



**Washoe County School District**

425 East Ninth Street \* P.O. Box 30425 \* Reno, NV 89520-3425  
Phone (775) 348-0200 \* (775) 348-0304 \* [www.washoeschools.net](http://www.washoeschools.net)

Board of Trustees: Katy Simon Holland, President \* Malena Raymond, Vice President \* Angela Taylor, Clerk  
\* Jacqueline Calvert \* Andrew Caudill \* Scott Kelley \* Ellen Minetto \* Kristen McNeill, Ed.D., Acting Superintendent

June 21, 2019

Traci Davis, Superintendent  
Washoe County School District  
c/o William Peterson, Esq.  
Snell & Wilmer, LLP  
50 West Liberty Street, Suite 510  
Reno, Nevada 89501

**Re: Amended Notice of Special Meeting of Washoe County School District  
Board of Trustees to Consider your Character, Alleged Misconduct and/or  
Professional Competence**

Dear Ms. Davis:

This Amended Notice is provided to update the date of the Special Meeting as specified herein. The original Notice was personally served upon you by Washoe County School District Board of Trustees President Katy Simon Holland on June 13, 2019.

On May 24, 2019, [REDACTED] the Washoe County School District (District or WCSD) [REDACTED] aka [REDACTED]'s ([REDACTED]) production of documents (Discovery) in the [REDACTED] aka [REDACTED] v. Washoe County School District litigation. [REDACTED] the evidence clearly substantiates that [REDACTED] ([REDACTED]) assisted [REDACTED] ([REDACTED]) and [REDACTED] with the 2017 confidential workplace investigation involving [REDACTED] and [REDACTED] (Investigation) and assisted them with their complaints against the District. [REDACTED] that the evidence clearly substantiates that [REDACTED] harassed, intimidated, acted insubordinately after the Investigation and continues to do so. [REDACTED] that evidence indicates that you played a role in [REDACTED], [REDACTED], and/or [REDACTED]'s actions.

On May 29, 2019, the District received the Discovery [REDACTED]. The Discovery is related to the Investigation and contains communications from April of 2017 until December of 2017 and more recent communications in 2019. The District now possesses conclusive evidence, in [REDACTED]'s own words, that he received or accessed confidential information regarding the Investigation and that within hours, and sometimes only minutes, he transmitted said confidential information to [REDACTED] and/or [REDACTED]. The confidential information included documents, reports, attorney-client privileged communications, attorney work product, and/or verbal communications from meetings with senior leadership personnel in charge of the Investigation that could only have been obtained improperly from verbal communications in meetings at which you were present, from documents you possessed, and/or email communications that you were included on, and with substantial evidence that you provided access to said information.

As you know, investigations are confidential by regulation and you were advised during the Investigation to ensure that no confidential information related to the Investigation was to be

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accessed by or available to [REDACTED] [REDACTED] was the subject of the Investigation. You were also advised during the Investigation that confidential information appeared to be being leaked, which you denied any knowledge of. All of this occurred under your supervision and to the detriment of the District.

It is alleged that you deliberately, wantonly, willfully, recklessly, and/or with gross negligence:

- Provided or allowed access to confidential information from the Investigation to [REDACTED], [REDACTED], and/or [REDACTED], more specifically:
  - Documents;
  - Reports;
  - Email Communications;
  - Attorney Client-Privilege Communications;
  - Attorney Work Product; and/or
  - Verbal Communications among senior leadership.
- Assisted [REDACTED] and [REDACTED] in their complaints against the District by providing confidential information, by pushing their theories and/or arguments against the District to confound the Investigation, and/or sharing communications between you and [REDACTED], [REDACTED], and [REDACTED] about the Investigation to support their complaints;
- Changed the findings of the Investigation as to [REDACTED], all of which was consistent with [REDACTED]'s arguments in [REDACTED] complaints against the District and based on information you received from [REDACTED];
- Created a work environment of fear of retaliation and/or harassment; and/or
- Failed to properly supervise [REDACTED] and [REDACTED] resulting in potential liability to the District.

All of the foregoing is contrary to your Employment Agreement, your fiduciary duties to the District, Board Policies, Administrative Regulations, and/or NRS 391.750.

Pursuant to NRS 241.033, take notice that the District Board of Trustees (Board) will consider your employment agreement and your character, alleged misconduct and/or professional competence at the Special Meeting scheduled for Monday, July 1, 2019, 8:00 a.m. in the Board Room at the Central Administration Building, 425 East Ninth Street, Reno, Nevada (Special Meeting). As part of that consideration, your name will also be listed in the official posted agenda for the Special Meeting. Pursuant to NRS 241.031(1)(b), this meeting shall not be closed to the public.

At the Special Meeting, the Board may consider the above allegations and the following:

- Breach of your Employment Agreement regarding fiduciary duties of loyalty and care to WCSD including the following provisions:

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- Well and faithfully dedicate all of your professional time and attention for the sole benefit of WCSD;<sup>1</sup>
  - Supervise staff to ensure they are acting in the best interests of WCSD;<sup>2</sup>
  - Build and maintain a collaborative and cooperative working relationship with the Board in the best interest of WCSD as a whole, particularly its students, families, and staff;<sup>3</sup> and/or
  - Foster and manage a spirit of cooperation and collaboration between WCSD staff and the Board and keep the Board fully informed of all significant developments, initiatives, and issues facing WCSD and staff;<sup>4</sup>
- Failing to meet your Fiduciary Duties under the law:
  - Duty of Loyalty – act for the sole benefit of the employer; and/or
  - Duty of Care – making informed decisions for the benefit of the District and not conduct yourself in a manner to expose the district to liability;
- Breach of your Employment Agreement for failing to follow Board Policies and Administrative Regulations as well as the Strategic Plan, more specifically:<sup>5</sup>
  - Standards of Professional Conduct, Board Policy 4505;
  - Harassment and Discrimination Prohibited, Board Policy 9200;
  - Safe and Respectful Learning Environment, Board Policy 5700;
  - Staff Complaint Process: Harassment, Sexual Harassment and Intimidation, Administrative Regulation 4425;
  - WCSD Strategic Plan Goal 5 and Objective 5.1
- The following violations of NRS 391.750:
  - Dishonesty;
  - Unprofessional Conduct;
  - Neglect of Duty;
  - Inadequate Performance;
  - Failure to comply with such reasonable requirements as a Board may prescribe; and
  - Gross Misconduct – any act or omission that is wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

After considering your character, alleged misconduct and/or professional competence, if the Board determines it is warranted, it may, without further notice, also take administrative action against you at this Special Meeting. This action may include retention, retention with discipline,

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<sup>1</sup> See Employment Agreement, ¶ 2, 7.

<sup>2</sup> See Id. ¶ 7(a).

<sup>3</sup> See Id. ¶ 7(e).

<sup>4</sup> See Id. ¶ 7(g).

<sup>5</sup> See Id. ¶7(c) and 7(e)

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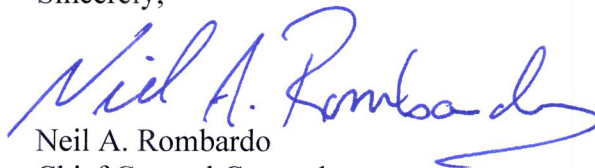
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acceptance of your resignation, and/or termination of your contract, without or with cause. This informational statement is in lieu of any notice that may be required pursuant to NRS 241.034. See NRS 241.034(3).

On June 13, 2019 with the original Notice, you were provided with a thumb drive of the Discovery provided by [REDACTED] in order for you to respond either in writing or at the public meeting. You are invited to attend the Special Meeting and have an attorney or other representative of your choosing present. You will be given 20 minutes to respond to the information presented, present written evidence, provide testimony, and present specific witnesses relating to your character, alleged misconduct and/or professional competence as to the allegations herein.

You are hereby further advised not to discuss the contents of this notice with anyone other than your representative and potential witnesses.

Sincerely,



Neil A. Rombardo  
Chief General Counsel  
Washoe County School District