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May 31, 2018

Via E-mail: [misha.isaak@oregon.gov](mailto:misha.isaak@oregon.gov); [cindy.l.hunt@state.or.us](mailto:cindy.l.hunt@state.or.us)

Governor Kate Brown  
Superintendent of Public Instruction  
Oregon Department of Education  
c/o Misha Isaak, Governor's Legal Counsel  
245 State Capitol  
Salem, OR 97301

Ms. Cindy Hunt  
Acting Chief of Staff  
Oregon Department of Education  
255 Capitol St NE  
Salem, OR 97310

Re: Susie Strangfield, Chief Information Officer, Oregon Department of Education  
**Response to Pre-Dismissal Notice**

Dear Governor Brown and Ms. Hunt:

On May 7, 2018, Cindy Hunt, Acting Chief of Staff for the Oregon Department of Education (ODE), issued a Pre-Dismissal Notice (Notice) to Ms. Strangfield. (See Attachment 1). On May 9, 2018, we responded, by letter, to Cindy Hunt. In our letter, we listed serious deficiencies in the Notice and requested that the Notice be amended to comply with due process requirements. We also asked that ODE provide us with documents supporting its charges. (See Attachment 2). ODE, through its attorney, rejected our demand and informed us that ODE intended to move forward with its Notice, as written. (See Attachment 3). Days later, ODE changed course and provided us with an investigation summary prepared by Krista Campbell, but to date continues to refuse to provide the remaining investigatory documents, including documents critical to Ms. Strangfield's defense and referenced in the investigation summary. Ms. Strangfield,

hereby, reaffirms the objections listed in the May 9 letter and, without waiving any argument raised in that letter, submits the following response to the Notice.

Governor Kate Brown is the Superintendent of Public Instruction and the highest ranking executive official at ODE. (See Attachment 4). In this capacity, she is responsible for the operation and management of ODE. As detailed throughout this response, ODE has treated Ms. Strangfield unfairly at every turn in this process. Frankly, there is no way to characterize ODE's Notice, and actions leading up to its Notice, as anything other than biased, misleading, inaccurate, devoid of substance and merit, and clearly a pretext for something else. Governor Brown's direct management and oversight of ODE makes her responsible for ODE's actions against Ms. Strangfield.

We have, to the extent that we can address charges against Ms. Strangfield without sufficient facts and evidence, refuted each and every charge made by ODE. Moreover, we have highlighted ODE's discriminatory, retaliatory, and misguided efforts to discredit Ms. Strangfield and to irrevocably harm her reputation. If ODE believes that it is appropriate to terminate Ms. Strangfield based upon the frivolous charges in its Notice, then truly there is no employee at ODE who is safe.

This process should not be an adversarial one. We are dealing with a person's career, livelihood, and reputation. Unfortunately, in this case, ODE has not shown an interest in truth and fairness, but instead has employed unconscionable tactics to hide information and to knowingly distort the facts.

### ***Ms. Strangfield, ODE CIO***

Ms. Strangfield has dedicated 20 years of her professional life to IT work and education. On September 4, 2014, Ms. Strangfield joined the Oregon Department of Education (ODE) as the Director of Application Development. A year later, she was tapped to serve as ODE's Interim Chief Information Officer (CIO), while ODE openly recruited for a permanent CIO. Ms. Strangfield applied for this position and competed against other talented applicants. After a vigorous evaluation process, Ms. Strangfield was selected as the best candidate and was appointed as ODE's first female CIO. She was tasked with, among other things, managing a sizeable group of more than 40 IT professionals and was responsible for leading important and highly visible education projects for the State. Throughout her career, Ms. Strangfield has maintained the highest level of integrity and professionalism in carrying out her duties. She is an intelligent and savvy technology professional and a dedicated public servant.

### ***Administrative Leave and Investigation***

On Tuesday, January 2, 2018, Rick Crager, Assistant Superintendent of Finance and Administration, and Ms. Strangfield's direct supervisor, personally delivered a letter to Ms. Strangfield, in the presence of Cindy Hunt. The letter directed Ms. Strangfield to be duty-stationed at home, effective immediately, pending a personnel investigation into

“allegations of inappropriate conduct”. When asked by Ms. Strangfield, Mr. Crager refused to identify the nature of the alleged “inappropriate conduct”.

The day after Ms. Strangfield was duty-stationed at home, ODE Employee Services Director, Krista J. Campbell, sent an e-mail to Ms. Strangfield explaining that Ms. Campbell does not know much about the inappropriate conduct accusations and that as she “knows more” about these accusations, she will reach out to Ms. Strangfield. Ms. Campbell specifically stated that she is “still in the information gathering stage and hope[s] over the next couple of weeks to have a better idea of the concerns.” (See Attachment 5). On May 7, 2018, we learned, after reading ODE’s Notice, that it was, in fact, Ms. Campbell who recommended that Ms. Strangfield be removed from the office and duty stationed “at home” pending the investigation. (See Attachment 1).

It is concerning that Ms. Campbell, the HR person responsible for investigating complaints, was either untruthful with Ms. Strangfield about her knowledge and involvement in this matter, or she truly had no basis for the extreme measure she recommended. Without providing any explanation or information about the accusations, Ms. Strangfield was abruptly duty-stationed at home, was completely cut-off from her work as CIO, was directed not to speak with anyone at ODE, and was removed from all internal meetings, external meetings and conferences. Ms. Strangfield’s colleagues and partners, within and outside ODE were left to speculate as to what Ms. Strangfield did to merit being removed from her office and responsibilities.

On March 23, 2018, 80 days after being duty-stationed at home and after repeated requests for information about the accusations, Ms. Strangfield was finally interviewed by Ms. Campbell. While we were aware that Ms. Campbell would be conducting the March 23, 2018 interview with AAG Brena Lopez-Moyer, we were unaware that Rick Crager would be present. What started out as bewilderment regarding Mr. Crager’s presence, turned into concern as it became clear —during the four-hour interview— that Mr. Crager was a primary person responsible for leveling accusations against Ms. Strangfield. Mr. Crager’s presence was inappropriate and was clearly intended to intimidate Ms. Strangfield and to interject bias into the process. Mr. Crager also actively participated in the interview, pointing to documents and whispering to Ms. Campbell throughout the entire interview process. On April 6, 2018, we sent a letter to ODE, via its attorney, expressing our concerns. (See Attachment 6).

Ms. Strangfield’s additional concerns related to the investigation are straightforward and include the following:

- Ms. Strangfield was immediately and unfairly placed on leave based upon accusations that were frivolous, relied on conjecture and gossip, and could not be verified by ODE;
- Long after being duty-stationed at home for inappropriate workplace conduct, ODE leadership, intent on terminating Ms. Strangfield, but unable to confirm

any actionable work place conduct violation, shifted focus to job performance accusations;

- Mr. Crager, and others at the ODE, have a history of minimizing the value of Ms. Strangfield as CIO.
- Mr. Crager was a primary complainant against Ms. Strangfield and actively investigated Ms. Strangfield's performance within ODE and even reached out to entities outside of ODE to dig for information against Ms. Strangfield;
- It was highly inappropriate, given his active role in the investigation, that Mr. Crager was allowed to attend and participate in the investigatory interview. Mr. Crager interjected bias and intimidated Ms. Strangfield in what was already an unfair and biased investigatory process;
- The charges raised against Ms. Strangfield are completely and utterly without merit. There are numerous instances, explained more fully below, where ODE knowingly and willfully misrepresented information;
- ODE refuses to indicate how Ms. Strangfield is unwilling or unable to fully and faithfully perform the duties of her position. ORS 240.570(3).

### ***Pre-determined outcome of investigation***

It is clear that, from the beginning of this process, ODE has been working toward a pre-determined outcome. The investigation summary itself makes this abundantly clear, wherein Ms. Campbell, among other things:

- Distorted facts;
- Editorialized accusations or created findings that are not supported by the evidence she summarized;
- Made misleading and inaccurate statements, and in some cases, completely fabricated facts;<sup>1</sup>
- Relied on second or third hand statements, without verifying, or at least including in her summary, the first-hand account. In fact, Ms. Campbell listed the people she interviewed, and many of them are not mentioned in her summary, even if

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<sup>1</sup> In those instances, in the investigation summary where Ms. Campbell summarizes what she claims were responses provided by Ms. Strangfield during her interview, we listened to the actual recording and could not find one instance where Ms. Campbell provided an accurate representation of what was discussed. This was the only information we could independently verify. We can only imagine the liberties she took with the statements of other interviewees.

those people were the ones who could have provided first hand corroboration of a second hand or third hand account;<sup>2</sup>

- Phrased questions to interviewees to lead them to an answer rather than ask for an independent recall of events;
- Failed to ask necessary follow-up questions or to ask for specifics to enable her to verify the accuracy or veracity of reports;
- Failed to interview people who were crucial to understanding some of the charges; and,
- Ignored all evidence that was contrary to what she was trying to substantiate;

Further evidence of a pre-determined outcome includes, but is not limited to, the following:

- ODE immediately jumped to the harshest penalty (termination) without bothering to initiate progressive discipline;
- Prior to Ms. Strangfield's investigatory interview, Mr. Crager stated to ODE employees that Ms. Strangfield was not coming back to ODE;
- Mr. Crager, almost immediately after Ms. Strangfield was placed on leave, represented himself as acting CIO;
- Ms. Strangfield was not allowed to attend conferences and trainings, notwithstanding the fact that these were already budgeted, paid for, and external to ODE and, therefore, could in no way affect ODE employees or compromise the "ongoing investigation";
- Mr. Crager assured Ms. Strangfield that there would be no changes to Ms. Strangfield's department until the investigation was finished. Notwithstanding these assurances, Mr. Crager created new positions for the IT department, listed open positions, hired employees, set department expectations and goals, prepared

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<sup>2</sup> According to Ms. Campbell's investigation summary, she interviewed 24 people in IT, not including Ms. Strangfield, and received one email in lieu of an in-person interview. She claimed that interviewees were "informed that the subject of the interview was to check in on their work environment and to address issues raised about their office." Everyone knew that Ms. Strangfield was out on leave. Yet, interview information for 7 of the 24 does not appear in her summary. We assume those people had positive feedback about Ms. Strangfield and the operation of IT. We asked for the interview notes mentioned in the summary and ODE denied our request. We also asked for the email Paula Pena submitted in lieu of an interview, which is especially relevant because one of the charges relates to directly to her. ODE refused to provide that as well.

for the legislative session, and prepared a budget for IT, all without Ms. Strangfield's input or participation.

### ***Other concerns at ODE***

ODE has a known culture where women are undervalued and unsupported. Moreover, female leaders are downplayed, marginalized, and continuously discounted. Employees have stated that ODE has a more serious gender discrimination problem than a racial discrimination problem. Just one example, of many, where Ms. Strangfield's leadership and professional input was outright rejected, dismissed, and met with hostility, relates to her concerns over implementation of the program known as the Statewide Longitudinal Data System (SLDS).

In part, the SLDS program would give the legislature access to approximately six-million private and personal student records. These records include information about every student's personal education history, DOB, gender, race, disability, economic status, discipline data, and test scores. Ms. Strangfield repeatedly warned ODE and other high-level education executives that, among other problems, the SLDS program lacked: clarity in its adherence to the law; an appropriate governance structure; an adherence to statewide information security standards; and, accountability through audit trails and internal controls. Ms. Strangfield warned ODE and partners, orally at meetings, in memoranda, and in e-mails, about her serious concerns. Ms. Strangfield's concerns were rejected and met with hostility within and outside ODE. Even Lindsey Capps, Chief Education Officer/Education Policy Advisor to Governor Kate Brown, got angry and yelled at Ms. Strangfield during an SLDS meeting, in response to her voicing her concerns with the proposed implementation plan for SLDS.

Governor Brown issued a letter informing its recipients that Lindsey Capps represents the Governor in day-to-day education operation and policy and specifically gave authority to Lindsey Capps to direct the activities of all affected education agencies with respect to SLDS. (See Attachment 4). In response to a directive from Mr. Capps, Salam Noor (ODE Deputy Superintendent of Public Instruction, at the time), directed Ms. Strangfield to comply with Mr. Capps' dictates, despite her serious concerns. Ms. Strangfield did not agree with the directive and was worried that she was being set-up as a scape-goat by leadership.

As a result of raising concerns about the SLDS program, Ms. Strangfield was excluded from meetings and important conversations related to her work as CIO. Moreover, her new supervisor, Josh Klein, stated to Ms. Strangfield (the same day he started his new job at ODE) that he was not sure if he was there "to help her or to fire her". A similar attack on Ms. Strangfield's position, as CIO, was repeated by Rick Crager when he asked a departing ODE manager why ODE even needs a CIO. Lastly, ODE leadership, including Mr. Crager, routinely asked less experienced, male, IT professionals to confirm and verify Ms. Strangfield's professional opinion and guidance.

### ***“Background” Section of Notice***

ODE’s position, as relayed by its attorney, is that the “Background” section of its Notice is not a charge, but merely provides “context” to show that Ms. Strangfield was “on notice”. (See Attachment 3). The Background section of the Notice is highly inflammatory, and is yet another example of ODE’s attempt to mislead, by intentionally misstating the actual facts.

In the Background section of the Notice (second paragraph), it states that Ms. Strangfield “...signed [her] most recent position description on October 2, 2017.” The Notice continues by explaining some of the responsibilities included in the position description and that, on June 6, 2017, “due to concerns about [Ms. Strangfield’s] management of subordinate employees, [Ms. Strangfield was] issued a set of initial Job Expectations by your supervisor Josh Klein.” (sixth paragraph). Ms. Strangfield responds with the following:

#### Position Description

- ODE misleads by stating that the position description was the “most recent”, implying that Ms. Strangfield had received at least one position description prior. This is simply false. In fact, Ms., Strangfield never received a position description for the first almost 1 ½ years of serving as CIO. ODE is keenly aware that Ms. Strangfield repeatedly requested a position description, or at least some clearly delineated roles and responsibilities, to ensure that she could meet expectations and be successful in her role. Despite Ms. Strangfield’s repeated requests, and contrary to human resources policy, she did not receive a position description or any other document defining her role and responsibilities until October 2017. Furthermore, she has never been given a performance evaluation for her work as CIO. It is clear that ODE did nothing to support Ms. Strangfield in her role as CIO.
- ODE’s lack of support was exacerbated by the continually shifting directives, priorities, and structure changes, due to the revolving door executive personnel changes at the agency during that time, including, but not limited, to the following:
  - A change in Deputy Superintendent and Chief of Staff
  - Changes in 3 of 6 Assistant Superintendents
  - A complete reorganization of the agency, moving IT down the hierarchy
  - Ms. Strangfield’s removal from the management team in May 2017
  - Three changes of direct supervisor for Ms. Strangfield in a six-month period

### Letter of Initial Expectations (June 6, 2017)

- ODE knowingly misstates, in its Notice, that “[o]n June 6, 2017, ***due to concerns about [Ms. Strangfield’s] management of [her] subordinate employees***, [she was] issued a set of Initial Job Expectations by [her] supervisor Josh Klein.” (emphasis added). ODE, selectively excerpted a portion of that memo, in an obvious attempt to make it appear as something it clearly was not. ODE’s assertion is directly contradictory to the omitted language from the memorandum itself, which states that the document was given to Ms. Strangfield at her request, because she had never been given a current job description, clear written job expectations, or feedback about her job performance. Mr. Klein even stated in his email delivered with the memorandum that “[a]s we discussed, this is only an initial record of our conversation and my expectations will likely expand and adjust as we (1) develop your position description and (2) begin working together more closely.”
- ODE obviously read the entire letter, because they selectively excerpted a portion of it. However, they knowingly chose to misrepresent the facts, purposely omitting the remainder of the memorandum, which demonstrated the real reason for the memo – to provide Ms. Strangfield, at her request, some initial job expectations until such time as Mr. Klein could develop a full job description.<sup>3</sup>

### Letter of Expectations (September 13, 2017)

ODE alleges that, “[u]nfortunately, you continued to struggle with your management skills after receiving this letter [the June 6, 2017 Initial Expectations Letter], and the agency received further complaints. An investigation into the complaints revealed some concerning themes, and on September 13, 2017, you were issued a Letter of Expectations by your supervisor Josh Klein.” The Notice then outlines portions of that letter.

Once again, ODE distorts the facts by intentionally omitting crucial information and fails to recognize the inappropriate nature of the Letter of Expectations, given the result of ODE’s own investigation.

- As explained above, Ms. Strangfield did not have prior “struggle[s]” with her management skills, and therefore, it is inaccurate for ODE to state that she “continued to struggle.”

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<sup>3</sup> Mr. Klein’s memo addressed various initial expectations, including items such as working a regular schedule Monday through Friday from 8am – 5pm with a one-hour lunch, getting approval for leave, maintaining an accurate Outlook calendar, monitoring and triaging emails, etc.

- ODE conveniently fails to mention that the result of the investigation into “the complaints” failed to substantiate anything that would constitute a policy violation or warrant any discipline, which is directly stated in the Letter of Expectations.
- The letter also specifically stated that it was “not disciplinary and . . . [would] not be placed in [Ms. Strangfield’s] personnel file” presumably because there was nothing substantiating that Ms. Strangfield did anything wrong.
- It was inappropriate for Mr. Klein to use the complaints that were investigated, and found to be without merit, as a basis for the Letter of Expectations. Mr. Klein used the “complaints” after they were found to be unsubstantiated or untrue to identify some “concerning themes”. One of the “concerning themes” Mr. Klein identified was “the perception that staff have of you engaging in actions or behaviors that embarrass, humiliate, intimidate, disparage, demean, or show disrespect for another employee, a manager, a subordinate a volunteer, a customer, a contractor, or a visitor in the workplace.” That language is taken directly from the DAS Maintaining a Professional Workplace Policy. But yet, ODE’s own investigation found that Ms. Strangfield did not violate any workplace policies. Issuing her this letter based on the complaints for which she was exonerated was improper.
- ODE is now using the Letter of Expectations in a punitive fashion, despite the fact that the investigation revealed no wrongdoing and the letter was not disciplinary. This is inappropriate. Clearly, ODE has had an agenda for some time – to get rid of Ms. Strangfield – and this letter was just one additional improper action in its unlawful and poorly executed attempt to get to a pre-determined result.

***“Current Situation” Section of Notice***

There is little in this section that merits our time to address, as it is filled with inaccuracies and misinformation. We will, however, address a few brief points, as follows:

- The “mean girls” comment came directly to Ms. Strangfield from Krista Campbell, who relayed a conversation she had with Laura Foley, another ODE employee. Ms. Campbell told Ms. Strangfield that Ms. Foley felt that there was a perception that Sandee Hawkins and Ms. Strangfield were “mean girls”. Krista Campbell also shared with Ms. Strangfield that Laura Foley had reported Ms. Hawkins’ inappropriate and abrasive behavior. In an effort to address both issues, Ms. Campbell offered an available slot for the January 17, 2018 DAS Management Foundations class for Sandee Hawkins. Ms. Strangfield was already scheduled to attend the same training.

- Ms. Hawkins was angry with Ms. Strangfield and yelled at her when assigned to attend the leadership training, and Ms. Hawkins exhibited extremely unprofessional and abrasive behavior in the meeting. Ms. Hawkins went directly to Krista Campbell and Rick Crager, separately, to complain about having to attend the assigned training, and prior to addressing her concerns about the assigned training with Ms. Strangfield.
- Both Krista Campbell and Rick Crager worked with Ms. Strangfield to draft and edit a communication to Sandee Hawkins regarding her behavior and the training. (See Attachment 7). Soon thereafter, Sandee Hawkins initiated the complaints that started this investigation.
- This section mentions that on December 26, 2017, Ms. Hawkins and Mr. King separately shared examples of “very concerning unprofessional behavior” by Ms. Strangfield in the workplace, and that Ms. Hawkins later reported that she was “concerned about the impact of [Ms. Strangfield’s] behavior on overall employee morale, as demonstrated by an email shared among the team leads within the IT department.”
  - Interestingly, but not surprisingly, this was never mentioned or addressed during Ms. Strangfield’s investigatory interview, and if there is an email that demonstrates anything about this allegation, it has never been shared with Ms. Strangfield.

***“Charges and Supporting Facts” Section of Notice***

It bears repeating, before we address the “specific” charges raised by ODE, that we asked ODE for additional information or explanation of the evidence supporting its charges. We assumed that ODE had such evidence, facts, and documents in its possession or it would not have levied the charges against Ms. Strangfield. Moreover, we explained that clarity in the charges is critical so that Ms. Strangfield can defend herself and respond accurately. ODE first refused to provide additional information, then provided only selected information. While we have yet to receive the remaining investigatory documents we requested, the selected information ODE provided only further confirmed the bias in this process, ODE’s lack of specifics and lack of evidence. We turn now to the specific charges outlined in the Notice.

- I. Engaged in a “pattern of behavior” in direct violation of DAS Maintaining a Professional Workplace Policy.
  - A. Behavior during and after November 1, 2017 Team Leads/CRB meeting
    1. Team Leads/CRB meeting on November 1, 2017 -- alleged “you became visibly upset with Mr. Wall. “Other people” noticed your

demeanor. Mr. Wall reported that “the tone of your voice and body language . . . left him feeling like you treated him as if he was a three-year-old.”

RESPONSE:

- Ms. Strangfield cannot adequately respond to this allegation without specific facts.
    - What specifically is she alleged to have said?
    - To whom? Who were the “other people”?
    - What specifically was her demeanor? Her body language? Her tone of voice?
  - ODE fails to identify how this charge violates policy.
  - Information in ODE’s own investigation summary contradicts this charge. That summary indicates that Ms. Hawkins stated that Ms. Strangfield did not “shut [Mr. Wall] down” during the referenced meeting. Mr. King confirmed that there was nothing about the conversation during the meeting that stood out to him. The gist of the reports in the summary demonstrate that Ms. Strangfield and her supervisor, Mr. Klein, asked Mr. Wall questions during the meeting about his presentation. How that made Mr. Wall feel like a “three-year-old” is baffling.
2. After the meeting you “admonished” Ms. Hawkins in front of Mr. King “telling her that she should have stepped in and shut the conversation in the meeting down”

RESPONSE:

- Ms. Strangfield fully explained what occurred at this meeting during her investigatory interview. She had a full agenda for the CRB meeting. During this meeting, Mr. Wall presented information regarding changes to the Student Centered Staging System. Mr. Wall had not previously discussed this topic with Ms. Strangfield. As CIO, Ms. Strangfield was concerned that the proposed changes were outside the current scope of work. Ms. Strangfield shared her expectations with both Ms. Hawkins and Mr. King that they do their part to keep the meeting on

track in order to address and focus on all the current time-sensitive agenda items.

3. Next, “you stood over Ms. Hawkins, raised your voice, shook your finger at her and said, ‘I’m the fucking CIO’”.

RESPONSE:

- During her investigatory interview, Ms. Strangfield unequivocally and vociferously denied that this happened.
- Ms. Strangfield provided other information and context around this meeting that ODE has conveniently ignored and excluded.
- Ms. Strangfield would not have exhibited that type of behavior to anyone, but particularly not Ms. Hawkins.
- It was discussed around the office on a regular basis (including by Ms. Hawkins) that Ms. Hawkins’ husband is COSA’s Executive Director, is politically connected, and has a close relationship with Colt Gill. Additionally, Ms. Hawkins routinely informed ODE employees that she had previously worked directly with Mr. Gill and bragged about her close relationship with him. Moreover, Ms. Strangfield is concerned about the potential conflict of interest related to ODE work on COSA related projects and programs.
- Ms. Hawkins uses profanity in the workplace with other ODE employees and outside business partners on a regular basis, but her conduct was ignored by leadership, given her husband’s political connections.
- ODE employees knew to give Ms. Hawkins a wide berth and as a general practice, Ms. Strangfield was very careful around Ms. Hawkins, and made certain at every turn to ensure she did her best not to make Ms. Hawkins angry, even when she had to hold her accountable for her work.
- According to ODE’s investigation summary, Mr. King and Ms. Hawkins individually met with Krista Campbell on December 26, 2017, and apparently unprompted, each shared an almost verbatim account of this alleged interaction that occurred 8-10 weeks prior. It does not appear from the limited documents we received that Ms. Campbell asked any follow-up questions to

determine the accuracy of the allegation, given the suspicious way it was brought up.

- Ms. Campbell did not ask why neither Ms. Hawkins or Mr. King reported this alleged interaction when it occurred 8-10 weeks prior.
- Ms. Campbell did not ask how it came to be that each of them separately thought to report the incident to her on the same day, 8-10 weeks later.
- Ms. Campbell did not question how it was that Ms. Hawkins and Mr. King shared an almost verbatim account of the incident 8-10 weeks after it was alleged to have occurred.
- Ms. Campbell got the information she wanted and did not investigate further

B. Alleged behavior before and during the November 13, 2017 professional development meeting with subordinate Directors

1. Through 5. ODE alleges, in paragraphs 1-5, that on Monday, November 13, 2017, Ms. Strangfield was scheduled to have a professional development meeting at a coffee shop, the Ike Box, with Joe King, Sandee Hawkins, and Sean Mullen, identified by a “note” on Ms. Strangfield’s calendar. That, Ms. Hawkins and Mr. King went to the Ike Box early for the meeting without Ms. Strangfield and Mr. Mullen. That, Ms. Strangfield sent a text to Mr. King saying “Sean and I are looking for you, are you already at Ike?” That, Mr. King responded “yes” and that Ms. Strangfield responded “when was this decided”. That, Mr. King walked back to the office to accompany Ms. Strangfield. That, Mr. King met Ms. Strangfield on her way to the Ike Box and walked back with her. That, Ms. Strangfield left her earbuds in and did not respond to a “good morning” from Mr. King. And, that Ms. Strangfield was on her phone and “visibly upset” during the meeting.

RESPONSE:

- Although there was a professional development meeting on November 13, 2017, that meeting occurred in Studio B. As best we can tell, from the inaccurate and incomplete facts

alleged in the Notice, ODE is actually referring to a meeting that occurred on November 2, 2017.

- We believe ODE’s reference to “Sean Mullen” should be “Sean McMullen”.
- On November 2, 2017, a meeting was to occur at the Ike Box. The full text message between Mr. King and Ms. Strangfield is attached (Attachment 8). Ms. Strangfield knew the meeting was at the Ike Box, but Mr. King had not identified in which meeting room he scheduled the meeting. Ms. Strangfield assumed the participants would go over together, so everyone would know where to go.
- ODE’s allegation conveniently misstates facts and is replete with inaccurate and incomplete information. To wit, the complete text exchange between Ms. Strangfield and Mr. King is as follows:

Strangfield: Are you already at Ike?

King: Ya. Drive here

Strangfield: Does Sean know?

King: Yes. In his way

Strangfield: When was this decided? I went to the office and was here by 8:05, then just ran around looking for everyone

King: I will walk back and meet u and Sean and then come back

Strangfield: I’m already walking

- Ms. Strangfield was not aware that Mr. King passed Mr. McMullen walking alone, but it makes sense given that she had already been told by Mr. King, while she was still at the office, that Mr. McMullen was already on his way.
- It is a lie that Ms. Strangfield texted Mr. King that “Sean and I are both looking for you?” as ODE quotes in its Notice. That’s clear from the text exchange. ODE is just making up facts here.

- Mr. King met up with Ms. Strangfield a block from the meeting. She acknowledged during her investigatory interview, that she likely had her earbuds in when she saw Mr. King, since she was handling a situation that was occurring at the office (it is commonly known that phone calls can be initiated and received using earbuds). She further stated that she had to take a call during the meeting to deal with what was happening at the office.
- ODE has not identified how any of this information violates any policy, even assuming, for the sake of argument, that ODE's version is complete and accurate.
  - Is it that Ms. Strangfield reached out to Mr. King to ask where everyone was?
  - Is it that Ms. Strangfield had earbuds in while walking?
  - Is it that Ms. Strangfield needed to take calls on her phone and, thus, had her earbuds in when she saw Joe King and did not say "good morning" quickly enough?
  - Is it that Ms. Strangfield had to take an important call during the meeting to deal with her responsibilities as CIO?
- In the event that ODE maintains its position that the meeting at the Ike Box took place on Monday, November 13, 2017, Ms. Strangfield can prove that it did not. On November 13, 2017, Joe King was with Rick Crager deactivating Josh Klein's accounts, prior to joining Ms. Strangfield, Sandee Hawkins, and Sean McMullen in Studio B, where Mr. King and Mr. Crager announced Mr. Klein's departure from the agency.
- Ms. Strangfield specifically remembers this meeting, in Studio B, and that Ms. Hawkins appeared to know ahead of time about Mr. Klein's departure. Ms. Hawkins kicked Ms. Strangfield under the table and said with a smile, "I told you it was going to be a good day."

### C. Behavior during the December 13, 2017 Web Accessibility Audit Meeting

1. On Thursday, December 14, 2017, Ms. Strangfield held a Web Accessibility Audit meeting in her office. Mr. King attended in person and Mr. Lulay attended via telephone. ODE alleges Ms. Strangfield was “visibly angry about the audit findings”, “raised [her] voice” and was “emotional”.

#### RESPONSE:

- ODE lists two separate dates for the occurrence of this meeting. Was it December 13 or December 14, 2017?
- ODE has failed to provide specific facts and to explain its evidence that led to its conclusions. Without this information, Ms. Strangfield has no way to adequately respond to the allegations.
  - What did Ms. Strangfield say?
  - To whom did she say it?
  - Why would anyone conclude that she was “visibly angry”?
  - What evidence led to the conclusion that she was “emotional”?
- ODE fails to identify how this charge violates policy.
- The facts in ODE’s own investigation summary do not support ODE’s charge and highlight Krista Campbell’s investigatory bias. In part, ODE alleges that Ms. Strangfield “raised her voice” and was “visibly angry”. There were only three people in this meeting, Ms. Strangfield, Mr. King, and Mr. Lulay (who appeared by telephone). Mr. King specifically reported that he did not recall Ms. Strangfield raising her voice during the meeting, but that Ms. Strangfield “expressed some concerns”. Nobody said Ms. Strangfield was “visibly angry”. In fact, since Mr. Lulay was on the phone, he could not see her to know whether she looked “visibly angry”.

2. Mr. Lulay claims to have felt “attacked” by Ms. Strangfield during the meeting. Mr. King alleges “behavior as not wanting to hear from Mr. Lulay but wanting to ‘beat him over the head with it’, meaning the audit report.”

RESPONSE:

- ODE has failed to provide specific facts and to explain its evidence that led to this conclusion. Without this information, Ms. Strangfield has no way to adequately respond to the allegations.
    - What is Ms. Strangfield alleged to have said that led Mr. Lulay to feel “attacked”?
    - What is Ms. Strangfield alleged to have said or what behavior is she alleged to have exhibited that led Mr. King to the belief that Ms. Strangfield did not want to hear from Mr. Lulay, but wanted to “beat him over the head” with the report?
    - We know from the investigation summary that Mr. King did not recall Ms. Strangfield even raising her voice, but simply that she “expressed some concerns”. That is her job, and is certainly not unprofessional, but rather should be expected. There is nothing alleged here that would support Mr. Lulay’s feeling of being “attacked”.
  - ODE fails to identify how this charge violates policy.
3. During the meeting, ODE alleges Ms. Strangfield stated that the contractor “doesn’t know how much power I have in the State of Oregon. And who I know.”

RESPONSE:

- ODE fails to identify specific facts, an explanation of evidence, and any alleged policy violation.
- Ms. Strangfield denies ever making such a statement.

- Ms. Strangfield has reason to believe Mr. Lulay’s version of events is suspect and unreliable, and that he was under the influence of strong medication that day.<sup>4</sup>
- This charge is yet another example of ODE’s biased investigation and propensity for editorializing, ignoring evidence, and making up facts.

D. Behavior during the December 15, 2017 Data Collection Partnership Meeting

1. and 2. ODE alleges that Sandee Hawkins organized a Data Collection Committee meeting and discussed it with Ms. Strangfield during a one-on-one meeting. Three identified participants reported that Ms. Strangfield appeared “visibly angry” during their presentation. One participant texted during the meeting to ask if Ms. Strangfield was “pissed” and Ms. Strangfield responded that she was left out of the communications and was caught off guard about the agenda.

RESPONSE:

- ODE fails to identify specific facts and fails to provide any explanation of the evidence supporting its allegation.
  - What specifically is Ms. Strangfield alleged to have done or said that led anyone to believe she was “visibly angry”?
- Ms. Strangfield fully explained what occurred at this meeting during her investigatory interview, and again, ODE has conveniently ignored her response.
- Data Collection Partnership and Data Collection Committee are two different groups. ODE incorrectly refers to this meeting under both names. The meeting referred to should be the Data Collection Partnership (DCP) Meeting.
- As CIO, Ms. Strangfield is responsible for oversight and accountability over both the DCP and Sandee Hawkins’ work.

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<sup>4</sup> Ms. Strangfield is willing to provide additional documentation at ODE’s request.

- Ms. Hawkins told Ms. Strangfield that there would be a meeting and provided high level information, but did not provide any details.
- Ms. Strangfield was left out of the planning and communications and was caught off guard by the agenda.
- Ms. Timmes texted Ms. Strangfield to ask if she was “pissed” and Ms. Strangfield’s first and immediate response (conveniently omitted by ODE) was “No”, followed by “It just would have been great to have been a part of the discussion ahead of showing up. I think there were parts we should have discussed messaging on. I was caught off guard on a number of things.”
- During the meeting, Ms. Strangfield was dealing with another urgent matter at the office, and even gave Joe King her car keys to go back to the office to work on the issue that was happening. She very well could have been distracted by what was happening at the office, but was not “visibly angry”. The fact that Ms. Strangfield was distracted during the meeting is corroborated by a text message exchange that ODE provided to Ms. Strangfield at her investigatory interview. In this text message exchange Ms. Strangfield apologized to Ms. Hawkins for having to leave so quickly and explained to Ms. Hawkins that she was dealing with a “fire” back at the office during the meeting.
- Even if, for the sake of argument, the facts were as stated by ODE, where is the policy violation?
- Is ODE alleging that Ms. Strangfield is not allowed to let her team know that they should communicate with her and not catch her off guard with an agenda she knew nothing about?

E. Disparaging comments and unprofessional language in the workplace

1. and 2. ODE alleges Ms. Strangfield spoke “disparagingly” about Paula Pena to Hailey Tilgner (Ms. Pena’s “union-represented colleague”) in “October 2017” and used the term “cluster fuck” and complained that when Ms. Pena is involved, things don’t get done and that certain purchasing duties needed to get “under control and away from Paula”.

RESPONSE:

- Ms. Campbell identified Paul Pena as someone she interviewed as part of the investigation against Ms. Strangfield.
- Ms. Pena responded to Ms. Campbell's interview questions in writing.
- Notwithstanding the fact that ODE provided us with documents referencing Ms. Pena's written response, ODE refuses to provide us with Ms. Pena's written response, and conveniently fails to mention its contents in its investigation summary. Presumably if Ms. Pena were able to corroborate anything ODE alleges, ODE would have included that fact in its investigation summary.
- ODE is intentionally hiding documents relevant to Ms. Strangfield's defense.
- ODE fails to provide sufficient facts and an explanation of evidence to allow Ms. Strangfield an opportunity to refute this allegation.
- ODE again conveniently omits Ms. Strangfield's response in her investigatory interview to using the term "cluster fuck". Ms. Strangfield does not recall ever saying this to Hailey Tilgner, and she does not recall this conversation. It appears ODE has no evidence (or has not provided any evidence) to substantiate the specific date this occurred, what the conversation was pertaining to, and the specific statements Ms. Strangfield is alleged to have made in reference to the term "cluster fuck" or getting purchasing duties away from Paula. It is also unclear what ODE alleges Ms. Strangfield said when speaking "disparagingly" about Ms. Pena. The only thing cited in the Notice is an allegation that Ms. Strangfield said that certain purchasing duties needed to get "under control and away from Paula." That statement certainly does not seem disparaging, even if it were true.
- According to ODE's investigation summary, ODE interviewed Sean McMullen, Ms. Pena's supervisor,

regarding this alleged exchange. Mr. McMullen reported that he never heard Ms. Strangfield use the term “cluster fuck” in relation to Ms. Pena. Yet, ODE conveniently omits that fact here.

3. ODE alleges that Ms. Strangfield has openly criticized Mr. McMullen and his work performance “in multiple settings”. ODE further alleges, “[d]irect reports, IT Team Leads, Mr. King and Ms. Hawkins observed [Ms. Strangfield’s] treatment of Mr. McMullen and described the interactions as going off on Mr. McMullen, putting him in his place, attacking, belittling, which left them feeling uncomfortable. Mr. King and Ms. Hawkins report that [Ms. Strangfield] share[s] work performance concerns [she] has about Mr. McMullen at least weekly with them. Mr. McMullen confirmed that he feels [Ms. Strangfield] is critical of him in front of staff.”

RESPONSE:

- ODE fails to provide sufficient facts and an explanation of evidence to allow Ms. Strangfield an opportunity to refute this allegation.
  - What specifically is Ms. Strangfield alleged to have said, when, and to whom that led ODE to the conclusion that Ms. Strangfield’s interactions were “going off on Mr. McMullen, putting him in his place, attacking, belittling”?
  - What specifically is Ms. Strangfield alleged to have said, when, and to whom regarding work performance concerns about Mr. McMullen?
  - What specifically is Ms. Strangfield alleged to have said that Mr. McMullen believed was critical of him in front of his staff?
- While ODE fails to provide sufficient facts and an explanation of evidence here to allow Ms. Strangfield to refute these allegations, she did answer questions about discussing Mr. McMullen’s performance at her investigatory interview. At that time, Ms. Strangfield denied discussing Mr. McMullen’s performance issues. At the investigatory interview, ODE provided specific examples of what the reference to

performance issues was about and asked Ms. Strangfield if she had ever said the following to Mr. McMullen:

- “Where are you at on this?”
  - “When are you going to get this done?”
  - “No, we are not going to do that.”
  - “No, that makes no sense.”
- While Ms. Strangfield did not recall specific instances when she might have said any of these statements, she did indicate that she regularly asks many people, not just Mr. McMullen, where they are at with their work. As the CIO, she keeps up with the status of the projects in her unit. She stated that she discussed work generally, status updates of the work Mr. McMullen’s team was doing, and that she received complaints from others (including Joe King, Sandee Hawkins, Rick Crager, all the team leads, and Krista Campbell) about Mr. McMullen’s performance. Ms. Strangfield did not discuss Mr. McMullen’s specific performance issues, what she was doing to address issues, what she was saying to Mr. McMullen about performance issues, or how she coached Mr. McMullen with anyone but Mr. McMullen in private, HR, or her supervisors.
  - It was clear in the investigatory interview that ODE believed that general questions related to status updates, for example, were evidence of discussing “performance”. There is a big difference between asking someone where they might be on a project and giving that person specific performance coaching. It appears ODE is confused by this distinction. Any reasonable person would understand the necessity to ask direct reports the status of projects whether it be in meetings, huddles, or elsewhere, without the need to set up a private meeting.
  - Once again, ODE omitted relevant facts related to this charge. From what we can glean from the incomplete records we were provided, others reported that Mr. McMullen is a “poor manager”, he “doesn’t get things done”, he “always has excuses”, and he is responsible for

many delays. If Ms. Strangfield is asking him the status of his work more often than others, it is likely because he doesn't get his work done in a timely fashion, not because Ms. Strangfield is singling him out to be hyper-critical of him.

4. ODE alleges Ms. Strangfield has used profanity in the workplace including "shit", "dammit", "crap" and "fuck" in a negative tone, when she is "angry" and the "words intimidate employees." ODE alleges Ms. Strangfield uses foul language in one-on-one meetings, in the morning huddles. ODE further alleges that "SEIU represented Team Leads" report Ms. Strangfield's use of "foul language" during weekly Team Leads/CRB meetings.

RESPONSE:

- ODE fails to provide sufficient facts and an explanation of evidence to allow Ms. Strangfield an opportunity to refute these allegations.
- ODE refers to "SEIU represented" employees, as an apparent significant fact, and perhaps to imply a lack of union support for Ms. Strangfield. This tactic was also used in charge E 1-2, above, and further demonstrates that ODE is desperate to paint Ms. Strangfield in a bad light. The truth is that the SEIU president and representatives support Ms. Strangfield and have praised her often. Just recently, Ms. Strangfield received an unsolicited message of support from an SEIU representative stating that he "wished her well" and still believes "you are one of the best employees ODE has ever had."
- What exactly is Ms. Strangfield alleged to have said, to whom, and when? This type of generality is totally inadequate, and gives Ms. Strangfield no opportunity to respond in a meaningful way.
- There is no explanation of evidence that she ever said these words, that she said them in a "negative tone", that she said them when she was "angry" or that a reasonable listener would have felt intimidated.
- There is no indication of how many times she is alleged to have said which words and over what period of time.

- Ms. Strangfield does not recall any situation where she ever used profanity in a negative tone while she was angry.
- The basis of this allegation lacks necessary specifics and omits important information. ODE’s investigation summary reveals, at best, that Ms. Strangfield has used profanity generally. However, more importantly, others reported that she tends to use profanity in director meetings only and that all the directors have “bad mouths”. It is clear that the directors themselves acknowledge their own use of profanity, and that ODE is singling out Ms. Strangfield for disparate treatment here.
- Clearly ODE is willing to investigate, and conclude as factual, general and broad accusations of using profanity, without holding others accountable for the same behavior. Therefore, we have little confidence that ODE will investigate the detailed account that Ms. Strangfield relayed to Ms. Campbell during her investigatory interview. Ms. Strangfield reported that Mr. Crager (while extremely angry) used the word “fuck” toward Ms. Strangfield in a negative and intimidating manner. Ms. Strangfield explained that Mr. Crager made her feel threatened and scared. It is noteworthy that Ms. Strangfield made this report while Mr. Crager stared her down from across the table. After reviewing her notes, Ms. Strangfield would like to add that this incident occurred on Wednesday, February 7, 2018, around 4 p.m.

F. Alleged behavior toward Mr. Mendez

1. and 2. ODE alleges that “[a]fter observing IT Team Lead Mike Mendez talking with ODE Accounting Director Tomas Flores,” Ms. Strangfield told him he “should not be talking to Mr. Flores,” and that as a result, they were “afraid” to be caught talking to each other.

RESPONSE:

- ODE fails to provide sufficient facts and an explanation of evidence to allow Ms. Strangfield an opportunity to refute these allegations.
- Ms. Strangfield was not specifically asked about this allegation during her investigatory interview. In fact, Mr. Mendez’s name was not mentioned during the interview. ODE made

factual conclusions without considering any information from Ms. Strangfield.

- Ms. Strangfield does not recall ever asking Mr. Mendez not to speak to Mr. Flores. In fact, given their roles, Ms. Strangfield believes it is important for them to talk. She would have no reason to suggest otherwise. If ODE had bothered to ask Ms. Strangfield about this alleged occurrence during the investigatory interview, she would have stated as much at that time.
- It also is unlikely that this ever occurred given that Mr. Flores was not at ODE (was out on rotation) from 10/9/17 to 4/30/18. (See Attachment 9). According to ODE (Investigatory Interview with Susie Strangfield – Recording), ODE was investigating complaints against Ms. Strangfield from September through December 2017. As the email attachment shows, ODE employees were notified on September 25, 2017 that Mr. Flores was taking a six month job rotation with another state agency. That same day, Ms. Strangfield congratulated and expressed her excitement to Mr. Flores for his new opportunity. She also told him that she will miss him. It appears to be ODE’s position, that sometime in the following two weeks, knowing Mr. Flores would be leaving, that Ms. Strangfield decided to randomly tell Mr. Mendez not to speak to Mr. Flores. This accusation is absurd.
- If what ODE alleges were true, why would these two “friends” who regularly lunch together be “afraid” to speak to each other? Why wouldn’t Mr. Mendez instead ask why he should not talk to his friend? It makes no sense that Ms. Strangfield would randomly observe two people talking and then, with no stated reason, say they should not speak. And it makes even less sense that these men (leaders at ODE) would say nothing about this and then be afraid to speak to each other.

II. Allegation that Ms. Strangfield demonstrated poor judgment and failed to perform the duties of her position when she “failed to execute the eRate grants including ensuring funding to grantees was distributed as outlined in the agreements by December 31, 2017.”

A. ODE includes a general description about the state “eRate” pilot matching funds program.

RESPONSE:

- ODE's general description of the E-Rate program is wholly inaccurate and incomplete and demonstrates that ODE does not understand its own program.
- The E-Rate program is a federal program funded by the Universal Service fund and managed by the FCC. The program provides discounted telecommunications, Internet access, and internal connections to eligible schools and libraries. The size of the discount is based on a school's free and reduced lunch rate in the National School Lunch Program.
- In late 2014, the FCC adopted an E-Rate Modernization Order, which included a provision to provide up to an additional 10% discount for special construction projects, for dark or lit fiber, that would match any state funding invested in the project. In essence, with a state funding investment and the additional E-Rate discount, special construction projects could receive up to an additional 20% discount, and in the case of high poverty school districts, could pay little to nothing for their project.
- Recognizing that in Oregon, this short-term opportunity could have a tremendous impact on school districts, particularly those in rural areas of the state and/or with high levels of poverty, the Oregon Department of Education in partnership with the Chief Education Office took a proposal to the joint Legislative Emergency Board on May 25, 2016 to request funds be allocated for a state match pilot project that would provide the state match funds for special construction projects in funding year 2016. Projects were selected based upon FY16 470 filings indicating special construction for dark or lit fiber builds. The legislative Fiscal Office supported projects for districts/ESDs having a 70% discount rate or higher. The funding request was unanimously approved by the E-Board.
- As this was a state pilot matching fund program, ODE and CEoO knew a permanent fund would need to be established by the legislature in order to carry the state investment across biennia. This original pilot fund was set to expire June 30, 2017. All district/ESD state match eligible expenditures would need to be incurred prior to that deadline. ODE would have until December 31, 2017 to complete all eligible disbursements and any remaining funds would be reverted back to the general fund.

- B. ODE states that the allotted general fund dollars covered six school districts, agreements were required to apply matching funds, and districts had to meet federal requirements.

RESPONSE:

- Ms. Strangfield generally agrees with the facts, as stated in this subsection, however she notes that only five school districts, not six, were able to proceed under this program, which resulted in five executed contracts.

- C. ODE alleges that Ms. Strangfield was responsible for managing the “grant” program and its contracts, and that she was listed as the “point of contact on the agreements for school districts to send their disbursement request forms to.”

RESPONSE:

- The program is not a grant program.
- As a preliminary matter, it is bewildering why Ms. Campbell did not interview anyone, other than the complainant, Mr. Crager, when investigating this accusation. A fair investigation would have included, at the very least, members of ODE’s procurement team (specifically Karen Hull), and should have included others intimately involved with the project, such as Sabrina Carson, Wendy Finley, and Carla Wade.
- This statement is false. Conveniently, ODE fails to explain its evidence that led to the conclusion that Ms. Strangfield was responsible for managing the E-Rate pilot matching fund program. Moreover, ODE omits Ms. Strangfield’s investigatory interview response on this issue, where she stated that she was not responsible for managing this fund and its contracts. ODE has provided zero evidence that this pilot matching fund program was Ms. Strangfield’s responsibility.
- Ms. Strangfield was listed as the person who would receive the disbursement forms, because she had the technical knowledge to review those forms to determine if the forms qualified as state match-eligible expenses. After making a determination regarding match-eligible expense, she would route the forms to ODE’s

procurement team for payment and for tracking of the amounts expended. That was the extent of Ms. Strangfield's responsibility regarding this program. So, until she received a disbursement form, there was nothing for her to do.

- ODE has a Procurement Team, whose responsibility is managing contracts. That team has received procurement training, and is experienced in contract management. The procurement team, in fact, was responsible for management of the E-Rate contracts. Rick Crager is the Procurement Team's supervisor and is directly responsible for the procurement team's work and deliverables. Mr. Crager was intimately involved with the E-Rate program from the very beginning, and continued his participation and oversight throughout. Let's not forget that Ms. Strangfield is the CIO, responsible for IT work, and that ODE has an entire procurement team whose function is to manage contracts. This entire accusation appears to be an attempt by Mr. Crager to deflect responsibility and accountability away from himself and his team.
- The five contracts at issue here were signed and executed Karen Hull (a member of the procurement team). ODE has these five contracts in its possession and could have easily verified that Karen Hull signed them all. And yet, during the investigatory interview with Ms. Strangfield, ODE insisted that it was Ms. Strangfield who signed the contracts. Ms. Strangfield made clear then that she DID NOT sign the contracts. It appears that either ODE has still failed to actually look at the contracts, or ODE is intent on presenting the facts in an untruthful way despite knowledge to the contrary. The signature pages for each of the five signed agreements are attached. (See Attachment 10).
- It should also be noted that the procurement team drafted the contracts, worked with the districts on the contracts, and worked with the Department of Justice to obtain legal sufficiency review. The allocation of funds from the E-Board were a part of the Finance Office (Rick Crager) budget.

D. ODE alleges that Ms. Strangfield engaged in conversations with ODE Procurement staff and agreed that "invoicing would be the best way of executing these agreements."

RESPONSE:

- ODE fails to explain its evidence and, once again, misrepresents the facts.
  - While Ms. Strangfield did engage in conversations with Procurement staff about invoicing, she did not lead that conversation in any way. This state match pilot presented a unique problem that no one at ODE had dealt with before. In fact, Ms. Strangfield clearly had little idea how this would work, what kind of vehicle could disburse the funds, and deferred to the Procurement staff for their expertise. With respect to invoicing in particular, Ms. Strangfield answered a question from Procurement staff regarding “which funding option would be easiest” by stating, “[m]y gut tells me CMS would be easier, but again, I’m new at this and don’t know the ins and outs yet. Can you coach me through this?” (See Attachment 11).
- E. ODE alleges Ms. Strangfield “tracked in Smart Sheets the participating schools, project costs, etc.”

RESPONSE:

- This statement is false. If someone at ODE tracked this project in Smart Sheets, it was not Ms. Strangfield. ODE has refused to provide all of the documents it used to support its charges, so we have not seen the Smart Sheets document to which ODE refers. We do note that a Smart Sheets document was not attached to ODE’s investigation summary.
- F. ODE alleges Ms. Strangfield “previously managed grant agreements similar to the eRate pilot project.”

RESPONSE:

- This statement is false. Again, the program was not a grant program. Further, Ms. Strangfield explained in detail during her investigatory interview that she had never been involved with a project like the E-Rate pilot matching fund project.<sup>5</sup>

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<sup>5</sup> The investigation summary contains a list of contracts that Ms. Strangfield has been in some way affiliated with and a conclusion by Ms. Campbell that one of the contracts is similar to E-Rate. This is not true.

- ODE has provided zero evidence to support this statement. Ms. Strangfield has provided documentation evidencing the opposite. (See Attachment 11, mentioned in subsection D., above).

G. ODE alleges the following: “When interviewed you admitted to ‘*dropping the ball*’ with regard to these grants and that ‘*you just missed it*’, meaning the deadline.”

RESPONSE:

- ODE’s allegations are false and disingenuous. Ms. Strangfield did not say that she missed any deadline for which she was responsible. Once again, ODE is knowingly and willfully misrepresenting the facts, in an obvious attempt to discredit Ms. Strangfield by painting an untruthful picture.
- During her investigatory interview, Ms. Strangfield spent 26 minutes and 19 seconds discussing the E-Rate pilot matching fund project. It is unconscionable that ODE has condensed these 26 minutes and 19 seconds of information into the six quoted words, which were completely taken out of context. We challenge any reasonable and impartial person to listen to the full conversation on the interview recording and come to the same conclusion ODE states here.

H. ODE alleges the following: “Your lack of monitoring and follow-through resulted in \$199,439 of the \$260,059 general fund dollars allocated to the eRate Pilot program reverting away from ODE and back to the General Fund on December 31, 2017. The Department remains obligated to the school districts and will have to come up with internal funding to fulfill those agreements.”

RESPONSE:

- ODE has provided no evidence that Ms. Strangfield was responsible for the lack of monitoring and follow-through that caused pilot program funds to revert back to the General Fund. In fact, the evidence we have provided shows that this responsibility belongs to the Procurement Team and their supervisor, Rick Crager.
- Based on ODE’s own documents, the numbers stated in this charge appear to be inaccurate. It also appears, based on the stated

numbers, that \$60,620 was disbursed. Ms. Strangfield does not recall signing any disbursement forms and has no idea who may have authorized those disbursements or when.

- III. Allegation that Ms. Strangfield “demonstrated poor judgement and failed to perform the duties of her position when she failed to follow agency IT guidelines and statewide policy for removing former Security Officer Amy McLaughlin’s access to the agency active directory and email servers upon her separation from state service on April 28, 2017. This allowed a non-ODE employee to access ODE email and active directory systems, thereby exposing the agency to risk.”
- A. ODE alleges that Ms. Strangfield failed to follow State of Oregon and agency procedures for shutting down a former employee’s email and active directory access.
- B. ODE alleges Ms. McLaughlin accessed her email after her termination and attached documents from the ODE Active Directory.
- C. ODE alleges that Ms. Strangfield received two emails from Ms. McLaughlin on May 22, 2017, one of which included a file directory link, which made Ms. Strangfield aware that Ms. McLaughlin continued to access her ODE email and active directory account after the end of her temporary appointment on April 28, 2017. ODE also alleges that Ms. Strangfield did not take steps to immediately shut down Ms. McLaughlin’s access, and that Ms. McLaughlin continued to have access to ODE systems until September 1, 2017, when Mr. King identified that Ms. McLaughlin’s account was still open and provided instructions to Nigel Crowhurst to disable it.
- D. ODE alleges Ms. McLaughlin continued to have access to 35 agency systems or groups after her termination on April 28, 2017. These groups included security groups and school data systems. ODE further alleges that Ms. McLaughlin’s continued access could have compromised the integrity of ODE systems and data.

RESPONSE:

- ODE fails to provide sufficient facts and evidence to support these allegations. ODE fails to identify how anything alleged constitutes a policy violation.

- Specific facts outlined in this charge are false:
  - Ms. McLaughlin was not ODE’s Security Officer. ODE’s Security Officer was Richard Woodford. Ms. McLaughlin’s position was Director of IT Operations.
  - Ms. McLaughlin was not “terminated” from her position. She resigned her position to accept a new position in Higher Education. After she resigned, she agreed to come back to ODE as a temporary employee to assist the CIO, Ms. Strangfield, with the transition.
  
- Ms. McLaughlin herself brought this issue to ODE’s attention and provided ODE with proof that her email was de-activated for many months and then was reactivated on or about March 6, 2018. (See Attachment 12). ODE has not explained how this happened.
  
- ODE internal IT staff were implicated in Ms. McLaughlin’s letter to ODE, and as a result Ms. Strangfield sent an email suggesting a completely independent review by the Enterprise Security Office (ESO). (See Attachment 13). Instead, Rick Crager gave an immediate heads up to Joe King about the situation (attachments to ODE’s investigation summary) and ODE asked Joe King to research the issue. ESO was consulted, at some point, but it is clear ESO did not do the review independently from ODE staff, and may have only been provided information directly from Mr. King
  
- It is important to note that February 28, 2018 was the last day security staff Richard Woodford, ODE CISO, and Mike Bushman were working within ODE IT. March 1, 2018 was their first day working from ESO in their new positions under Senate Bill 90. We do not believe it is a coincidence that Ms. McLaughlin’s email account was reactivated just days after the security staff left ODE. ODE appears to have a fox guarding the hen house, and is attempting to obfuscate the real issue by what it alleges in this Notice.
  - ODE failed to interview anyone with relevant information to this charge, including but not limited to, ODE Network staff and Enterprise Security Officers, or to verify or corroborate the information Mr. King provided in any way. It appears ODE simply relied on Mr. King’s assessment of all the information, even after it was suggested that

suspicious activity likely occurred as a result of improper internal staff activity.

- Ms. Campbell even had Mr. King investigating what policies he could provide that Ms. Strangfield may have violated and providing those to Ms. Campbell. This is highly inappropriate when Mr. King is one of Ms. Strangfield's direct reports and one of the complainants in this matter.
- ODE's own investigation summary attachments explain that Nigel Crowhurst confirmed that Ms. McLaughlin's Active Directory account was disabled, which would block the ODE email software, and would not allow out of office messages to be generated from that email (which he tested to ensure accuracy). So, the only way Ms. McLaughlin's email account would send out of office messages on March 6, 2018, is if someone internally reactivated it for some reason.
- We also recently received what we believe to be reliable information that Mr. King may have opened as many as four additional Domain Administrator accounts under various pseudonyms during the summer of 2017, and that he asked Network staff to disable the alert system that would notify others that someone had been given that high level authority. Ms. Strangfield never authorized any additional Domain Administrator accounts. Most importantly, Mr. King has one Domain Administrator account to conduct legitimate business for ODE. There would be no reason to create additional accounts, except to do something unauthorized, and disabling the alerts would aid in avoiding detection.
- Mr. King's reports (attached to ODE's investigation summary) raise more questions than provide answers, and certainly do not support what ODE alleges in this Notice. There are internal inconsistencies in Mr. King's own information and inconsistencies between ESO findings and Mr. King's information.
- While Ms. McLaughlin temped for ODE, she accessed her work through remote access to a desktop computer at ODE, which was the only means of access she had to the internal share-drives via

her standard user account, unless she was physically in the building.

- The desktop computer that was used for Ms. McLaughlin to remote into the system was re-imaged and re-deployed at the end of her temporary tenure and was given to Joe King, who started work with ODE on May 22, 2017.
- ODE has a practice of allowing managers to keep a departing employee's email account open after that employee has left the agency for a period of time, to allow the manager access to that account to obtain information from it. Additional check boxes were added to the departing user form to accommodate this option, because it occurs so frequently. Furthermore, ODE had a business need to leave Ms. McLaughlin's email intact in case Renewal Notices, invoices, contract information, field questions, OCR requests, etc., arrived. This is a common practice.
- Ms. Strangfield remembers completing and signing the departing user form. At the time designated on the form, Network staff should have disabled Ms. McLaughlin's email and archived it. The signed form should have been filed in a file cabinet with all other agency new, modified, and departing user forms. If ODE has not located that form, it is baffling why its only conclusion is that Ms. Strangfield did not complete it and sign it. In her position as CIO, she did not walk her employees to their desks to make sure what was requested was done, and she certainly did not check the filing cabinet to ensure the form was appropriately filed. The departing user process is a paper process, which means, at some point, human error is inevitable. One certainly would hope ODE does not consider terminating every employee who forgets to sign or process a form or accidentally files it in the wrong place.
- Ms. Strangfield is certain there are many other instances where a departing user form was not completed. Never has Ms. Strangfield heard of ODE investigating someone's failure to fill out the departing user form or levying charges for termination in response. It is ridiculous for ODE to profess that this is a serious offense that merits a consideration of termination.
  - In fact, ODE's own attachments to its investigation summary demonstrate other instances where former staff are listed with active accounts, and a specific mention with

one employee that staff could not find a departing user form associated with that employee. Unless ODE is investigating those supervisors and prepared to charge a serious offense that justifies termination, then it appears once again ODE is singling Ms. Strangfield out for disparate treatment.

- Whether ODE could find the actual departing user form in the filing cabinet or not is less important than the fact that evidence shows that Ms. Strangfield specifically directed Les DeFoor to disable the account. (Email attached to ODE's investigation summary as Attachment 6). It should also be noted that because the departing user form process is a paper process, it was seen as unreliable, and a back-up system was put in place whereby HR sends a monthly report to Mr. McMullen identifying departed users, so that Mr. McMullen's team can follow up on any access issues and asset tracking.
- On May 22, 2017, Ms. Strangfield contacted Ms. McLaughlin to find out where a specific document was located that Ms. Strangfield needed for her work. Ms. McLaughlin did not know off the top of her head, but indicated she could find it in short order if Ms. Strangfield authorized her access to look for it.
- Ms. Strangfield offered to extend the temporary contract to pay Ms. McLaughlin for her time, but because Ms. McLaughlin thought she could find it quickly, she indicated she would locate the document without charge to the agency.
- Ms. Strangfield, as the CIO of the agency, authorized Ms. McLaughlin access to look for the document, and Ms. McLaughlin worked with a network team member to gain temporary access to a desktop to search for the document. Because the desktop Ms. McLaughlin had remotely accessed previously had been re-imaged and re-deployed, it was not available to remote into, and a network team member gave Ms. McLaughlin very brief access, so that she could locate the document and send it to Ms. Strangfield, after which her password was reset and set for expiration.
- As the CIO of the agency, it was well within Ms. Strangfield's purview and within State and ODE policies for Ms. Strangfield to authorize temporary access to Ms. McLaughlin to save the agency time and resources.

- It is completely false that Ms. McLaughlin had full access to ODE systems.
  - ODE network administrators do not have full access to ODE systems when they log into their standard user accounts.
  - All ODE network administrators have a separate Domain Administrator account under another name (typically a pseudonym assigned to a real person to prevent hacking).
  - Domain Administrator accounts are the accounts with wide-reaching and extensive access to ODE systems.
  - Ms. McLaughlin’s Domain Administrator account was terminated when she left ODE in December 2016. She did not even have Domain Administrator access during her temporary employment with ODE in 2017.
  
- ODE has written its Notice in a way to suggest that Ms. McLaughlin was a threat to ODE and its systems, which is completely false. She is a trusted, experienced, IT professional. In fact, were it not for Ms. McLaughlin, ODE would not have become aware that someone at ODE (while Ms. Strangfield was duty stationed at home) re-activated her email. (See Attachment 12). Furthermore, ODE’s own investigation documents reveal that ODE IT staff and Enterprise Security Office staff concurred that the level of severity did not warrant a reclassification of what occurred from “event” to “incident”. ODE cannot have it both ways. Is this a non-incident or a very serious incident that justifies its charge in this Notice.
  
- Ms. Strangfield has concerns that someone has been accessing her email while she has been duty stationed at home for the past 4+ months.

***Conclusion***

As we have demonstrated in this response, there is nothing in ODE’s Notice that warrants any disciplinary action whatsoever, much less dismissal. Even assuming that ODE wants to continue with its charade that Ms. Strangfield did anything wrong, it is clear that ODE did not follow the required progressive discipline steps. As ODE knows,

progressive discipline means imposing increasingly severe sanctions for repeated infractions, up to and including dismissal. Discipline must be administered with genuine interest in helping the employee correct a performance or behavior problem and to ensure it is not repeated. Prior to administering discipline, the agency must meet all obligations to help the employee be successful in the job, and must answer the following questions:

- Has the employee been told what is expected of him or her?
- Is the contemplated discipline suitable for the infraction?
- Were other employees treated the same in similar situations?
- Was a fair and thorough investigation conducted?

In this case, the answer to each of these questions is “no”.

ODE has removed Ms. Strangfield from her job responsibilities, taken away all her projects, and made significant changes in IT without her input, while she sat at home by her phone and computer between 8-5 with nothing to do, as she was directed. This has gone on for almost 5 months. ODE has had plenty of time to fully investigate the matters alleged in its Notice, and given the information outlined above, we ask that she be returned to her position as CIO without delay.

We also would like to remind ODE that it is a crime to knowingly destroy, conceal, remove or falsely alter a public record without lawful authority.

Sincerely,

/s/ Shannon N. Rickard

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