

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR MARICOPA COUNTY

ELIZABETH McCOY and WILLIAM	)	
McCOY, husband and wife,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	No. CV2013-090349
	)	
GILBERT UNIFIED SCHOOL DISTRICT	)	
No. 41, a political subdivision	)	
of the state; DR. DAVE ALLISON,	)	
and JANE DOE ALLISON, husband	)	
and wife; BRIAN YEE an unmarried	)	
man; 41JOHN DOS 1-X, JANE DOES	)	
I-X, CORPORATIONS I-X;	)	
PARTNERSHIPS I-X,	)	
	)	
Defendants.	)	
	)	
_____	)	

DEPOSITION OF SHANE MCCORD

Chandler, Arizona  
May 29, 2014  
9:59 a.m.

	Reported by:
	SHANNON STEVENSON, RPR, CCR
	Certificate No. 50461
	BARTELT REPORTING, LLC
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1 DEPOSITION OF SHANE MCCORD  
2 commenced at 9:54 a.m. on May 29, 2014 at the Law Offices  
3 of William R. Hobson located at 7303 West Boston Street,  
4 Chandler, Arizona 85226, before SHANNON STEVENSON,  
5 Certified Court Reporter, Certificate No. 50461, for the  
6 State of Arizona.

7

8

\* \* \*

9

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21

22 Also Present:

23 Elizabeth McCoy  
24 William McCoy

25

Phoenix, Arizona  
May 29, 2014  
9:54 a.m.

1  
2  
3  
4

5

SHANE MCCORD,

6

called as a witness herein, having been first duly sworn,

7

was examined and testified as follows:

8

9

\* \* \*

10

11

EXAMINATION

12

BY MR. HOBSON:

09:41:27 13

Q State your full name for the record.

09:54:28 14

A Shane McCord.

09:54:29 15

Q And, Mr. McCord, what do you do?

09:54:32 16

A I'm currently assistant superintendent for

17

Gilbert Public Schools.

09:54:39 18

Q Have you ever been deposed?

09:54:41 19

A Once.

09:54:42 20

Q Have you ever been named as a party in a

21

lawsuit?

09:54:45 22

A Yes.

09:54:45 23

Q And on how many occasions?

09:54:47 24

A Once.

09:54:50 25

Q Were you named in both the Mopesha and the

1 Green suit?

09:54:55 2 A Just the Green.

09:54:56 3 Q Just the Green, okay.

09:54:59 4 Okay. Well, the reason I ask, I want to be  
5 sure that we understand how this process works so we can  
6 be sure we have a clear record. Let me just put kind of  
7 the rules of the road on the record so we're clear about  
8 how this works.

09:55:17 9 This is my opportunity to ask you questions and  
10 you give me answers. It doesn't work the other way.

09:55:21 11 A Yes, sir.

09:55:22 12 Q So it's kind of like one-handed tennis in a  
13 way.

09:55:26 14 It will inevitably be the case that some of the  
15 questions I ask will be confusing or you don't understand  
16 them for whatever reason. If I ask a question that you  
17 don't understand, would you ask me to restate it so that  
18 you feel you understand it?

09:55:43 19 A Yes, sir.

09:55:44 20 Q If you answer a question, I'm going to assume  
21 that you understood it. Do you think that's fair?

09:55:51 22 A Yes, sir.

09:55:52 23 Q There are -- the lawyer representing the  
24 district, Ms. Gilbert, is here and she's an old hand at  
25 this. From time to time she may make objections. And

1 the way this is supposed to work is that she makes -- if  
2 you see she's starting to say something, please wait and  
3 let her get her objection on the record. That way her  
4 objection is preserved and then you can answer as best  
5 you can. That way we have both her objection and your  
6 answer, and if she's right about the objection, the court  
7 won't let the answer come in; if she's wrong, then we  
8 don't have to run back and forth to court all the time.

09:56:33 9 MS. GILBERT: I'm never wrong.

10 Q BY MR. HOBSON: Unlike most lawyers who are  
11 often wrong and never in doubt, Liz is usually not wrong.

09:56:47 12 Shannon knows, the other thing that frequently  
13 happens is that from time to time we'll talk over each  
14 other the way people ordinarily communicate. That is  
15 really hard for the court reporter to get down. So if  
16 you are -- if I say something and I'm not through, please  
17 wait and I'll try to do the same. I know we'll violate  
18 that from time to time, but if it gets too bad Shannon  
19 will just stop and stay that's the record you guys want.

09:57:17 20 There are a couple common expressions in  
21 English that we use all the time as well as gestures,  
22 head nods, and head shakes we use to communicate all the  
23 time, they are hard for the court reporter to get down.  
24 And the expressions uh-huh and huh-uh, are common English  
25 expressions, but they're hard to get down, so yes or no

1 as appropriate. If that's okay?

09:57:42 2 A Yes, sir.

09:57:42 3 Q Is there any reason we can't go forward with  
4 your deposition today?

09:57:43 5 A No, sir.

09:57:43 6 Q Do you take any medication?

09:57:44 7 A I do. I take Lisinopril and a form Xanax.

09:57:50 8 Q And Xanax is to deal with anxiety?

09:57:53 9 A Yes.

09:57:53 10 Q And what is Lisinopril used for?

09:57:56 11 A It's a low dosage of blood pressure medicine.

09:58:01 12 Q I'm taking some of that too.

09:58:03 13 Either one of those interfere with your ability  
14 to give complete and truthful answers in a deposition?

09:58:09 15 A No, sir.

09:58:10 16 Q Okay. Have you ever seen a psychologist,  
17 psychiatrist, or marriage counselor at all?

09:58:19 18 A No.

09:58:21 19 Q Have you ever been charged with any criminal  
20 violation that you are aware of?

09:58:25 21 A No, sir.

09:58:29 22 Q Are there any pending criminal charges as it  
23 relates to you?

09:58:33 24 A Not that I'm aware.

09:59:26 25 Q Are you currently in the doctorate program?



09:59:30 1 A Yes, sir.

09:59:30 2 Q Where?

09:59:31 3 A Northern Arizona University.

09:59:32 4 Q And what's the program?

09:59:35 5 A It's a doctoral program for administrative  
6 leadership.

09:59:41 7 Q Policy in leadership?

09:59:42 8 A I believe so.

09:59:42 9 Q Who is the head of the program?

09:59:48 10 A I believe the dean of that is  
11 Dr. Schwanenberger.

09:59:54 12 Q How long have you been in that program?

10:00:01 13 A Five years -- I think around five years.

10:00:05 14 Q Do you -- have you -- where are you in the  
15 program?

10:00:10 16 A I'm all but completed with my dissertation.

10:00:13 17 Q Have you started on your dissertation?

10:00:16 18 A I have.

10:00:17 19 Q How long have you been working on your  
20 dissertation?

10:00:18 21 A For about 2 and a half years.

10:00:19 22 Q Is Brian Yee in that program too?

10:00:22 23 A Yes. He started after me.

10:00:24 24 Q How much after?

10:00:25 25 A I want to say a year or so.

10:00:28 1 Q So he's been in it for at least four years?

10:00:31 2 MS. GILBERT: Foundation.

10:00:32 3 THE WITNESS: I believe so.

4 Q BY MR. HOBSON: You've been in for five and he  
5 started --

10:00:36 6 A I believe it's been five for me.

10:00:38 7 Q Do you and he travel to classes in Flagstaff  
8 together?

10:00:42 9 A No.

10:00:42 10 Q You ever take classes together?

10:00:45 11 A We -- I don't believe we've had a class  
12 together because there's different tracks. You start on  
13 one area and you roll into the other. I can't recall  
14 being in any class with him.

10:01:00 15 Q Can you tell what specific track yours is.

10:01:04 16 A When I say track, they start off with a  
17 foundation of classes your first year, and then the  
18 second year there is another foundation, so if he was a  
19 year behind me, he would be in a different track.

10:01:18 20 Q Different cohort?

10:01:21 21 A Yes.

10:01:25 22 Q Are you personal friends with Mr. Miller?

10:01:27 23 A I know Mr. Miller, yes.

10:01:29 24 Q How do you know Mr. Miller?

10:01:32 25 A Met him a long time ago just as a teacher when

1 we were both teachers.

10:01:37 2 Q Where?

10:01:38 3 A I was teaching at Mesquite Elementary and I  
4 believe I met him the very first time because his wife  
5 was a teacher at Mesquite and she had left some things in  
6 the classroom that I occupied, and so we met one summer  
7 and that was it. And I hadn't seen him until we were  
8 both going to start up Superstition Springs Elementary as  
9 teachers but then I ended up transferring to Val Vista  
10 Lakes so I never taught with him.

10:02:17 11 Q Have you continued to be personal friends?

12 Sorry.

10:02:17 13 MS. GILBERT: Can I clarify? Is that Patrick  
14 Miller you are referencing?

10:02:21 15 MR. HOBSON: I believe so; is that right?

10:02:23 16 THE WITNESS: That's what I'm assuming.

10:02:24 17 MS. GILBERT: I just want to make sure.

18 Q BY MR. HOBSON: Is there another Mr. Miller  
19 that I should be aware of?

10:02:31 20 A Not that I know of.

10:02:32 21 Q When did you first become aware of problems at  
22 Highland Junior High regarding Brian Yee?

10:02:42 23 MS. GILBERT: Form.

10:02:45 24 THE WITNESS: I would probably say right around  
25 maybe a little bit before survey that I did end of

1 January. I think it was third year.

10:02:58 2 Q BY MR. HOBSON: So that was two years ago?

10:03:02 3 MS. GILBERT: Form.

10:03:04 4 THE WITNESS: Two or three.

5 Q BY MR. HOBSON: Okay. And tell me the nature  
6 of the survey.

10:03:10 7 A Nature of the survey is just to get a feel for  
8 how campuses are feeling about what is going on in their  
9 campus and administration and working with each other.

10:03:24 10 Q And what were the problems regarding Brian Yee  
11 that were reported to you?

10:03:29 12 MS. GILBERT: Form.

10:03:30 13 THE WITNESS: Through the survey there was  
14 people that I think felt -- some felt left out, some felt  
15 that there were others that he spoke to more than other  
16 people. There was some -- from what I'm trying to  
17 recall, people wanted him in their classrooms a little  
18 bit more, maybe to communicate a little bit more, and  
19 work with the special ed department a little bit more.

10:03:59 20 Q BY MR. HOBSON: Did Mr. Miller ever discuss  
21 with you problems at Highland regarding his relationship  
22 with Mr. Yee?

10:04:10 23 MS. GILBERT: Form.

10:04:13 24 THE WITNESS: No. What he talked to me about  
25 was looking for other opportunities elsewhere, and so he

1 had talked to me. One time he called me and he said,  
2 hey, I'd like to see if there is something else out  
3 there, and at that time we had a dean position, and I had  
4 talked to the principal over at South Valley, Brian  
5 Yaeger, and I talked to Mr. Yee about the possibility of  
6 Patrick moving over there.

10:04:44 7 Q BY MR. HOBSON: So Mr. Miller didn't discuss  
8 any of his concerns or problems with Mr. Yee with you?

10:04:51 9 MS. GILBERT: Form.

10 Q BY MR. HOBSON: Is that your testimony?

10:04:54 11 A No. He just said he was looking for an  
12 opportunity elsewhere.

10:05:00 13 Q And when he left, what was his position at  
14 Highland when he was discussing his move elsewhere?

10:05:08 15 A He was the dean of students.

10:05:10 16 Q And what did he -- what did he get when he  
17 moved to South Valley Junior High? What was his position  
18 there?

10:05:17 19 MS. GILBERT: Form.

10:05:18 20 THE WITNESS: He was the dean of students.

10:05:19 21 Q BY MR. HOBSON: So it was a lateral?

10:05:21 22 A Yes, sir.

10:05:24 23 Q Did you tell Mr. Miller that you thought it  
24 would be a good move for him to get away from Mr. Yee?

10:05:32 25 MS. GILBERT: Form.

10:05:33 1 THE WITNESS: No.

2 Q BY MR. HOBSON: Did you ever tell Mr. Miller  
3 that you'd help him into a principal's position if he  
4 moved to South Valley Junior High School as a dean?

10:05:43 5 MS. GILBERT: Form.

10:05:44 6 THE WITNESS: I'm sorry, could you repeat that.

7 Q BY MR. HOBSON: Did you tell Mr. Miller at any  
8 time that you would help him get into a principal's  
9 position if he moved to South Valley Junior High as a  
10 dean?

10:05:54 11 MS. GILBERT: Form.

10:05:54 12 THE WITNESS: No. He had asked me if it would  
13 help him, and I said experiences in other places is  
14 always helpful.

15 Q BY MR. HOBSON: Did you interview Miller for  
16 the principal's position at Val Vista Lakes?

10:06:07 17 MS. GILBERT: Form.

10:06:08 18 THE WITNESS: Yes, sir, me and the committee.

19 Q BY MR. HOBSON: How long had he been a dean  
20 before he was promoted to being principal?

10:06:15 21 MS. GILBERT: Foundation's.

10:06:18 22 THE WITNESS: I'm going to --

10:06:19 23 MS. GILBERT: You are not going guess. Only if  
24 you know.

10:06:22 25 THE WITNESS: I'm not sure. I want to say

1 three years.

2 Q BY MR. HOBSON: Okay. Was he ever an AP?

10:06:28 3 A No, sir.

10:06:31 4 Q The dean position is subordinate to an AP  
5 position; is that right?

10:06:37 6 MS. GILBERT: Form.

10:06:39 7 THE WITNESS: Correct.

8 Q BY MR. HOBSON: Are you the person that's  
9 responsible for the interviewing process with respect  
10 to -- with respect to applicants for positions -- for  
11 administrative positions.

10:07:00 12 MS. GILBERT: Form.

10:07:02 13 THE WITNESS: Can you clarify what you mean by  
14 that.

15 Q BY MR. HOBSON: There's an interviewing  
16 process, isn't there?

10:07:07 17 A Yes, sir.

10:07:08 18 Q How do people get -- how are people chosen to  
19 be interviewed?

10:07:13 20 A We look through applications.

10:07:15 21 Q When you say "we look through applications"?

10:07:18 22 A Usually me and someone from human resources.

10:07:21 23 Q When you say "someone from human resources,"  
24 you mean?

10:07:24 25 A Could be -- it depends. Could be at the time

1 Nicki Blanchard, Jeff Filloon, Dr. Allison has even been  
2 a part of that.

10:07:34 3 Q So senior administrators?

10:07:36 4 A Yes, sir.

10:07:36 5 Q It's not done by secretarial staff?

10:07:39 6 A No, sir.

10:07:40 7 Q So you -- are you also involved in the  
8 selection of persons to be interviewed?

10:07:50 9 MS. GILBERT: Form.

10:07:50 10 THE WITNESS: I have been, yes.

11 Q BY MR. HOBSON: Okay. Along with somebody  
12 else?

10:07:56 13 A Yes, sir.

10:07:57 14 Q Has that always been the case since you became  
15 an assistant superintendent?

10:08:03 16 A Yes.

10:08:03 17 Q You were an associate superintendent?

10:08:06 18 A Assistant.

10:08:07 19 Q Assistant superintendent.

10:08:13 20 So there's a selection of persons who have put  
21 their names forward to be -- had their interest in  
22 positions?

10:08:21 23 A Yes.

10:08:21 24 Q They fill out an application, I assume?

10:08:23 25 A Yes, sir.



10:08:24 1 Q Probably there's a resume usually accompanying  
2 that. Is that typically the case?

10:08:29 3 A Yes, sir.

10:08:30 4 Q Are these kind of like paper clipped together  
5 and you just go through a folder?

10:08:37 6 A Generally, they're e-mailed to me from someone  
7 in human resources who takes the applications, Carla  
8 Melton.

10:08:46 9 Q Is there a pre-selection process that happens  
10 before you get to look through them?

10:08:52 11 MS. GILBERT: Form.

10:08:52 12 THE WITNESS: No, sir.

13 Q BY MR. HOBSON: And then how do you select the  
14 persons to be interviewed?

10:08:59 15 MS. GILBERT: Form.

10:09:00 16 THE WITNESS: We look at people who -- we look  
17 at in-district and out-of-district individuals and we  
18 look at the timeline that we have in terms of how many  
19 positions do we have available. Sometimes if it's one,  
20 we try to interview seven to eight candidates for that,  
21 and then we look through the documents and try to find  
22 the best candidates to interview for those.

23 Q BY MR. HOBSON: Are you the person that  
24 develops the matrix that -- that developed the matrix  
25 that gets used to select the candidate you want to offer

1 the position to?

10:09:47 2 MS. GILBERT: Form.

10:09:48 3 THE WITNESS: Do I develop the matrix?

4 Q BY MR. HOBSON: Let me ask it a different way.

10:09:53 5 As I understand it, there are interview panels  
6 that are then assembled?

10:09:57 7 A Yes, sir.

10:09:57 8 Q And you are the person who selects the  
9 interview panel?

10:10:00 10 A Yes, sir.

10:10:01 11 Q Okay. So you choose, you know, Bill McCoy, me,  
12 and somebody else. How many people typically serve on  
13 the panel?

10:10:12 14 A Six, seven, just depends.

10:10:15 15 Q Okay. And are the interviews -- is the  
16 interview panel instructed about what you're interested  
17 in looking at with respect to a particular applicant?

10:10:28 18 A No. They're selected knowing that we're  
19 interviewing for a position.

10:10:33 20 Q Okay. But there are a series of questions that  
21 are going to be asked and a number of criteria you are  
22 going to evaluate people on; isn't that right?

10:10:43 23 A Correct.

10:10:44 24 Q Who develops the criteria by which you evaluate  
25 candidates?

10:10:49 1 A The criteria is generally developed through  
2 human resources in terms of are you talking about a point  
3 system?

10:10:57 4 Q That's what I'm trying to find out.

10:11:00 5 A I'm trying to --

10:11:01 6 Q Was that something you developed?

10:11:02 7 A No, I did not develop that. That was just done  
8 on a system that was developed before I came into my  
9 position.

10:11:09 10 Q So Nicki Blanchard?

10:11:11 11 MS. GILBERT: Form. Foundation.

10:11:12 12 THE WITNESS: Someone in human resources did.  
13 I don't know who specifically.

10:11:15 14 Q BY MR. HOBSON: The reason I'm -- I'm looking  
15 at some data from 2011 and the -- there were -- as a part  
16 of the interview process, apparently there's something  
17 called a GC. Do you know what that is?

10:11:43 18 A I would imagine that refers to gut check.

10:11:48 19 Q Yeah. What is that?

10:11:50 20 A What that is -- and again I didn't develop  
21 that, what that is is people may interview and some may  
22 interview well, some may not interview so well, but it's  
23 the general feel of the committee of how this person  
24 really is and how they could perform and basically  
25 possibly match up with the school.

10:12:19 1 Q So, you have a numbering sequence where you  
2 look at aspects of the person's application, interview;  
3 right?

10:12:31 4 A Correct.

10:12:32 5 Q Are they confident in their presentation, might  
6 be one of the things you give them a score on?

10:12:40 7 MS. GILBERT: Form.

10:12:41 8 THE WITNESS: Correct.

10:12:41 9 Q BY MR. HOBSON: And do you talk to the  
10 committee about the number scoring you are going to use,  
11 1 to ten or 1 to 100, whatever?

10:12:50 12 A Yes, sir.

10:12:51 13 Q And what is the number sequence, is it 1 to 10?

10:12:57 14 A It's usually 1 to 5.

10:12:59 15 Q And is this a ranking system or just --

10:13:01 16 A Like 5 being highest.

10:13:03 17 Q Okay. Do you ever ask the committees to rank  
18 the interviewees in rank order at all?

10:13:13 19 A We ask them to score each question and then at  
20 the end they give us their total for each person that's  
21 being interviewed.

10:13:26 22 Q So you totaled those scores up?

10:13:28 23 A Then we total everybody's score up, yes, sir.

10:13:33 24 Q And you look at how they ranked off of the  
25 scoring?

10:13:36 1 A How they ranked off the numerical scoring, yes.

10:13:40 2 Q Does the gut check thing come as part of that  
3 or does that come after that?

10:13:44 4 A That comes after that.

10:13:45 5 Q Okay. Do you have any experience in human  
6 resources?

10:13:56 7 A I do.

10:13:58 8 Q Anyone ever talk to you about discrimination?

10:14:01 9 MS. GILBERT: Form.

10:14:03 10 THE WITNESS: In terms of?

11 Q BY MR. HOBSON: Illegal discrimination?

10:14:06 12 MS. GILBERT: Form.

10:14:07 13 THE WITNESS: When you say "anybody," who are  
14 you meaning?

15 Q BY MR. HOBSON: In terms of your experience as  
16 a human resources person.

10:14:14 17 MS. GILBERT: Form.

18 Q BY MR. HOBSON: Were you ever given any  
19 training with the laws respecting discrimination?

10:14:20 20 MS. GILBERT: Form.

10:14:20 21 THE WITNESS: No, I never went through any  
22 formal training.

23 Q BY MR. HOBSON: Did you have inservices?

10:14:27 24 MS. GILBERT: Form.

10:14:28 25 THE WITNESS: We may have had inservices in

1 terms of as a district if there was any policy related to  
2 that.

3 Q BY MR. HOBSON: So nobody ever told you, gosh,  
4 Shane, when you use an interviewing system that is not  
5 driven by numbers and let people just alter how they view  
6 a score to be, that that might implicate considerations  
7 of illegal discrimination, anybody ever say that to you?

10:15:02

8 MS. GILBERT: Form.

10:15:03

9 THE WITNESS: No one ever said that to me.

10 Q BY MR. HOBSON: Did you as a careful  
11 administrator ever give any consideration to the  
12 possibility that if you don't have a numbers driven  
13 interviewing system that can't be altered after the  
14 numbers have been calculated, that that might implicate  
15 possible illegal discrimination?

10:15:30

16 MS. GILBERT: Form.

10:15:31

17 THE WITNESS: I didn't know if that was a  
18 possibility, no.

19 Q BY MR. HOBSON: You also recognize, do you not,  
20 that retaliating or taking reprisal against an employee  
21 for exercising protective rights is illegal conduct. You  
22 are aware of that?

10:15:48

23 MS. GILBERT: Foundation.

10:15:49

24 THE WITNESS: Yes, sir.

25 Q BY MR. HOBSON: Both as a matter of state law

1 and the district's own policy provides that. Are you  
2 aware of that?

10:15:55 3 MS. GILBERT: Foundation.

10:15:56 4 THE WITNESS: I'm aware of that, yes.

5 Q BY MR. HOBSON: Testing your human resources  
6 skill a little bit here, Mr. McCord, the -- you are aware  
7 that an employee can make a report of what they believe  
8 to be bad conduct, illegal conduct, and that the making  
9 of that report is a protected activity, you are aware of  
10 that?

10:16:19 11 MS. GILBERT: Form and foundation.

10:16:21 12 THE WITNESS: Yes.

13 Q BY MR. HOBSON: It's even a protected activity  
14 if it turns out that they are wrong about what they  
15 believe was illegal conduct as long as their belief was a  
16 reasonable belief?

10:16:31 17 MS. GILBERT: Form and foundation.

10:16:33 18 THE WITNESS: I believe that.

19 Q BY MR. HOBSON: So, for example, if an employee  
20 saw an administrator and a female staff person in a  
21 closet together with their clothes outside the door of  
22 the closet, that, you know, and maybe there was innocent  
23 conduct or not, but the report of that -- of what that  
24 person observed, that would be protected, wouldn't you  
25 agree?

10:17:04 1 MS. GILBERT: Form and foundation.

10:17:05 2 THE WITNESS: I would believe so if it was  
3 reported by the individual, yeah.

4 Q BY MR. HOBSON: And it would be -- it would be  
5 bad conduct by the district to retaliate against any  
6 person who made a report under those kind of  
7 circumstances. Would you agree with that?

10:17:24 8 MS. GILBERT: Form.

10:17:24 9 THE WITNESS: Yes.

10:17:34 10 MR. HOBSON: Let me mark this as Exhibit 1.  
11 (Deposition Exhibit No. 1 was marked for  
12 identification and attached hereto.)

13 Q BY MR. HOBSON: I'm interested, you know the  
14 name Chip Pettit, don't you?

10:17:53 15 A I do, I'm aware of him, yes.

10:17:55 16 Q Chris Birgen?

10:17:56 17 A Yes.

10:17:57 18 Q Ray Mercado?

10:17:58 19 A Yes.

10:17:59 20 Q And Patrick Miller?

10:18:00 21 A Correct.

10:18:01 22 Q This is some data that we summarized from  
23 materials we got from the district. Are you aware that  
24 Chip Pettit when you rank him in terms of the scoring  
25 that was done in the interview process was 9 out of 14?



10:18:20 1 MS. GILBERT: Form and foundation.

10:18:21 2 THE WITNESS: I don't remember it, but if this  
3 is the information you compiled, then I would accept it.

4 Q BY MR. HOBSON: Correct. Were you aware that  
5 Chris Birgen was 10 out of 14?

10:18:34 6 MS. GILBERT: Form and foundation.

10:18:35 7 THE WITNESS: Again, I don't remember what the  
8 ranking was.

9 Q BY MR. HOBSON: Ray Mercado was 4 out of 7?

10:18:43 10 MS. GILBERT: Form and foundation.

10:18:44 11 THE WITNESS: Again, I don't remember.

12 Q BY MR. HOBSON: And Patrick Miller was 7 out of  
13 10?

10:18:50 14 MS. GILBERT: Form and foundation.

10:18:51 15 THE WITNESS: Once again, I don't remember the  
16 ranking.

17 Q BY MR. HOBSON: Any reason to dispute the  
18 rankings of those employees --

10:19:03 19 MS. GILBERT: Form and foundation.

20 Q BY MR. HOBSON: -- in terms of their interview  
21 process?

10:19:08 22 MS. GILBERT: Form and foundation.

10:19:09 23 THE WITNESS: I guess, I would have to see the  
24 forms themselves.

25 Q BY MR. HOBSON: Sure. Do you have any

1 explanation for why these particular employees who none  
2 of them are ranked even in the top half of the  
3 interviewing class of interviewees, why these people are  
4 chosen over better qualified interviewees?

10:19:33 5 MS. GILBERT: Form and foundation.

10:19:36 6 THE WITNESS: My -- what I believe is the  
7 committee felt that these were the best people for  
8 principal jobs.

9 Q BY MR. HOBSON: So let's see. They get  
10 interviewed and the score places them in the rank that  
11 we're describing, and it's your position that the  
12 committee can then just say I don't care what the score  
13 was, I choose him or her?

10:19:58 14 MS. GILBERT: Form.

10:19:59 15 THE WITNESS: It becomes a discussion about all  
16 the candidates and they feel as if this person, even  
17 though maybe they didn't interview quite as well, they  
18 feel like they're a leader and they should be offered  
19 that opportunity.

20 Q BY MR. HOBSON: Well, Mr. McCord, why do the  
21 interview at all then?

10:20:19 22 MS. GILBERT: Form.

23 Q BY MR. HOBSON: I mean, in light of your  
24 position that they can just disregard the ranking and  
25 just choose whomever they want, why even bother to

1 interview?

10:20:33 2 MS. GILBERT: Form.

10:20:34 3 THE WITNESS: This was the system that we were  
4 given and this is the system we use.

5 Q BY MR. HOBSON: This compliments of Nicki  
6 Blanchard or who gave you the system?

10:20:42 7 MS. GILBERT: Form and foundation.

10:20:44 8 THE WITNESS: It came from human resources. I  
9 don't know exactly who developed it.

10 Q BY MR. HOBSON: Nicki Blanchard was there  
11 before you became an assistant sup; right?

10:20:53 12 A Yes. She was an assistant sup in human  
13 resources.

10:20:57 14 Q For a considerable period of time?

10:21:00 15 MS. GILBERT: Form and foundation.

16 THE WITNESS: I don't know the number of years.

17 Q BY MR. HOBSON: Since 2000?

10:21:04 18 MS. GILBERT: Form and foundation.

19 THE WITNESS: I'm not sure.

10:21:08 20 Q BY MR. HOBSON: As a careful administrator, did  
21 you ever put your hand up and say wait a moment,  
22 Dr. Allison, Nicki, whomever you are having these  
23 discussions with, if we're just choosing people, no  
24 matter -- despite the fact that they're ranking is as bad  
25 as it is, how do we show that we're not acting in a

1 discriminatory fashion?

10:21:35 2 MS. GILBERT: Form.

10:21:36 3 THE WITNESS: No, I never said that.

4 Q BY MR. HOBSON: Are you aware that since you've  
5 been the -- I think the data will bear me out on this,  
6 but let me ask if you have an awareness of this. Since  
7 you've been the assistant sup, that the numbers of males  
8 who have been made principals has gotten significantly  
9 larger than that was previously the case, you aware of  
10 that?

10:22:02 11 MS. GILBERT: Form and foundation.

10:22:03 12 THE WITNESS: I don't know the exact number or  
13 the ratios.

14 Q BY MR. HOBSON: Are you aware that the  
15 individuals chosen to become principals during the period  
16 of time you have been an assistant superintendent has  
17 become significantly larger, the numbers of males have  
18 become significantly larger, are you aware of that?

10:22:21 19 MS. GILBERT: Form and foundation.

20 Q BY MR. HOBSON: Or not?

10:22:23 21 A I don't know the ratios.

10:22:25 22 Q Are you aware that the numbers of principals  
23 chosen males and have gotten younger, almost all of them  
24 under 40?

10:22:33 25 MS. GILBERT: Form. Foundation.

10:22:34 1 THE WITNESS: I'm not aware of their age.

2 Q BY MR. HOBSON: Is that information that you  
3 don't have available to you?

10:22:38 4 A I don't ask their age in interviews.

10:22:41 5 Q Well, isn't there -- doesn't their application  
6 include their age in it? Doesn't it have date of birth  
7 on it?

10:22:48 8 MS. GILBERT: Foundation.

10:22:49 9 THE WITNESS: I think it does.

10 Q BY MR. HOBSON: Do you think it might be an  
11 important thing for a careful administrator who is  
12 selecting persons to be careful that they are not skewing  
13 results to favor people because of gender or age?

10:23:02 14 MS. GILBERT: Form and foundation.

10:23:05 15 THE WITNESS: I don't look at their age one way  
16 or the other.

10:23:09 17 Q BY MR. HOBSON: Do you ever look back and say,  
18 golly, gee, Dr. Allison, Nicki in the five years that  
19 I've been here, we are choosing males, all of them under  
20 40 to become principals. I wonder what that's about.  
21 Did you ever have any of that --

10:23:27 22 MS. GILBERT: Form.

23 Q BY MR. HOBSON: -- consideration?

10:23:29 24 MS. GILBERT: Form.

10:23:30 25 THE WITNESS: I never talked to Dr. Allison

1 about that.

10:23:32 2 Q BY MR. HOBSON: How about just personally  
3 thinking as a careful, educational professional, did you  
4 ever stop to think that, golly, gee, I might be maybe  
5 inadvertently even, but, nonetheless, choosing to hire  
6 younger men to be principals, you know, people like me?

10:23:54 7 MS. GILBERT: Form.

10:23:55 8 THE WITNESS: We took the best candidate or  
9 candidates to Dr. Allison to the committee that we felt.

10:24:01 10 Q BY MR. HOBSON: That can't be. The people that  
11 you are choosing are all in the lower half of the  
12 interviewing class. So you are not taking the best  
13 people, you are taking the people that you are choosing  
14 out of the entire interviewing class.

10:24:16 15 MS. GILBERT: Form.

16 Is that a question?

17 Q BY MR. HOBSON: Isn't that correct?

10:24:21 18 MS. GILBERT: Form and foundation.

10:24:22 19 THE WITNESS: Repeat that, I'm sorry.

10:24:23 20 Q BY MR. HOBSON: If you look at the people that  
21 you are bringing -- forward to Dr. Allison, they are all  
22 people in the lower half of the interview cohort; right?

10:24:36 23 MS. GILBERT: Form and foundation.

24 Q BY MR. HOBSON: Judging from the numbers?

10:24:39 25 A Judging from the numbers you are giving me?

10:24:42 1 Q Correct. And you can go check them later if  
2 you want, but the numbers will bear me out, I think, that  
3 you are taking to Dr. Allison people who didn't interview  
4 very well, who then notwithstanding the fact that all of  
5 them are in the lower half. Despite the fact they didn't  
6 interview very well, you are taking them to Dr. Allison  
7 to choose.

10:25:11 8 MS. GILBERT: Form.

9 Q BY MR. HOBSON: Is that the gut check thing you  
10 are talking about?

10:25:14 11 A We took the candidates that the committee felt  
12 were the best candidates to take to Dr. Allison.

10:25:33 13 Q I do this all the time and I'm sure it drives  
14 everybody crazy, if you need a break at any time. Please  
15 just say so, and we usually take a break once every hour.

10:25:46 16 A I'm sure I'll have to go to the restroom at  
17 some point.

10:25:52 18 Q And we'll say no to that.

10:25:54 19 A I appreciate that.

10:25:55 20 Q But I apologize for not letting you know that.  
21 And if you need to consult with your attorney at any  
22 time, that's also quite fine.

10:26:15 23 So I did ask you if it was a gut check method  
24 that permitted you to lift out these lower ranking folks  
25 and promote them to take them to Dr. Allison for

1 principalships. Was there a different method than the  
2 gut check method? I think I just adopted that from some  
3 of the stuff I read. Is there some different way of  
4 choosing the low scoring interviewees to take them  
5 forward?

10:26:41 6 MS. GILBERT: Form.

10:26:41 7 THE WITNESS: We would look at both areas and  
8 then the committee would decide these are the people that  
9 we felt would best serve Gilbert Public Schools.

10:26:52 10 Q BY MR. HOBSON: What do you mean both areas?

10:26:54 11 A How did they score and then you look at the gut  
12 check, and people would take both things in consideration  
13 and they would say, you know what, we go around the room  
14 and talk about who we felt our number one candidate  
15 overall was, who the number two candidate overall was.

10:27:14 16 Q And then so like Chip Pettit you had gone  
17 around the room nine times and somebody said, well, he's  
18 number nine for me?

10:27:25 19 MS. GILBERT: Form.

20 Q BY MR. HOBSON: If he's ninth and that's a  
21 composite, there may be a few people that had him higher,  
22 but some people had him lower; right?

10:27:34 23 MS. GILBERT: Form.

10:27:35 24 THE WITNESS: You are talking about the  
25 numerical score?



1 Q BY MR. HOBSON: Correct?

10:27:38 2 A I was talking about the gut check.

10:27:40 3 Q When you were talking about gut checking, were  
4 you guys aware of numerical scores? By that time did you  
5 have a tally?

10:27:47 6 A Yes, sir. What I would do is I would -- they  
7 give me all their scores. Usually they say them out  
8 loud, take a calculator, tabulate them, and let them know  
9 here's where based on the interview and numerically this  
10 is where they ranked.

10:28:09 11 Q And then you do this gut checking thing?

10:28:12 12 A Then go around and have discussions about the  
13 candidates. Some committee members say, well, I think  
14 they answered the questions well, but I just didn't get a  
15 good feeling for this individual. I didn't like the  
16 fact -- their answers were pretty decent, but I didn't  
17 like their body language, they didn't look at me when  
18 they spoke, those type of things. These are types of  
19 things people would say.

10:28:37 20 Q And you permit that?

10:28:38 21 MS. GILBERT: Form.

10:28:39 22 THE WITNESS: It was part of the process.

23 Q BY MR. HOBSON: Mr. McCord, how do you protect  
24 against complaints by persons who might say, you know,  
25 what's really being done here is that they're making sure

1 that only the Mormons get hired or only the Catholics get  
2 hired without ever saying it? If you alter a numerically  
3 driven kind of interview system, how do you protect  
4 against suspicions of discriminatory conduct?

10:29:14 5 MS. GILBERT: Form.

10:29:14 6 THE WITNESS: This was the process that we  
7 used.

8 Q BY MR. HOBSON: And this is what Nicki  
9 Blanchard brought you?

10:29:20 10 MS. GILBERT: Form and foundation.

10:29:21 11 THE WITNESS: It was developed through human  
12 resources. I don't know who developed it.

13 Q BY MR. HOBSON: Did you guys ever have a  
14 careful -- did anyone ever think, gosh, maybe we ought to  
15 have this reviewed by legal counsel?

10:29:35 16 MS. GILBERT: Form.

10:29:36 17 THE WITNESS: I was never consulted in terms of  
18 taking it that direction.

19 Q BY MR. HOBSON: Did it ever come into your  
20 brain that, gosh, this doesn't seem to be a carefully  
21 devised system to avoid suggestions of untoward conduct,  
22 illegal conduct?

10:29:52 23 MS. GILBERT: Form and foundation.

10:29:53 24 THE WITNESS: No.

25 Q BY MR. HOBSON: You would agree that hiring

1 somebody into the position because they're a man or  
2 because they're young, would be illegal reasons to make a  
3 hire. Would you agree with that?

10:30:06 4 MS. GILBERT: Form and foundation.

10:30:08 5 THE WITNESS: Say that one more time.

6 Q BY MR. HOBSON: You would agree that hiring --  
7 if one of the reasons we wanted to put him in that --  
8 this person in that job is that person is a man, we need  
9 a man there, that's an illegal consideration. You would  
10 agree with that, wouldn't you?

10:30:24 11 MS. GILBERT: Form and foundation.

10:30:27 12 THE WITNESS: I would understand that, yes.

13 Q BY MR. HOBSON: Do you agree with it?

10:30:30 14 MS. GILBERT: Form.

15 THE WITNESS: I would agree, yes.

16 Q BY MR. HOBSON: Do you agree that putting  
17 somebody in a position because they're young would be an  
18 illegal reason to do that?

10:30:40 19 MS. GILBERT: Form.

10:30:41 20 THE WITNESS: Yes, I agree.

21 Q BY MR. HOBSON: And just so we're clear, you  
22 never looked back at the hires that had been made into  
23 administrative positions during the period of your tenure  
24 as an assistant sup to see if there is a pattern of  
25 preference for younger males?

10:31:06 1 MS. GILBERT: Form.

10:31:07 2 THE WITNESS: No, sir.

3 Q BY MR. HOBSON: You know the lady on my right  
4 here, don't you?

10:31:39 5 A Yes.

10:31:39 6 Q Who is that?

10:31:40 7 A That's Liz McCoy.

10:31:42 8 Q How do you know Liz McCoy?

10:31:44 9 A She's been an employee in the district for a  
10 number years.

10:31:48 11 Q And how many years has she been an employee in  
12 the district?

10:31:52 13 MS. GILBERT: Foundation.

10:31:54 14 THE WITNESS: I don't know exactly.

15 Q BY MR. HOBSON: How long -- can you guesstimate  
16 how long you've known her?

10:32:03 17 A I believe I met Liz when we were in a Master's  
18 class at one point in time.

10:32:10 19 Q Where was that?

10:32:12 20 A That was through Northern Arizona University.  
21 I believe we had class, and I don't even know if she  
22 remembers, Kyrene, I can't remember the name of the  
23 class.

10:32:36 24 Q Do you know what Ms. McCoy's current position  
25 is?

10:32:41 1 A Yes, sir.

10:32:41 2 Q What is her position?

10:32:43 3 A Assistant principal at Highland Junior High  
4 School.

10:32:50 5 Q How long has she been an assistant principal at  
6 Highland Junior High School?

10:32:56 7 MS. GILBERT: Foundation.

10:32:57 8 THE WITNESS: I don't know the exact number of  
9 years.

10:32:59 10 Q BY MR. HOBSON: Were you with the district when  
11 Ms. McCoy made an earlier EEOC charge of discrimination?

10:33:06 12 MS. GILBERT: Form.

10:33:08 13 THE WITNESS: You have a date?

14 Q BY MR. HOBSON: I'm just asking what your  
15 memory is. Remember how this works --

10:33:14 16 A Sorry.

10:33:15 17 Q -- I get to ask the questions and you get to  
18 give the answers.

10:33:18 19 A I apologize.

10:33:19 20 Q Do you remember an earlier EEOC charge of  
21 discrimination that Liz McCoy made?

10:33:24 22 MS. GILBERT: Form. Foundation.

10:33:25 23 THE WITNESS: I remember an EEOC complaint,  
24 yes.

25 Q BY MR. HOBSON: What do you remember about

1 that?

10:33:30 2 A I believe it was in relation to not receiving a  
3 job.

10:33:40 4 Q Were you interviewed about it at all?

10:33:43 5 MS. GILBERT: Form.

6 THE WITNESS: I believe we went to mediation.

10:33:46 7 Q BY MR. HOBSON: To mediation?

10:33:48 8 A I believe so.

10:33:49 9 Q Were you a participant in the mediation  
10 conference?

10:33:54 11 A I was there, yes.

10:33:56 12 Q What happened there?

10:33:56 13 A I believe that was about -- could be about six  
14 years ago.

10:34:03 15 Q Were you an assistant superintendent then?

10:34:08 16 A I think I was at the time. I just started.  
17 This is my sixth year as an assistant sup.

10:34:15 18 Q What happened there? Do you remember who was  
19 there?

10:34:19 20 A There was a mediator whom I don't remember the  
21 name, Mr. and Mrs. McCoy, myself, Nicki Blanchard, and I  
22 believe Denise Lowell-Britt.

10:34:35 23 Q Do you remember what happened there?

10:34:42 24 A To the best of my recollection, we had  
25 conversations about what the complaint was, and then what

1 I remember is we went into a separate room, each  
2 individuals were in separate rooms, and the mediator  
3 would come back and forth and communicate with our  
4 lawyer.

10:35:05 5 Q Did you reach some disposition with respect to  
6 that?

10:35:10 7 A I believe we reached that there would be like a  
8 mentor type program set up for Liz, a list of things that  
9 she could work on to help her get better at public  
10 speaking, and those types of things. But I don't  
11 remember exactly verbatim what was on the list.

10:35:41 12 Q Was there any money paid?

10:35:47 13 A I don't understand your question.

10:35:48 14 Q Did anybody pay any money? Was money a part of  
15 the resolution?

10:35:54 16 MS. GILBERT: Foundation.

10:35:55 17 THE WITNESS: Part of the resolution, that's  
18 what I didn't understand, not that I'm aware of.

19 Q BY MR. HOBSON: Was there a resolution?

10:36:04 20 MS. GILBERT: Form.

10:36:04 21 THE WITNESS: Resolution was that she would  
22 work on some of these attributes to become a better  
23 administrator.

10:36:10 24 Q BY MR. HOBSON: Because she's such a bad one?

10:36:12 25 MS. GILBERT: Form.

10:36:13 1 THE WITNESS: That's not what I said, no.

2 Q BY MR. HOBSON: Is she a bad administrator?

10:36:17 3 MS. GILBERT: Form.

10:36:18 4 THE WITNESS: I don't work with Liz on a daily  
5 basis.

10:36:22 6 Q BY MR. HOBSON: Do you have opportunities to  
7 look at her performance evaluations.

10:36:26 8 A I generally don't. Those are done by the  
9 principals.

10:36:35 10 Q Do you know who her mentor was?

10:36:38 11 A For that?

10:36:39 12 Q After that. You said that part of the  
13 disposition was they were going to appoint a mentor for  
14 her.

10:36:48 15 A Yes, sir, that was me.

10:36:48 16 Q You were her mentor?

10:36:50 17 A Yes.

10:36:51 18 Q What did you do?

10:36:51 19 A We talked about the things that she would do on  
20 her -- on the list of things that she had, and she would  
21 go do a lot of different things. I believe she went and  
22 shadowed principals, she came to elementary meetings, she  
23 did a lot of different things. I know she went to  
24 toastmasters and whatnot.

10:37:11 25 Q So, she do what you suggested she do?



10:37:14 1 A She did a lot of things on there, yes.

10:37:15 2 Q She decline to do stuff that you suggested she  
3 do?

10:37:19 4 MS. GILBERT: Form.

5 THE WITNESS: Not that I'm aware of.

6 Q BY MR. HOBSON: So she did everything that you  
7 asked her to do, as far as you are aware of?

10:37:23 8 MS. GILBERT: Form.

9 THE WITNESS: She worked on the things that  
10 were listed on the sheet.

10:37:27 11 Q BY MR. HOBSON: How did that help her going  
12 forward?

10:37:30 13 MS. GILBERT: Form.

10:37:32 14 THE WITNESS: I don't know.

15 Q BY MR. HOBSON: Well, has she been selected to  
16 become a principal in your district?

10:37:40 17 A No, sir.

10:37:42 18 Q How many people know about her EEOC charge?

10:37:46 19 MS. GILBERT: Form and foundation.

20 Which one?

10:37:49 21 THE WITNESS: I don't know.

10:37:50 22 MS. GILBERT: If you could clarify which one.

10:37:52 23 MR. HOBSON: The prior charge that I was asking  
24 him about.

10:37:55 25 THE WITNESS: The one we are currently talking

1 about?

10:37:57 2 MS. GILBERT: Form and foundation.

10:37:59 3 THE WITNESS: I don't know.

4 Q BY MR. HOBSON: You do recognize, don't you,  
5 Mr. McCord, that filing a charge of discrimination is a  
6 protected activity?

10:38:10 7 MS. GILBERT: Form. Foundation.

10:38:10 8 THE WITNESS: I don't know that.

9 Q BY MR. HOBSON: You don't know that?

10:38:12 10 MS. GILBERT: Foundation.

11 Q BY MR. HOBSON: Nobody ever told you that?

10:38:15 12 A Not to my knowledge.

10:38:20 13 Q Do you know what it is when something is a  
14 protected activity?

10:38:25 15 A Yes, sir.

10:38:25 16 Q What does that mean to you?

10:38:26 17 A That means that it's only for certain people's  
18 eyes only, I would assume.

10:38:32 19 Q Well, it also means that you can't take that  
20 conduct of the person into consideration in an employment  
21 decision, for example.

10:38:46 22 MS. GILBERT: Form.

10:38:46 23 Q BY MR. HOBSON: You are aware of that?

10:38:48 24 MS. GILBERT: Form. Foundation.

25 THE WITNESS: I was not aware of what you are

1 talking about, no.

2 (Deposition Exhibit No. 2 was marked for  
3 identification and attached hereto.)

4 Q BY MR. HOBSON: Do you recognize it's Bates  
5 numbered 580 on the far left side. You see a number  
6 there, McCOYDST000580?

10:39:25 7 A Yes, sir.

10:39:25 8 Q That's called a Bates number. Do you recognize  
9 the top page of this?

10:39:31 10 A Yes, sir.

10:39:31 11 Q What is that?

10:39:34 12 MS. GILBERT: I would like to make it clear for  
13 the record that Exhibit 2 is four pages and the page you  
14 referenced is just the top page; correct?

10:39:42 15 MR. HOBSON: Correct. And let me be clear on  
16 the record. These -- I just kind of clipped them  
17 together for convenience. If they relate one to another,  
18 I'll tell you that; otherwise, you should think of them  
19 as separate documents. Okay?

10:39:56 20 A Yes, sir.

10:39:57 21 Q Otherwise, I was going to have 59 rather than  
22 27 or 159.

10:40:02 23 So you recognize the top page of this?

10:40:05 24 A Yes, sir.

10:40:06 25 Q What is this?

10:40:07 1 A This is the form that is used when all of the  
2 calculations are done in an interview. We put their  
3 scores on this sheet.

10:40:19 4 Q So for the interviewer, this is the summary  
5 sheet that you have at your desk when people are  
6 reporting on Mr. Jones my total number is X?

10:40:33 7 A Correct.

10:40:33 8 Q Interview is conducted for -- is that the  
9 person's in the upper left-hand corner?

10:40:39 10 A Yes. Or the position.

10:40:41 11 Q Okay. And then interviewee names, I guess, are  
12 written in across the top; right?

10:40:48 13 A Yes, sir.

10:40:49 14 Q And then as I understand this matrix, you  
15 totaled up the numbers for each person for each -- so you  
16 get the scores from each interviewee -- interviewer,  
17 excuse me, about each interviewee, and then you total  
18 those up and then you rank them so you'll know they're  
19 first through 14; right?

10:41:13 20 A Yes, sir.

10:41:13 21 Q And then for the top five, you number those the  
22 top five?

10:41:21 23 A Sometimes we do, sometimes we don't.

10:41:23 24 Q Okay. And then GC is the gut checking thing?

10:41:28 25 A Yes, sir.

10:41:28 1 Q That's the one that let's you go off script and  
2 let you choose whomever you want?

10:41:33 3 MS. GILBERT: Form.

10:41:34 4 THE WITNESS: That's the method that we used in  
5 terms of gut check.

6 Q BY MR. HOBSON: And then right below that, is  
7 that the ranking after gut checking?

10:41:41 8 A I believe so.

10:41:44 9 Q You got to forgive me, Mr. McCord, it appears  
10 to me that the only two categories that matter at all are  
11 the GC and the rank below that. Did the higher numbers  
12 mean anything?

10:41:57 13 MS. GILBERT: Form.

10:41:59 14 THE WITNESS: They mean how the people actually  
15 performed in their interview based on numbers.

16 Q BY MR. HOBSON: Yeah, but judging from the  
17 numbers that I showed you there earlier, you are choosing  
18 people that are -- that don't interview very well because  
19 of the gut checking mechanism that you all have.

10:42:20 20 MS. GILBERT: Form and foundation.

10:42:21 21 THE WITNESS: After the interviews were done,  
22 we would look at the numerical rank and then the gut  
23 check would take the best possible candidates to  
24 Dr. Allison based on the recommendation.

10:42:35 25 Q BY MR. HOBSON: Let me have you look at the

1 next page down, if that's okay.

10:42:39 2 A Yes, sir.

10:42:41 3 Q Do you recognize this at all.

10:42:48 4 A Looks familiar.

10:42:54 5 Q Your name is on here?

10:42:56 6 A Yes, sir.

10:43:02 7 Q And Chip Pettit's name is the second one there.

8 Do you see that?

10:43:07 9 A Yes, sir.

10:43:09 10 Q I'm a little curious about the numbering. So

11 let's look at Chris Pettit, for example. The numbers --

10:43:16 12 MS. GILBERT: Do you mean Chip Pettit?

10:43:18 13 MR. HOBSON: Did I say Chip?

10:43:19 14 MS. GILBERT: You said Chris. Make sure we're

15 on the right person.

10:43:24 16 MR. HOBSON: Second column.

10:43:27 17 THE WITNESS: Yes, sir.

18 Q BY MR. HOBSON: So there's a number by Vicki

19 Casso, I guess?

10:43:39 20 A Yes, sir.

10:43:40 21 Q 42, and then Karen Coleman is 59, but there's a

22 number two there, what's that? The little number two,

23 superscript, do you see that?

10:43:51 24 A I don't know.

10:43:51 25 Q And then Shane McCord's 56 and then a

1 superscript of one?

10:43:57 2 A I don't know.

10:44:02 3 Q Jeff Filloon superscript of one. Carol Keough  
4 superscript of five.

10:44:21 5 Is it possible, sir, that what that is is the  
6 gut checking figure?

10:44:26 7 MS. GILBERT: Form.

8 Q BY MR. HOBSON: I ask you that because I notice  
9 if you look at bottom of the gut check, number one, you  
10 see one and one?

10:44:40 11 A Yes, sir. I believe you are correct, I believe  
12 that's what it is. I had to look at it a little bit  
13 further. I looked at the whole sheet, and it looked like  
14 everybody ranked people one through five.

10:44:53 15 Q Why is there a checkmark above certain names  
16 across the top of this, do you know?

10:45:00 17 MS. GILBERT: Form and foundation.

10:45:02 18 THE WITNESS: No clue.

19 Q BY MR. HOBSON: Is this your handwriting, by  
20 the way?

10:45:04 21 A This is my handwriting, yes.

10:45:06 22 Q You just don't remember this?

10:45:07 23 A No, I don't remember checkmarks.

10:45:12 24 Q Chip Pettit was chosen in 2012, 2013 to be an  
25 elementary school principal; right?

10:45:23 1 A Yes, sir.

10:45:24 2 Q What school?

10:45:25 3 A Town Meadows Elementary.

10:45:27 4 Q What was his prior experience?

10:45:30 5 MS. GILBERT: Foundation.

10:45:31 6 THE WITNESS: He was an assistant principal at  
7 Greenfield Elementary before that.

8 Q BY MR. HOBSON: So, notwithstanding, the fact  
9 that his composite, his ranking I guess, of the, looks  
10 like, 12 people that interviewed there, he was ranked,  
11 looks like, sixth. Am I right?

10:46:06 12 A Yes, sir.

10:46:08 13 Q He's the one that gets chosen?

10:46:13 14 A He was one of -- we hired I believe three  
15 principals out of this group.

10:46:29 16 Q Chris Birgen was one of them?

10:46:31 17 A Yes, sir.

10:46:32 18 Q And he ranked seventh; right?

10:46:34 19 A Yes, sir.

10:46:35 20 Q Until the gut checking thing happened, who else  
21 got hired out of this group?

10:46:43 22 A I believe Sam Valles did.

10:46:53 23 Q Let's look at the next page down. Do you  
24 recognize this handwriting?

10:47:02 25 A Uh-huh.



10:47:03 1 MS. GILBERT: Is that a "yes"?

10:47:06 2 THE WITNESS: Yes, I'm sorry.

10:47:08 3 MS. GILBERT: That's okay. Is it your  
4 handwriting?

10:47:16 5 THE WITNESS: Yes.

6 Q BY MR. HOBSON: Do you recognize any of the  
7 interviewees there?

10:47:24 8 A Yes.

10:47:36 9 Q Did anybody get chosen out of this position for  
10 the Houston principalship?

10:47:48 11 A Yes, sir.

10:47:48 12 Q Who would that be?

10:47:49 13 A James Louzek.

10:48:08 14 Q And looks like there was only one gut check  
15 score for him?

10:48:12 16 A It looks like it.

10:48:14 17 MS. GILBERT: Form.

18 Q BY MR. HOBSON: Let me have you look at the  
19 next one down. This is Bates numbered 974. Same  
20 question. The ranking in the interviewing process then  
21 gets subordinated to the gut checking process; isn't that  
22 how this works?

10:48:57 23 MS. GILBERT: Form.

10:48:58 24 THE WITNESS: Yes. We used the gut check  
25 method in this.

1 Q BY MR. HOBSON: It looks like Patrick Miller is  
2 the person who's chosen despite the fact that he in this  
3 interviewing process of 10 candidates, his score shows  
4 he's ranking seventh?

10:49:20 5 A Correct.

10:49:31 6 Q Let's see. You and -- who's Geane Fleurnay?

10:49:35 7 A She's an elementary principal.

10:49:36 8 Q And Jeff Filloon is your -- Nicki Blanchard's  
9 replacement, he's now the HR person?

10:49:45 10 A He's the assistant superintendent of human  
11 resources.

10:49:48 12 Q But at the time when this was done --

10:49:51 13 MS. GILBERT: Form.

14 Q BY MR. HOBSON: -- he would have been what?

10:49:53 15 MS. GILBERT: Form. Foundation.

10:49:57 16 THE WITNESS: I think he was a director.

17 Q BY MR. HOBSON: Okay. And then how about John  
18 Maas?

10:50:01 19 A Principal of an elementary school.

10:50:08 20 Q And Mike Davis was?

10:50:10 21 A Principal of an elementary school. I believe  
22 we had another person who was going to be on the  
23 committee but she canceled that morning, she was sick,  
24 and I didn't have time to replace anybody.

10:50:28 25 Q Tim Moses?

10:50:29 1 A Yes, sir.

10:50:30 2 Q What happened to him?

10:50:31 3 MS. GILBERT: Form.

10:50:33 4 THE WITNESS: He's principal at Superstition  
5 Springs Elementary.

10:50:37 6 Q BY MR. HOBSON: Was he made a principal out of  
7 this interview process?

10:50:41 8 MS. GILBERT: Form and foundation.

10:50:43 9 THE WITNESS: I believe he was.

10:50:44 10 Q BY MR. HOBSON: He was the first ranked person?

10:50:49 11 A I believe this was during that time, yes.

10:51:01 12 Q I'm curious as to why you bother to interview  
13 at all if the gut checking thing can just alter the  
14 results the way you do it. I mean, you are choosing the  
15 first ranked guy, good for you, but then you are choosing  
16 somebody who's in the bottom half of the interviewing  
17 cohort. That doesn't bother you at all?

10:51:26 18 MS. GILBERT: Form.

10:51:26 19 THE WITNESS: I think what the committee looks  
20 for is the culture of the school and is this person a  
21 good fit for that school that is particularly open.

22 Q BY MR. HOBSON: A good fit?

10:51:36 23 A Yes.

10:51:37 24 Q When you have those kinds of thoughts,  
25 Mr. McCord, do you ever considered that having that kind

1 of good fit attitude permits you to engage in illegal  
2 conduct even if done unintentionally?

10:51:57 3 MS. GILBERT: Form and foundation.

4 Q BY MR. HOBSON: I mean, that might be the  
5 reason why in your tenure you are hiring younger males,  
6 for example. You prefer younger males, they're easier to  
7 deal with than women or minorities or older women or  
8 older males.

10:52:15 9 MS. GILBERT: Form and foundation.

10:52:16 10 THE WITNESS: The committee selects the  
11 candidates that go to Dr. Allison. He's the ultimate  
12 decision.

13 Q BY MR. HOBSON: Did you tell Dr. Allison when  
14 you were doing this and forwarding along folks that, Doc,  
15 just want to make sure you understand that the people  
16 that we are interviewing who are scoring pretty well  
17 we're not necessarily choosing because we have this gut  
18 check system that we're using? When Dr. Allison is  
19 getting candidates for selection by -- I guess he's the  
20 deciding official, isn't he, in fact?

10:52:53 21 A Correct.

10:52:53 22 Q Actually, the board is the deciding body, but  
23 he's the one that makes the recommendation to the board;  
24 right?

10:52:59 25 A Correct.

10:53:00 1 Q Did you inform Dr. Allison that you had this  
2 gut checking system, was he aware of that so far as you  
3 know?

10:53:09 4 MS. GILBERT: Form.

10:53:09 5 THE WITNESS: The gut checking system was in  
6 place when he was hiring principals.

10:53:15 7 Q BY MR. HOBSON: Really?

10:53:16 8 A Yes, sir.

10:53:21 9 Q Did he ever raise with you any concerns that  
10 this might permit violations of the law?

10:53:32 11 MS. GILBERT: Form.

12 Q BY MR. HOBSON: That this might permit us to  
13 hire people who were not the best qualified persons for  
14 the job?

10:53:40 15 MS. GILBERT: Form.

10:53:40 16 THE WITNESS: No, sir.

17 Q BY MR. HOBSON: Did he ever raise with you  
18 other concerns that a gut checking system might permit us  
19 to avoid hiring better qualified women, for example, into  
20 administrative positions in favor of lesser qualified  
21 males?

10:53:58 22 MS. GILBERT: Form.

10:53:59 23 THE WITNESS: No, sir.

24 Q BY MR. HOBSON: And I think you have testified  
25 that you never went back to look to see if you were

1 starting to hire more younger women or more younger males  
2 than had previously been the case?

10:54:13 3 MS. GILBERT: Form.

10:54:14 4 THE WITNESS: That would be correct.

5 Q BY MR. HOBSON: Would that be of interest to  
6 you to discover in your years of tenure as an assistant  
7 superintendent that you hired a statistically higher  
8 number of males into positions that had previously been  
9 occupied by women?

10:54:30 10 MS. GILBERT: Form and foundation.

10:54:31 11 THE WITNESS: It would be an interesting thing  
12 to look at.

13 Q BY MR. HOBSON: In terms of the -- did you have  
14 a chance to look at the discovery in this case at all  
15 yet, or no?

10:54:40 16 A Yes.

10:54:42 17 Q I mean, the material that I just showed you,  
18 the report about the hiring of lesser qualified persons  
19 into those positions, did you stop before today to  
20 consider, gosh, looks like I'm hiring, you know, males  
21 under 40 into positions that had been previously occupied  
22 by women?

10:55:03 23 MS. GILBERT: Form.

10:55:04 24 THE WITNESS: I did not look at any of that  
25 documentation.

1 Q BY MR. HOBSON: Would that be of interest to  
2 you?

10:55:08 3 MS. GILBERT: Form.

10:55:09 4 THE WITNESS: Sure.

5 Q BY MR. HOBSON: I mean, you are aware that we  
6 all can have maybe an unintentional bias. You are aware  
7 of that, aren't you?

10:55:17 8 MS. GILBERT: Form.

10:55:18 9 THE WITNESS: I'm sure everybody can.

10 Q BY MR. HOBSON: And it's something to guard  
11 against, isn't it?

10:55:22 12 MS. GILBERT: Form.

10:55:23 13 THE WITNESS: Of course.

14 Q BY MR. HOBSON: And if it turns out that using  
15 a gut checking system you are ending up hiring a  
16 statistically higher number of males and younger males  
17 into positions occupied previously by women employees,  
18 that that would be of a concern to you, wouldn't it?

10:55:43 19 MS. GILBERT: Form and foundation.

10:55:44 20 THE WITNESS: I believe the committee selected  
21 the best people that they felt for the job that we took  
22 those people to Dr. Allison.

23 Q BY MR. HOBSON: Understand. I asked you a  
24 different question.

10:55:53 25 If looking back you realize that there's a

1 statistical -- you know what a statistical significance  
2 is, don't you?

10:56:01 3 A Yes, sir.

10:56:01 4 Q I used to know.

10:56:03 5 But if you looked at the hiring and you  
6 realized that there's a -- there's been a change here in  
7 our hiring practices, and we've got to have some way for  
8 accounting for this, wouldn't that be of concern to you?

10:56:18 9 MS. GILBERT: Form and foundation.

10:56:19 10 THE WITNESS: Yes.

11 Q BY MR. HOBSON: But you haven't -- you haven't,  
12 in fact, looked at any of that, have you?

10:56:24 13 MS. GILBERT: Form.

10:56:25 14 THE WITNESS: No, sir.

10:56:25 15 Q BY MR. HOBSON: And you are leaving the Gilbert  
16 School District, as I understand it?

10:56:32 17 A That is correct.

10:56:32 18 Q Where are you going?

10:56:33 19 A Mesa Public Schools.

10:56:35 20 Q And what's your position at Mesa Public  
21 Schools?

10:56:36 22 A Executive director of innovation and strategic  
23 planning.

10:56:47 24 Q Is that a superintendency?

10:56:49 25 A No. I'm not an assistant superintendent.



10:56:53 1 Q So you're taking a demotion?

10:56:57 2 MS. GILBERT: Form.

10:56:58 3 THE WITNESS: I guess it would look like that.

10:57:00 4 Q BY MR. HOBSON: Is your salary going to be less  
5 than it is?

10:57:03 6 MS. GILBERT: Form.

10:57:04 7 THE WITNESS: Altogether, no.  
8 (Deposition Exhibit No. 3 was marked for  
9 identification and attached hereto.)

10 Q BY MR. HOBSON: Do you recognize this document?

10:57:50 11 MS. GILBERT: Which part of it?

12 Q BY MR. HOBSON: Let's look initially at 824.

10:57:56 13 A Yes, sir.

10:57:56 14 Q And 825?

10:57:59 15 MS. GILBERT: The next page as well.

10:58:01 16 THE WITNESS: Yes, sir.

17 Q BY MR. HOBSON: Let's take a quick break.  
18 (Break taken at break 10:58 a.m.)  
19 (Back on the record at 11:14 a.m.)

20 Q BY MR. HOBSON: Have you look at Exhibit 3, the  
21 top two pages 824, 825. Do you recognize what that's  
22 about?

11:14:19 23 A Looks like interview questions.

11:14:21 24 Q Whose handwriting is that?

11:14:23 25 MS. GILBERT: Foundation.

11:14:23 1 THE WITNESS: I have no idea.

2 Q BY MR. HOBSON: There's a document that I guess  
3 was put on a sticky tab, I guess, put on top, no scores  
4 given to answers. Do you see that?

11:14:35 5 A Yes, sir.

11:14:36 6 Q Whose handwriting is that?

11:14:37 7 MS. GILBERT: Foundation.

8 Q BY MR. HOBSON: If you know?

11:14:40 9 A I don't know.

11:14:41 10 Q If you look at the interview questions, there  
11 doesn't appear to be any scoring with respect to them.  
12 Do you see that?

11:14:56 13 MS. GILBERT: Form and foundation.

11:14:59 14 THE WITNESS: From what I see, I don't see any  
15 scores next to anything. I see -- I don't know what  
16 those are.

17 Q BY MR. HOBSON: I see by No. 1 it says S,  
18 No. 2, T?

11:15:15 19 A No. 3, No; No. 4, C; No. 5, 5?

11:15:21 20 Q Right.

11:15:16 21 A 6, J; 7, 5. I don't know if that's a five. I  
22 don't know.

11:15:27 23 Q Then it gets to total points four. Do you see  
24 that?

11:15:30 25 A Yes, sir.

11:15:31 1 Q But it doesn't tell us how we get to that  
2 pointing, does it, that level of points?

11:15:41 3 MS. GILBERT: Form.

4 THE WITNESS: I see a 4 and then I see a 6  
5 somewhere off to the side, and then I see a 48. Is that  
6 what you are talking about?

11:15:53 7 Q BY MR. HOBSON: Right.

11:15:55 8 So let's look at the next document down it's  
9 Document 783. And the first interviewee, do you see  
10 that?

11:16:07 11 A Yes, sir.

11:16:08 12 Q Who is that?

11:16:10 13 A James Louzek.

11:16:23 14 Q There are no boxes that report a 4 or even a 0  
15 there, are there, of the interviewers?

11:16:33 16 A Not that I see.

11:16:44 17 Q He's apparently the one who gets a score for  
18 gut check score, is that right, looking at 783?

11:16:54 19 A Yes, sir.

11:16:55 20 Q Nobody else gets a gut check score?

11:16:59 21 A Doesn't appear so.

11:17:10 22 Q And this is a decision that is made by you,  
23 Tammy, is it Manda?

11:17:19 24 A Nanda.

11:17:20 25 Q Colin, Missy, and Jeff. I assume that's Jeff

1 Filloon?

11:17:25 2 A Yes, sir.

11:17:26 3 Q Who are others?

11:17:27 4 A Missy Udall, she was a principal at the time.

11:17:30 5 Q Okay.

11:17:31 6 A Colin Kelly, principal; Nanda Jamoca is a  
7 principal, Tammy Cowell school psychologist at Houston.

11:17:42 8 Q And yourself?

11:17:43 9 A Yes.

11:17:45 10 Q The little superscript numbers above on Jeff  
11 Filloon's line?

11:17:51 12 A Yes.

11:17:52 13 Q What do those refer to, do you know?

11:17:54 14 MS. GILBERT: Form. Foundation.

11:17:55 15 THE WITNESS: I don't know.

16 Q BY MR. HOBSON: Let me have you look at the  
17 next one down, 949 and 950.

11:18:13 18 A Yes.

11:18:13 19 Q Do you know who Brady Wald is?

11:18:16 20 A I don't recall who that is.

11:18:21 21 Q There do not appear to be numbers by any of the  
22 interview slots. Do you see that?

11:18:26 23 A Yes, sir.

11:18:27 24 Q But get to the bottom and there's a score of 48  
25 out of 50?

11:18:33 1 MS. GILBERT: I think that's 60.

2 Q BY MR. HOBSON: Sixty?

11:18:37 3 A It looks like 60, yes.

11:18:40 4 Q Do you know how that was arrived at?

11:18:43 5 A I don't know.

11:18:46 6 Q I thought the way this was supposed to work is

7 you are supposed to go through and you say, well, let's

8 see education background, I'm going to give him up to

9 five points on this one, and then No. 2 why do you think

10 you are qualified, listen to what he says, and I'll give

11 him a score there, didn't you say that's how that was

12 supposed to work; correct?

11:19:08 13 A Generally.

11:19:08 14 Q Then you total them up?

11:19:09 15 A Yes, sir. The individual gives me the total.

11:19:12 16 Q Do you recognize the handwriting at all on this

17 particular document, 949 and 950?

11:19:31 18 A Kind of looks like my handwriting. Although I

19 can't be sure.

11:19:36 20 Q Is that your practice? Still looking at these

21 two.

11:19:57 22 MS. GILBERT: 949 and 950, yes.

11:20:01 23 THE WITNESS: I may have done them in my head.

11:20:03 24 Q BY MR. HOBSON: You don't need to differentiate

25 the scoring, you do the Gestalt System for the way you do

1 it?

11:20:12 2 MS. GILBERT: Form.

11:20:13 3 THE WITNESS: What type of system?

4 Q BY MR. HOBSON: Gestalt, you know, holistic  
5 this is a 48, pull it out?

11:20:23 6 MS. GILBERT: Form.

11:20:24 7 THE WITNESS: I obviously didn't put scores  
8 next to these.

9 Q BY MR. HOBSON: Let's look at the next one down  
10 on 937, 38, 41 through 48.

11:20:44 11 MS. GILBERT: Through 48 or 44?

11:20:47 12 MR. HOBSON: Through 44, excuse me.

13 Q BY MR. HOBSON: Do you recognize who Leslie  
14 Rychel is?

11:21:00 15 A 37; correct?

11:21:06 16 Q Right, 937.

11:21:08 17 A I don't know that person's -- I see the name, I  
18 can't recall their face.

11:21:14 19 Q Do you recognize any of the handwriting in  
20 these three interview schedules?

11:21:20 21 A I think the first one looks like my  
22 handwriting, but my handwriting is awful, so I can't tell  
23 you if that's mine or not to be real honest with you.

11:21:33 24 Q Looks like you or whomever that is gave Sara 30  
25 out of 60?

11:21:39 1 MS. GILBERT: Form.

11:21:40 2 THE WITNESS: Yes, sir.

3 Q BY MR. HOBSON: And that's done without the  
4 benefit of the subcategorization of five points there,  
5 five points there, six points there, just kind of a  
6 number chosen?

11:21:52 7 MS. GILBERT: Form and foundation.

11:21:53 8 THE WITNESS: Doesn't appear that there is any  
9 numbers.

10 Q BY MR. HOBSON: Then you look at the next one  
11 down, this is not your handwriting, pretty clearly, do  
12 you see that?

11:22:02 13 MS. GILBERT: 941.

11:22:03 14 THE WITNESS: Yes, sir.

15 Q BY MR. HOBSON: 41 and 42?

11:22:06 16 A Yes, sir.

11:22:08 17 Q And Leslie Rychel, August 19, 2010 interview  
18 gets a zero. Do you see that?

11:22:15 19 A Looks like it. I don't know if it's a zero or  
20 someone circled it, I don't know.

11:22:23 21 Q But there is no scoring given all through 1  
22 through 13; right?

11:22:28 23 A Correct.

11:22:30 24 Q And then the next one down, same person  
25 being -- same candidate, same date, not your handwriting

1 as well, I would assume?

11:22:44 2 A Doesn't appear to be.

11:22:46 3 Q There's no scoring in this document either, is  
4 there?

11:22:51 5 A Does not appear to be.

11:22:53 6 MS. GILBERT: Form and foundation.

11:22:57 7 THE WITNESS: At the very bottom there's a  
8 total of 12 points.

11:23:00 9 Q BY MR. HOBSON: But there is no scoring for any  
10 of the categories, is there?

11:23:04 11 A Not to my knowledge.

11:23:08 12 Q So if you look at the next document down 876?

11:23:14 13 A Okay.

11:23:15 14 Q Do you recognize this document?

11:23:16 15 A Yes, sir.

11:23:17 16 Q And there is the same kind of scoring summary  
17 sheet and I assume this is your handwriting?

11:23:25 18 A It appears to be.

11:23:26 19 Q Okay. As it relates to Leslie Rychel, there's  
20 a 30 by you. You gave her a 30; right?

11:23:38 21 MS. GILBERT: Form. Foundation.

11:23:39 22 THE WITNESS: Looks like it.

23 Q BY MR. HOBSON: Looks like Lint -- is Lynson or  
24 Linty?

11:23:43 25 A Lindsey.



11:23:45 1 Q Lindsey gives her a 12. I assume that's who  
2 this person is?

11:23:50 3 MS. GILBERT: Form.

4 Q BY MR. HOBSON: 940 through 44; right?

11:23:54 5 MS. GILBERT: Form and foundation.

11:23:55 6 THE WITNESS: I can only assume.

7 Q BY MR. HOBSON: But there is no zero there  
8 anyway, is there?

11:24:02 9 A I don't see a zero.

11:24:21 10 Q Curious to know how she gets 88 points. Oh, I  
11 see. 30, 40, 50, 60, 70, I see how you did that.

11:24:44 12 So let's look at the next one down, 877 and  
13 878. You recognize that handwriting?

11:24:59 14 A Appears to be mine.

11:25:00 15 Q And same question with respect to each of the  
16 categories you don't give a sub -- you don't disaggregate  
17 the score, do you?

11:25:13 18 MS. GILBERT: Form.

11:25:15 19 THE WITNESS: No.

11:25:15 20 Q BY MR. HOBSON: You kind of choose a 49 figure;  
21 right?

11:25:19 22 MS. GILBERT: Form.

11:25:20 23 THE WITNESS: Yes, that was the score she was  
24 given.

25 Q BY MR. HOBSON: How did you get to that?

11:25:24 1 A I believe I probably added the numbers up in my  
2 head as I went through.

11:25:29 3 Q In your head?

11:25:29 4 A In my head in terms of I didn't write the  
5 numbers down, I had a number for each question after I  
6 viewed the notes saying this is what this is worth.

11:25:39 7 Q For No. 1, what did you give her?

11:25:41 8 A I can't recall.

11:25:42 9 Q No. 2?

11:25:43 10 A I can't recall because it's not written down.

11:25:45 11 Q Well, how do you know you did it correctly?

11:25:50 12 MS. GILBERT: Form and foundation.

13 Q BY MR. HOBSON: How do you know that she wasn't  
14 entitled to a 39 rather than a 49?

11:25:57 15 MS. GILBERT: Form.

11:25:58 16 THE WITNESS: I believe at the time I was  
17 adding them up in my head, so I believe that's what the  
18 score was.

11:26:03 19 Q BY MR. HOBSON: In your head?

11:26:04 20 A Yes, sir.

11:26:06 21 Q So five plus four plus five plus four plus  
22 three, what's that total to?

11:26:21 23 A I don't know, I didn't -- I wasn't listening.

11:26:25 24 Q Five plus four plus five plus three plus five  
25 plus four, what's that total?

11:26:29 1 A I don't know. I'm not adding them up in my add  
2 as you are talking.

11:26:34 3 Q You didn't write them down and you got a 49.  
4 Is your testimony you did them all in your head?

11:26:41 5 A Sure.

11:26:45 6 Q Let me have you look at 877 and 878.

11:26:49 7 MS. GILBERT: That's what we just looked at,  
8 Bill, it's in there twice.

11:26:53 9 MR. HOBSON: It is duplicated.

10 Q BY MR. HOBSON: 883.

11:27:27 11 A Okay.

11:27:28 12 Q And --

11:27:33 13 A There's two; right?

11:27:34 14 Q There is.

11:27:36 15 A Same thing, though.

11:27:40 16 Q Maybe my printer.

11:27:42 17 MS. GILBERT: Your printer, you are going to  
18 blame it on the print?

11:27:46 19 MR. HOBSON: You know how it is, you stuff it  
20 in the machine and don't bother to look back at it.

21 Q BY MR. HOBSON: Go to 889 and 890.

11:27:57 22 A There's two 890s again. Do you see that?

11:27:59 23 Q Yeah.

11:28:00 24 A Okay.

11:28:01 25 Q There's two 889.

11:28:04 1 MS. GILBERT: Two sets of them.

2 Q BY MR. HOBSON: So 889 and 890, do you see  
3 that?

11:28:09 4 A Yes, sir.

11:28:10 5 Q Is this your handwriting?

11:28:11 6 A Yes, sir.

11:28:12 7 Q And the same thing, you get 52 out of 60?

11:28:15 8 A Yes.

11:28:15 9 Q You do that in your head, too?

11:28:17 10 A I believe so.

11:28:32 11 Q Let me have you look at 901 and 902, Dale Lunt?

11:28:53 12 A Yes, sir.

11:28:53 13 Q Is that your handwriting there?

11:28:59 14 A It appears to be. Boy, it sure isn't good.

11:29:06 15 Q And he gets a 45 out of 60.

11:29:09 16 A Yes, sir.

11:29:12 17 Q And you did that in your head, too?

11:29:15 18 A Appears to be, yes.

11:29:16 19 MS. GILBERT: Form.

20 Q BY MR. HOBSON: Did you major in math in high  
21 school or in college?

11:29:23 22 A No, sir.

11:29:24 23 Q Are you a computational wizard?

11:29:27 24 MS. GILBERT: Form.

11:29:27 25 THE WITNESS: Not the last time I checked.

1 Q BY MR. HOBSON: How many numbers can you total  
2 in your head at a given time, Mr. McCord?

11:29:34 3 A I don't know.

11:29:34 4 MS. GILBERT: Form.

5 (Deposition Exhibit No. 4 was marked for  
6 identification and attached hereto.)

7 Q BY MR. HOBSON: So let me have you look at the  
8 page marked 246. This is the --

11:30:38 9 A Okay.

11:30:39 10 Q This is a summary of data from the period of  
11 time when you've been the assistant superintendent  
12 responsible for this.

11:30:55 13 Prior to -- in the middle of the page you see a  
14 little chart there?

11:30:59 15 A Yes, sir.

11:31:00 16 Q Prior to your arrival, 1999 to 2006, 34 percent  
17 of male candidates administrative positions were  
18 successful. And prior to that before your arrival,  
19 36 percent were under the age of 40. Average age of  
20 successful candidates was 45.15. Do you see that?

11:31:28 21 MS. GILBERT: Form. Foundation.

11:31:29 22 THE WITNESS: Yes.

23 Q BY MR. HOBSON: Do you have any reason to  
24 dispute that?

11:31:32 25 MS. GILBERT: Form and foundation.

11:31:33 1 THE WITNESS: I haven't looked at those numbers  
2 to tell you whether those are correct or not, so I can't  
3 say one way or the other, sir.

4 Q BY MR. HOBSON: The numbers are all drawn from  
5 a compilation from information that we received from the  
6 district and the numbers are on the first page of this  
7 document. You want to look at that chart and see if you  
8 disagree with any of those numbers?

11:31:53 9 MS. GILBERT: Form and foundation.

11:31:56 10 THE WITNESS: I would have to look at what  
11 numbers they provided, I don't know.

12 Q BY MR. HOBSON: After your arrival from 2009 to  
13 2013, right, this is the period of time you are the  
14 assistant superintendent?

11:32:10 15 A Yes, sir.

11:32:11 16 Q 90 percent of the successful candidates were  
17 male, 70 percent are under the age of 40. Do you see  
18 that?

11:32:18 19 MS. GILBERT: Form.

11:32:19 20 THE WITNESS: I do see what was written here,  
21 yes.

22 Q BY MR. HOBSON: And the average age of a  
23 successful candidate is age 38. Do you see that?

11:32:27 24 MS. GILBERT: Form. Foundation.

25 THE WITNESS: Yes.

11:32:29 1 Q BY MR. HOBSON: That represents a marked shift  
2 towards male candidates and younger candidates. Would  
3 you agree with that?

11:32:36 4 MS. GILBERT: Form and foundation.  
5 THE WITNESS: According to what your numbers  
6 are right here, yes.

7 Q BY MR. HOBSON: And they're drawn, of course,  
8 from the compilation here which is drawn from the  
9 district's numbers.

11:32:45 10 MS. GILBERT: Form. Foundation.

11 Q BY MR. HOBSON: Have you looked at any  
12 documents -- you keep documents, Mr. McCord, that would  
13 help inform you about whether or not this kind of change  
14 and hiring practices are occurring in the district?

11:33:01 15 MS. GILBERT: Form.

11:33:02 16 THE WITNESS: I do not.

17 Q BY MR. HOBSON: Does the district keep those  
18 kinds of numbers --

11:33:07 19 MS. GILBERT: Foundation.

11:33:07 20 Q BY MR. HOBSON: -- so far as you know?

11:33:08 21 A I know they have numbers of administrators and  
22 their gender, yeah.

11:33:13 23 Q Does the district ever look -- during your  
24 tenure as an assistant superintendent or Dr. Allison's  
25 period of time you and Dr. Allison were there, did you

1 ever look at numbers that would inform you about whether  
2 or not there was a change in hiring practices?

11:33:29 3 MS. GILBERT: Form.

11:33:30 4 THE WITNESS: No, sir.

5 Q BY MR. HOBSON: Do you think it's fair if it's  
6 the case that a disproportionate number of males under  
7 the age of 40 are being hired, do you think that is fair?

11:33:43 8 MS. GILBERT: Form. Foundation.

11:33:44 9 THE WITNESS: Any candidates we took to  
10 Dr. Allison were the candidates that the committee  
11 wanted.

11:33:56 12 Q BY MR. HOBSON: And we've already established  
13 that what is really critical is the gut checking;  
14 correct?

11:34:03 15 MS. GILBERT: Form.

11:34:03 16 THE WITNESS: We established that there is a  
17 gut check process, yes.

18 Q BY MR. HOBSON: It's actually a part of what  
19 I've already asked you about. If you flip down to 253,  
20 Page 9.

11:35:02 21 A Okay.

11:35:04 22 Q You've already established you know who Patrick  
23 Miller, Ray Mercado, Chris Birgen, and Chip Pettit are?

11:35:12 24 MS. GILBERT: Form.

11:35:12 25 THE WITNESS: Yes.



1 Q BY MR. HOBSON: They are all administrative  
2 hires in the last, what, four years, three years?

11:35:22 3 MS. GILBERT: Form.

4 THE WITNESS: Yes, sir.

5 Q BY MR. HOBSON: They were all principals?

11:35:26 6 MS. GILBERT: Form.

11:35:28 7 THE WITNESS: Currently, now is that what you  
8 are asking?

9 Q BY MR. HOBSON: Yes.

11:35:32 10 A Yes.

11:35:33 11 Q You are aware, are you not, that they were not  
12 the best in the interviewing round, you are aware of  
13 that?

11:35:42 14 MS. GILBERT: Form. Foundation.

11:35:43 15 THE WITNESS: They were the candidates that the  
16 committee felt would best serve those schools.

17 Q BY MR. HOBSON: After the initial round where  
18 you were actually putting numbers down for the candidate,  
19 they were not in the top part of the interviewing cohort,  
20 were they?

11:36:00 21 MS. GILBERT: Form and foundation.

11:36:01 22 THE WITNESS: These are the candidates that the  
23 committee took to Dr. Allison.

24 Q BY MR. HOBSON: After the gut checking.

11:36:07 25 MS. GILBERT: Form.

11:36:08 1 THE WITNESS: After that interviewing process  
2 was completed.

3 Q BY MR. HOBSON: As I understand the process,  
4 there's a series of 13 questions and scores attached to  
5 each of them except in the case of Shane McCord who does  
6 it all in his head --

11:36:19 7 MS. GILBERT: Form.

8 Q BY MR. HOBSON: But other people I assume are  
9 actually writing numbers down; right?

11:36:24 10 MS. GILBERT: Form and foundation.

11:36:25 11 THE WITNESS: I would assume so.

12 Q BY MR. HOBSON: And then you are the guy who  
13 takes down the numbers because you do the summary sheet;  
14 right?

11:36:33 15 A Correct.

11:36:34 16 Q And so we know from those kinds of summary  
17 sheets where those people fall after the initial rounds  
18 of questions, the 13 questions; right?

11:36:45 19 A Yes, sir.

11:36:46 20 Q And then so you know where they rank -- there's  
21 actually a line on your chart where they rank with  
22 respect to the interview questions; right?

11:36:57 23 A Yes.

11:36:57 24 Q And then a line for gut checking?

11:37:00 25 A Yes.

11:37:01 1 Q And that's the one people get to say I think  
2 Shane McCord would be a better person than Liz Gilbert,  
3 for example?

11:37:08 4 MS. GILBERT: Form.

5 THE WITNESS: That's where people feel based on  
6 the overall interview this is where they ranked.

7 Q BY MR. HOBSON: And the net effect as it  
8 relates to Mr. Pettit, Mr. Mercado, and Mr. Miller is the  
9 gut checking moves them to the selected person, person  
10 you recommend to Allison, and it gets collected, rather  
11 than the people who, in fact, ranked first or second in  
12 the interviewing process?

11:37:36 13 MS. GILBERT: Form and foundation.

11:37:37 14 THE WITNESS: Those are the people that were  
15 taken to Dr. Allison from the committee.

11:37:41 16 Q BY MR. HOBSON: Do you think that's fair?

11:37:43 17 MS. GILBERT: Form.

18 THE WITNESS: I believe the process has been  
19 fair.

20 Q BY MR. HOBSON: Really?

21 (Deposition Exhibit No. 5 was marked for  
22 identification and attached hereto.)

23 Q BY MR. HOBSON: Do you recognize this document  
24 at all?

11:38:17 25 A I do not.

11:38:34 1 Q It's part of a -- there's a January 19, 2011  
2 survey. Did you have a mandatory meeting with the staff  
3 at Highland on January 19, 2011?

11:38:51 4 A I missed part of what you said, I'm sorry.

11:38:53 5 Q Did you have a mandatory meeting with the staff  
6 at Highland on January 19, 2011?

11:38:58 7 A I asked for a staff meeting.

11:38:59 8 Q Did you require the faculty and staff of the  
9 meeting to do an evaluation of Brian Yee?

11:39:06 10 MS. GILBERT: Form.

11:39:07 11 THE WITNESS: I asked the staff if they would  
12 do that.

11:39:09 13 Q BY MR. HOBSON: Was it, gosh, it would be nice  
14 or did you say I need you to do this evaluation?

11:39:15 15 A I said it would be helpful if you did this  
16 evaluation.

11:39:18 17 Q Did you promise the staff there would be no  
18 retaliation --

11:39:21 19 MS. GILBERT: Form.

11:39:21 20 Q BY MR. HOBSON: -- and the staff could give an  
21 honest evaluation?

11:39:24 22 MS. GILBERT: Form.

23 THE WITNESS: I let the staff know this is an  
24 anonymous survey and that their names not go on it  
25 anywhere, and I take that information back to my admin

1 assistant because there's comments written on the  
2 surveys. Those comments are typed up by my admin  
3 assistant, and when it's all computed, it's given to me.

11:39:48 4 Q BY MR. HOBSON: This letter was submitted as a  
5 result of that meeting. You are saying that you  
6 didn't -- you have never seen this letter?

11:40:06 7 MS. GILBERT: Form and foundation.

11:40:07 8 THE WITNESS: No, sir.

9 Q BY MR. HOBSON: That is no you haven't ever  
10 seen it?

11:40:12 11 A No, sir.

11:40:13 12 Q Is that what you mean you have not seen it?

11:40:16 13 MS. GILBERT: Form.

11:40:17 14 THE WITNESS: Correct.

15 Q BY MR. HOBSON: When you say "no, sir" --

11:40:19 16 A I know what you mean, I apologize.

11:40:21 17 Q Do you have any idea who might have written it?

11:40:24 18 MS. GILBERT: Foundation.

11:40:25 19 THE WITNESS: I don't see a name on it, so,  
20 therefore, no.

11:40:28 21 Q BY MR. HOBSON: On January 16, you met with  
22 Ms. McCoy. Do you recall that?

11:40:34 23 MS. GILBERT: January 16?

24 Q BY MR. HOBSON: February 16, excuse me. Do you  
25 recall that?

11:40:39 1 A The date sounds familiar.

11:40:42 2 MS. GILBERT: 2011, is that what you are  
3 talking about?

4 MR. HOBSON: I believe so.

5 Q BY MR. HOBSON: And you told her that you  
6 called Yee and Lambeth down to the district to discuss  
7 the position at Highland Junior High. Do you recall  
8 that?

11:40:53 9 MS. GILBERT: Form.

10 Q BY MR. HOBSON: Telling Ms. McCoy that?

11:40:57 11 MS. GILBERT: Form.

12 Q BY MR. HOBSON: That you called Mr. Yee and  
13 Kelly Lambeth down to the district to discuss the  
14 situation at Highland Junior High?

11:41:06 15 MS. GILBERT: Form.

16 THE WITNESS: I believe I talked about an  
17 anonymous letter that we had received at some point. I  
18 didn't receive it. Dr. Allison, I believe, or the board  
19 received it.

11:41:18 20 Q Did you tell Ms. McCoy that there was only one,  
21 quote, somewhat, close quote, bad thing reported about  
22 Yee?

11:41:27 23 MS. GILBERT: Form.

11:41:33 24 THE WITNESS: I'm not supposed to ask you a  
25 question. Can I get clarification?

1 Q BY MR. HOBSON: Did you tell Ms. McCoy in this  
2 meeting in February that there was only one bad thing  
3 reported about Yee?

11:41:45 4 MS. GILBERT: Form and foundation.

5 THE WITNESS: I believe I said something to the  
6 effect as it relates to the survey, yes.

7 Q BY MR. HOBSON: And do you remember what that  
8 was?

11:41:53 9 MS. GILBERT: Form. Foundation.

11:41:56 10 THE WITNESS: I think it had to do with  
11 Mr. Yee, Ms. Lambeth and Ms. Chapin talking behind  
12 people's backs, something to that affect.

11:42:07 13 Q BY MR. HOBSON: Do you know how many  
14 evaluations you received after the January 19th meeting  
15 that you had with the staff at Highland Park?

11:42:21 16 MS. GILBERT: Foundation.

11:42:22 17 THE WITNESS: Highland Park?

11:42:24 18 Q BY MR. HOBSON: Yeah.

11:42:25 19 MS. GILBERT: You mean Highland Junior High.

11:42:27 20 Q BY MR. HOBSON: Excuse me, sorry, Highland  
21 Junior High?

11:42:30 22 A No, I don't.

11:42:34 23 Q Did they come to you?

11:42:36 24 A They would come to my admin assist.

11:42:40 25 Q And what did you do with them?

11:42:42 1 MS. GILBERT: Form.

11:42:43 2 THE WITNESS: If there were any, she would take  
3 them and put them where they needed to be and tabulate  
4 and add them into that.

11:42:49 5 Q BY MR. HOBSON: Did you look at the evaluations  
6 that came from staff?

11:42:52 7 MS. GILBERT: Form.

11:42:52 8 THE WITNESS: I looked at the end result after  
9 she types everything out.

10 Q BY MR. HOBSON: Did you write a report about  
11 the -- let me ask it differently.

11:43:06 12 Did you and Nicki Blanchard conduct any  
13 investigation as a result of what staff reported with  
14 respect to Highland Junior High --

11:43:13 15 MS. GILBERT: Form.

16 Q BY MR. HOBSON: -- in the January 19th meeting  
17 that you had?

11:43:17 18 MS. GILBERT: Form.

11:43:17 19 THE WITNESS: No.

20 Q BY MR. HOBSON: Did you come to any conclusions  
21 about staff reports made in that evaluation with respect  
22 to Mr. Yee?

11:43:27 23 MS. GILBERT: Form.

11:43:29 24 THE WITNESS: From the survey results?

11:43:31 25 Q BY MR. HOBSON: Correct.



11:43:32 1 A Yes. I sat with Mr. Yee and reviewed those  
2 results with him.

11:43:36 3 Q What were the results of the survey that you  
4 reviewed with Mr. Yee.

11:43:40 5 MS. GILBERT: Form and foundation.

11:43:42 6 THE WITNESS: From what I remember, there was a  
7 part where he needed to pay more attention to special  
8 education, that you had some members that liked his  
9 leadership style, some members that didn't.

11:44:01 10 Q Did you count the numbers, the numbers who  
11 liked and the numbers who didn't?

11:44:07 12 MS. GILBERT: Form.

11:44:07 13 THE WITNESS: I took the numbers and I think I  
14 put next to the document a number based on the percentage  
15 that was either agreed or strongly agreed with whatever  
16 the question was.

11:44:17 17 Q BY MR. HOBSON: What did that -- what  
18 conclusion did that lead you to?

11:44:23 19 MS. GILBERT: Foundation -- or, form, sorry.

20 THE WITNESS: For the most part, people were  
21 satisfied at Highland Junior High. There is always some  
22 people that aren't satisfied on every campus about  
23 certain things.

24 Q BY MR. HOBSON: Did you and/or Nicki Blanchard  
25 interview Mr. Yee and Kelly Lambeth?

11:44:43 1 MS. GILBERT: Form.

11:44:43 2 THE WITNESS: We did.

11:44:44 3 Q BY MR. HOBSON: And what did you tell him  
4 during the interview?

11:44:47 5 A The interview was because there was an  
6 anonymous letter sent, and I can't recall the date and I  
7 don't remember when, that made accusations about both of  
8 them, so Nicki and I both together sat with them  
9 individually and asked them about the contents of the  
10 letter.

11:45:05 11 Q What sort of accusations?

11:45:08 12 A That something was going on between him and  
13 Mrs. Lambeth.

11:45:12 14 Q What do you mean by that?

11:45:13 15 A That they were having an affair or something to  
16 that nature. I don't have the letter in front of me, so  
17 I couldn't tell you exactly verbatim what it says.

11:45:24 18 Q Is that the first time Mr. Yee had been accused  
19 of that kind of conduct?

11:45:29 20 MS. GILBERT: Form and foundation.

11:45:31 21 THE WITNESS: Yes, sir, that I'm aware of.

22 Q BY MR. HOBSON: Wasn't there some incident when  
23 he was a dean?

11:45:39 24 MS. GILBERT: Form and foundation.

11:45:42 25 THE WITNESS: Not that I'm aware of.

1 Q BY MR. HOBSON: So that's the only accusation  
2 you are aware of with respect to Mr. Yee's inappropriate  
3 conduct with female staff?

11:46:05 4 MS. GILBERT: Form. Foundation.

11:46:06 5 THE WITNESS: At the time, yes.

6 Q BY MR. HOBSON: There's another -- prior to  
7 Mr. Yee becoming the principal at Highland, the school  
8 was an excelling school?

11:46:31 9 MS. GILBERT: Foundation.

11:46:34 10 THE WITNESS: I believe so. I can't recall  
11 exactly what their label was at the time.

12 Q BY MR. HOBSON: Let's look at the first  
13 paragraph of the letter, see if that helps you refresh  
14 your recollection.

11:46:46 15 MS. GILBERT: Form.

11:46:47 16 THE WITNESS: That's the first line of what it  
17 says, yes.

18 Q BY MR. HOBSON: Says, staff members and parents  
19 are concerned that low scores on standardized tests and  
20 that Highland Junior High has lost its excelling label.

11:47:02 21 A That's what it says.

11:47:16 22 Q Then the next paragraph says, the staff,  
23 students and parents are aware of the out in the open  
24 relationship that exists between the principal and the  
25 dean. Do you see that?

11:47:25 1 A Yes.

11:47:26 2 Q They have been caught by several of the staff  
3 members in locked closets in very compromising situations  
4 during and after school. They have been seen on campus  
5 by both students and staff displaying various types of  
6 affection. Comments about the principal and dean being  
7 boyfriend and girlfriend and laugh about their  
8 inappropriate touching on campus. Do you see that?

11:47:49 9 A Yes, I see that.

11:47:55 10 Q Prior to this survey that you ask people to do,  
11 were you aware of any of this?

11:48:01 12 MS. GILBERT: Form.

11:48:02 13 THE WITNESS: No.

14 Q BY MR. HOBSON: And you haven't seen this  
15 letter, I think you've said.

11:48:06 16 Was any report made to you about the substance  
17 of this prior to January 19, 2011?

11:48:13 18 MS. GILBERT: Form.

11:48:14 19 THE WITNESS: No, sir.

20 Q BY MR. HOBSON: What's the district's policy  
21 with respect to PDA's between students?

11:48:19 22 MS. GILBERT: Form.

11:48:20 23 THE WITNESS: It's not allowable. Public  
24 display of affection, I believe that's what you are  
25 referring to?

11:48:26 1 Q BY MR. HOBSON: Correct.

11:48:27 2 A Correct.

11:48:28 3 Q Kids aren't allowed to hold hands; correct?

11:48:32 4 A Yes.

11:48:32 5 Q No hugging?

11:48:33 6 A Yeah. Those types of things. No making out in  
7 the corners, you know. Those types of things.

11:48:39 8 Q Just hugging is not permitted either, is it,  
9 that's a PDA?

11:48:44 10 MS. GILBERT: Form. Foundation.

11:48:45 11 THE WITNESS: Depends on how you want to  
12 characterize that. I would be more apt to say it's okay  
13 for a kid do hug another kid and went about their way.  
14 Kissing, I think that would be a different story.

11:49:00 15 Q BY MR. HOBSON: Or if they're off in a closet  
16 together for extended periods of time?

11:49:06 17 MS. GILBERT: Form.

11:49:08 18 THE WITNESS: For children, is that what you  
19 are saying?

11:49:10 20 Q BY MR. HOBSON: I would trust that a child and  
21 an adult off in a closet together would be inappropriate.  
22 You would agree with that, wouldn't you?

11:49:18 23 MS. GILBERT: Form.

11:49:19 24 THE WITNESS: I would agree. It depends on  
25 what they are doing in that closet, what is the nature of

1 the business in that closet.

2 Q BY MR. HOBSON: Can you think of a possible  
3 justification for being in a closed room between an adult  
4 and a child for an extended period of time?

11:49:33 5 MS. GILBERT: Form.

11:49:34 6 THE WITNESS: No, not an adult and a child, no,  
7 sir.

8 Q BY MR. HOBSON: And two children in there  
9 together for an extended period of time, they're being  
10 unsupervised by adults, that wouldn't be right either,  
11 would it?

11:49:46 12 MS. GILBERT: Form.

11:49:46 13 THE WITNESS: Not on a campus.

14 Q BY MR. HOBSON: Let's say the principal and his  
15 dean in a closet for an extended period, it's not a good  
16 thing for him to be doing. Would you agree with that?

11:49:58 17 MS. GILBERT: Form.

11:49:58 18 THE WITNESS: That would depend on the nature  
19 in the closet.

20 Q BY MR. HOBSON: What if they lied about some  
21 aspect of why they were in the room together, would that  
22 be of concern to you, Mr. McCord?

11:50:09 23 MS. GILBERT: Form.

11:50:10 24 THE WITNESS: I couldn't know if they were or  
25 not.

1 Q BY MR. HOBSON: Well, if some aspect of what  
2 they reported to you was proveably a lie, would that  
3 raise concerns in your mind?

11:50:19 4 MS. GILBERT: Form.

11:50:20 5 THE WITNESS: Yes.

11:50:21 6 Q BY MR. HOBSON: If you hired somebody to do a  
7 careful investigation, it turns out the investigation  
8 wasn't careful at all, would that raise concerns in your  
9 mind?

11:50:32 10 MS. GILBERT: Form.

11 THE WITNESS: Yes.

12 Q BY MR. HOBSON: We'll come to that in just a  
13 bit.

11:50:36 14 Kelly Lambeth was, in fact, a transfer, wasn't  
15 she?

11:50:45 16 MS. GILBERT: Form.

11:50:50 17 THE WITNESS: Transferred where, I guess?

18 Q BY MR. HOBSON: Away from Highland.

11:50:55 19 A Yes, sir.

11:50:55 20 Q And she was transferred during the school year,  
21 wasn't she?

11:50:59 22 A Yes, sir. I think it was right around spring  
23 break of that year.

11:51:02 24 Q What was the reason for the transfer?

11:51:03 25 A There was an opening over at Gilbert Classical

1 Academy and it was thought best for the campus at the  
2 time because this stuff started coming up and we wanted  
3 to remove that and let the campus go forward.

11:51:23 4 Q So did you make a determination that this  
5 conduct was occurring and that's why you moved her?

11:51:30 6 MS. GILBERT: Form.

11:51:31 7 THE WITNESS: No, sir.

8 Q BY MR. HOBSON: Did you make a determination  
9 this conduct was not occurring?

11:51:35 10 A I don't think any determination had been made  
11 at the time. I think what it was is it's causing issues  
12 at a campus and let's make sure that -- we offered it to  
13 Kelly. She didn't have to take it, but she wanted to,  
14 she looked at it as a different opportunity.

11:51:58 15 Q You would agree with me, would you not, Mr.  
16 McCord, that appearances are important?

11:52:02 17 MS. GILBERT: Form.

11:52:03 18 THE WITNESS: Yes.

11:52:03 19 Q BY MR. HOBSON: And that if somebody is  
20 behaving in ways that raise questions, even though they  
21 might be innocent explanations of that, that that  
22 detracts from the good name and moral of the school,  
23 that's not helpful. Would you agree with that?

11:52:20 24 MS. GILBERT: Form.

11:52:21 25 THE WITNESS: Possibly, yes.



1 Q BY MR. HOBSON: Possibly?

11:52:22 2 A Yes, sir.

11:52:23 3 Q Possibly or actually?

11:52:25 4 A Yes.

11:52:25 5 MS. GILBERT: Form.

6 Q BY MR. HOBSON: So I'm trying to find out --

11:52:29 7 A Yes.

11:52:29 8 Q -- if you are sticking with possibly or you  
9 would agree --

11:52:32 10 A I'm sticking with yes.

11:52:33 11 MS. GILBERT: Form.

11:52:35 12 THE WITNESS: There you go, sorry.

13 Q BY MR. HOBSON: I know if I had a staff person  
14 who was distracting other people from their jobs because  
15 they dressed inappropriately or kept dragging me into  
16 closed closets for meetings, I think that staff person  
17 wouldn't long be in their job. I'm trying to find if  
18 that's your attitude or you're more compliant with  
19 respect to Ms. Lambeth, for example?

11:53:04 20 MS. GILBERT: Form.

21 Q BY MR. HOBSON: Let me ask that a different  
22 way.

11:53:09 23 Let's assume for a moment that you guys  
24 actually did an investigation to determine that Kelly  
25 Lambeth and Brian Yee were being intimate with one

1 another, would that be inappropriate or not?

11:53:23 2 MS. GILBERT: Form.

11:53:24 3 THE WITNESS: Yes.

4 Q BY MR. HOBSON: It would be inappropriate?

11:53:27 5 MS. GILBERT: Form.

11:53:28 6 THE WITNESS: Yes, sir.

7 Q BY MR. HOBSON: But you never did that  
8 investigation?

11:53:31 9 MS. GILBERT: Form.

11:53:33 10 THE WITNESS: And we were instructed to talk to  
11 Kelly and to Brian.

12 Q BY MR. HOBSON: Did you keep notes of the  
13 conversation you had with them?

11:53:42 14 A I did not. Nicki Blanchard was there, I don't  
15 know if she did.

11:53:45 16 Q Did the two of you talk?

11:53:47 17 A We talked. We were in the same room asking  
18 questions.

11:53:49 19 Q Tell me what you remember about the  
20 conversation.

11:53:53 21 A We went through the letter saying this is what  
22 was given to us.

11:53:59 23 Q This letter?

11:54:00 24 A No.

11:54:01 25 Q Another letter?

11:54:02 1 MS. GILBERT: Form.

11:54:03 2 THE WITNESS: I believe it was another letter,  
3 yeah. I don't remember the exact contents of that, I  
4 apologize. We went through the points of the letter and  
5 they both denied anything, any truth to it. Then we  
6 reported that back to Dr. Allison. He was the one that  
7 gave us the letter and instructed us to talk to them.

8 Q BY MR. HOBSON: And you had not hired an  
9 investigator at that point to determine whether Mr. Yee  
10 was doing whatever with Kelly Lambeth?

11:54:39 11 MS. GILBERT: Form.

11:54:40 12 THE WITNESS: No, sir.

13 Q BY MR. HOBSON: Do you guys expect -- in  
14 Gilbert do you expect principals to be above reproach?

11:54:57 15 MS. GILBERT: Form.

11:54:57 16 THE WITNESS: Please explain.

17 Q BY MR. HOBSON: Do you expect principals to  
18 behave in ways that don't reflect unfavorably on the  
19 district?

11:55:05 20 MS. GILBERT: Form.

11:55:06 21 THE WITNESS: Yes, sir.

22 Q BY MR. HOBSON: You would agree that having  
23 intimate relations with a staff person on -- while  
24 working at a school as a principal would reflect  
25 unfavorably on the district, you would agree with that?

11:55:20 1 MS. GILBERT: Form and foundation.

11:55:21 2 THE WITNESS: Yes, sir.

3 Q BY MR. HOBSON: Did you have a discussion with  
4 Mr. Yee about Liz McCoy's evaluation for the school year  
5 2010/2011?

11:55:52 6 A Oh, boy. I don't know.

11:55:57 7 Q Do you remember giving him advice about whether  
8 he should be doing Elizabeth McCoy's evaluation  
9 2010/2011?

11:56:07 10 MS. GILBERT: Form.

11:56:08 11 THE WITNESS: No, I don't remember.

12 Q BY MR. HOBSON: Are you a personal friends of  
13 Joyce Meyer?

11:56:13 14 A She works with me.

11:56:14 15 Q Are you personal friends or business  
16 associates?

11:56:16 17 A More business associates.

11:56:18 18 Q Have you ever met with her socially?

11:56:20 19 MS. GILBERT: Form.

11:56:21 20 THE WITNESS: We've had lunch together as a  
21 group. That was probably during work and go to lunch.

11:56:26 22 Q BY MR. HOBSON: Have you ever carpooled with  
23 her?

11:56:29 24 MS. GILBERT: Form.

11:56:29 25 THE WITNESS: Probably to lunch.

1 Q BY MR. HOBSON: Just the two of you?

11:56:35 2 A Usually there was other people with us like in  
3 our office.

11:56:54 4 Q When you moved Kelly Lambeth from Highland to  
5 this --

11:56:59 6 A Gilbert.

11:57:00 7 Q -- Gilbert Classical academy?

11:57:02 8 A Yes, sir.

11:57:05 9 Q It meant that Highland was without a dean mid  
10 year; is that right?

11:57:14 11 A Yes, sir, for the last quarter of the year.  
12 Last nine weeks.

11:57:20 13 Q Is that common for you guys to move  
14 administrative staff mid year?

11:57:26 15 MS. GILBERT: Form.

16 Q BY MR. HOBSON: Before the breaks?

11:57:28 17 A We've asked staff to move if there was a need  
18 in other areas, yes.

11:57:56 19 Q Let me go back and ask you a few questions  
20 about -- there's been an issue that's come up in  
21 discovery and I just want to understand. You apparently  
22 have as part of your contract a provision where the  
23 district can approve -- the superintendent can approve an  
24 addendum to your contract, \$2,000 addendum. Do you  
25 recall that?

11:58:21 1 MS. GILBERT: Form.

11:58:22 2 THE WITNESS: Yes, sir.

3 Q BY MR. HOBSON: What was your understanding of  
4 the basis for that addendum?

11:58:28 5 MS. GILBERT: Form.

11:58:30 6 THE WITNESS: What do you mean "basis"?

7 Q BY MR. HOBSON: What was the purpose of the  
8 addendum?

11:58:33 9 MS. GILBERT: Form and foundation.

11:58:34 10 THE WITNESS: It was a contractual addendum.

11 Q BY MR. HOBSON: And what was the benefit to the  
12 district for you to do an addendum?

11:58:41 13 A It asked us to -- we could work on a special  
14 project and generally that was our dissertation, and all  
15 we needed to do was submit something in writing to the  
16 superintendent.

11:58:54 17 Q Was it supposed to be original work?

11:58:57 18 MS. GILBERT: Form.

11:58:58 19 THE WITNESS: Yeah, it was research related to  
20 that type of thing.

21 Q BY MR. HOBSON: Was it supposed to be -- was it  
22 possible -- was it permissible for you to submit the same  
23 thing you sent in the year before and the year before  
24 that?

11:59:12 25 MS. GILBERT: Form and foundation.

11:59:13 1 THE WITNESS: The year before and the year  
2 before that, it's only been two years? Yeah, continuous  
3 work on it, yes.

4 Q BY MR. HOBSON: So you could submit the same  
5 work for the addendum last year -- you could send in the  
6 same form this year that you submitted last year?

11:59:31 7 MS. GILBERT: Form.

11:59:31 8 THE WITNESS: I submitted my document to  
9 Dr. Allison, and that was up to him whether or not he  
10 approved it.

11 Q BY MR. HOBSON: Hadn't you been paid from the  
12 work for the year before?

11:59:45 13 MS. GILBERT: Form.

11:59:46 14 THE WITNESS: Yes, sir.

15 Q BY MR. HOBSON: And if you submitted the same  
16 stuff that you submitted for the year before for which  
17 you have been paid, what new product did you bring to the  
18 table?

11:59:55 19 MS. GILBERT: Form.

11:59:55 20 THE WITNESS: It was continuation of research.

21 Q BY MR. HOBSON: If it's the same -- if you are  
22 submitting the same thing, how is it a continuation of  
23 research?

12:00:07 24 MS. GILBERT: Form.

12:00:09 25 THE WITNESS: I think in my letter I put I was

1 continuing the same type of research. When you are  
2 working on your doctorate, it takes awhile, it takes  
3 time.

12:00:18 4 Q BY MR. HOBSON: What was your salary the last  
5 year of your employment with Gilbert?

12:00:23 6 A This year?

12:00:24 7 Q Yes, sir.

12:00:25 8 A I think it was \$107,000.

12:00:27 9 Q And you got a \$2,000 addendum?

12:00:31 10 A Yes, sir.

12:00:31 11 Q So you made a hundred nine?

12:00:33 12 A Yes, sir.

12:00:34 13 Q Did the schoolteachers in Gilbert get a \$2,000,  
14 you know, addendum to their contracts?

12:00:44 15 MS. GILBERT: Foundation.

12:00:44 16 THE WITNESS: Not that I'm aware of.

12:00:46 17 Q BY MR. HOBSON: This is a special thing for  
18 folks who are in the upper echelons of the district?

12:00:52 19 A It was included in my contract.

12:01:00 20 Q This is occurring at the same period of time  
21 where Gilbert schoolteachers have not had a raise year  
22 after year after year; right?

12:01:09 23 MS. GILBERT: Form. Foundation.

12:01:11 24 THE WITNESS: This is what was included in my  
25 contract, yes.



1 Q BY MR. HOBSON: I understand. But do you  
2 understand, Mr. McCord, that it seems a little hard for  
3 people who are teachers and who aren't getting the raises  
4 year after year after year to discover that you have  
5 addenda to already a significant contract?

12:01:31 6 MS. GILBERT: Form.

7 Q BY MR. HOBSON: Let's you get an extra 2,000  
8 bucks. Do you understand that?

12:01:36 9 MS. GILBERT: Form.

12:01:37 10 THE WITNESS: That would be up to the  
11 individual teacher, if that's how they felt, that's how  
12 they felt.

12:01:42 13 MS. GILBERT: What relevance does this have to  
14 this lawsuit?

12:01:45 15 MR. HOBSON: It may have some down the road.  
16 It's discovery. So let's take --

12:01:48 17 MS. GILBERT: Whistle blower claim?

12:01:51 18 MR. HOBSON: Yep. Let's take our break right  
19 now. It's noon. Half hour, is that good?

12:01:59 20 MS. GILBERT: That's fine.

12:02:01 21 (Break taken at 12:02 p.m.)

12:50:46 22 (Back on the record at 12:50 p.m.)

23 (Deposition Exhibit No. 6 was marked for  
24 identification and attached hereto.)

25 Q BY MR. HOBSON: Do you recognize this at all?

12:52:13 1 A Looks like an e-mail.

12:52:15 2 Q From Joyce Meyer?

12:52:17 3 A Yes, sir.

12:52:23 4 Q And on page, is it, 211 -- looks like 1212 kind  
5 of cut off at the bottom. Last page of the document?

12:52:35 6 A This one?

12:52:36 7 Q Right.

12:52:37 8 A Yes, sir.

12:52:43 9 Q That's your response to her?

12:52:46 10 A Yes, sir.

12:52:49 11 Q And then the last page?

12:53:02 12 A Looks like it, yeah.

12:53:14 13 Q This is the -- you talked about lunches with  
14 Joyce Meyer. This is the -- these are the kinds of  
15 lunches you are talking about?

12:53:25 16 MS. GILBERT: Form.

12:53:26 17 THE WITNESS: This was a lunch that I was  
18 invited to.

19 Q BY MR. HOBSON: Okay.  
20 (Deposition Exhibit No. 7 was marked for  
21 identification and attached hereto.)

22 Q BY MR. HOBSON: Do you recognize the documents  
23 that are attached or given to you as Exhibit 7?

12:54:20 24 MS. GILBERT: Form.

12:54:24 25 THE WITNESS: Can I look through them for a

1 second?

2 Q BY MR. HOBSON: Sure.

12:54:30 3 MS. GILBERT: Just for the record, these have  
4 not been disclosed in this case.

12:54:34 5 MR. HOBSON: I think they have.

12:54:36 6 MS. GILBERT: Don't appear to have been.  
7 They're not Bates stamped in this case.

8 Q BY MR. HOBSON: Do you recognize them?

12:54:50 9 A I don't. At least the ones I've seen so far.  
12:54:56 10 (Remarked Exhibit 7 with Bates numbers.)

11 Q BY MR. HOBSON: Do you recognize these,  
12 Mr. McCord?

13:01:36 13 A I don't.

13:01:37 14 Q In any respect?

13:01:38 15 A Excuse me?

13:01:39 16 Q In any respect?

13:01:41 17 MS. GILBERT: Form.

13:01:41 18 THE WITNESS: No, I was never given copies of  
19 these.

20 Q BY MR. HOBSON: Were you aware that there were  
21 letters written from staff at Highland Junior High  
22 between late January 2012 and February 2012 --

13:01:57 23 MS. GILBERT: Form. Foundation.

24 Q BY MR. HOBSON: -- concerning Mr. Yee's service  
25 as -- choose that term carefully, service as principal?

13:02:09 1 MS. GILBERT: Form and foundation.  
2 Q BY MR. HOBSON: At Highland Junior High?  
13:02:13 3 MS. GILBERT: Form and foundation.  
13:02:14 4 THE WITNESS: I was aware there was anonymous  
5 letters sent to the governing board, but I never got to  
6 see those letters.  
7 Q BY MR. HOBSON: Did anybody -- were the letters  
8 at some point produced from the district from the  
9 governing boards and given to the administration as far  
10 as you know?  
13:02:40 11 MS. GILBERT: Foundation.  
13:02:44 12 THE WITNESS: I know Dr. Allison had a copy.  
13 Q BY MR. HOBSON: Had a copy?  
13:02:47 14 A Yes, because he said he did.  
13:03:07 15 Q Did Highland really go from an excelling school  
16 to a C school?  
13:03:13 17 MS. GILBERT: Form.  
13:03:14 18 THE WITNESS: I believe Highland was an  
19 excelling school. I don't think they had the A, B, C, D  
20 grades set up by the state just yet, but I know that they  
21 were a C school.  
22 Q BY MR. HOBSON: And they had become a C school?  
13:03:31 23 A I believe so, yes.  
13:03:33 24 MS. GILBERT: Form.  
25 Q BY MR. HOBSON: So you've never seen these

1 letters at any time?

13:03:47 2 MS. GILBERT: Form.

13:03:49 3 THE WITNESS: No, sir.

4 Q BY MR. HOBSON: Were you aware of reports of  
5 problems with Mr. Yee at Highland after these letters  
6 were forwarded to the board and Mr. Allison?

13:04:01 7 MS. GILBERT: Form and foundation.

8 Q BY MR. HOBSON: Received by Mr. Allison?

13:04:04 9 MS. GILBERT: Form and foundation.

13:04:06 10 THE WITNESS: Dr. Allison mentioned it to me.

13:04:07 11 Q BY MR. HOBSON: What did he say?

13:04:09 12 A He said we received some anonymous letters that  
13 were sent to the governing board.

13:04:16 14 Q What did you say in response to that?

13:04:18 15 A I said what were they about.

13:04:20 16 Q And he said?

13:04:21 17 A I don't remember exactly what he said, but it  
18 had to do with some people being unhappy at the school.

13:04:31 19 Q That's all he said?

13:04:32 20 A Yes, sir.

13:04:33 21 Q Had to do with people being unhappy at the  
22 school?

13:04:36 23 A Yeah, I believe so. I can't remember the exact  
24 conversation though.

13:04:48 25 Q The first page here, the fifth paragraph, It

1 bothers me to hear rumors running rampant (sexual  
2 improprieties), it's uncomfortable and makes the working  
3 environment at HJHS very awkward-true or not. I do not  
4 want to elaborate on the many rumors. It's uncomfortable  
5 hearing some rumors.

13:05:10 6 Do you see that?

13:05:11 7 MS. GILBERT: Form.

13:05:12 8 THE WITNESS: I see that, yes.

9 Q BY MR. HOBSON: Did he say to you anything  
10 about concerns about sexual improprieties?

13:05:20 11 MS. GILBERT: Form.

12 Q BY MR. HOBSON: Dr. Allison?

13:05:22 13 A He may have referenced they were similar to a  
14 letter that Nicki and I sat with him with Brian Yee and  
15 Lambeth.

13:05:31 16 Q That was the earlier letter that I reviewed  
17 with you?

13:05:35 18 MS. GILBERT: Form.

13:05:36 19 THE WITNESS: No, not that letter.

20 Q BY MR. HOBSON: There is a different one of  
21 those?

13:05:39 22 A There is a different anonymous letter.

13:05:42 23 Q Why do you feel people have to send anonymous  
24 letters?

13:05:46 25 MS. GILBERT: Form and foundation.

1 THE WITNESS: I can't speculate as to why.

2 Q BY MR. HOBSON: Would that raise any concern in  
3 your mind that, gosh, people apparently are so  
4 mistrustful of the administration in this district that  
5 they have to -- they think they have to send anonymous  
6 letters, did that ever cross your brain?

13:06:05 7 MS. GILBERT: Form and foundation.

13:06:06 8 THE WITNESS: Again, I can't speculate to what  
9 they were thinking.

10 Q BY MR. HOBSON: I'm asking what you thought?

13:06:11 11 MS. GILBERT: Form.

12 Q BY MR. HOBSON: When you realized they were  
13 anonymous letters, did it give you any pause I wonder why  
14 people think they have to make those kind of letters  
15 anonymous?

13:06:22 16 MS. GILBERT: Form.

13:06:23 17 THE WITNESS: I don't know if I thought that.

18 Q BY MR. HOBSON: As you sit here today, does the  
19 fact that people felt they had to send anonymous letters  
20 in, rather than put their names to it, does that raise  
21 concern in your brain?

13:06:39 22 MS. GILBERT: Form.

23 THE WITNESS: I always wish people would put  
24 names for definition.

25 Q BY MR. HOBSON: Can you think of a reason why

1 as you sit here today as a careful administrator with  
2 lots of years of experience why people might be fearful  
3 about including their name on a letter?

13:06:51 4 MS. GILBERT: Form and foundation.

13:06:52 5 THE WITNESS: I don't know.

13:06:52 6 Q BY MR. HOBSON: What happened to the people  
7 that made the anonymous letters, do you know?

13:06:57 8 MS. GILBERT: Form and foundation.

13:06:58 9 THE WITNESS: I don't know because they were  
10 anonymous.

11 Q BY MR. HOBSON: They were discovered  
12 eventually, weren't they?

13:07:03 13 MS. GILBERT: Form.

14 Q BY MR. HOBSON: Did you hire an investigator  
15 who interviewed lots of people and determined who, in  
16 fact, had written the anonymous letters?

13:07:11 17 MS. GILBERT: Form.

13:07:12 18 THE WITNESS: I did not hire an investigator.

13:07:14 19 Q BY MR. HOBSON: The district did?

13:07:16 20 A Yes.

13:07:17 21 Q Mr. Wright and Mr. Verstegen?

13:07:25 22 A Correct.

13:07:34 23 Q You're aware that Mr. Wright performed an  
24 investigation?

13:07:39 25 A Yes.



13:07:40 1 Q Were you told that he was being hired to  
2 perform an investigation?

13:07:45 3 A Yes.

13:07:46 4 Q Who told you that?

13:07:50 5 A I believe Dr. Allison.

13:07:53 6 Q Do you remember what he told you about the  
7 purpose of the investigation?

13:07:56 8 A To find out what was going on at Highland  
9 Junior High in reference to these letters.

13:08:03 10 Q Were you aware that Mr. Wright was hired to, in  
11 fact, write two separate reports, a private one for  
12 Dr. Allison and one for the public?

13:08:16 13 MS. GILBERT: Form and foundation.

13:08:17 14 THE WITNESS: No.

15 Q BY MR. HOBSON: Did Dr. Allison say anything to  
16 you about the two report scenario?

13:08:22 17 MS. GILBERT: Form and foundation.

13:08:24 18 THE WITNESS: No, sir.

19 Q BY MR. HOBSON: When were you aware there were  
20 two reports prepared by Mr. Wright?

13:08:29 21 MS. GILBERT: Form.

13:08:30 22 THE WITNESS: I don't recall when.

23 Q BY MR. HOBSON: Was Mr. Wright supposed to be  
24 an independent investigator or was he working on  
25 Dr. Allison, the administration's behalf, to cover up the

1 issues with respect to -- the issues at Highland?

13:08:47 2 MS. GILBERT: Form.

13:08:48 3 THE WITNESS: It was my understanding he was an  
4 independent investigator.

5 Q BY MR. HOBSON: So he's not a lawyer for the  
6 district, he's an independent investigator?

13:08:56 7 MS. GILBERT: Form and foundation.

8 THE WITNESS: I believe he works with the  
9 district in other aspects. I don't know exactly what.

13:09:03 10 Q BY MR. HOBSON: Did Mr. Wright interview you at  
11 any time?

13:09:05 12 A No.

13:09:06 13 Q Did Mr. Versteegen interview you?

13:09:09 14 A I believe -- is his name Dominic?

13:09:13 15 Q Dominic.

13:09:15 16 MS. GILBERT: In relation to this  
17 investigation, is that what you are asking him?

13:09:19 18 MR. HOBSON: At any time.

13:09:21 19 THE WITNESS: After the first investigation was  
20 completed and then another complaint filed and I met with  
21 him for a brief moment.

13:09:27 22 Q BY MR. HOBSON: So you interviewed with respect  
23 to another complaint being filed?

13:09:32 24 A This was after, I think, Mrs. McCoy had  
25 conversations with Dr. Allison and he said that he would

1 appoint another investigator.

13:09:42 2 Q Did you see Mr. Wright's final report before it  
3 was released, by the way?

13:09:47 4 MS. GILBERT: Form.

5 THE WITNESS: I did not.

6 Q BY MR. HOBSON: Did you and/or Dr. Allison  
7 and/or Nicki Blanchard and/or Mr. Yee discuss the final  
8 report before it was released?

13:09:58 9 MS. GILBERT: Form.

13:10:00 10 THE WITNESS: We had a conversation -- I don't  
11 recall. I know Nicki was in the room, Mrs. Blanchard,  
12 Dr. Allison, I can't remember who else was in the room,  
13 but Mr. Rat -- sorry. Mr. Wright kind of surmised some  
14 of the findings with the folks in the room.

15 Q BY MR. HOBSON: And when did that occur?

13:10:31 16 A I believe it was late May.

13:10:34 17 Q Who all was present, just senior  
18 administrators?

13:10:39 19 MS. GILBERT: Form.

13:10:40 20 THE WITNESS: I believe just -- here's the  
21 people I remember being in the room at the time, there  
22 could have been more: Mrs. Blanchard, Dave Allison,  
23 myself, and Mr. Wright. I don't know if there was  
24 anybody else. I can't recall.

25 Q BY MR. HOBSON: Was he at that point laying out

1 his two report scenario?

13:10:59 2 MS. GILBERT: Form.

13:10:59 3 THE WITNESS: No, he was just surmising what  
4 was going to be said, and I think then he was going to  
5 write his report.

6 Q BY MR. HOBSON: So the report hadn't yet been  
7 prepared?

13:11:09 8 MS. GILBERT: Form and foundation.

13:11:10 9 THE WITNESS: I'm not sure because I hadn't  
10 seen a report.

11 Q BY MR. HOBSON: He didn't pass out a report and  
12 then discuss it?

13:11:16 13 A No, sir.

13:11:20 14 Q Any other occasions when you had communications  
15 with either Dominic or Matt about any issues with respect  
16 to the district and Mr. Yee?

13:11:33 17 A No, sir.

18 (Deposition Exhibit No. 8 was marked for  
19 identification and attached hereto.)

20 Q BY MR. HOBSON: Have you ever seen what's  
21 marked as Exhibit 8?

13:12:44 22 A Look through it for a moment. I believe I have  
23 seen is this, yes.

24 (Deposition Exhibit No. 9 was marked for  
25 identification and attached hereto.)

13:13:10 1 Q BY MR. HOBSON: How about this one, what's  
2 marked as 9?

13:13:22 3 A No, this one I haven't seen.

13:13:30 4 Q You recognize that the -- that Exhibit 8 is the  
5 public report and the private report is Exhibit 9?

13:13:37 6 MS. GILBERT: Form and foundation.

13:13:38 7 THE WITNESS: I just recognize they're two  
8 different documents.

9 Q BY MR. HOBSON: There's the top one doesn't --  
10 the second one contains confidential attorney-client  
11 privileged memoranda. Do you see that?

13:13:51 12 A Yes, sir.

13:14:08 13 Q The first paragraph of No. 9 -- I'm sorry,  
14 second paragraph, the second sentence, The most serious  
15 allegations had to do with Principal Yee having  
16 inappropriate sexual relationships with several of his  
17 employees, including possibly on campus. We were unable  
18 to find any conclusive evidence to support these  
19 allegations.

13:14:30 20 Did I read that right?

13:14:32 21 A Yes, sir.

13:14:43 22 Q And the remaining allegations and complaints  
23 generally either classified as having to do with  
24 unprofessionalism or retaliation. There was insufficient  
25 evidence to support any claim of retaliation, but there

1 was some evidence to support allegations of  
2 unprofessionalism, although the problems were minor.

13:15:08 3 So you recognize that there are two reports, a  
4 public report and a privileged report, confidential  
5 report.

13:15:16 6 MS. GILBERT: Form.

13:15:17 7 THE WITNESS: I see that, yes.

8 Q BY MR. HOBSON: Is this the first time you've  
9 become aware of the fact, that there is two separate  
10 reports.

13:15:23 11 MS. GILBERT: Form.

13:15:24 12 THE WITNESS: No, not the first time.

13 Q BY MR. HOBSON: When did you become aware that  
14 Mr. Wright was writing a public report and then a  
15 confidential report?

13:15:35 16 MS. GILBERT: Form.

13:15:37 17 THE WITNESS: I don't know the exact date, but  
18 it was after the investigation was completed.

19 Q BY MR. HOBSON: I think you've testified you  
20 were not interviewed for any part of this investigation?

13:15:54 21 A Correct, I was not.

13:15:59 22 Q Do you think that Clyde (sic) Yee was  
23 exonerated by the second report?

13:16:06 24 MS. GILBERT: Who did you say Clyde Yee?

13:16:10 25 MR. HOBSON: Did I say Clyde?

13:16:12 1 MS. GILBERT: I wanted to make sure.

13:16:13 2 MR. HOBSON: I have another case where the  
3 guy's name is Clyde Yee up in the Ninth Circuit right  
4 now.

5 Q BY MR. HOBSON: I'm sorry. Brian Yee, do you  
6 believe that he was exonerated?

13:16:27 7 A You had made a mention of the second report, is  
8 that what you said?

13:16:31 9 Q Correct.

13:16:32 10 A I have not read through the second report.

13:16:34 11 Q You have not seen it at all?

13:16:36 12 MS. GILBERT: Form.

13:16:37 13 THE WITNESS: No. I just knew it existed.

14 Q BY MR. HOBSON: Were you told to put Mr. Yee on  
15 a performance improvement plan?

13:16:47 16 MS. GILBERT: Form.

13:16:48 17 THE WITNESS: No.

13:16:48 18 Q BY MR. HOBSON: You were not?

13:16:49 19 A No, sir.

13:16:53 20 Q Were you, in fact, disciplined because you  
21 didn't put Mr. Yee on a performance improvement plan?

13:16:59 22 MS. GILBERT: Form.

23 THE WITNESS: I was asked to give Mr. Yee a  
24 letter of direction, which is different than an  
25 improvement plan.

13:17:06 1 Q BY MR. HOBSON: And you didn't give him a  
2 letter of direction?

13:17:08 3 A That's correct.

13:17:08 4 Q And the letter of direction involved things  
5 that he was supposed to do and be careful of and  
6 thoughtful about; correct?

13:17:15 7 MS. GILBERT: Form.

13:17:16 8 THE WITNESS: They were to outline it where I  
9 think it said things that were minor, make sure that you  
10 don't go into closets, or if you are in a closet, make  
11 sure it's open, make sure you don't meet with anybody,  
12 any females individually, those types of things.

13 Q BY MR. HOBSON: Does it surprise you at all,  
14 Mr. McCord, to be at this part of your career, three  
15 years ago giving directions to a principal to be  
16 thoughtful about appearances?

13:17:48 17 MS. GILBERT: Form.

13:17:50 18 THE WITNESS: Ask the question again, I'm  
19 sorry.

20 Q BY MR. HOBSON: Does it surprise you that you  
21 are being directed by your boss to give directions to a  
22 subordinate who's a principal running a school with 1300  
23 kids that he should be thoughtful about appearances?

13:18:06 24 MS. GILBERT: Form.

13:18:07 25 THE WITNESS: No.



13:18:08 1 Q BY MR. HOBSON: Do you think it's appropriate  
2 for an adult to go into a closet with a child, for  
3 example, that would be inappropriate; right?

13:18:16 4 MS. GILBERT: Form.

13:18:17 5 THE WITNESS: Correct.

6 Q BY MR. HOBSON: Okay. And how about a  
7 principal, a male principal going into a closet with a  
8 woman and closing the door, that would be inappropriate,  
9 wouldn't it?

13:18:29 10 MS. GILBERT: Form.

13:18:30 11 THE WITNESS: Depends on what they were doing  
12 in the closet and what the nature of business was for the  
13 closet.

14 Q BY MR. HOBSON: So you really think it's okay  
15 for the principal of the school to be meeting privately  
16 with a woman in a small closet?

13:18:44 17 MS. GILBERT: Form.

13:18:46 18 THE WITNESS: I don't know what purpose they  
19 would be going into the closet and why the closet door  
20 would be shut, so I can't answer that.

21 Q BY MR. HOBSON: It's your testimony that it  
22 wasn't in the improvement plan that he was put on?

13:19:06 23 MS. GILBERT: Form.

13:19:07 24 THE WITNESS: That I didn't put him on an  
25 improvement plan, yes, that was my testimony.

1 Q BY MR. HOBSON: And I asked you if you were  
2 disciplined, and you were, in fact, disciplined, weren't  
3 you?

13:19:13 4 A There was something noted in my evaluation, I  
5 believe.

13:19:17 6 Q You failed to do what you were directed to do?

13:19:20 7 A Correct.

13:19:21 8 Q Have you ever violated the district policy on  
9 staff conduct, GBEB policy?

13:19:28 10 MS. GILBERT: Form.

11 THE WITNESS: No.

13:19:43 12 THE WITNESS: Unless that's following direction  
13 I was given by Dr. Allison, then, yes, I have.

14 (Deposition Exhibit No. 10 was marked for  
15 identification and attached hereto.)

16 Q BY MR. HOBSON: Do you recognize what's marked  
17 as 10?

13:20:10 18 A Yes, sir.

13:20:11 19 Q What is this?

13:20:12 20 A Looks like a list of candidates for interviews.

13:20:25 21 Q Whose handwriting is on this?

13:20:27 22 MS. GILBERT: Foundation.

23 Q BY MR. HOBSON: Do you know?

13:20:29 24 A Not mine.

13:20:29 25 Q Not yours?

13:20:30 1 A No.

13:20:40 2 Q You recognize the handwriting at all?

13:20:42 3 A It's not mine. I don't know whose it is. I  
4 don't make my checkmarks that way.

13:20:51 5 MS. GILBERT: Lefty.

6 Q BY MR. HOBSON: Were you aware that Liz McCoy  
7 submitted a letter of intent and resume on March 9 for an  
8 elementary principal position?

13:21:02 9 MS. GILBERT: Foundation.

13:21:03 10 THE WITNESS: I don't recall.

11 Q BY MR. HOBSON: See where it says, Liz McCoy  
12 assistant principal, HJHS says hold on calling, do you  
13 see that?

13:21:21 14 A Yes, sir.

13:21:22 15 Q Do you know what that refers to?

13:21:23 16 MS. GILBERT: Foundation.

13:21:24 17 THE WITNESS: I have no idea.

18 Q BY MR. HOBSON: Was this during the period of  
19 time that Ms. McCoy was involved in the issues involving  
20 the Yee investigation?

13:21:52 21 MS. GILBERT: Form and foundation.

13:21:57 22 THE WITNESS: It may have been. I'm not sure.

23 Q BY MR. HOBSON: The Yee investigation proceeded  
24 out of anonymous letters and a specific complaint that  
25 Liz McCoy had brought forward to Mr. Allison --

1 Dr. Allison; isn't that correct?

13:22:22 2 MS. GILBERT: Form and foundation.

13:22:29 3 THE WITNESS: I know I'm not supposed to ask  
4 you questions. Clarification on which investigation?

5 Q BY MR. HOBSON: Sure. Well, has there been  
6 more than one investigation involving Clyde (sic) Yee?

13:22:44 7 MS. GILBERT: Brian.

13:22:45 8 MR. HOBSON: Why am I doing that?

9 THE WITNESS: Because there was the initial  
10 investigation with Matt Wright and I think Dominic  
11 started one.

13:22:52 12 Q BY MR. HOBSON: Oh, Dominic did a separate  
13 investigation?

13:22:55 14 MS. GILBERT: Form.

15 THE WITNESS: I think he started one.

16 Q BY MR. HOBSON: Doesn't Dominic work for Matt?

13:23:00 17 MS. GILBERT: Foundation.

13:23:01 18 THE WITNESS: I believe so.

19 Q BY MR. HOBSON: Is it your testimony that you  
20 think there were two investigations of Brian Yee by Matt  
21 Wright's firm?

13:23:13 22 MS. GILBERT: Form.

13:23:13 23 THE WITNESS: I know that there was one and a  
24 second one was started, but I don't think it was ever  
25 concluded.

1 Q BY MR. HOBSON: What was the precipitating  
2 event for each of them?

13:23:23 3 MS. GILBERT: Foundation.

13:23:24 4 THE WITNESS: For the first one it was the  
5 anonymous letters and then I think for the second one I  
6 think there was a dispute on whether or not there was a  
7 good investigation or not, so I think Dr. Allison  
8 appointed another investigator.

9 Q BY MR. HOBSON: Do you have any information why  
10 Ms. McCoy was not selected for interviews on the 18th and  
11 20th?

13:24:06 12 MS. GILBERT: Foundation and form.

13:24:13 13 THE WITNESS: To my knowledge, it looks as if  
14 she was interviewed for that.

15 Q BY MR. HOBSON: It says hold on calling?

13:24:18 16 A I don't know what that means. I didn't write  
17 that.

13:24:26 18 Q Did Matt Wright or anybody from Mr. Wright's  
19 office talk to you about not interviewing Ms. McCoy?

13:24:33 20 A No, sir.

13:24:38 21 Q Were you aware in May of 2012 that  
22 Mr. Allison -- Dr. Allison was developing a plan for the  
23 people who had made -- had made anonymous reports about  
24 Mr. Yee and Highland?

13:24:57 25 MS. GILBERT: Form. Foundation.

13:24:58 1 THE WITNESS: No, sir.

2 Q BY MR. HOBSON: Were you aware that Mr. Yee was  
3 aware of a plan being developed by Dr. Allison for those  
4 personnel?

13:25:07 5 MS. GILBERT: Form and foundation.

13:25:08 6 THE WITNESS: No, sir.

7 Q BY MR. HOBSON: Do you know if Liz McCoy's  
8 employment with the district was ever discussed with  
9 Dr. Allison and/or Brian Yee as a part of this plan that  
10 Dr. Allison was developing?

13:25:28 11 MS. GILBERT: Form and foundation.

13:25:30 12 THE WITNESS: No, sir.

13 Q BY MR. HOBSON: Is it your testimony you don't  
14 know that there was a plan?

13:25:34 15 MS. GILBERT: Form and foundation.

13:25:36 16 THE WITNESS: My testimony is I wasn't privy to  
17 that conversation if there was one.

18 Q BY MR. HOBSON: If Brian Yee has stated that  
19 there was a plan, you wouldn't dispute that?

13:25:50 20 MS. GILBERT: Form and foundation.

13:25:51 21 THE WITNESS: I can't answer that one way or  
22 the other.

23 Q BY MR. HOBSON: Okay. Well, I'm just trying --  
24 I'm trying to find out down the road when we get to the  
25 notes when Brian Yee talks about the plan that

1 Dr. Allison is developing to deal with these personnel  
2 that you are going to dispute that there was such a plan.

13:26:12 3 What I hear you saying is I don't know, and I  
4 don't want you to walk away from that.

13:26:18 5 MS. GILBERT: Form and foundation.

13:26:20 6 THE WITNESS: If there's some document that  
7 says that there was a plan --

13:26:24 8 Q BY MR. HOBSON: We'll get there.

13:26:28 9 Did you have a desire to have employees  
10 terminate or transfer out of Highland after they reported  
11 Yee's behavior?

13:26:38 12 MS. GILBERT: Form.

13:26:39 13 THE WITNESS: No that was not -- no.

14 Q BY MR. HOBSON: Did you ever send letters to  
15 the district telling what a great job Yee was doing?

13:26:47 16 A No.

13:26:48 17 Q Did anyone ever send letters saying what a  
18 great job Yee was doing?

13:26:53 19 MS. GILBERT: Form. Foundation.

20 Q BY MR. HOBSON: A letter saying what a really  
21 super guy Brian Yee is?

13:27:00 22 MS. GILBERT: Form and foundation.

13:27:01 23 THE WITNESS: Not that I recall.

24 Q BY MR. HOBSON: You requested a meeting with  
25 Liz McCoy on June 12, 2012; is that right?

13:27:11 1 A I believe so, yes.

13:27:12 2 Q You remember telling her in that meeting that  
3 she had done nothing wrong, she was not the problem?

13:27:18 4 MS. GILBERT: Form.

5 THE WITNESS: I think that meeting was about --  
6 she had just finished with an athletic director meeting,  
7 if I'm right, if I'm right on the dates, and I had a  
8 thought that asked her if she was interested in being a  
9 dean of students at an elementary school because we were  
10 changing the model that we had at the elementary school,  
11 and there was going to be a dean position open because I  
12 knew that she had been interested in an elementary  
13 position.

13:27:51 14 Q And transferring from one school to another as  
15 an AP to a dean, that's a demotion; correct?

13:27:59 16 MS. GILBERT: Form.

13:27:59 17 THE WITNESS: That would have been her choice,  
18 if that's what she wanted to do. I didn't tell her  
19 that's what was going to happen. I just asked her if  
20 that was something she was interested in.

13:28:09 21 Q BY MR. HOBSON: So you asked her about taking a  
22 demotion?

13:28:12 23 MS. GILBERT: Form.

13:28:13 24 THE WITNESS: Right, but I believe she would  
25 have kept her pay.



1 Q BY MR. HOBSON: She would no longer be at the  
2 same level as an administrator, be at a lower level?

13:28:22 3 A Yes.

13:28:24 4 Q Sort of you going from associate superintendent  
5 to being a director?

13:28:28 6 A Correct.

13:28:29 7 Q It's a diminishment in rank; right?

13:28:31 8 MS. GILBERT: Form.

13:28:32 9 THE WITNESS: It's a lower rank, yes, sir.

10 Q BY MR. HOBSON: Did you encourage her to  
11 transfer to the school as a dean?

13:28:39 12 MS. GILBERT: Form.

13:28:39 13 THE WITNESS: I just asked her a question if  
14 she was interested in it.

15 Q BY MR. HOBSON: This was after she had  
16 complained about Yee's misconduct in the workplace?

13:28:50 17 MS. GILBERT: Form.

13:28:52 18 THE WITNESS: I think this was just the  
19 beginning of the summer and I knew that there was some  
20 positions open and I knew she would be interested in  
21 being in elementary, and I thought that would be  
22 something she would be interested in.

13:29:04 23 Q BY MR. HOBSON: Did you discuss this proposed  
24 transfer with Dr. Allison and Brian Yee?

13:29:09 25 A Beforehand, no, sir.

13:29:11 1 Q Did you discuss it with him afterwards?

13:29:14 2 A I discussed it with him later on in that  
3 afternoon.

13:29:18 4 MS. GILBERT: Form.

5 Q BY MR. HOBSON: She had by that time --

13:29:21 6 A With Dr. Allison. When I say "them," I meant  
7 him.

13:29:25 8 Q How would Brian Yee know about your proposed  
9 transfer of Liz McCoy?

13:29:31 10 MS. GILBERT: Foundation.

13:29:31 11 THE WITNESS: I don't know.

12 Q BY MR. HOBSON: You didn't talk to him, though?

13:29:35 13 A No, I don't believe so. I don't believe I did.

13:29:37 14 Q Ms. McCoy by that afternoon had given you her  
15 response?

13:29:42 16 A Yes.

13:29:43 17 Q Pretty quickly; right?

13:29:44 18 A Yes, I think I talked to her around noonish and  
19 she came back around 3:30, 4:00 that afternoon.

13:29:52 20 Q She told you she wouldn't accept a demotion?

13:29:54 21 A Correct.

13:29:55 22 Q And you had a conversation with Liz on  
23 June 18th about 3:30. Do you recall that?

13:30:01 24 A I believe so, yes.

13:30:05 25 Q Did you know she was recording that meeting?

13:30:08 1 A No, sir.

13:30:09 2 Q Did she give you several documents including  
3 the summer list, the e-mail exchange between her and Yee  
4 and a copy of the Arizona Whistle Blower Statute?

13:30:21 5 MS. GILBERT: Form.

13:30:21 6 THE WITNESS: And I believe she had some  
7 documents with her.

8 Q BY MR. HOBSON: And her absence approval forms?

13:30:27 9 MS. GILBERT: Form.

10 THE WITNESS: I believe she had some documents  
11 with her, but I can't recall which ones.

12 Q BY MR. HOBSON: Was she reporting to you  
13 retaliation by Yee?

13:30:33 14 A She mentioned she felt like this was  
15 retaliation.

13:30:49 16 Q Did you tell her that you thought it was  
17 retaliation?

13:30:55 18 A I don't recall me saying that, but if it was in  
19 the transcripts, I'd like to see that.

13:31:02 20 Q Do you remember if you told her that you  
21 thought it was retaliation?

13:31:05 22 MS. GILBERT: Form.

13:31:06 23 THE WITNESS: I don't remember.

24 Q BY MR. HOBSON: What did you do with the  
25 documents that Ms. McCoy gave you?

13:31:15 1 MS. GILBERT: Form.

13:31:19 2 THE WITNESS: If I received any documents,  
3 which I don't recall which ones they were, I believe I  
4 looked at them. I looked them over and then had a  
5 conversation with Brian Yee the next day. I think it was  
6 in the morning of the next day and I asked him what are  
7 the -- what is this, what's going on because I hadn't  
8 seen these documents, I hadn't seen a list of things  
9 beforehand from Mr. Yee or anything like that.

10 And he said, well, these are things that need  
11 to get done.

12 I said, well, Liz feels as if this is  
13 retaliation, that you are coming after her for certain  
14 things.

15 He said, no, no, no, these are just things I  
16 need to get done and want to get done.

17 I said, you have to have a sit down  
18 conversation with her because she looks at it differently  
19 and if you are saying it's different, then you need to go  
20 back and have that conversation with her because she's  
21 feeling put upon.

13:32:24 22 Q Did you look at the work assignments that  
23 Mr. Yee had given her for the end of the school year?

13:32:31 24 A I believe Liz and I both looked through them  
25 together.

13:32:35 1 Q What was your impression?

13:32:36 2 A There was a lot of things on there.

13:32:38 3 Q Are you aware that he was also insisting that  
4 she work on days off?

13:32:45 5 MS. GILBERT: Form.

13:32:46 6 THE WITNESS: No. I mean, not at the time, no.  
7 I mean, she showed me days off then. Before then, I had  
8 no idea.

9 Q BY MR. HOBSON: What's the district's policy  
10 about people being required to work on their days off?

13:33:03 11 MS. GILBERT: Form.

13:33:03 12 THE WITNESS: I don't believe there is any  
13 policy as it relates to administrators.

14 Q BY MR. HOBSON: So administrators who have  
15 approved days off can be called back to work at any time.  
16 Is that your testimony?

13:33:14 17 MS. GILBERT: Form and foundation.

13:33:16 18 THE WITNESS: I believe if there is a situation  
19 that someone has an approved day off and we call them,  
20 our hope is that they answer to help out with whatever  
21 the situation is. Sometimes that's not possible because  
22 they are not able to be contacted.

23 Q BY MR. HOBSON: When I showed you Exhibit 10,  
24 would this be a list that your office prepares?

13:33:47 25 A Yes, usually me or my admin assistant.

13:33:51 1 Q And who is your admin assistant?

13:33:52 2 A Gabriella Wilson.

13:33:54 3 Q Is this Gabriella's handwriting?

13:33:57 4 A No.

5 (Deposition Exhibit No. 11 was marked for  
6 identification and attached hereto.)

7 Q BY MR. HOBSON: You seen these documents  
8 before?

13:34:50 9 A I can't tell you for a hundred percent sure,  
10 but these are some of the e-mails that Liz had brought in  
11 that day.

13:35:11 12 Q As a principal, does Brian Yee have access to  
13 the district's scheduling documentation, computer  
14 scheduling?

13:35:24 15 MS. GILBERT: Form and foundation.

16 Q BY MR. HOBSON: Can't you punch a button and  
17 say, gosh, what's Liz McCoy's working schedule?

13:35:34 18 MS. GILBERT: Form and foundation.

13:35:36 19 THE WITNESS: Not to my knowledge. I mean, we  
20 all have calendars we can keep, but access to that  
21 calendar is usually granted by the person whose e-mail  
22 account that the calendar is.

13:35:54 23 Q BY MR. HOBSON: You recognize that document?

13:35:56 24 A Yes.

13:35:56 25 Q Is that the calendar?

13:35:58 1 MS. GILBERT: Form.

13:35:59 2 THE WITNESS: No. That's an HR calendar.

3 That's in HR to look at your own contact. If you look at  
4 the top, it says payroll leaves. Individuals log in with  
5 their own name and password and they can see when their  
6 days off have been taken.

13:36:13 7 Q BY MR. HOBSON: Does the principal have access  
8 to subordinate staff?

13:36:19 9 MS. GILBERT: Form. Foundation.

13:36:21 10 THE WITNESS: No.

13:36:21 11 Q BY MR. HOBSON: Who has access?

13:36:24 12 MS. GILBERT: Foundation.

13 Q BY MR. HOBSON: Does human resources have  
14 access to this?

13:36:29 15 MS. GILBERT: Form and foundation.

13:36:30 16 THE WITNESS: I don't know.

17 Q BY MR. HOBSON: Really?

13:36:33 18 A I don't.

13:36:34 19 MS. GILBERT: Form.

20 Q BY MR. HOBSON: Okay.

13:36:36 21 A I know the individual. Like me, if I put my  
22 name in, I know I'm the only one that I think has access  
23 to it, but I don't know if anybody else has access to it  
24 in HR.

13:36:48 25 Q Somebody is taking a leave day, they have to

1 fill out a form; right?

13:36:52 2 A Correct.

13:36:52 3 Q And the form has to get approved by the  
4 supervisor?

13:36:56 5 A Correct.

13:36:56 6 Q And that goes to HR?

13:36:57 7 A Correct.

13:36:58 8 Q And HR puts that on a calendar, doesn't HR?

13:37:01 9 MS. GILBERT: Foundation.

13:37:02 10 THE WITNESS: I don't know.

13:37:03 11 Q BY MR. HOBSON: HR counts the days you have  
12 available for personal leave or for sick leave or for,  
13 you know, comp day, maybe?

13:37:11 14 MS. GILBERT: Form and foundation.

13:37:12 15 THE WITNESS: I don't know how they input the  
16 data. I don't know if they input the data and then it  
17 migrates to a calendar, I don't know.

18 Q BY MR. HOBSON: Okay. So let's look at what's  
19 marked as 11. At 6/14/2012 at 6:00 Brian Yee sends Liz  
20 McCoy an e-mail saying he wanted to know when she'd be on  
21 campus next week and what time he'd be away; right?

13:37:56 22 A That's what it appears to be.

13:37:57 23 Q And then the next day, June 15 at 11:06, he  
24 asks her about e-mail from yesterday, planning the  
25 calendar, the week after while you are still on contract



1 and also dean interviews, let me, get a chance -- on the  
2 days you would be on campus -- let me know when you get a  
3 chance on the days you will be on campus or times; right?

13:38:23 4 A Correct.

13:38:24 5 Q 11:06. And then 19 minutes later he does  
6 another one to Liz McCoy, right, about scheduling --

13:38:37 7 A Yes.

13:38:37 8 Q -- dean interviews?

13:38:40 9 And then 26 minutes later he does another one  
10 about scheduling; right?

13:38:53 11 A Yes, sir.

13:38:53 12 Q And then an hour later he does another one  
13 about calendar and scheduling; right?

13:39:06 14 MS. GILBERT: Form.

13:39:09 15 THE WITNESS: It looks like he writes another  
16 e-mail.

17 Q BY MR. HOBSON: And then still on the same day.  
18 2:36:34 p.m. he does another one about scheduling.

13:39:30 19 MS. GILBERT: Form.

20 Q BY MR. HOBSON: Right?

13:39:34 21 A There's another e-mail there, yes.

13:39:36 22 Q And then two minutes later, he does another one  
23 saying I meant to say some things, not something; right?

13:39:46 24 A Yes, sir.

13:39:46 25 Q And then at 3:23 he does another one about

1 scheduling.

13:39:53 2 MS. GILBERT: Form.

3 Q BY MR. HOBSON: Right?

13:39:57 4 A Yes, sir.

13:39:59 5 Q Do you -- in your experience, Mr. McCord, do  
6 you do these succession of e-mails over and over and over  
7 every 20 minutes to a staff person?

13:40:11 8 MS. GILBERT: Form and foundation.

9 Q BY MR. HOBSON: Does it strike you unusual or  
10 not?

13:40:15 11 MS. GILBERT: Form.

13:40:15 12 THE WITNESS: As I read through these, I don't  
13 know if he's responding to her. I can't tell.

14 Q BY MR. HOBSON: We're going to come to that in  
15 a second.

13:40:23 16 A Okay. It looks as if on Attachment 14 it says  
17 thanks for letting me know, so I don't know if that's in  
18 response. I think on another one he's clarifying  
19 something that he said, and then the next one it sounds  
20 like a response to another response.

13:40:40 21 Q Let me ask you: Do you know what June 14 and  
22 15 were for Ms. McCoy?

13:40:51 23 A No.

13:40:52 24 MS. GILBERT: Form and foundation.

25 Q BY MR. HOBSON: Do you know, was the district

1 on a four-day or five-day schedule?

13:41:02 2 A I believe we were on four days at that point  
3 time in June.

13:41:06 4 Q Monday through Thursday?

13:41:08 5 A Yes, sir.

13:41:08 6 Q So the e-mails that he's sending to her on the  
7 15th are on a day off?

13:41:14 8 MS. GILBERT: Form and foundation.

13:41:15 9 THE WITNESS: I don't know what was Monday. I  
10 don't have the calendar in front of me.

11 Q BY MR. HOBSON: June 15th is a Friday.

13:41:25 12 A Correct.

13:41:27 13 Q Okay. And is she off on the Thursday, looking  
14 at that calendar?

13:41:35 15 MS. GILBERT: Foundation.

16 Q BY MR. HOBSON: On the 14th is she off?

13:41:41 17 A On June 14th it looks like she took a day off.

13:41:49 18 Q So is she working?

13:41:50 19 A Or is that her last day.

13:41:52 20 Q Is she working or is she off?

13:41:54 21 MS. GILBERT: Form and foundation.

13:41:56 22 THE WITNESS: Looks as if she's off. On the  
23 14th or 15th everybody has off.

13:42:11 24 Q BY MR. HOBSON: Correct. So he's sending her a  
25 whole series of e-mails on a day that she's off; right?

13:42:18 1 MS. GILBERT: Form and foundation.

13:42:21 2 THE WITNESS: Seems as though, yes, sir.  
3 (Deposition Exhibit No. 12 was marked for  
4 identification and attached hereto.)

5 Q BY MR. HOBSON: So on June 15 at  
6 11:47 Liz McCoy, see page number marked 3514 in  
7 Exhibit 12?

13:43:37 8 A Yes, sir.

13:43:38 9 Q Brian, I will be there on June 18th through  
10 June 21st. I will see you on Monday.

13:43:46 11 Did I read that right?

13:43:47 12 A Yes, sir.

13:43:52 13 Q And at 11:25 this is the one I asked you about  
14 earlier, the dean interviews are scheduled for Wednesday  
15 starting at 8:00 a.m., the last starts at 10:00 a.m,  
16 That's the 11:25 e-mail that he sends her; right?

13:44:09 17 A Yes.

13:44:09 18 Q And the next 3513, she responds to him about  
19 that. Do you see that?

13:44:16 20 A At what time?

13:44:17 21 Q At 2:15 p.m.

13:44:19 22 A Yes.

13:44:19 23 Q Thursday was a sick day. Did I read that  
24 right? Brian, Thursday was a sick day.

13:44:27 25 A Yes. I thought you were looking at the

1 calendar again.

13:44:30 2 MS. GILBERT: I thought he was too, sorry.

3 Q BY MR. HOBSON: Thursday was a sick day. My  
4 schedule next week will be Monday through Thursday all  
5 day except for an AD meeting on Tuesday at 8:00 a.m. at  
6 MJHS until 11 or noon. You know how these meetings are.  
7 June 28 and 25th are the days you signed for, but if you  
8 need me to come in for the dean's interviews on any of  
9 those days, I will gladly do it. She writes that; right?

13:44:55 10 A Yes, sir.

13:44:56 11 Q That's what you were talking about, gosh, even  
12 though you have time off, if we need you, you have to  
13 come back?

13:45:02 14 MS. GILBERT: Form. Foundation.

13:45:03 15 THE WITNESS: There could be other things as  
16 well too it depends.

13:45:06 17 Q BY MR. HOBSON: Sure. That certainly --

13:45:07 18 A That would be a reason, yes.

13:45:09 19 Q Okay. Then at 1:47 she responds to this other  
20 thing that I asked you about earlier. She says, Brian,  
21 when I come in Monday, I'll give you a schedule, thanks.  
22 She writes that at 1:47.

13:45:25 23 A Yes, sir.

13:45:28 24 Q And then in response to his 3/23 one that I  
25 asked you about, Liz writes back, Brian, the medical day

1 already had Gabby take care of. We can talk Monday about  
2 what needs to be done. She responds to him; correct?

13:45:44 3 MS. GILBERT: Form. Foundation.

13:45:45 4 THE WITNESS: It appears she responded to an  
5 e-mail.

6 Q BY MR. HOBSON: So to be clear, the e-mails  
7 that Mr. Yee is sending to Liz McCoy are being sent to  
8 her on a sick day on the 14th the first one, and all the  
9 rest of them on a day that she has off, all the district  
10 employees have off; correct?

13:46:47 11 MS. GILBERT: Form.

13:46:47 12 THE WITNESS: It appears so, yes.

13 Q BY MR. HOBSON: And it was about scheduling for  
14 the next week; correct?

13:46:52 15 MS. GILBERT: Form.

13:46:53 16 THE WITNESS: That's what it seems like, yes.

17 Q BY MR. HOBSON: Do you recognize any  
18 pressing -- can you conceive of any pressing need for  
19 Mr. Yee to have that information on a Friday when  
20 everybody is supposed to be off?

13:47:09 21 MS. GILBERT: Form and foundation.

13:47:10 22 THE WITNESS: I can't speak to why Mr. Yee  
23 wrote those e-mails then.

24 Q BY MR. HOBSON: If a district has a concern  
25 about somebody being out on sick leave and the sick leave

1 being inappropriately claimed or used, it has a process  
2 for finding out about that?

13:47:26 3 A Yeah.

13:47:27 4 MS. GILBERT: Form.

5 Q BY MR. HOBSON: There's a policy for how to do  
6 that; right?

13:47:30 7 MS. GILBERT: Form.

13:47:31 8 THE WITNESS: I don't know if there is a  
9 policy, but I'm sure there is something there.

10 Q BY MR. HOBSON: Do you know what the district  
11 can legally ask employees about whether -- about their --  
12 why they're sick or what reason they're using sick leave?

13:47:49 13 MS. GILBERT: Form and foundation.

13:47:50 14 THE WITNESS: No.

15 Q BY MR. HOBSON: Is the practice of the district  
16 to insist that people prove up their sick leave?

13:47:56 17 MS. GILBERT: Form and foundation.

13:47:57 18 THE WITNESS: On a daily basis, no. If people  
19 are going to be out long-term, they have to submit a  
20 written notice from the doctor.

21 Q BY MR. HOBSON: And how about when people are  
22 off from work, when they're work, you know, working a  
23 four-day week and you are off Friday, is there any reason  
24 why that you can conceive of why Mr. Yee would have to  
25 know that information on a Friday?

13:48:22 1 MS. GILBERT: Form and foundation.

13:48:24 2 THE WITNESS: You would have to ask Mr. Yee.

3 Q BY MR. HOBSON: I intend to.

13:48:28 4 Do you know of any reason?

13:48:29 5 MS. GILBERT: Foundation.

13:48:30 6 THE WITNESS: I don't know.

7 Q BY MR. HOBSON: When you are having somebody

8 respond to the boss' e-mail on a day off, isn't that

9 making him work?

13:48:43 10 MS. GILBERT: Form.

11 THE WITNESS: No. They are responding to

12 e-mail. I think there are expectations as an

13 administrator that that happens.

14 Q BY MR. HOBSON: So it's professional e-mail and

15 she's being called to work, essentially --

13:48:54 16 MS. GILBERT: Foundation.

17 Q BY MR. HOBSON: -- even though she's at home?

13:48:58 18 A Nobody is making her respond to it.

19 (Deposition Exhibit No. 13 was marked for

20 identification and attached hereto.)

21 Q BY MR. HOBSON: Do you recognize these

22 documents at all?

13:49:48 23 MS. GILBERT: Form.

13:49:48 24 Q BY MR. HOBSON: The forms.

13:49:50 25 A Yes, sir.



13:49:51 1 Q What are they?

13:49:52 2 A Absence approval forms.

13:49:55 3 Q And have you seen these specific documents or  
4 copies of these specific documents before?

13:50:01 5 MS. GILBERT: Form.

13:50:02 6 THE WITNESS: I can't recall if I have.

7 Q BY MR. HOBSON: So the first page shows days of  
8 absence June 6 and 7, 2012?

13:50:22 9 A Yes, sir.

13:50:23 10 Q Elizabeth McCoy it says takes it in, looks  
11 like, June 4, 2012. Do you recognize the signature of  
12 the site administrator there?

13:50:33 13 A Well, it appears to be Mr. Yee's signature.

13:50:37 14 Q Is that how he signs his name?

13:50:39 15 A I think so.

13:50:40 16 Q It's unique.

13:50:41 17 A It is unique.

13:50:43 18 Q I'm glad you recognize it.

13:50:45 19 Let's have you look at 338. The first one is  
20 June 6 and 7, 2012. The second document 338 is for  
21 June 27 and June 28 --

13:50:58 22 A Yes, sir.

13:50:59 23 Q -- 2012?

13:51:00 24 A Yes, sir.

13:51:01 25 Q And she apparently turns it in on June 11?

13:51:06 1 A Did you say 6/27 and 6/28?

13:51:09 2 Q I said June 27 and 28.

13:51:12 3 A I also see a 6/14 over on the side. Is that  
4 what you are looking at, the second page?

13:51:17 5 Q I was just looking at the dates of absence is  
6 what I was looking at.

13:51:21 7 A Okay. All right. I was looking at this number  
8 too as well, so I didn't know. Do you have another  
9 number over there?

13:51:30 10 MS. GILBERT: It's the same.

11 Q BY MR. HOBSON: But critical point it's  
12 approved by Mr. Yee, isn't it?

13:51:37 13 A Looks like it yes, sir.

13:51:38 14 Q And the last page says June 25th and 26th, and  
15 this is a comp day for the JV wrestling tour, comp day  
16 for track meet. Do you guys have a process where people  
17 are given comp days?

13:51:56 18 A At the junior high level, if they are taken  
19 away from their campuses on a Saturday for some type of  
20 sporting event and they have to work it, they will trade  
21 out some of those days.

13:52:09 22 Q In any case, Liz McCoy turns it in on June 11,  
23 2012; correct?

13:52:16 24 MS. GILBERT: Foundation.

13:52:17 25 THE WITNESS: That's the date that's on here.

13:52:18 1 Q BY MR. HOBSON: And you recognize the signature  
2 of the site administrator there?

13:52:24 3 A Yes.

13:52:25 4 Q Who is that?

13:52:26 5 A Looks like Mr. Yee.

13:52:27 6 Q Are these forms done in triplicate or just  
7 plain forms?

13:52:31 8 A NCR paper, I guess, is the best way to put it  
9 where there is multiple copies.

13:52:37 10 Q Pink on, yellow one, and white?

13:52:39 11 A Yes.

13:52:40 12 Q And each of the people who sign them keep a  
13 copy, transmittal copy?

13:52:49 14 A Yes.

13:52:49 15 Q Mr. Yee would have a copy?

13:52:51 16 MS. GILBERT: Form and foundation.

13:52:53 17 THE WITNESS: They might have a copy at their  
18 site, but I'm not sure.

13:52:56 19 Q BY MR. HOBSON: He certainly signed it, though,  
20 when he signed it, though, would you agree?

13:53:02 21 MS. GILBERT: Foundation.

13:53:03 22 THE WITNESS: Yes.

23 Q BY MR. HOBSON: There is no Brian Yee stamp  
24 that you are aware of?

13:53:08 25 A This doesn't appear to be a stamp.

13:53:10 1 Q In fact, the signatures are all slightly  
2 different and slightly different positions on the line;  
3 correct?

13:53:16 4 A It appears so.

13:53:17 5 Q I know what I want to ask you. Did you -- when  
6 I had you look at the e-mail responses in 12 by Liz McCoy  
7 to Brian Yee, do you view her responses as her being  
8 obstinate?

13:53:57 9 MS. GILBERT: Form.

10 Q BY MR. HOBSON: When she says I'll be in  
11 Monday, we can talk about my schedule then?

13:54:05 12 MS. GILBERT: Form.

13:54:05 13 THE WITNESS: I just read it as a response. I  
14 don't know what her tone was. It's hard to grab tone out  
15 of an e-mail sometimes.

16 Q BY MR. HOBSON: Looking at it as an  
17 administrator who looks at e-mails like that from people  
18 all the time, do you see any obstinacy in her response?

13:54:26 19 MS. GILBERT: Form.

13:54:27 20 THE WITNESS: I just see a statement.

21 Q BY MR. HOBSON: I'll be in Monday, we can talk  
22 about schedule then?

13:54:32 23 A Are you talking about the June 15th one?

13:54:34 24 Q All of them. There were like three of them and  
25 she repeats it. She says, I'll be in Monday, we'll talk

1 about it then. If need be, I can shift my schedule  
2 around to come in if the dean interview happens on  
3 another day. She says that; right?

13:54:50 4 A Yes, sir.

13:54:51 5 Q Do you perceive that as being obstinate?

13:54:55 6 MS. GILBERT: Form.

13:54:56 7 THE WITNESS: I just see it as being a  
8 statement. I don't know if she was obstinate or not.

9 Q BY MR. HOBSON: Looking at the e-mail --

13:55:04 10 A Yes, sir.

13:55:04 11 Q -- do you see anything that tells you she's  
12 being obstinate?

13:55:09 13 MS. GILBERT: Form.

13:55:11 14 THE WITNESS: I couldn't tell one way or the  
15 other.

16 Q BY MR. HOBSON: Okay. Does the Gilbert Public  
17 Schools have any policy that require people to work on  
18 days off?

13:55:31 19 MS. GILBERT: Foundation.

13:55:32 20 THE WITNESS: Not to my knowledge.

21 Q BY MR. HOBSON: When you guys went to this  
22 four-day workweek, was it your expectation that people  
23 would have -- they would work ten-hour days and then on  
24 Friday nobody would go to work?

13:55:44 25 A That was the work schedule.

13:55:46 1 Q Okay. Was it your intention to have people  
2 work ten-hour days and work Friday?

13:55:54 3 MS. GILBERT: Form.

13:55:55 4 THE WITNESS: I didn't set up the schedule, so  
5 I don't know what the intent was. The schedule was in  
6 place when I became an administrator.

7 Q BY MR. HOBSON: When Brian Yee was e-mailing  
8 Liz McCoy asking for days off, he had signed the forms  
9 that told him what days off she was going to be taking;  
10 isn't that correct?

13:56:33 11 MS. GILBERT: Form.

13:56:34 12 THE WITNESS: It looks like when the forms were  
13 signed and submitted before that date, yes, sir.

14 Q BY MR. HOBSON: So he had had the information  
15 in his hand --

13:56:43 16 MS. GILBERT: Form and foundation.

17 Q BY MR. HOBSON: -- before he was writing  
18 e-mails saying what days are you going to be taking off?

13:56:50 19 MS. GILBERT: Form and foundation.

13:56:51 20 THE WITNESS: I know he had seen those  
21 documents. I don't know if he had them in his hand as  
22 you said.

23 Q BY MR. HOBSON: Okay. But that's his  
24 signature?

13:57:00 25 A I believe so.

13:57:03 1 Q Okay.

13:57:10 2 MR. HOBSON: We should take our break, sorry.

13:57:13 3 (Break taken at 1:57 p.m.)

14:02:49 4 (Back on the record at 2:02 p.m.)

5 Q BY MR. HOBSON: Mr. McCord, I'm particularly  
6 interested in the May and June of 2012 with respect to  
7 this document. Do you see this?

14:03:23 8 A Yes.

14:03:23 9 Q And tell me what this is again.

14:03:25 10 MS. GILBERT: Foundation.

14:03:27 11 THE WITNESS: Looks as if there's a portal that  
12 employees can log into through HR to view your payroll,  
13 your leave of absence, your benefits and deductions.  
14 This looks like a copy of Elizabeth McCoy's leaves.

15 Q BY MR. HOBSON: And it looks like on the 27th,  
16 28th the color didn't transmit, but it looks like the 27  
17 and 28 are personal leave days in June?

14:03:56 18 A That's what it appears to be.

14:03:57 19 Q Period 1, 6, 7, and 14 are what, are those?

14:04:04 20 A I don't know what those are. I would imagine  
21 they're sick days. The legend, I don't know if it got  
22 cut off somewhere.

14:04:16 23 Q We know from the documents we had you look at a  
24 little earlier that she took medical leave on 6 and 7;  
25 right?

14:04:25 1 A That's what I'm assuming, yes, sir.

14:04:28 2 Q And 25th and 26th apparently don't get entered  
3 onto that, but those are comp days; correct?

14:04:38 4 MS. GILBERT: Foundation.

14:04:39 5 THE WITNESS: Correct.

6 Q BY MR. HOBSON: Apparently there's not a  
7 recording system for comp days?

14:04:44 8 A Correct.

14:04:44 9 Q Is that your memory of how this works?

14:04:47 10 MS. GILBERT: Form. Foundation.

14:04:48 11 THE WITNESS: This is how it looks as of right  
12 now, yeah.

14:04:49 13 Q BY MR. HOBSON: As it relates to your own  
14 portal?

14:04:51 15 A Oh, yeah, and my own sick leave and all that  
16 good stuff, that's what this would look like.

14:04:57 17 Q And comp days don't get reflected in the portal  
18 but they are reflected in the leave of absence approval  
19 forms?

14:05:04 20 MS. GILBERT: Foundation.

14:05:05 21 THE WITNESS: Yes.

22 Q BY MR. HOBSON: So what this looks like is that  
23 Liz McCoy had off -- preapproved days off 1, 6, 7, 14,  
24 27, 28; right?

14:05:18 25 A Yes.



14:05:18 1 Q Is the 28th the last day of her contract this  
2 year, do you know?

14:05:23 3 MS. GILBERT: Foundation.

14:05:24 4 THE WITNESS: I don't know --

5 Q BY MR. HOBSON: Okay.

14:05:25 6 A -- exactly. I don't know the exact date.

14:05:32 7 Q Come to that almost as we speak.  
8 (Deposition Exhibit No. 15 was marked for  
9 identification and attached hereto.)

10 Q BY MR. HOBSON: Do you recognize what's marked  
11 as Exhibit 15?

14:06:10 12 A Looks like a list of things to do.

14:06:12 13 Q Was this the list that Liz McCoy brought to you  
14 on June 18?

14:06:17 15 A I believe so.

14:06:18 16 Q And that was the meeting that was recorded;  
17 right?

14:06:21 18 A I believe so.

14:06:22 19 Q Okay. Now, you've been a principal before?

14:06:27 20 A Yes, sir, elementary school.

14:06:29 21 Q You've been a teacher?

14:06:31 22 A Yes, sir.

14:06:31 23 Q Have you ever served as an assistant principal?

14:06:34 24 A I have.

14:06:37 25 Q You've had some experience in some of the

1 things that are included in the list here; am I right?

14:06:44 2 A I'd have to read through everything. I'm sure  
3 there are some in here that I've had to do.

14:06:54 4 Q Well, here's cafeteria, number two, Cafeteria  
5 recycle program. Work/contact Vicki and Marta to share  
6 expectations of program to students and parents. Develop  
7 formal club that has paperwork on file. Info for summer  
8 newsletter for parents and website. Electronic version  
9 to me to approve by Wednesday, June 20th.

14:07:13 10 What period of time do you think would  
11 reasonably take to do that?

14:07:18 12 MS. GILBERT: Foundation.

14:07:19 13 THE WITNESS: I couldn't -- I can't speculate,  
14 I don't know. I don't know the details of the program.

15 Q BY MR. HOBSON: The first four items are all  
16 expected to be concluded by Jan 20. Do you see that?

14:07:34 17 A June 20, yes.

14:07:36 18 Q June 20; right?

14:07:37 19 A That's what it appears to be. Actually, the  
20 first one is by Monday, June 18.

14:07:44 21 Q Okay. He's having a meeting with her on  
22 June 18 and he wants items done today and then three  
23 other items done in three days.

14:08:00 24 MS. GILBERT: Form.

25 Q BY MR. HOBSON: Right?

14:08:02 1 MS. GILBERT: Form.

14:08:02 2 THE WITNESS: It appears he has dates of when  
3 he wants items down.

14:08:06 4 Q BY MR. HOBSON: Summer info for athletics,  
5 No. 3. Physicals, meet coaches night, season dates,  
6 sports offered dates of tryouts for all three seasons.  
7 Info for newsletter for parents and website. Electronic  
8 version to me to approve by Wednesday, June 20th.

14:08:22 9 How long do you think that would take to do?

14:08:25 10 MS. GILBERT: Foundation.

14:08:26 11 THE WITNESS: I don't know.

12 Q BY MR. HOBSON: Have you ever been asked to do  
13 those kinds of tasks by an administrator?

14:08:37 14 A No, because I never served in athletics.

14:08:41 15 Q As a principal, have you ever had the  
16 responsibility for having an assistant principal to  
17 respond to athletics to do these kind of tasks.

14:08:53 18 MS. GILBERT: Form and foundation.

14:08:55 19 THE WITNESS: No, I haven't.

20 Q BY MR. HOBSON: Do you think it's -- do you  
21 know whether or not the cafeteria workers were even under  
22 contract --

14:09:04 23 MS. GILBERT: Form.

24 Q BY MR. HOBSON: -- at the time that Mr. Yee was  
25 demanding that this be done in three days?

14:09:10 1 MS. GILBERT: Form and foundation.  
2 Q BY MR. HOBSON: Two days, excuse me?  
14:09:13 3 A I'm not sure.  
14:09:17 4 Q Do you think it's possible to -- that a coach's  
5 list can be completed for athletic events that aren't  
6 even scheduled?  
14:09:29 7 MS. GILBERT: Form and foundation.  
8 Q BY MR. HOBSON: Summer info for athletics.  
9 Physicals, meet coaches night, season dates, sports  
10 offered dates of tryouts for all three seasons?  
14:09:41 11 MS. GILBERT: Form and foundation.  
14:09:43 12 THE WITNESS: The only thing I can say they  
13 went back and looked at previous years of the dates about  
14 when those happened. I guess that would be the easiest  
15 way to look at previous years and then get a good time to  
16 find for the upcoming school year.  
17 And then the coach's list I think you asked me  
18 about a second ago, I think that's just a list of who do  
19 I know for sure who is going to coach and who do I not  
20 know. I know they have a hard time finding coaches.  
14:10:13 21 Q For athletic events that aren't even scheduled  
22 yet?  
14:10:17 23 MS. GILBERT: Form.  
14:10:19 24 THE WITNESS: Yes.  
25 Q BY MR. HOBSON: Item 3, summer info for

1 athletics. Do you see that?

14:10:26 2 A Yes, sir.

14:10:27 3 Q Does Gilbert School District have summer  
4 athletics?

14:10:32 5 A No, sir -- yes, we do. There's clubs, there's  
6 high school level.

14:10:40 7 Q Does the Gilbert Elementary School District or  
8 Junior High District -- the junior highs, do they have  
9 summer athletics?

14:10:48 10 A Not that I'm aware of. Unless someone is  
11 running a program that I don't know about.

14:10:53 12 Q What do you think that's about?

14:10:55 13 MS. GILBERT: Form and foundation.

14:10:57 14 THE WITNESS: I can't speculate because I  
15 didn't write this, so I don't know.

14:11:00 16 Q BY MR. HOBSON: Mr. Yee wrote this?

14:11:02 17 A Yes.

14:11:02 18 Q Liz McCoy came to see you about this on  
19 June 18; right?

14:11:08 20 A Yes, sir.

14:11:14 21 Q Then from the June -- from No. 5 on through  
22 No. 28 he wants all of these things done by the 28th.  
23 Did I read that right? Each one of them, have a plan and  
24 expectations electronically by Thursday, June 28. Share  
25 agenda with me electronically by June 28th. Give me

1 electronically by June 28. Am I reading those right?

14:11:38 2 MS. GILBERT: Form.

14:11:39 3 THE WITNESS: Yes.

4 Q BY MR. HOBSON: Every single one says  
5 June 28th; right?

14:11:42 6 A Actually, No. 22 says the 21st.

14:11:46 7 Q You are right.

14:12:01 8 Did you know that back when Liz McCoy came to  
9 see you, I just noticed that right now?

14:12:07 10 A That it said the 21st?

14:12:10 11 Q Yes.

14:12:11 12 A I just noticed it right now.

14:12:13 13 Q I missed it entirely.

14:12:18 14 Let me have you look at No. 14. It says, Work  
15 with PE department to find common ground with locker room  
16 policies, grading. Similar expectations.

14:12:27 17 Do you know if PE teachers are under contract  
18 once the school is out for the summer?

14:12:33 19 MS. GILBERT: Foundation.

14:12:35 20 THE WITNESS: I don't believe that they are.

21 Q BY MR. HOBSON: By June 20th are PE teachers  
22 around?

14:12:43 23 MS. GILBERT: Foundation.

14:12:44 24 THE WITNESS: They may be around, but they're  
25 probably not on a contract.

1 Q BY MR. HOBSON: Number 15, do you know if  
2 teachers are under contract by June 20th?

14:13:05 3 MS. GILBERT: Foundation.

4 Q BY MR. HOBSON: School is out, are they there?

14:13:08 5 A Not that I'm aware of, no.

14:13:24 6 Q Let me have you look at 23.

14:13:33 7 A Okay.

14:13:38 8 Q Do you do your own typing?

14:13:40 9 A Do I?

14:13:41 10 Q Yes, sir.

14:13:41 11 A I do a lot of my own typing.

14:13:44 12 Q Do you have a secretary who types for you?

14:13:45 13 A Yeah, she'll type up some things.

14:13:50 14 Q Is it the district's policy to have  
15 administrators do their own typing?

14:13:57 16 MS. GILBERT: Form and foundation.

14:13:59 17 THE WITNESS: There is no policy on that.

18 Q BY MR. HOBSON: With respect to No. 23, if  
19 school is out for the summer, how is Ms. McCoy going to  
20 start documenting students if there are no students on  
21 campus?

14:14:21 22 MS. GILBERT: Form and foundation.

14:14:23 23 THE WITNESS: She couldn't be.

24 Q BY MR. HOBSON: Now, we looked at the lead  
25 balance form, and I'm sure you know that -- and you can

1 verify this if you want -- that the available time that  
2 Liz McCoy had from the -- gives this to her on the 20th,  
3 she's at work on the 21st; right?

14:14:50 4 MS. GILBERT: Form and foundation. He gives it  
5 to her on the 20th?

14:14:55 6 Q BY MR. HOBSON: If he gives it to her on  
7 June 20th, that's a Wednesday; right?

14:15:00 8 A This says June 18. Is that what you are  
9 talking about?

14:15:05 10 Q Yes, excuse me. So he give its to her June 18.  
11 She has available, 19, 20, and 21st; right?

14:15:16 12 A During a four-day workweek yes, sir.

14:15:18 13 Q She's not there on the 22nd?

14:15:21 14 MS. GILBERT: Foundation.

14:15:23 15 THE WITNESS: She's not scheduled to work that  
16 day.

17 Q BY MR. HOBSON: The first two items have to be  
18 done, he gives it to her late on the 18th, so she has two  
19 days to do the first four items -- actually, the first  
20 item she has to get done that day.

14:15:37 21 MS. GILBERT: Form.

14:15:39 22 Q BY MR. HOBSON: Right.

14:15:39 23 MS. GILBERT: Form.

14:15:38 24 THE WITNESS: It says here that's when -- says  
25 schedule time to get laptop from Esther. Let me know



1 when you will meet with her by end of day Monday,  
2 June 18th.

3 Q BY MR. HOBSON: And then she has -- she's -- so  
4 then she has one, two, three workdays to complete the  
5 other 19 items; isn't that right?

14:16:15 6 A Twenty-three is that what you are saying?

14:16:17 7 Q So she's supposed to complete the first four  
8 by --

14:16:21 9 A By the 20th.

14:16:22 10 Q The first on the 18th, the next three by the  
11 20th, and then she's at work on June 21st; right?

14:16:30 12 A Yes.

14:16:30 13 Q Not at work on the 22nd because nobody is?

14:16:33 14 A Correct.

14:16:34 15 Q And she's at work the 25th and 26th?

14:16:42 16 A I don't believe so. I can go back to this  
17 document. She put in for those days off.

14:16:51 18 Q Which was approved?

14:16:52 19 A That's what it looks like, yeah.

14:16:54 20 Q And those are the comp days that she got  
21 approved?

14:16:58 22 A That's what it appears to be, yes.

14:17:02 23 Q So that really gives her -- assuming we count  
24 19, 20, 21, for all of the items, that gives her three  
25 days to do all of this stuff?

14:17:16 1 A Based on the days off that she put in for, yes.

14:17:19 2 Q And which Brian Yee approved?

14:17:21 3 A Correct.

14:17:22 4 MS. GILBERT: Form.

5 Q BY MR. HOBSON: Ms. McCoy talked to you about

6 Mr. Yee requiring that she do her own typing?

14:17:56 7 A I don't recall talking about typing.

14:18:01 8 Q Do you think that -- is it possible she talked

9 to you about typing and you just don't recall it?

14:18:08 10 MS. GILBERT: Form. Foundation.

14:18:09 11 THE WITNESS: I don't know, sir, I'm sorry.

12 Q BY MR. HOBSON: Okay. Let me have you look at

13 291, it's the last page, I think?

14:18:43 14 A Okay.

14:18:43 15 Q Is it or not?

14:18:44 16 A Yes, sir.

14:18:45 17 Q And this is the -- says, subject: Work this

18 week. June 18th memo from Yee to Ms. McCoy?

14:18:58 19 A Uh-huh.

14:18:59 20 MS. GILBERT: Is that a "yes"?

14:19:00 21 THE WITNESS: I'm sorry, yes. I was reading

22 and trying to answer, sorry. Some of it is cut off too a

23 little bit.

14:19:17 24 Q BY MR. HOBSON: He said you mentioned first

25 paragraph possibly not getting it all done this week. We

1 are on 10-hour days, so I you follow today's schedule  
2 arriving around 7:00 it would mean you leave around 5:00.  
3 If you did that today through Thursday, you should have  
4 enough time to complete the list I gave you today; right?

14:19:40 5 A That's what it says.

14:19:44 6 Q And then he goes on to say, Also, you mentioned  
7 in your e-mail last week to me that you would be willing  
8 to come in next week if needed for dean interviews, so it  
9 would be safe to say if you needed to come in to work on  
10 some of the list, you'd be able to do that as well since  
11 you mentioned you could come in next week.

14:20:07 12 And he goes on in the last paragraph to say  
13 that it's imperative to complete what we discussed --

14:20:13 14 MS. GILBERT: Form.

14:20:14 15 THE WITNESS: It says it's important.

14:20:17 16 MS. GILBERT: He's at the very end.

17 Q BY MR. HOBSON: I will have other items we will  
18 be working on starting July 23rd, so it is imperative to  
19 complete what we discussed this morning. He says that;  
20 right?

14:20:33 21 A It appears so.

14:20:38 22 Q Mr. McCord, do you think that's a reasonable  
23 work assignment for Mr. Yee to give to Ms. McCoy in the  
24 last three days of her work year?

14:20:56 25 MS. GILBERT: Form.

1 THE WITNESS: I think there are many things on  
2 this list and finding out when she was having certain  
3 days off and asking for some of these things, there are  
4 some things, no, I think she wasn't going to be able to  
5 accomplish.

6 Q BY MR. HOBSON: It's not the kind of work  
7 assignment a responsible principal would give a  
8 subordinate in good faith. Would you agree with that?

14:21:23 9 MS. GILBERT: Form.

14:21:24 10 THE WITNESS: I wouldn't necessarily agree with  
11 that. I would just say there is a lot of things on the  
12 list that might not be able to be done in that manner of  
13 time.

14:21:50 14 Q BY MR. HOBSON: It is important and expected  
15 that you complete the list I gave you this morning by the  
16 dates that are listed; right?

14:21:57 17 A That's what I thought you were stating.

14:21:59 18 Q I'm sorry, I jumped to the last part of the  
19 paragraph. But he does say, It is important and expected  
20 that you complete the list I gave you this morning by the  
21 dates that are listed; right?

14:22:14 22 A Correct, that's what it says.

14:22:19 23 Q You were interviewed by Dominic Verstegen?

14:22:23 24 A I was.

14:22:25 25 Q Did he talk with you about this particular

1 incident involving what Liz McCoy had raised with you?

14:22:44 2 A I truly can't recall it's so long ago. I'm not  
3 sure.

4 (Deposition Exhibit No. 16 was marked for  
5 identification and attached hereto.)

6 Q BY MR. HOBSON: You recognize the district's  
7 policy on prohibiting retaliation for people who are  
8 whistle blowers; right?

14:23:19 9 A It is titled Prohibited Personnel Practices.

14:23:25 10 Q Policy GBP?

14:23:28 11 A GBP, yes, that's the name of the policy.

14:23:38 12 Q Says that when a person believes that they have  
13 been suffering an adverse personnel action for being a  
14 whistle blower for making a disclosure of information  
15 under A.R.S. 38-532, they're supposed to complain to the  
16 board. Isn't that what that says?

14:23:55 17 A I don't see the term whistle blower.

14:23:58 18 MS. GILBERT: Because it isn't in there.

19 Q BY MR. HOBSON: Result of the person's  
20 disclosure of information about A.R.S. -- under A.R.S.  
21 38-532?

14:24:06 22 A Yes, sir, I see that.

14:24:09 23 Q Shall make a complaint to the board is what it  
24 says; right?

14:24:14 25 A That's what it says.

14:24:16 1 Q And the board will make a determination  
2 pursuant to the rules under 785?

14:24:21 3 A Yes, sir.

14:24:22 4 Q Which doesn't exist anymore, it's 783.

14:24:25 5 A Is that what it is?

14:24:28 6 Q Legislature does that so people have to print  
7 new books and board policy. It's the same policy.

14:24:36 8 Let me have you look at the next page down.

14:24:39 9 MS. GILBERT: Good luck with that.

14:24:42 10 THE WITNESS: Okay.

14:24:55 11 MS. GILBERT: You thought your handwriting was  
12 bad.

13 Q BY MR. HOBSON: Let me read it to you and see  
14 if you can agree with me that this is what it says.

14:25:02 15 After that met with Brian. Met at 10:00 next  
16 day. Asked what's up with the list. He says just the  
17 list. Everything needed to be done. Wanted it on paper.  
18 Are you coming after her? She feels that way.

14:25:31 19 A That's what it looks like it says.

14:25:33 20 Q Goes on to say, one of Liz' concerns was that  
21 she was given June 25 through 28 off.

14:25:46 22 MS. GILBERT: Due dates.

23 Q BY MR. HOBSON: Due dates of June 28 for most  
24 of the list delivered June 18.

14:25:55 25 A Yeah. I don't know what that word is before

1 that, but, yeah, it looks to me.

14:26:00 2 Q Told Brian he could see her, how that list  
3 would upset her, because of, I guess, the increased  
4 timing issue.

14:26:13 5 A That's what it says. With an arrow up, is that  
6 increased? To you and me both; right?

14:26:23 7 Q Who knows. Our deposition of Dominic is going  
8 to have him translate these.

14:26:29 9 A Oh, my goodness, good luck.

14:26:31 10 MS. GILBERT: It's his writing. I hope he can.

11 Q BY MR. HOBSON: Did you think Yee was coming  
12 after Liz McCoy?

14:26:50 13 MS. GILBERT: Form.

14:26:51 14 THE WITNESS: I can't testify to what Mr. Yee  
15 was thinking.

16 Q BY MR. HOBSON: She was reporting to you,  
17 though, that she believed he was doing that?

14:26:58 18 A Yes, she reported that. She didn't think it  
19 was fair and it was retaliation. I conveyed that message  
20 to Mr. Yee.

14:27:07 21 Q When there are issues of bullying and  
22 discrimination, what do you normally do with offenders?

14:27:17 23 MS. GILBERT: Form and foundation.

14:27:22 24 THE WITNESS: For who?

25 Q BY MR. HOBSON: Aren't you supposed to be

1 careful that the person that is reporting the misconduct  
2 doesn't get targeted for retaliation?

14:27:31 3 MS. GILBERT: Form.

14:27:32 4 THE WITNESS: You would hope that they  
5 wouldn't.

6 Q BY MR. HOBSON: So if a child or a parent or a  
7 teacher reports bullying, it's not a solution to transfer  
8 that person away. You have to address the bullying;  
9 right?

14:27:45 10 MS. GILBERT: Form.

14:27:46 11 THE WITNESS: Correct.

12 Q BY MR. HOBSON: Similarly with discrimination  
13 complaints?

14:27:53 14 MS. GILBERT: Form.

15 Q BY MR. HOBSON: Same thing?

14:27:54 16 MS. GILBERT: Form.

14:27:55 17 THE WITNESS: I guess it would depend on  
18 whatever the circumstances.

19 (Deposition Exhibit No. 17 was marked for  
20 identification and attached hereto.)

21 Q BY MR. HOBSON: Have you seen this?

14:28:44 22 A No, sir.

14:28:44 23 Q Do you remember Dominic interviewing you about  
24 that?

14:29:03 25 A I remember interviewing with Dominic.



14:29:05 1 Q And those notes that I tried to translate for  
2 you, that's what you remember being discussed with  
3 Dominic?

14:29:12 4 A Vaguely.

14:29:12 5 Q Do you remember anything that you discussed  
6 with Dominic?

14:29:15 7 A He had basically asked of a timeline I think  
8 when I met with Liz and what the situation was in terms  
9 of, I think, the list.

14:29:49 10 Q Told Mr. Verstegen that you understood Yee's  
11 reasoning. What was Yee's reasoning?

14:29:58 12 A From what I understand is that he had a list of  
13 things that needed to get done by the beginning of the  
14 next school year and his purpose of writing them down  
15 were to make sure that he had them written down and they  
16 just weren't conversations, but to get things taken care  
17 of for the upcoming school year.

14:30:20 18 Q You told Mr. Verstegen that Ms. McCoy also said  
19 that Mr. McCord said that he agreed with her that Mr. Yee  
20 retaliated against her. Mr. McCord flatly denies this,  
21 Page 3507?

14:30:43 22 MS. GILBERT: Page 5.

14:30:45 23 THE WITNESS: Okay. That's correct.

24 Q BY MR. HOBSON: You stand by that, flat deny?

14:30:57 25 A Yeah, I did not say that.

14:30:59 1 Q There's a recording that has you saying that,  
2 would you dispute that recording.

14:31:03 3 MS. GILBERT: Form and foundation.

14:31:05 4 THE WITNESS: If there's recording saying that,  
5 then great, but I don't remember saying that.

6 Q BY MR. HOBSON: If the recording has you saying  
7 it, are you going to say that, gosh, I don't remember  
8 that or --

14:31:17 9 A I need to --

14:31:19 10 MS. GILBERT: Form. Foundation.

14:31:19 11 THE WITNESS: -- listen to or see the  
12 recording.

13 Q BY MR. HOBSON: So, if in the conversation with  
14 Liz McCord?

14:31:39 15 A McCoy.

14:31:40 16 Q McCoy, excuse me, you said, quote, this is  
17 retaliation, if he did this today?

14:31:46 18 MS. GILBERT: Form.

14:31:47 19 THE WITNESS: I would have to see the recording  
20 or listen to it.

21 Q BY MR. HOBSON: Did you give Dominic Verstegen  
22 all the documents that Ms. McCoy gave you at the June 18  
23 meeting?

14:32:17 24 A I can't recall.

14:32:18 25 Q Were there any reasons you wouldn't give them

1 all to him?

14:32:22 2 MS. GILBERT: Form. Foundation.

14:32:23 3 THE WITNESS: No, not if he asked for them.  
4 Does he state in here -- I'm sorry, I don't ask  
5 questions.

6 Q BY MR. HOBSON: Did you hear from Mr. Yee his  
7 declaration to you after you confronted him about the  
8 list that, oh, none of these things have to be done by  
9 June 28?

14:33:41 10 MS. GILBERT: Form.

11 Q BY MR. HOBSON: Did he ever tell you that?

14:33:45 12 A Mr. Yee mentioned that those were target dates,  
13 but that they didn't have to be done, and I think I  
14 explained to him that Mrs. McCoy did take it that way.

15 Q BY MR. HOBSON: Well, and, in fact, each of the  
16 items say they have to be done by the 28th.

14:34:02 17 MS. GILBERT: Form.

18 Q BY MR. HOBSON: It doesn't say --

14:34:05 19 A It has a date on there, yes, you are correct.

14:34:07 20 Q Most of the them by the 28th, electronic form  
21 and in my office for approval or review or whatever by  
22 the 28th; right?

14:34:16 23 MS. GILBERT: Form.

14:34:17 24 THE WITNESS: Yes, back to that document those  
25 dates were on there and other dates 21st, 28th, the 18th.

1 (Deposition Exhibit No. 18 was marked for  
2 identification and attached hereto.)

3 Q BY MR. HOBSON: Who is Barb Willesen?

14:35:08 4 A Dr. Allison's administrative assistant. She  
5 was at this time, at least.

14:35:18 6 Q Where is she now?

14:35:20 7 A She's the administrative assistant for Mark  
8 Cistern who was the district athletic director.

14:35:30 9 Q Did you know prior to May 24th, 2012 there were  
10 going to be staffing changes at Highland Junior High?

14:35:39 11 MS. GILBERT: Form and foundation.

14:35:40 12 THE WITNESS: I did not.

13 Q BY MR. HOBSON: Were there staffing changes  
14 made at Highland?

14:35:46 15 MS. GILBERT: Form and foundation.

14:35:48 16 THE WITNESS: I'm trying not to ask a question.  
17 Can you clarify as to when? That's still a question.

18 Q BY MR. HOBSON: Prior to May 24, 2012.

14:36:00 19 MS. GILBERT: Form. Foundation.

14:36:01 20 THE WITNESS: I don't know.

21 Q BY MR. HOBSON: That's the date of the e-mail.

14:36:03 22 A Right.

14:36:20 23 Q Was the necessity of staffing changes  
24 occasioned by the complaint -- the anonymous complaint  
25 letters of staff at Highland?

14:36:34 1 MS. GILBERT: Form and foundation.

14:36:35 2 THE WITNESS: I don't know.

3 Q BY MR. HOBSON: Did you and/or Allison and/or  
4 Filloon and Yee create a plan to move people out of  
5 Highland?

14:36:47 6 MS. GILBERT: Form and foundation.

14:36:48 7 THE WITNESS: I did not.

8 Q BY MR. HOBSON: Did any of those folks have a  
9 plan?

14:36:52 10 A I don't know.

14:36:52 11 MS. GILBERT: Form and foundation.

12 Q BY MR. HOBSON: When did the district first  
13 start talking about staffing changes at Highland?

14:37:01 14 MS. GILBERT: Form and foundation.

14:37:02 15 THE WITNESS: I don't know.

16 (Deposition Exhibit No. 19 was marked for  
17 identification and attached hereto.)

18 Q BY MR. HOBSON: This is the front page of a  
19 news article. Do you see that?

14:37:52 20 MS. GILBERT: Form. Foundation.

14:37:53 21 THE WITNESS: It appears to be a copy of a news  
22 article, yes.

23 Q BY MR. HOBSON: Dr. Allison in the news article  
24 is reported saying, it is unfortunate that malicious  
25 rumors were spread about Mr. Yee.

14:38:27 1 Did I read that right?

14:38:38 2 A Do you have it highlighted on yours because I  
3 can't necessarily see it.

14:38:52 4 MS. GILBERT: Next page.

14:38:54 5 THE WITNESS: Oh, sorry.

6 Q BY MR. HOBSON: Yeah, at the top.

14:38:59 7 A Yes, that is what it appears to be.

14:39:08 8 Q But it does go on to say that Yee acknowledged  
9 that he spent time with one of the women at school, that  
10 he developed a friendship, a close working relationship;  
11 right?

14:39:20 12 MS. GILBERT: Form.

14:39:20 13 THE WITNESS: That's what the paper says.

14 Q BY MR. HOBSON: There was also an allegation to  
15 Yee and this particular woman were seen in unusual or  
16 hidden locations in a locker room closet where  
17 surveillance video controls were located; right?

14:39:39 18 A That's what this says, yes.

14:39:40 19 Q Yee said the woman was working on a project  
20 developing a spreadsheet relating to the surveillance  
21 cameras.

14:39:48 22 A That's what it says.

14:39:48 23 Q And he says that the closet where the  
24 surveillance camera is located has a self-closing,  
25 self-locking door; right?

14:39:58 1 A That's what it says.

14:39:58 2 Q Have you ever been out there to look at the  
3 closet?

14:40:02 4 MS. GILBERT: Form.

14:40:03 5 THE WITNESS: I haven't seen the closet. I  
6 don't believe I have seen the closet.

7 Q BY MR. HOBSON: If it turns out it doesn't have  
8 a self-locking, self-closing door, that would be  
9 important information to know; isn't that right?

14:40:16 10 MS. GILBERT: Form and foundation.

14:40:18 11 THE WITNESS: Please repeat that.

12 Q BY MR. HOBSON: You know what a self-closing  
13 door is?

14:40:21 14 A Yes, I think I just lost what you were asking.

14:40:25 15 Q Yee says I was in this room with this female  
16 employee and the door was closed because it's a  
17 self-locking, self-closing door --

14:40:36 18 A Yes.

14:40:36 19 Q -- that's an important declaration by Mr. Yee.  
20 Would you agree?

14:40:40 21 MS. GILBERT: Form.

14:40:41 22 THE WITNESS: I would say that that's -- if the  
23 door is self-closing and self-locking, it's just a  
24 factual statement.

25 Q BY MR. HOBSON: If it turns out it's not

1 self-closing and self-locking, that's important  
2 information?

14:40:53 3 MS. GILBERT: Form.

4 Q BY MR. HOBSON: Because his claim is the reason  
5 it was closed is was the door closed automatically,  
6 self-closing, self-locking.

14:41:02 7 MS. GILBERT: Form.

14:41:03 8 THE WITNESS: I don't know. I can't answer to  
9 what Mr. Yee was thinking or why he said what he said.

14:41:08 10 Q BY MR. HOBSON: Well, he said it because it's  
11 an excuse for why he's in the room alone with this woman,  
12 don't you think?

14:41:16 13 MS. GILBERT: Form and foundation.

14:41:17 14 THE WITNESS: I can't answer that because I  
15 wasn't Mr. Yee.

16 Q BY MR. HOBSON: Well, but you are the  
17 administrator to Mr. Yee reports and you were also  
18 providing and looking critically I'm sure at what Dominic  
19 Verstegen and Matt Wright have to say in terms of their  
20 careful investigation; right?

14:41:36 21 MS. GILBERT: Form.

14:41:38 22 Q BY MR. HOBSON: Correct?

14:41:41 23 MS. GILBERT: Form.

14:41:41 24 THE WITNESS: Correct.

25 Q BY MR. HOBSON: So do you know what working on



1 a spreadsheet is?

14:41:45 2 A I know what a spreadsheet is.

14:41:48 3 Q It's done on a computer; right?

14:41:49 4 A Yes, sir.

14:41:50 5 Q That's the way -- nobody does spreadsheets on  
6 paper anymore.

14:41:55 7 A Not that I'm aware of.

14:41:57 8 Q They're all on computers.

14:42:00 9 So there should be a computer monitor wherever  
10 a spreadsheet is being worked on.

14:42:07 11 MS. GILBERT: Form and foundation.

12 THE WITNESS: There may be a computer monitor,  
13 there could be a laptop, a portable laptop, I don't know.  
14 I don't know.

15 Q BY MR. HOBSON: But why would one go in a  
16 closed little closet to work on a laptop rather than  
17 sitting at one's desk?

14:42:25 18 MS. GILBERT: Form and foundation.

14:42:26 19 THE WITNESS: I don't know.

20 Q BY MR. HOBSON: You know, I'm just curious, so  
21 if you go down the next three pages, you'll see the  
22 computer -- you'll see the -- some photographs of the  
23 room.

14:42:46 24 MS. GILBERT: Foundation.

25 THE WITNESS: That's what it appears to be.

14:42:51 1 Q BY MR. HOBSON: Looks like a lot of room to  
2 work on even a laptop working on a spreadsheet.

14:43:00 3 MS. GILBERT: Form and foundation.

4 Q BY MR. HOBSON: Of course there is no laptop  
5 there; right?

14:43:05 6 A I do not see a laptop in any of these pictures.

14:43:08 7 Q And do you see any area where there is work  
8 area available to work on your laptop there, even if you  
9 had one?

14:43:16 10 MS. GILBERT: Form and foundation.

14:43:18 11 THE WITNESS: I don't see anything of that  
12 sort.

13 Q BY MR. HOBSON: And let's look at the last  
14 page, the door. You see the door?

14:43:29 15 A It's a little dark, but that's okay, I got the  
16 gist.

14:43:32 17 Q In order for the door to be automatically  
18 closing -- self-closing, it has to have a latch at the  
19 top assembly at the top of the door to pull it closed,  
20 doesn't it?

14:43:46 21 MS. GILBERT: Foundation.

14:43:47 22 THE WITNESS: I don't work on doors, so I don't  
23 know.

24 Q BY MR. HOBSON: You have been around schools  
25 for most of your professional life, Mr. McCord.

14:43:56 1 A Sure.

14:43:56 2 Q You have to recognize what a self-closing door  
3 looks like.

14:44:00 4 MS. GILBERT: Form and foundation.

5 Q BY MR. HOBSON: Don't you?

14:44:02 6 A A door that has a mechanism to help it shut?

14:44:06 7 Q Correct.

14:44:07 8 A Correct.

14:44:08 9 Q To pull it closed. This door doesn't it have  
10 that, does it?

14:44:12 11 MS. GILBERT: Form and foundation.

14:44:14 12 THE WITNESS: From the picture, I can't tell  
13 whether it does or not.

14 Q BY MR. HOBSON: Certainly one could go out  
15 there and look at it, isn't that possible?

14:44:20 16 A Very much so.

14:44:21 17 Q Something apparently either Mr. Verstegen or  
18 Mr. Wright neglected to do and you haven't done; isn't  
19 that correct?

14:44:30 20 MS. GILBERT: Form and foundation.

14:44:32 21 THE WITNESS: I don't know what those two have  
22 done. I know I haven't done it.

14:44:35 23 Q BY MR. HOBSON: Heck, Dr. Allison could have  
24 gone by and looked; correct?

14:44:39 25 MS. GILBERT: Form.

1 THE WITNESS: Anybody could have gone by, I  
2 guess.

3 Q BY MR. HOBSON: If Mr. Yee's dodge about why he  
4 was alone in this room with a female employee to work on  
5 a spreadsheet is -- and why the door was closed was it  
6 was self-locking and self-closing, and it turns out it's  
7 not self-locking and self-closing, that's important  
8 information, wouldn't you agree?

14:45:05 9 MS. GILBERT: Form.

14:45:05 10 THE WITNESS: I don't know.

11 (Deposition Exhibit No. 20 was marked for  
12 identification and attached hereto.)

13 Q BY MR. HOBSON: These are what's marked as  
14 3567. These are Yee's notes that have been produced to  
15 us, part of them. Do you see that?

14:45:45 16 MS. GILBERT: Form and foundation.

14:45:46 17 THE WITNESS: I don't know whose notes these  
18 are.

19 Q BY MR. HOBSON: See what's marked 5/15/12 see  
20 what he says?

14:45:53 21 A I see what's marked at 5/15/12.

14:45:57 22 MS. GILBERT: Which one, there's three?

14:45:59 23 THE WITNESS: The top one?

24 Q BY MR. HOBSON: I'm sorry.

14:46:01 25 A The middle one where it says Dan?

14:46:04 1 Q Right.

14:46:05 2 A Okay.

14:46:06 3 Q Dan received the position at Gilbert Junior  
4 High School should be taking Liz' spot here. Dan  
5 received the position of dean at Gilbert; right?

14:46:18 6 A Correct.

14:46:18 7 Q We lose out on keeping him while this mess  
8 plays out. Must mean out. Possibly -- plays put.  
9 Possibly will need to fill AP and dean at same time. Did  
10 you tell him you were going move Ms. McCoy at this time?  
11 If not, when did you discuss this with him?

14:46:43 12 MS. GILBERT: Form. Foundation.

14:46:45 13 THE WITNESS: I didn't discuss it with him. I  
14 discussed it with Liz and then Dr. Allison, and it was  
15 merely a suggestion to Liz.

16 Q BY MR. HOBSON: I'm sorry, these aren't Yee.

14:47:01 17 A I don't know who notes these are.

18 (Deposition Exhibit No. 21 was marked for  
19 identification and attached hereto.)

20 Q BY MR. HOBSON: Do you see under 5/22?

14:47:56 21 A Yes, sir.

14:48:02 22 Q Says, it says, let's see, Dr. Allison visited  
23 with me at 8:00 a.m., said district is planning to send  
24 an e-mail to HJHS to inform staff that report is in, that  
25 I am cleared of all allegations and no evidence was

1 discovered to verify any allegation. Two reports were  
2 given, one is attorney client and the other is a summary.  
3 The summary report has the serious/sexual allegations  
4 listed and the alleged other person, but their names are  
5 redacted. My name is of course is named throughout it.

14:48:44 6 And it says, plan being developed for the  
7 people involved. He mentioned the nurses, Christi,  
8 Sonya, Dawn, Kelly Mount. I asked about Sonya, Kathy and  
9 Mark K, he did not recall all of the names.

14:48:58 10 Did I read that right?

14:48:59 11 MS. GILBERT: Form.

14:49:00 12 THE WITNESS: Looks as if you read it  
13 correctly.

14 Q BY MR. HOBSON: What's the plan that he's  
15 talking about there. Do you know?

14:49:07 16 MS. GILBERT: Form.

14:49:08 17 THE WITNESS: I don't know.

18 Q BY MR. HOBSON: Plan being developed for the  
19 people involved.

14:49:16 20 You recognize the name Dawn, don't you?

14:49:19 21 MS. GILBERT: Form.

14:49:20 22 THE WITNESS: I see a name Dawn.

23 Q BY MR. HOBSON: Do you know Dawn Harvey?

14:49:25 24 A I do know Dawn Harvey.

14:49:27 25 Q Okay. Wasn't she one of the people that

1 complained about Mr. Yee?

14:49:31 2 MS. GILBERT: Foundation.

14:49:32 3 THE WITNESS: I don't know.

4 Q BY MR. HOBSON: Do you know who Sonya  
5 Richardson is?

14:49:45 6 A I believe so, yes.

14:49:47 7 Q Wasn't she one of the people that complained  
8 about Mr. Yee?

14:49:51 9 MS. GILBERT: Foundation.

10 (Deposition Exhibit No. 22 was marked for  
11 identification and attached hereto.)

12 Q BY MR. HOBSON: Do you recognize the names of  
13 the people on this list?

14:50:37 14 MS. GILBERT: Form.

14:50:38 15 THE WITNESS: I recognize some of the names.

16 Q BY MR. HOBSON: Are any of these people people  
17 on the list people who are at Highland Junior High?

14:50:48 18 MS. GILBERT: Are at?

19 Q BY MR. HOBSON: Were at Highland Junior High?

14:50:51 20 MS. GILBERT: Form. Foundation.

14:50:52 21 THE WITNESS: Some of the ones I recognize,  
22 yes.

23 Q BY MR. HOBSON: Are these among the people who  
24 had made reports about what they believed to be  
25 misconduct by Mr. Yee?

14:51:11 1 MS. GILBERT: Foundation.

14:51:12 2 THE WITNESS: I have no idea.

3 Q BY MR. HOBSON: Kelly Mount's name listed  
4 there?

14:51:17 5 A Yes, she's listed No. 10.

14:51:20 6 Q Dawn Harvey listed there?

14:51:24 7 A Yep, No. 15.

14:51:25 8 Q Sonya Richardson listed there?

14:51:28 9 A Yes, sir, No. 16.

14:51:49 10 Q You think people that report what they believed  
11 to be misconduct by an administrator should be made a  
12 part of a plan to -- what was the words he used? Plan  
13 being developed for the people involved?

14:52:14 14 MS. GILBERT: Form.

14:52:18 15 THE WITNESS: I guess it would depend on if  
16 their allegations were true or not or they were malicious  
17 in nature. I don't know. I didn't develop a plan for  
18 any of those people.

19 Q BY MR. HOBSON: By the way, Mr. Yee was in the  
20 process of a divorce in 2012, wasn't he?

14:52:37 21 MS. GILBERT: Form and foundation.

14:52:38 22 THE WITNESS: I don't know when he was getting  
23 divorced. I don't remember the timeline.

24 Q BY MR. HOBSON: And he subsequently remarried,  
25 didn't he?



14:52:49 1 MS. GILBERT: Form. Foundation.

14:52:51 2 THE WITNESS: I believe so, yes.

3 Q BY MR. HOBSON: And he remarried the  
4 legislative -- excuse me, the administrative intern that  
5 was working for him at Highland, didn't he?

14:53:05 6 MS. GILBERT: Form and foundation.

14:53:07 7 THE WITNESS: I believe he married a girl who  
8 was an intern there at one time.

9 Q BY MR. HOBSON: For him at the school?

14:53:13 10 A I believe so. I don't know if she went to  
11 other schools too, I can't be sure.

14:53:27 12 Q Do you know who picked the interview committees  
13 for the 2014 interview sessions for principalships in the  
14 district, was that you?

14:53:36 15 A For this school career; correct?

14:53:39 16 Q Yes?

14:53:41 17 A Me and Mr. Filloon.

14:53:42 18 Q You and Mr. Filloon?

14:53:44 19 A Yes, sir.

14:53:45 20 Q Who selected the parents for the interview  
21 committees?

14:53:48 22 A We asked for some help from the school  
23 principals, admin assistants.

14:53:57 24 Q So who selected them?

14:53:59 25 A They gave us names and then we gave them calls.

1 They gave us a list of names and we called them to see if  
2 they were available.

14:54:06 3 Q So you and Mr. Filloon again?

14:54:08 4 A Yes -- well, like I said, we were given names  
5 from the school, because we don't know all the parents.

14:54:15 6 Q Did you discuss any of the applicants with  
7 committee members prior to or after the interviews?

14:54:19 8 A We always have discussions about applicants  
9 after those things are done.

14:54:24 10 Q Did you score any of the applicants?

14:54:26 11 A No, sir.

14:54:27 12 Q Did you use the gut check method for scoring  
13 applicants?

14:54:32 14 A We did not.

14:54:33 15 Q Have you abandoned that practice?

14:54:35 16 MS. GILBERT: Form.

14:54:36 17 THE WITNESS: We did not use it this year.

18 Q BY MR. HOBSON: What made the change?

14:54:40 19 MS. GILBERT: Form and foundation.

14:54:42 20 THE WITNESS: Decided to -- we even changed the  
21 interview process. There was -- instead of one  
22 committee, there were two committees.

14:54:48 23 Q BY MR. HOBSON: Did you use the same scoring  
24 sheet that was used previous years?

14:54:53 25 A Same scoring models with the numbers, yes, sir.

14:54:57 1 Q Was Mrs. McCoy's EEOC complaint discussed,  
2 either one of them, the earlier one that was resolved or  
3 pending one with any members?

14:55:08 4 MS. GILBERT: Form.

14:55:08 5 THE WITNESS: Not, to my knowledge.

14:55:10 6 Q BY MR. HOBSON: Did you hear anybody say  
7 anything about it?

14:55:12 8 A No, sir.

14:55:12 9 Q Have you ever discussed with anyone Ms. McCoy's  
10 EEOC complaint?

14:55:19 11 MS. GILBERT: If you discussed with counsel,  
12 don't talk about that.

14:55:23 13 THE WITNESS: I did discuss that with counsel.

14 14 Q BY MR. HOBSON: Did Ms. McCoy's investigation  
15 into -- forget that.

14:55:41 16 Have you ever violated policy GBEB?

14:55:45 17 MS. GILBERT: Form.

14:55:46 18 THE WITNESS: No, not to my knowledge.

19 19 Q BY MR. HOBSON: The policy specifically defines  
20 misconduct to include improper personal or sexual  
21 relationships with employees, students, or others.

14:55:59 22 A Correct.

14:56:00 23 MR. HOBSON: I think I'm done. Let me take a  
24 second and catch our breath.

25 25 MS. GILBERT: Sure, no problem.

14:56:06 1 (Break taken at 2:56 p.m.)

15:04:01 2 (Back on the record at 3:04 p.m.)

3

4

EXAMINATION

5 BY MS. GILBERT:

15:04:11 6 Q Shane, I want to go back to Exhibits No. 1  
7 and 2, please. Take them both out at the same time.

15:04:18 8 A Okay.

15:04:19 9 Q You were asked some questions about the  
10 information that was on Exhibit No. 1 and it was in  
11 reference to you or portrayed to you that this  
12 information in the box that's in the middle of Exhibit  
13 No. 1 was gathered from documentation at -- that was in  
14 the hands of plaintiff. Do you recall that?

15:04:46 15 A Yes.

15:04:48 16 Q And one of the things that you were asked is  
17 with regard to Chip Pettit, it's listed on here that his  
18 rank was 9 of 14 and Chris Birgen his rank was 10th of  
19 14. Do you see that?

15:05:01 20 A Correct.

15:05:02 21 Q Looking at Exhibit No. 2 on the second page --  
22 I'm sorry, and on Exhibit No. 1, this was for the  
23 2012/13 elementary positions; correct?

15:05:16 24 A Yes.

15:05:18 25 Q Page No. 2 of Exhibit No. 2, which is --

1 doesn't have a Bates number on it -- is the scoring sheet  
2 for elementary principal positions 4/18 and 20, 2012;  
3 correct?

15:05:38 4 A Correct.

15:05:38 5 Q And this reflects Chris Birgen and Chip Pettit;  
6 correct --

15:05:43 7 A Yes.

15:05:44 8 Q And according to Exhibit No. 2 Chris Birgen is  
9 ranked number seven; correct?

15:05:49 10 A Correct.

15:05:50 11 Q He's not ranked number 10 out of 14; right?

15:05:54 12 A No.

15:05:54 13 Q And, in fact, there aren't 14 interviewee names  
14 on that page, are there?

15:06:00 15 A No. There's 12.

15:06:02 16 Q And Chip Pettit is ranked number six; correct?

15:06:07 17 A Correct.

15:06:08 18 Q He is not ranked ninth of 14; is that right?

15:06:12 19 A Correct.

15:06:12 20 Q Okay.

15:06:29 21 MR. HOBSON: It's Bates number 21, just so  
22 we're clear.

15:06:36 23 THE WITNESS: You kind of see where it was.

15:06:38 24 Q BY MS. GILBERT: So, looking at Exhibits No. 1  
25 and No. 2 together, would indicate that the information

1 that is on Exhibit No. 1 is not accurate; correct?

15:06:49 2 A Correct.

15:06:51 3 Q All right. I'm done with those. You were  
4 asked some questions about Mrs. McCoy's EEOC complaint  
5 and I believe it was in 2008 where you attended a  
6 mediation and there was a resolution and an agreement.  
7 Do you recall that line of questioning?

15:07:19 8 A I do.

15:07:20 9 Q And you testified that there was, in fact, an  
10 agreement and that agreement was to allow Mrs. McCoy to  
11 participate in a mentoring program where you were her  
12 mentor and gave her some things to work on, attending to  
13 meetings, going to toastmasters, things like that. Do  
14 you recall that?

15:07:43 15 A Yes.

15:07:43 16 Q Was a part of that agreement that if she  
17 completed everything on the mentoring agreement that she  
18 would absolutely be made a principal?

15:07:51 19 A No.

15:08:04 20 Q You were asked about the district policy GBEB,  
21 which is a staff conduct and professionalism policy; is  
22 that correct?

15:08:12 23 A Yes.

15:08:13 24 Q It would be unprofessional for a teacher to  
25 have a personal and romantic relationship with her

1 principal?

15:08:20 2 A Yes.

15:08:22 3 Q You were asked about being interviewed by  
4 Dominic Verstegen in the second investigation. Was it  
5 your understanding that that second investigation was  
6 called for after Mrs. McCoy met with you in June of 2012  
7 and then subsequently met with Dr. Allison?

15:08:42 8 A Correct.

15:08:44 9 Q Was it your understanding that that  
10 investigation was actually an investigation of the  
11 complaints that Mrs. McCoy was making largely that had to  
12 do with the list that we've talked about?

15:08:55 13 A I believe so, yes.

15:09:07 14 Q Exhibit No. 15, which is the list of items that  
15 Mr. Yee asked Mrs. McCoy to do, in looking at those  
16 items, are these the type of things that an assistant  
17 principal would be expected to do?

15:09:24 18 A I believe so.

15:09:27 19 Q And are these some of the types of things that  
20 when you were an assistant principal you did these types  
21 of items or projects or -- I guess that's the best way I  
22 can put it?

15:09:46 23 A I did similar things in nature, yeah.

15:09:49 24 Q Okay. Is it unreasonable for a principal to  
25 request information about other administrators' schedules

1 and when they're going to be around?

15:10:00 2 A No.

15:10:08 3 Q You talked a little bit about after having your  
4 meeting with Mrs. McCoy on June 18th that you spoke to  
5 Brian about the list; do you recall?

15:10:17 6 A Yes.

15:10:18 7 Q After you spoke with Brian about the list, did  
8 you ask Brian or suggest to him that he go back and talk  
9 to Liz about the list --

15:10:25 10 A Yes.

15:10:26 11 Q -- to your understanding?

15:10:29 12 A Yes, that's what he told me.

15:10:32 13 Q To your knowledge, did Mr. Yee agree that  
14 Mrs. McCoy did not have to complete really any of these  
15 items before June 28?

15:10:46 16 A That's what he had told me.

15:10:48 17 Q Was it your understanding that Mr. Yee told --  
18 that Mr. Yee and Mrs. McCoy agree that she would  
19 accomplish what she could before her last day of her  
20 contract for 2012 and then she'd begin work on whatever  
21 she hadn't completed when she came back for the next  
22 year's contract?

15:11:08 23 A That's what I was told.

15:11:16 24 Q Exhibit No. 19 has three photographs. You  
25 recall looking at those photographs?



15:11:22 1 A Yes, ma'am.

15:11:23 2 Q Do you know what any of those photographs are  
3 of?

15:11:29 4 A Not specifically, no.

15:11:30 5 Q Okay. Do you know when any of these  
6 photographs were taken?

15:11:33 7 A I do not.

15:11:34 8 Q Did you take any of the photographs?

15:11:36 9 A I did not.

15:11:41 10 Q Exhibit No. 20, which was a portion of some  
11 notes that's Bates No. 3567, does that appear at least in  
12 part to have been perhaps a letter or something written  
13 by Janet Cuppage?

15:11:58 14 A It has a salutation at the end from Janet  
15 Cuppage.

15:12:09 16 Q You were asked some questions about staffing  
17 changes at Highland Junior High School. Is it unusual  
18 for there to be staffing changes at a school at the end  
19 of a contract year?

15:12:20 20 A No, not unusual.

15:12:21 21 Q Why not?

15:12:23 22 A People move to different campuses, people  
23 retire, people change professions, people advance, it  
24 just depends. There's many different reasons.

15:12:35 25 Q Do you sometimes have people that are new to

1 the district that might be at a school?

15:12:40 2 A We do. And if numbers increase at a campus,  
3 they may be afforded more full-time equivalent teachers  
4 and so the numbers go up.

15:12:48 5 Q And all of those things would be staffing  
6 changes; correct?

15:12:51 7 A Correct.

15:12:55 8 Q Is it at all unusual for a principal at the end  
9 of one school year to make plans for the upcoming school  
10 year?

15:13:08 11 A No.

15:13:09 12 Q Is that something that is actually recommended  
13 to principals?

15:13:12 14 A Yes.

15:13:13 15 MS. GILBERT: That's all the questions I have.

16

17

FURTHER EXAMINATION

18 BY MR. HOBSON:

15:13:24 19 Q Mr. McCord, were there only one set of  
20 interviews for principals in the spring of 2012?

15:13:42 21 MS. GILBERT: Foundation.

15:13:43 22 THE WITNESS: I can't -- I can't recall. I  
23 don't know for sure.

24 Q BY MR. HOBSON: Is it possible that there was  
25 more than one set of interviews?

15:13:52 1 MS. GILBERT: Form.

15:13:55 2 THE WITNESS: Possible, but I don't know.

3 Q BY MR. HOBSON: How many schools does the  
4 Gilbert school district have?

15:14:02 5 A Forty.

15:14:02 6 Q How many?

15:14:03 7 A Forty.

15:14:03 8 Q And what's your typical administrative  
9 turnover?

15:14:08 10 MS. GILBERT: Form and foundation.

11 Q BY MR. HOBSON: Of principals?

15:14:10 12 A I don't know the exact percentage. We might be  
13 replacing two to five administrators a year.

15:14:17 14 Q Is it your testimony that you guys only do one  
15 set of interviews of prospective administrators and then  
16 continue to pick them until they're used up?

15:14:29 17 MS. GILBERT: Form.

15:14:29 18 THE WITNESS: I don't understand what you mean  
19 by "used up."

20 Q BY MR. HOBSON: Well, sure. Counsel is asking  
21 you a question about a form that she ties to the -- to a  
22 document that was done that was identifying other --  
23 identifying different scores. You were the first series  
24 of questions Exhibits 1 and 2?

15:14:52 25 A Yes.

15:14:52 1 Q I'm asking if it is to your knowledge Exhibit 2  
2 is the basis for the information in Exhibit 1?

15:14:58 3 MS. GILBERT: Foundation.

15:15:00 4 THE WITNESS: I don't know because I haven't  
5 seen all the documents related to Exhibit 1.

15:15:03 6 Q BY MR. HOBSON: Okay. And then the other  
7 question I'm going to ask you is whether it was possible  
8 that there were other rounds of interviews of folks for  
9 administrative positions for the position for principal?

15:15:16 10 MS. GILBERT: Form.

15:15:17 11 THE WITNESS: Very possible.

12 Q BY MR. HOBSON: Would you say likely?

15:15:19 13 MS. GILBERT: Form.

15:15:20 14 THE WITNESS: I would say possible.

15 Q BY MR. HOBSON: She asked you questions about  
16 Exhibit 15, which is that series of 20 whatever?

15:15:41 17 A Yes.

15:15:42 18 Q Twenty-eight items, 23 items. I had asked you  
19 questions about whether that athletic events could be  
20 scheduled in this period of time. You said, gosh, I  
21 don't know, I never did athletic stuff?

15:16:02 22 A Correct.

15:16:02 23 Q So as it relates to athletic stuff, you have no  
24 opinion, you don't know?

15:16:05 25 MS. GILBERT: Form.

15:16:06 1 THE WITNESS: I have never been over athletics.  
2 Q BY MR. HOBSON: Okay. And you would agree,  
3 would you not, that having somebody work up schedules for  
4 summer athletics when there were not summer athletics in  
5 a junior high school is pretty preposterous?

15:16:22 6 MS. GILBERT: Form.

15:16:22 7 THE WITNESS: I would assume if they are  
8 working up schedules it would be for the upcoming year.

9 Q BY MR. HOBSON: It says summer info for  
10 athletics is what it says when there is no summer  
11 athletics?

15:16:38 12 MS. GILBERT: Form.

15:16:39 13 THE WITNESS: I don't know what that means,  
14 because I didn't write it.

15 Q BY MR. HOBSON: And apparently you didn't ask  
16 Clyde -- Brian Yee?

15:16:47 17 MS. GILBERT: You didn't ask Clyde for sure.

18 Q BY MR. HOBSON: You didn't ask Brian Yee about  
19 that?

15:16:52 20 A No.

15:16:53 21 Q And I take it you didn't ask him why if it's  
22 just stuff that needs to get done eventually Brian, why  
23 did you say and this has to be done by the 28th, and this  
24 has to be done by the 20th, and this by the 28th, did you  
25 ask him any of that?

15:17:11 1 MS. GILBERT: Form.

15:17:12 2 THE WITNESS: I asked him about that. I said  
3 you have ending dates here that --

4 Q BY MR. HOBSON: That looks real --

15:17:17 5 MS. GILBERT: Can you let him finish, sorry.

6 THE WITNESS: I said that's a lot of things to  
7 do in a short amount of time. I believe Liz is  
8 overwhelmed by that.

9 Q BY MR. HOBSON: And in particular because she's  
10 not going to be there for a week, she's only there for  
11 three days?

15:17:35 12 MS. GILBERT: Form.

15:17:36 13 THE WITNESS: Correct.

14 Q BY MR. HOBSON: Did you know that by the way?

15:17:38 15 MS. GILBERT: Form.

15:17:39 16 THE WITNESS: After she showed me her absent  
17 approval forms.

18 Q BY MR. HOBSON: When you have staff in your  
19 office working for you, people, administrative assistant  
20 and so on, do you have an idea in your brain when they  
21 are going be at work and when they're going to be out?

15:18:02 22 MS. GILBERT: Form.

15:18:03 23 THE WITNESS: Yeah, they usually tell me.

24 Q BY MR. HOBSON: Liz is the only -- she the only  
25 direct report to Brian Yee?

15:18:10 1 MS. GILBERT: Form.

15:18:10 2 THE WITNESS: Is she the only?

3 Q BY MR. HOBSON: Only direct report to Brian

4 Yee?

15:18:15 5 A She reports to Brian Yee.

15:18:16 6 Q How many other direct reports does Mr. Yee

7 have?

15:18:20 8 MS. GILBERT: Foundation.

15:18:21 9 THE WITNESS: The dean of students and the

10 staff.

11 Q BY MR. HOBSON: Okay.

15:18:26 12 A He's responsible for all of them.

15:18:28 13 Q People in the office who are reporting to him

14 immediately the dean, Liz McCoy, and who else?

15:18:37 15 MS. GILBERT: Foundation.

15:18:38 16 THE WITNESS: I don't know for sure. Probably

17 his admin assistant.

15:18:41 18 Q BY MR. HOBSON: That's the administrative team?

15:18:43 19 A No, no, no. I'm talking about his

20 administrative assistant.

15:18:47 21 Q I understand. That's all the folks that are

22 the administrative team?

15:18:52 23 A Yes, sir.

15:19:05 24 Q Wouldn't you think -- if you were the

25 administrative, wouldn't you think you'd have a sense of

1 when people are going to be out?

15:19:14 2 MS. GILBERT: Form.

15:19:15 3 THE WITNESS: Yes.

4 Q BY MR. HOBSON: Strike you as a little odd that  
5 Mr. Yee doesn't remember that his AP -- his assigned AP  
6 has gotten him to sign absent request approval forms?

15:19:30 7 MS. GILBERT: Form.

15:19:31 8 THE WITNESS: I don't know how Mr. Yee  
9 documents those things to keep those in his head. I  
10 don't know if he notes those in his calendar or what. I  
11 couldn't speak to that.

12 Q BY MR. HOBSON: You testified in response to  
13 Ms. Gilbert's questions that you don't -- you never  
14 looked in the room where Mr. Yee was doing whatever he  
15 was doing with the person -- the woman he was in there  
16 with?

15:19:56 17 MS. GILBERT: Form.

15:19:57 18 THE WITNESS: I've never seen that room.

19 Q BY MR. HOBSON: Is it a room that is accessible  
20 to you as an administrator to go and look?

15:20:08 21 MS. GILBERT: Foundation.

22 Q BY MR. HOBSON: If you had a subordinate who  
23 said, you know, the reason I was alone in that room with  
24 Kelly was I was there because the door was self-locking  
25 and -- self-closing and self-locking, is there any reason



1 you couldn't have gone and looked yourself?

15:20:29 2 MS. GILBERT: Form.

15:20:29 3 THE WITNESS: No, no, reason.

4 Q BY MR. HOBSON: And is there any reason you  
5 couldn't have said, Dominic, go look at the door --

15:20:36 6 MS. GILBERT: Form.

7 Q BY MR. HOBSON: -- find out if that's true?

15:20:39 8 MS. GILBERT: Form and foundation.

15:20:40 9 THE WITNESS: Could I have said that?

10 Q BY MR. HOBSON: Sure.

15:20:42 11 A I could have, yes.

15:20:44 12 Q Did you suggest to Dr. Allison that that might  
13 be important information to know?

15:20:48 14 MS. GILBERT: Form.

15:20:49 15 THE WITNESS: I don't know.

16 Q BY MR. HOBSON: If it's not self-locking and  
17 self-closing, that would mean that what Mr. Yee said was  
18 not truthful?

15:20:56 19 MS. GILBERT: Form.

20 Q BY MR. HOBSON: Would you agree?

15:20:59 21 MS. GILBERT: Form.

15:20:59 22 THE WITNESS: He may have been mistaken. I'm  
23 not sure.

24 Q BY MR. HOBSON: It was how he justified why he  
25 was alone with this woman in a closet. You are aware of

1 that?

15:21:13 2 MS. GILBERT: Form.

15:21:13 3 THE WITNESS: I understand that.

15:21:21 4 MR. HOBSON: Okay. That's all I have.

15:21:23 5 MS. GILBERT: He will read and sign.

6 (Whereupon the deposition of SHANE McCORD was  
7 concluded at 3:21 p.m.)

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SHANE McCORD

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1 STATE OF ARIZONA )  
 ) ss  
 2 COUNTY OF MARICOPA )

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4 BE IT KNOWN that the foregoing deposition was taken  
 5 before me, SHANNON STEVENSON, a Certified Reporter in and  
 6 for the County of Maricopa, State of Arizona; that the  
 7 witness before testifying was duly sworn to testify to  
 8 the whole truth; that the questions propounded to the  
 9 witness and the answers of the witness thereto were taken  
 10 down by me in shorthand and thereafter reduced to  
 11 computer-aided transcription under my direction; that the  
 12 foregoing 194 pages are a true and correct transcript of  
 13 all proceedings had upon the taking of said deposition,  
 14 all done to the best of my skill and ability.

15 I FURTHER CERTIFY that I am in no way related to any  
 16 of the parties hereto, nor am I in any way interested in  
 17 the outcome hereof.

18 (XXX) Signature was requested.

19 ( ) Signature was not requested.

20 DATED at Phoenix, Arizona, this 10th day of June,  
 21 2014.

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SHANNON STEVENSON, CR, RPR  
 Certified Reporter  
 Certificate No. 50461