email and telephone regarding timeline/process concerns and received no response.	Substantiated as reported by complainant and investigator record; Kelly response unavailable.	Follow-up transcript and investigator correspondence support concern. Kelly’s lack of response is a limitation and process concern.
9. Flag rally	Staff timeline alleged that several board members assembled offsite at a flag rally and discussed schools/board roles. Photos/flyer/sign-in materials were provided.	Inconclusive as legal issue; governance concern noted.	Evidence supports that related materials exist in the record. Determination requires authentication, attendance confirmation, topic confirmation, and quorum/public-business analysis.
10. Scope-of-role/liability risk	Board members acting outside role, process, or authority may increase District liability risk and may complicate PACE/defense coverage or future employment/retaliation issues.	Risk concern substantiated; final legal/coverage opinion reserved.	PACE training and witness testimony establish notice of political/legal distinction. Future adverse action toward complainants could create retaliation or whistleblower allegations if not counsel-managed.

7. Narrative Findings

7.1 Training, Notice, and Board Governance Expectations

The evidence supports that board members received training on board governance and liability. Staff witnesses reported that OSBA training was provided by Kristen Myles at a board retreat and that PACE/Brown & Brown provided liability-related training. An administrator stated that the Board had received OSBA governance training and Brown & Brown/PACE training regarding when board members are covered and when they may not be covered, and that every current board member had received the training. Mr. Nelson acknowledged that OSBA came after his election and provided a seminar/training.

The training matters because it placed board members on notice that they serve within a defined governance structure. Oregon school board governance generally requires collective board action, compliance with public meeting requirements, policy-based governance, appropriate use of the superintendent/board chair process, and respectful conduct toward students, staff, and the community. The PACE/Brown & Brown materials further support that board members should understand the distinction between political reality and legal reality and that conduct outside authorized role boundaries may create liability or coverage concerns.

Mr. Nelson repeatedly expressed frustration with the slowness and constraints of board process and public meeting requirements. Investigators find that this frustration is credible and consistent with his interview. However, frustration with process does not excuse conduct outside board role boundaries. A board member's legal authority exists primarily when acting through the Board as a public body, not through individual direction, informal consensus-building, staff pressure, or out-of-process communications.

7.2 Theme 1 - Individual Advocacy Moving Into Board Role

The record supports that Mr. Nelson repeatedly raised personal/political priority issues in the board setting, including cell phone policy, Title IX/girls' sports, inclusive curriculum, health curriculum, protected-class policy language, opt-out notices, youth mental health, social media, and school-based health-related concerns. Mr. Nelson's exhibits include materials on several of these topics, including cell phone restrictions, the Surgeon General's social media/youth mental health advisory, student opt-out notices, a proposed girls' sports document, and a proposed resolution.

Those materials are not, standing alone, evidence of misconduct. Board members may research policy issues. The governance concern is whether the board member advanced those issues through proper board process or moved beyond the role of an individual board member. Staff reported increased out-of-session requests, requests for curriculum/books, and concern that staff were being used as a source of information or asked questions beyond appropriate staff role boundaries. Staff also alleged that Mr. Nelson sent multiple handouts/discussion items to other board members regarding a cell phone policy and an executive order and was told during training that this implicated public meeting law concerns.

Investigators find that the evidence substantiates a governance concern regarding individual board-member role boundaries. Whether any specific conduct violated public meeting law is reserved for counsel.

7.3 Theme 2 - Repeated Focus on Protected Classes and Inclusive Curriculum

The record shows repeated discussion of protected-class-related subjects by Mr. Nelson. Staff complaints and interview testimony identified repeated comments involving LGBTQ+ students and families, gender identity, sexual orientation, girls' sports, protected-class policy language, pronouns, health curriculum, inclusive books, and immigration-related student information.

During his interview, Mr. Nelson distinguished between people and what he described as the LGBTQ+ "lifestyle." He stated that he does not have to respect that lifestyle and cannot promote it as a Catholic Christian. He described related instruction as agenda/propaganda and defended a binder sticker depicting a rainbow/pride symbol with a prohibition mark as opposition to teaching that "lifestyle." These statements are relevant because they confirm that staff concerns were not fabricated and that Mr. Nelson's public positions were connected to protected-class identity areas, even if Mr. Nelson framed them as opposition to curriculum or ideology rather than opposition to people.

Investigators find that repeated protected-class-related comments are substantiated as a pattern. The legal significance of that pattern - including whether it constitutes discrimination, harassment, bias incident, hostile environment, or protected political/religious speech - should be determined by counsel based on District policy, state law, federal law, context, severity, pervasiveness, and actual impact.

7.4 Theme 3 - Staff-Reported Impact on Students, Families, and Staff

Staff consistently reported that Mr. Nelson's comments and symbols affected their perception of whether the District was safe and welcoming for all students, families, and staff. Staff described concern for LGBTQ+ students, students with LGBTQ+ family members, staff who identify as LGBTQ+, and families affected by immigration-related fear. Staff also reported that meeting agendas were adjusted so student recognitions and student/community positive content occurred before public comment or contentious board discussions.

The evidence also included an allegation that, during a January 29, 2026 school visit at North Valley High School, Mr. Nelson made a comment to a student during a dodgeball activity telling the student to "aim for the fat ones." He said, "I used to always aim for the fat ones first." The investigation did not identify sufficient evidence to conclude that the comment, standing alone, was based on a legally protected class. However, the alleged comment is relevant to the broader governance and professional-conduct analysis because it was allegedly made by a board member to a student, about another student, in a school setting. Even if intended as humor, the comment was inconsistent with the student-centered conduct expected of school board members and raised legitimate concerns regarding judgment, student dignity, and the boundaries of board member interaction with students during school visits.

Investigators find that staff-reported impact is substantiated. The record supports that staff were concerned enough to alter or support altered meeting practices to reduce student/family exposure to potentially hurtful comments. However, the current record does not include direct student interviews substantiating individualized student harm. The report therefore does not find direct student harm as a fact; it finds staff concern and operational impact.

7.5 Theme 4 - Student Panels and School Events

Staff described concern about Mr. Nelson's conduct or presence at student panels and student events. Staff reported that when Mr. Nelson attended events, staff felt a need to remain nearby to prevent harm or discomfort to students or staff. The record also includes concern regarding Mr. Nelson's binder sticker and its visibility during student-related settings. Mr. Nelson defended the sticker as a statement against agenda/propaganda, not against children or individuals.

The investigation also identified a concern regarding viewpoint symbols in board and student-facing settings. Witnesses reported that Mr. Nelson brought a binder displaying a Pride flag with a slash or prohibition mark to a student panel. The concern raised by staff was not merely that the symbol reflected a personal belief, but that it was visible in a student-facing setting and could reasonably be perceived by LGBTQ+ students or staff as a message that they were unwelcome or disapproved of by District leadership.

The investigators are also aware of an allegation that a staff member regularly brings a water cup displaying a Pride flag to board meetings. The investigation did not establish that the District has applied a formal, viewpoint-neutral standard to personal items displayed by staff, students, or board members in board meetings or student-facing settings. The District should review this issue carefully. A symbol of inclusion and a symbol negating or crossing out an identity-based flag may not reasonably communicate the same message; however, the District should provide clear, consistent expectations regarding personal displays in official board and student-facing settings so that standards are not applied inconsistently or in a viewpoint-discriminatory manner.

The evidence substantiates that staff held serious concerns regarding student-panel and school-event interactions. It does not fully substantiate each specific student-impact allegation because the record does not include direct student interviews and not all relevant videos/minutes were fully authenticated or independently transcribed for this report. This issue remains important for board governance because board members must exercise heightened care when interacting directly with students.

7.6 Theme 5 - Public Meeting Law and Board Process Concerns

The record includes several public meeting law and board-process concerns: alleged circulation of materials to board members, agenda-related conduct, possible offsite discussions among board members, and frustration with process. Mr. Nelson stated during his interview that he viewed Oregon's public meeting law as strange and that it "shackles" the Board. Staff reported that he had been corrected during training about sending handouts/discussion items to other board members.

Investigators find that the evidence substantiates a governance/process concern. Investigators do not find a legal public meeting law violation because that analysis requires determining the number of board members involved, whether a quorum or serial quorum existed, whether public business was discussed, whether deliberation occurred, whether an intermediary was used, and whether any cure occurred. Counsel should evaluate this issue if the Board intends to make a formal public meeting law finding.

7.7 Theme 6 - Professional Boundaries and Physical Contact

The lanyard/name-tag allegation is substantiated as to the core conduct. A staff member reported that Mr. Nelson reached toward and lifted/grabbed her lanyard/name tag near the chest/breast area without permission. Mr. Nelson admitted that he looked at or lifted a staff name tag/lanyard to see what it said, explaining that he wanted a board name tag and did not intend inappropriate contact.

An administrator separately described broader personal-space concerns and stated that if comparable conduct were committed by an employee, it would be addressed immediately and likely investigated. Investigators do not find that Mr. Nelson acted with sexual intent. Intent is not required, however, for a professional-boundary concern, and unwanted physical contact near a female staff member's chest area creates a legitimate sex-based/harassment risk.

7.8 Theme 7 - Gender-Based Comments Regarding Female Staff

Mr. Nelson acknowledged making a comment to a staff member after she stated she had a master's degree in math. He described responding, "but you're a woman," and stated that he intended to convey surprise because he believed women with math master's degrees were uncommon. He stated he saw that the staff member was upset, apologized, and later recognized that it may have been the wrong thing to say. Investigators find this specific gender-based comment substantiated.

A separate staff member alleged that Mr. Nelson said there are "certain jobs that men just do better," while making eye contact with her. Mr. Nelson did not recall that statement. Investigators do not have direct independent corroboration of the exact statement in the current record. The allegation remains relevant as part of the overall pattern of gender-related concerns.

7.9 Theme 8 - Board-Level Response, Board Chair Kelly, and Other Board Members

The record reflects that other board members and administrators sometimes redirected or attempted to explain legal requirements to Mr. Nelson. The record also reflects concern that redirection was inconsistent or insufficient. Staff expressed that the Board as a whole needed to understand that failure to address conduct may be perceived as endorsement of the conduct.

Board Chair Kelly became part of the record in two ways. First, a staff complainant reported that Mr. Kelly privately approached her shortly after a board retreat, asked to speak privately, discussed the pending complaint/investigation, indicated he disliked conflict, stated that Mr. Nelson was a nice man, and appeared to be seeking resolution. The complainant reported feeling uncomfortable, although not physically unsafe, and repeatedly referred Mr. Kelly back to the written complaint. She also reported that Mr. Kelly used a slur while describing a childhood game as part of a broader point that some things said in the past cannot be said now. Investigators were unable to obtain Mr. Kelly's response because he did not respond to outreach.

Second, investigators contacted Mr. Kelly by email and telephone regarding complaint timeline/process concerns and received no response. The May 27 timeline email to Mr. Kelly documented concern about the pending complaint timeline, Mr. Nelson's interview availability, and the need for Board direction. Because

the complaint involved a board member and the Board Chair appeared to have decision-making authority regarding process direction, the lack of response is a governance and process concern.

Investigators find that Mr. Kelly's private approach to a complainant was inconsistent with best practices for maintaining complainant confidence, avoiding perceived pressure, and preserving investigative independence. The report does not conclude that Mr. Kelly intended retaliation or interference, because he did not provide a response and intent cannot be established from the current record.

7.10 Complaint Confidentiality, Board Role, and Retaliation Risk

During his interview, Mr. Nelson stated that he provided copies of the complaints to other board members because they did not know about the complaints and because he believed they should have information regarding a complaint against a board member. The investigation also received information from a staff member indicating that other board members appeared to learn of the complaints before the investigative process concluded, and that public comments suggested some individuals outside the District may have become aware that complaints had been filed. The investigation did not establish precisely what information was shared outside the Board, by whom, or whether complainant names were disclosed outside authorized channels.

The investigators do not make a legal finding regarding whether a specific confidentiality provision was violated. However, the distribution of complaint materials during a pending complaint process raises significant governance concerns. It may compromise the integrity of the investigation, create the appearance of witness influence or pressure, chill staff participation, and increase the risk that future employment-related action involving complainants may be viewed as retaliatory. Because the complainants are District employees who raised concerns involving board conduct, protected classes, and potential violations of law or policy, the Board should manage any future employment-related issues involving those employees with heightened care and legal guidance.

8. Discrimination / Harassment / Retaliation Analysis

The evidence supports concern across multiple protected-class areas: sex/gender, sexual orientation, gender identity, religion, race/color/national origin/immigration-related concerns, and potentially disability depending on context. This report does not make final legal determinations but identifies the following risk areas:

- Sex/gender: acknowledged “but you’re a woman” comment; alleged “jobs men do better” comment; lanyard/name-tag contact near a female staff member’s chest/breast area; comments involving girls’ sports and sex-based policy issues.
- Sexual orientation/gender identity: repeated comments about LGBTQ+ “lifestyle,” “gay/trans agenda,” inclusive books/curriculum, protected-class language, and binder/sticker symbol.
- Religion: Mr. Nelson framed his speech and advocacy as grounded in Christian/Catholic belief. The District must avoid religious discrimination while also maintaining nondiscrimination obligations toward students and staff.
- Race/color/national origin: concerns included comments or policy discussions involving immigration-related student information and alleged comments about race/literature.
- Retaliation/whistleblower: complainants engaged in complaint activity regarding alleged discrimination, bias, harassment, and board governance. If future performance concerns or adverse employment/contract action arise involving complainants, the Board should assume heightened retaliation risk and consult counsel regarding documentation, legitimate non-retaliatory rationale, timing, and recusal/conflict issues.
- Public body liability: if a board member acts outside the scope of board authority or uses the board role to pressure, intimidate, retaliate, or interfere, the District may face increased risk. Board-level failure to respond after notice can also be argued as ratification or deliberate indifference depending on facts and law.

9. Investigator Comments

This case sits at the intersection of elected-official speech, school board governance, civil rights obligations, and professional conduct. Mr. Nelson has the right to hold and express personal, religious, and political beliefs. Those rights do not eliminate the District's obligation to maintain a nondiscriminatory educational and work environment, nor do they eliminate the Board's obligation to govern through lawful, collective, policy-based processes.

The evidence shows that Mr. Nelson appears to sincerely believe he is representing a segment of the community. The evidence also shows that staff reasonably experienced his conduct as more than isolated disagreement. The concerns were repeated, involved protected-class topics, occurred in public board settings and student-related contexts, and included at least one admitted gender-related comment and one admitted physical-boundary event involving a staff member's lanyard/name tag.

The Board should treat the scope-of-role issue as a risk-management priority. When board members act outside their role, blur individual advocacy with official action, communicate outside public process, or interact directly with staff and students in ways that create discomfort or perceived pressure, they may increase liability risk for the District. They may also jeopardize coverage or defense expectations depending on PACE terms and the facts of the conduct. Investigators do not make an insurance coverage opinion, but the training materials make the risk sufficiently foreseeable.

Board Policy BG, Board-Staff Communications, states that "...all official Board communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent." The evidence reviewed indicates that both Board Chair Kelly and Mr. Nelson separately approached staff members regarding complaints that had been made or were pending as part of the complaint/investigative process. This conduct raises governance concerns because communications from individual board members to staff about pending complaints bypass the superintendent, blur the distinction between individual board member conduct and official Board action, and may create the appearance of pressure, influence, or retaliation. Board policies are not aspirational guidelines or informal suggestions; they are adopted governance expectations that define the manner in which board members are expected to conduct themselves while serving in their official capacity. Where board members communicate directly with staff regarding pending complaints outside the superintendent-led communication structure, the Board increases risk to the integrity of the process and potentially exposes the District to claims that staff were contacted, influenced, or chilled in connection with protected complaint activity.

The Board should also treat complainant-protection and retaliation risk as an immediate governance issue. If performance, contract, evaluation, or employment concerns later arise involving any staff complainant or witness, the District and Board should consult counsel before any action is taken. A complainant could assert retaliation or whistleblower protection if adverse board action follows protected complaint activity, particularly if the subject board member or an implicated board chair participates in the decision.

Board Governance and Implementation of Training

The Board received governance and liability training. The existence of that training is significant because the concerns raised in this investigation involve the same areas addressed by board governance training: role clarity, collective board authority, public meeting process, policy-based governance, nondiscrimination obligations, complaint handling, and liability exposure. The training should not be treated as a mere exercise. Board members hold positions of substantial public trust, and their comments and actions may be viewed by students, staff, families, and community members as reflecting District leadership.

The investigation did not substantiate that the Board, acting as a quorum, took adverse employment or educational action against a complainant or student based on a protected class. However, the evidence supports a serious warning: individual board member conduct outside the proper scope of the board role can create liability exposure for the District, even where the Board has not acted formally. This risk is heightened where a board member disseminates complaint materials, directly approaches a complainant,

participates in public commentary involving protected-class issues, or later participates in employment-related decisions affecting complainants.

Recommendations / Risk Management Considerations

The Board must understand that elected status does not eliminate role boundaries, confidentiality obligations, professional conduct expectations, or retaliation risk. The District should consider adopting or reaffirming clear protocols regarding:

1. distribution and confidentiality of complaint materials involving board members;
2. board member contact with complainants and witnesses during pending investigations;
3. board member participation in future employment decisions involving complainants;
4. student panel and school visit expectations;
5. personal symbols or expressive items displayed by board members and staff in student-facing settings; and
6. remedial governance training where prior training has not been consistently implemented.

10. Limitations of Investigation

- Investigators did not make final legal determinations regarding ORS 659.850, Title IX, Title VI, Section 504/ADA, First Amendment issues, public meeting law, PACE coverage, or elected-official remedies.
- Board Chair Kelly did not respond to investigator outreach by email or telephone; therefore, his perspective regarding timeline/process concerns and the private interaction with the complainant was not obtained.
- Several PDF/photo exhibits were image-based and not fully text-searchable. Investigators considered them as exhibits, but final authentication and evidentiary weight should be determined by the District.
- Investigators did not interview students regarding alleged student impact. Findings regarding student impact are therefore limited to staff observations, staff reports, student council minutes/materials, and available exhibits.
- Investigators did not conduct a complete legal public meeting law analysis. That analysis requires quorum/serial communication/content/context review.

11. Overall Findings

- A. The record substantiates that Mr. Nelson received board governance and liability training and had notice of board role/process expectations.
- B. The record substantiates a recurring pattern of comments and conduct involving protected-class topics, particularly sexual orientation, gender identity, sex/gender, and inclusive curriculum.
- C. The record substantiates that staff experienced Mr. Nelson's comments and conduct as harmful, exclusionary, or inconsistent with District nondiscrimination and Every Student Belongs obligations.
- D. The record substantiates the lanyard/name-tag contact as a professional-boundary concern; Mr. Nelson admitted the core act while denying improper intent.
- E. The record substantiates one gender-based comment acknowledged by Mr. Nelson and partially supports additional gender-related concern based on staff report.
- F. The record substantiates governance/process concerns involving individual board-member role boundaries and potential public meeting law issues, but does not establish a final legal public meeting law violation.
- G. The record supports concern regarding Board Chair Kelly's private approach to a complainant and his lack of responsiveness to investigator outreach.
- H. The record supports a risk-management finding that failure to address substantiated board-member conduct may increase District liability risk and may create future retaliation/whistleblower exposure if complainants later become subject to adverse board action.

12. Source Log

Source Category	Description
District website	Three Rivers School District public website; About/District, school list, nondiscrimination notice, bias report resources.
District policies	District OSBA policy portal and policies referenced in the Board Complaint Packet, including AC, ACB/ACBA, BBF, BBBB, AD, AE, and complaint/retaliation procedures.
Official Oregon civil rights sources	Oregon Department of Education civil rights guidance; ORS 659.850; OAR 581-022-2312 Every Student Belongs.
Official federal civil rights sources	Title IX statutory and federal agency sources; Title VI/Section 504/ADA frameworks identified for counsel review.
Training materials	Board Governance Essentials; PACE/Brown & Brown Political vs. Legal Reality training.
Interviews	Transcript of Mr. Nelson interview; transcripts of District staff/administrator interviews; follow-up transcript regarding Board Chair Kelly interaction.
Complainant exhibits	Complaint packet, staff timeline, emails, photos, flag rally flyer/photo, student council/student panel minutes, agenda materials, and related attachments.
Mr. Nelson exhibits	Email/response materials, sign-in sheets, articles, cell phone policy, mental health and Surgeon General materials, resolution, Supreme Court/girls' sports materials, student opt-out notice, and related notes.