



PALO ALTO UNIFIED SCHOOL DISTRICT
HUMAN RESOURCE CENTER

25 CHURCHILL AVENUE
PALO ALTO, CALIFORNIA 94306
(650) 329-3958 FAX (650) 323-5162

August 13, 2013

Mr. Phil Winston
[REDACTED]

Re: 45-Day Notice of Unprofessional Conduct/ 90-Day Notice of Unsatisfactory Performance

Dear Mr. Winston:

Pursuant to Education Code section 44938, you are hereby notified that you have demonstrated unprofessional conduct and unsatisfactory performance in the performance of your duties. This formal notice is designed to furnish you with specific information concerning those areas where you have exhibited unprofessional conduct and/or unsatisfactory performance. This notice is further designed to provide you with the opportunity to correct these faults. Please note that the incidents described below may additionally form the basis for discipline on grounds other than unprofessional conduct and unsatisfactory performance, including but not limited to evident unfitness for service.

Your unprofessional conduct and unsatisfactory performance is based upon the following:

Student Related Issues

1. You have, on multiple occasions, made the comment to [REDACTED] wearing short shorts, "your butt cheeks are hanging out," or words to that effect.
2. On or about May 21, 2013, at a production of The Vagina Monologues, [REDACTED] stood up to leave and you said to them, "Hey, where are you going? This is about vaginas. Don't you want to hear about vaginas?," or words to that effect.
3. On or about May 23, 2013, you asked [REDACTED] "if [REDACTED] friend's boobs hurt when [REDACTED] was running naked through the quad," or words to that effect, in relation to [REDACTED] who participated in streaking on campus.
4. You have used terms that are inappropriate and unprofessional to describe [REDACTED]. For example, in May of 2013, you referred to the approximately [REDACTED] as "bitches." In a separate instance, you stated to a [REDACTED] that "we need to do something about the pussies on this campus," or words to that effect.

5. You said, "Oh that's sexy," or words to that effect, to a [REDACTED] after [REDACTED] implied that [REDACTED] had diarrhea.
6. On or about May 7, 2013, you directed [REDACTED] to breathalyze all students getting on the Prom buses, and then you chose not to breathalyze students on the Prom bus(es) for which you were responsible.

Staff Related Issues

7. Since the beginning of the 2010-2011 school year, you have, on numerous occasions, dismissed the work related feedback, ideas and advice of [REDACTED] by stating "stop thinking like a mom," or words to that effect. This conduct was unprofessional and dismissive of these [REDACTED] colleagues.
8. Several [REDACTED] expressed that they do not want you to be alone with [REDACTED] because they are concerned that you will say "stupid, thoughtless, sexual, or insensitive things to them," or words to that effect.
9. On or about February 5, 2013, during an incoming 9th grade open house, you introduced [REDACTED] or words to that effect, which reportedly made [REDACTED] feel uncomfortable.
10. A [REDACTED] employee has reported that you were very flirtatious with [REDACTED] and have hugged [REDACTED], rubbed [REDACTED] back, put your arms around [REDACTED] and made inappropriate comments toward [REDACTED]. [REDACTED] stated that this behavior has made [REDACTED] uncomfortable enough to avoid being in a room alone with you. [REDACTED] observed an instance of this behavior, on or about May 6, 2013. In addition, [REDACTED] have reported that your comments and innuendo cause them to be uncomfortable and to avoid being alone with you.

As indicated by the foregoing, your conduct has been insensitive, inappropriate, unprofessional and unsatisfactory. You have previously been apprised of several of these allegations and were provided an opportunity to respond to them, which you did via letter dated June 14, 2013, a copy of which has been attached hereto. In an effort to assist you in overcoming these deficiencies, you will be expected to comply with the following directives:

- A. Communicate with students and District staff in a professional and respectful manner, and refrain from profanity, sexual comments and innuendo, and derogatory terms. Commenting on physical attributes and the dress of students or colleagues is inappropriate. You must also avoid patronizing terms such as "sweetheart" when addressing women.
- B. When interacting with students or District staff, avoid actions and language that are flirtatious or sexual in nature. This includes avoiding any physical contact with students or staff members.
- C. Be sensitive, respectful, and professional toward others at all times.

- D. You are directed to complete a sexual harassment prevention training (which may be online) within 90 days and provide proof of completion to the Assistant Superintendent for Human Resources. The District will reimburse you for the cost of the training.
- E. You are strongly encouraged to seek counseling to assist you in understanding the appropriate behavior boundaries for your interactions with students and staff. The District will pay for three counseling sessions.
- F. Follow all District directives, policies and procedures.

The District is willing to further assist you in overcoming these deficiencies. If you have any questions concerning the above directives or require assistance, please contact me directly. However, please be advised that you must correct these deficiencies immediately. Your failure to immediately implement the directives listed above could result in further disciplinary action, up to and including dismissal.

Please be advised that the District reserves the right to proceed with a suspension or dismissal proceeding prior to the expiration of the 45/90-day remediation period specified in Education Code section 44938 in the event and to the extent that past or future instances of misconduct may constitute causes for disciplinary action on grounds other than unprofessional conduct or unsatisfactory performance.

A copy of this notice will be placed in your personnel file. You have the right to prepare a written response to this notice within ten (10) days following receipt. Your response will be attached to this notice and also placed in your personnel file. Enclosed please find a copy of your last Performance Evaluation.

Sincerely,

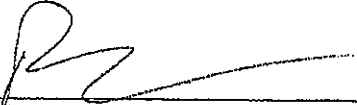
Scott Bowers, Ed.D
Assistant Superintendent, Human Resources
Palo Alto Unified School District
25 Churchill Avenue
Palo Alto, CA 94306-1099
sbowers@pausd.org

cc: Personnel File

Enclosures: Acknowledgement of Receipt

ACKNOWLEDGMENT OF RECEIPT

I, Phil Winston, hereby acknowledge that on 8/14, 2013, I received a copy of this notice of unsatisfactory performance and unprofessional conduct. I further acknowledge that on 8/14, 2013, I met with Dr. Scott Bowers, Assistant Superintendent for Human Resources and reviewed this notice.



Phil Winston

8/14/13
Date