



March 27, 2013

Final Investigative Report Concerning Ombudsman Complaint 2012-0285

COMPLAINT

An Anchorage citizen contacted the Ombudsman on December 11, 2012 alleging that the Anchorage School District had, without cause, placed a block on her email address, which made it impossible for her to communicate with her children's teachers, the School Board, District Administration and any other District department or employee. The citizen felt that the District was not justified in blocking her emails.

FINDINGS

This complaint against the Anchorage School District is **NOT SUPPORTED**.

ANALYSIS AND CONCLUSIONS

On December 11, 2012 a citizen copied the Ombudsman's Office on an email she sent to members of the Anchorage Assembly. The email expressed concerns with the Anchorage School District and stated that the Ombudsman had not been responsive to her complaint. A search of the Ombudsman's database revealed that the citizen had emailed the Ombudsman in March 2011 with her concerns regarding the District. The Ombudsman replied to the citizen's email five times; the communications were returned as "undeliverable." Because the citizen had not provided a phone number, no action was taken on the complaint.

Following the citizen's December 2012 email, the Ombudsman contacted her and opened a case. The citizen alleged that the District, without cause, had blocked her email address, preventing her from communicating with her children's teachers, the School Board, or any District department, office or employee. The citizen felt that the District was not justified in blocking her emails.

The Ombudsman contacted District Assistant Superintendent Ed Graff regarding the complaint, and Mr. Graff provided the Ombudsman with relevant documents. The documentation included a synopsis of complaints the citizen had filed with the District, the total number of emails she had sent to ASD during the 2010-2011 school year (441), and a copy of a February 15, 2011 letter from Mr. Graff to the citizen informing her that the District was revoking her privilege to communicate with any District personnel via ASD email. The letter referenced a November 3, 2010 letter from Wendler Middle School Principal Brendan Wilson advising the citizen that if she did not cease and desist sending mass emails to school teachers and staff that contained serious allegations against other employees, the District would block her access to ASD email addresses.

Following the Ombudsman's discussion with Graff and a review of documents that the District had provided, the Ombudsman, Deputy Ombudsman and Associate Ombudsman met with the citizen. The citizen stated that she had not sent any mass emails to District employees regarding personnel issues, and that any mass emails sent with her name on them was due to an error on the part of the District. The citizen reiterated her belief that the District did not have good cause to block her emails.

After meeting with the citizen the Ombudsman reviewed District policies relevant to the case, and requested copies of any mass emails to District employees regarding personnel matters sent by the citizen after Principal Wilson's letter of November 3, 2010. The District provided the Ombudsman with copies of emails sent by the citizen to multiple District employees, subsequent to Principal Wilson's letter, all alleging serious improprieties by District employees. The emails were dated December 6, 2010, February 7, 2011, February 9, 2011 (two emails), and April 4, 2011; all were initiated by the citizen.

The District referred the Ombudsman to the relevant Board Policies, the District's online Privacy Statement & Terms of Use and the District's Internet & Electronic Communication Guidelines. Board Policy 790 (Information Technology) explains that administrative procedures developed by the Superintendent "govern access to, and use of the network and technology resources by student, staff and community users." The policy further states that use of the District network "is a privilege that carries with it many responsibilities." The District, as part of its administrative procedures, notices the public on its website that users who access District email accounts may be denied access due to improper usage.

The "Privacy & Terms of Use" on the District website states, "ASD email is a tool for business and school communication. Public users are responsible for using this resource in an efficient, effective, ethical and lawful manner. All emails sent to ASD should follow the same code of conduct expected in any other form of written or fact-to-face communication. Please limit your email to official school business. Failure to follow these guidelines may result in loss of access to ASD email accounts." It further states, "All users must comply with District standards and read the [Internet & Electronic Communication Guidelines](#)." The Guidelines state, "The *Internet & Electronic Communication Guidelines* are applicable to all users of the district's computer resources..."

The District, through their letters to the citizen dated November 3, 2010, February 15, 2011, March 2, 2011 and June 28, 2012, clearly advised and informed her that sending mass emails to District employees which contained serious allegations against other District employees was inappropriate. The District provided adequate notice to the citizen that if she did not cease and desist from sending mass emails regarding personnel matters, the District would block her access to District email addresses. The District also advised the citizen of the process for filing complaints regarding District personnel.

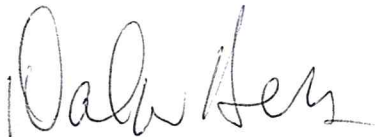
When the citizen failed to cease and desist sending mass emails, the District informed her that her email access was blocked and that she could communicate with her children's teachers and District staff by telephone or in person. Therefore the citizen's ability to communicate with District staff was not eliminated; only one avenue of communication was removed, due to her inappropriate actions. The

District also advised the citizen of her right to appeal to the Superintendent. Because of the citizen's continued disregard of District policies and guidelines, the District was justified in blocking the citizen from emailing District employees.

Because the Anchorage School District informed the citizen that her actions in sending mass emails to District employees alleging serious improprieties by other District employees were in violation of District policies, and because the District provided the citizen with the opportunity to cease and desist, this complaint against the Anchorage School District is UNSUPPORTED. A preliminary report regarding this matter was provided to the Anchorage School District.

Based on this on investigation and these findings, this case is closed.

If you object to the Ombudsman's decision to decline or discontinue this investigation or review, you may file a grievance with the Ombudsman as specified in A.M.C.R. 2.60.006.

A handwritten signature in black ink, appearing to read "Darrel W. Hess". The signature is written in a cursive, flowing style.

Darrel W. Hess
Municipal Ombudsman