

MINUTES OF SPECIAL MEETING
June 4, 2024
5:30 p.m. Special Meeting

1. 5:30 P.M. BOARD OF EDUCATION CALL TO ORDER AND ROLL CALL

The Board of Education of Independent School District No. 16 of Payne County, Oklahoma, met in special session at the Stillwater Public Schools Administration Building, 314 S. Lewis, on the fourth day of June, 2024. Board President, MARSHALL BAKER, called the meeting to order at 5:35 p.m. A quorum was present.

BOARD MEMBERS PRESENT:

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| Dr. Marshall Baker | President |
| Tim Riley | Vice President |
| Rachel Dillin | Member |
| Roberta Douglas | Member |
| Dr. Gay Washington | Member |

STAFF AND PARTICIPANTS PRESENT:

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| Uwe Gordon | Superintendent |
| Dr. Trent Swanson | Chief Human Resources Officer/Director of HR |
| Annette Jones | Board Clerk |
| Tawni Hooten | Minutes Clerk |
| Samanthia Marshall | Rosenstein, Fist & Ringold |
| Sheri Fox | SPS Employee |
| Larin Davis | Assistant Facilities Director |
| Jacklyn Ahrens | Benefits Specialist |

PURPOSE OF THE MEETING:

- Conduct Due Process hearing for Sheri Fox regarding her possible termination

2. DUE PROCESS HEARING FOR SHERI FOX REGARDING HER POSSIBLE TERMINATION

- a) The Board President shall convene the hearing, state the purpose of the hearing, introduce the parties, and administer an oath to all persons who will testify**

President Baker stated the reason for this meeting is to conduct a hearing on whether to terminate or not terminate **Sheri Fox** from her employment with the District. At this hearing, Ms. Fox is entitled to be represented by counsel of her choice.

The order of the hearing is governed by the Agenda. The Agenda provides that both the Superintendent and Ms. Fox are given the opportunity to make an opening statement; the Superintendent will then call his witnesses and present his evidence, with Ms. Fox having the opportunity for cross-examination; Ms. Fox will then present her evidence and call her witnesses which are subject to cross-examination; both sides will be allowed to call rebuttal witnesses; and then both sides will have time to make closing arguments to the Board.

The Board will then convene in Executive Session to discuss and deliberate on the termination or not of Ms. Fox and will return to Open Session to adopt Findings of Fact; that is, what facts the Board finds have been shown from testimony. The Board will then vote on whether to terminate or not terminate Ms. Fox from her employment with the District.

This hearing is to be an informal administrative hearing that will not be governed by strict rules of evidence such as would be used in a court proceeding. Thus, the Board may hear hearsay evidence that it finds to have some merit in establishing facts. The Board President will make any rulings needed regarding testimony. Only witnesses and legal counsel or other representatives, if any, will be addressing the Board, and thus, no statements from anyone in the audience will be heard. Witnesses are also to be sworn to tell the truth during their testimony, which oath will be administered by the minutes clerk.

The Superintendent is present. Ms. Fox is present. Do the Board Members or the parties or their representatives have any questions concerning the procedures for this hearing? There were no questions from the board.

The minutes clerk administered the oath set out below to all persons to be called as witnesses.

b) Opening statement by attorney for the Superintendent

Attorney SAMANTHIA MARSHALL gave an opening statement for the Superintendent and presented an Exhibit booklet to members of the Board.

c) Opening statement by Ms. Fox or her attorney

SHERI FOX gave an opening statement to members of the Board.

d) Presentation of evidence by attorney for the Superintendent, subject to cross-examination by Ms. Fox or her attorney and questions from the Board of Education

Attorney SAMANTHIA MARSHALL called the following witnesses to provide testimony who were also subject to cross-examination by Ms. Fox and questions from the Board of Education: Larin Davis, Dr. Trent Swanson.

e) Presentation of evidence by Ms. Fox or her attorney, subject to cross-examination by the attorney for the Superintendent and questions from the Board of Education

SHERI FOX testified on her behalf to provide testimony, and also subject to cross-examination by the attorney for the Superintendent and the Board of Education. No questions were asked of Ms. Fox by the attorney.

f) Presentation of rebuttal and surrebuttal evidence, as necessary

None.

g) Closing statement by Ms. Fox or her attorney

SHERI FOX provided a closing statement on her behalf.

h) Closing statement by attorney for the Superintendent

Attorney SAMANTHIA MARSHALL provided a closing statement on behalf of the Superintendent.

i) Consideration and vote to go into Executive Session to discuss and deliberate on the termination or not of Ms. Fox, pursuant to OKLA. STAT. tit. 25 § 307(B)(1) and (7)

Motion by DILLIN, second by RILEY, to convene in Executive Session at 7:16 p.m. The motion carried (5 – 0) with the following votes: Baker – yes, Riley – yes, Dillin – yes, Douglas – yes, Washington – yes.

j) Vote to acknowledge return to Open Session

Motion by RILEY, second by DILLIN, to acknowledge the return to Open Session at 7:48 p.m. The motion carried (5 – 0) with the following votes: Baker – yes, Riley – yes, Dillin – yes, Douglas – yes, Washington – yes.

k) Statement of Executive Session minute

The following statement was made by PRESIDENT BAKER. In the Executive Session the following people were present: Dr. Marshall Baker, Tim Riley, Rachel Dillin, Roberta Douglas, and Dr. Gay Washington. While in executive session, the Board discussed and deliberated on the termination or not of Ms. Fox's employment, pursuant to Oklahoma Statutes, Title 25, Section 307(B)(1) and (7). No other matters were discussed and no votes were taken. This will constitute the minutes of the Executive Session.

l) Consideration and vote to adopt Findings of Fact

Based on the testimony presented today, Motion by BAKER, second by WASHINGTON, to adopt the following Findings of Fact. The motion carried (5 – 0) with the following votes: Baker – yes, Riley – yes, Dillin – yes, Douglas – yes, Washington – yes.

FINDINGS OF FACT

1. **Sheri Fox** was employed as a fulltime support employee by the School District beginning January 4, 2021, as a Custodian 1.
2. By letter dated May 17, 2024, the Superintendent, Uwe Gordon, mailed Ms. Fox notice that he was recommending that Ms. Fox be dismissed from employment. The causes, each of which is sufficient by itself, for her termination, were:
 - Refusal to follow instructions of supervisor.
 - Refusal or failure to do assigned work.
 - Threatening, intimidating, coercing, or interfering with employees, supervisors, or students at any time.
 - The making or publishing of false, vicious, or malicious statements concerning any employee, supervisor, or student.
 - Created disturbances on the premises.
 - Continued poor or negative attitude while on the job, including having a poor relationship with other staff.
 - Insubordination of any kind.
 - Violation of district rule, regulation, or policy.

The letter also set out Ms. Fox's right to request a hearing within ten (10) working days of the postmark of the envelope in which the Notice Letter was mailed. By handwritten letter dated May 22, 2024, which was received by the District, Ms. Fox requested a hearing, and by phone call on May 28, 2024, and letter dated May 30, 2024, the administration notified Ms. Fox of the date, time, and place of her due process hearing before the Board of Education.

3. On May 14, 2024, a return-to-work meeting was held with Ms. Fox. During the meeting, Ms. Fox did not participate in good faith. Ms. Fox became emotional, angry, and disrespectful.
4. Dr. Swanson advised he would be recommending Ms. Fox's dismissal from employment and asked Ms. Fox to leave the meeting.
5. Ms. Fox's unpaid suspension from employment should be upheld based on Ms. Fox's conduct in the May 14, 2024 return-to-work meeting.
6. The Superintendent's Recommendation for Ms. Fox's dismissal from employment is supported by a preponderance of the evidence.
7. Ms. Fox should be immediately terminated from her employment with the District for the causes set out in the Superintendent's Recommendation.

m) Vote to terminate or not terminate Ms. Fox from her employment with the District

Motion by DOUGLAS, second by RILEY, to terminate Sheri Fox from her employment with the District. The motion carried (5 – 0) with the following votes: Baker – yes, Riley – yes, Dillin – yes, Douglas – yes, Washington – yes.

3. CONSIDERATION AND VOTE TO ACCEPT ANY RESIGNATION SUBMITTED TO THE BOARD OF EDUCATION AFTER THE POSTING OF THE AGENDA

There was no action taken on this item.

4. VOTE TO ADJOURN

Motion by WASHINGTON, second by DILLIN, to adjourn at 7:54 p.m. The motion carried (5 – 0) with the following votes: Baker – yes, Riley – yes, Dillin – yes, Douglas – yes, Washington – yes.

STILLWATER BOARD OF EDUCATION

Marshall A Baker
Dr. Marshall Baker, President

STILLWATER BOARD OF EDUCATION

Tawni Hooten
Tawni Hooten, Minutes Clerk

I, the undersigned Clerk of the Stillwater Board of Education, District I-16, of Payne County, Oklahoma, certify that notice of the time, date, and place of this special meeting was sent (May 30, 2024 at 1:23 p.m.) at least 48 hours prior to the meeting to the County Clerk of Payne County, Oklahoma.

I also certify that at least 24 hours prior to this special meeting, excluding Saturday, Sunday, and holidays, notice of the date, time, place, and agenda of this meeting was posted in prominent public view at the Stillwater Public Schools Administration Building, 314 S. Lewis, and on the school district's website located at www.stillwaterschools.com on June 3, 2024 at 4:00 p.m.

Witness my hand and seal of the Stillwater School District on June 4, 2024.

STILLWATER BOARD OF EDUCATION

Tawni Hooten
Tawni Hooten, Minutes Clerk

(SEAL)

These minutes were officially approved by the Stillwater Board of Education on July 9, 2024.