

FOR IMMEDIATE RELEASE

Suzanne G. Clark
Clark Law Firm, PLLC

RESPONSE TO FAYETTEVILLE SCHOOL BOARD DEMAND

After almost three months since my client's complaint was reported, the Fayetteville School Board ("Board") will be hearing Matt Wendt in a public meeting. The fact that this process has taken so long, and the fact that the Board's concerns for Wendt's rights have consistently been given more weight than my client's rights, is beyond disappointing. It is a lapse in leadership.

I informed the Board President on March 14, 2018, that I was making a complaint on behalf of a school district employee against Wendt for sexual harassment. I informed him that this was not a he-said, she-said situation, but that I was in possession of hard evidence documenting abusive conduct by Wendt. I requested a meeting for the next day and assumed he would want to have the District's general counsel, Chris Lawson, join that meeting. I had no further contact with the Board President. Mr. Lawson contacted me by phone that evening and I informed him of the nature of the allegations, which included sexual relations between Wendt and my client, and the obvious abuse of authority by Wendt. We scheduled a meeting for the following day, March 15th, and I provided several voice recordings of Wendt and copies of text messages between my client and Wendt. Mr. Lawson informed me that he had met with Wendt the evening of the 14th and that Wendt acknowledged the sexual relationship with my client but denied that it was harassment. After approximately three hours of reviewing the documents and playing the voice recordings, our meeting ended and Mr. Lawson stated he would be sharing the information with the Board President.

To this day, I remain astonished that a special meeting of the School Board was not called within days of that March 15th meeting. Since the Board President has no independent authority over the Superintendent, it is inexcusable that a meeting was not called to inform the other Board members of the allegations and the fact that Wendt had acknowledged a sexual relationship with a subordinate employee. Given that admission, I also find it inexcusable that Wendt was not placed on administrative leave. That, however, would have required that the Board meet to discuss the complaint and decide a course of action.

Best practices in these cases would have included hiring an independent investigator to review the allegations. Instead, Mr. Lawson and the Board President agreed that Mr. Lawson would conduct the investigation while Wendt continued to work as if no complaint existed. Failing to address those issues in a special meeting of the Board was the equivalent of the Board president making a unilateral decision to forgo an independent investigation and to decline the option of placing Wendt on leave.

The effect of that decision was significant. First, my client, who had requested she be allowed leave in order to avoid seeing Wendt until the Board could address the matter, remained on leave. It quickly became known within the District that a complaint had been made against Wendt, and because my client was on leave, she not only began to receive questions from school employees, but from the press. Her confidentiality, in a process that should assure a victim's confidentiality, was almost immediately destroyed. Second, the message to District employees was that if a complaint is made against the Superintendent, the Board gives all benefit of the doubt to the Superintendent. Third, it also sent a message to my client, District employees, and Wendt, that the Board did not take the complaint seriously. Fourth, it allowed Wendt to interact with potential witnesses and the investigator on a daily basis during the active investigation. The decision clearly would have a chilling effect on any witnesses coming forward with

information negative to Wendt, when all appearances were that the Board was supporting Wendt and discounting my client's claims.

The Board and District have been overwhelmingly focused on Wendt's due process rights. Due process is repeatedly offered as the explanation for the inordinate delay in acting on my client's complaint. Wendt has been provided with the complete investigative file of my client's complaint while the District's counsel has refused to disclose the same to my client. Now, the matter will be heard in a public meeting and the Board is requiring my client's appearance.

To be clear, this is not a court proceeding in which my client is making her case against Wendt. This is between Wendt and the Board. Wendt is apparently claiming that this was not harassment but "just" an affair. The proceeding at the special meeting is to afford Wendt the opportunity to convince the Board he should not lose his job. His attorney is entitled to call and cross examine witnesses. My client will not be one of them. I will not, under any circumstances, subject her to further harassment and intimidation in the public circus that Matt Wendt is orchestrating. She has provided substantial evidence of Wendt's wrongdoing, and that evidence is clearly sufficient for him to be terminated. When the time comes for her to make her case in a court of law, she will have the benefit of her own attorney cross-examining the witnesses called, including Wendt, which will not be permitted in the Board's proceeding.

When my client came to me, she had no desire to bring legal action against anyone. She wanted to be able to continue working for the District and she wanted Wendt out of her life. Coming forward with a complaint was her very last option. She knew, because she'd had sex with Wendt, she might not be believed. Wendt knew that too. He not only used her job to pressure her into sex and a "relationship" but counted on her silence. He ignored her repeated requests to leave her alone, and counted on the personal risks regarding her job, her marriage, her husband's job, and the effect disclosure could have on her children to prevent her from speaking up. Dealing with Wendt during the harassment was a nightmare for my client, but the fallout from her complaint has been as well.

When we became aware that my client's complaint would be turned into the public circus taking place next week, and also became aware of defamatory statements allegedly made by Wendt about my client, I convinced her that it was time to take legal action. She is entitled to be compensated for what she has been through. On May 25, 2018, I filed a charge of sexual harassment with the EEOC against the District and the Board based on Wendt's conduct. Any subsequent litigation will obviously include individual claims against Wendt. Attached to this press release is the statement that was previously provided to the Board and was provided to the EEOC. If Wendt wants to make his case to the public, the allegations should be public as well.

This case exemplifies why there are laws against sexual harassment, though with regard to how this complaint has been handled, it is doubtful any employee would come forward with a complaint after seeing what my client is having to endure in order for her complaint to be addressed. The Superintendent of the Fayetteville Public School District is a position of significant authority. Matt Wendt abused the authority granted to him in the worst way. Most executives confronted with their own morally repugnant and abusive conduct have the good grace to resign. Wendt apparently believes he is entitled to prey on subordinate employees without recourse. I sincerely hope when the circus concludes, the Board finally shows Wendt the door.

Complainant [REDACTED] Statement¹

I first became an employee of the Fayetteville School District in 2011. I worked for the Springdale district in 2012 through 2014, returning to FPS in 2014. In early August of 2017, I resigned from a position as 2nd grade teacher in the ALP program at Leverett Elementary School due to stress and health issues. Shortly after I resigned, Greg Mones contacted me and asked if I wanted to interview for a position he thought I would be a good fit for. I was offered the administrative assistant position/district secretary position shortly after the interview. My husband is also an employee of the District and we have two children who are students of the District.

My problems with Superintendent Matthew Wendt began September 30, 2017, with an invitation from him to meet a group of employees after a Saturday employee retreat. I was not included in the retreat and thought it would be a good idea to attend. He gave me the address of a cigar bar. I had never been there before and it appeared to be some kind of private club. I asked where everyone was and he said people were coming but that they wanted to go home and change clothes. He bought me drinks and we talked, he asked a lot of questions about me. I again asked where everyone was and he said it looked like Steve Janski was the only one who was coming. He pointed out the window asking “is that Steve’s vehicle?” then pulled my face around and kissed me. I didn’t know what to say but thought “what just happened?” I said I needed to use the ladies room and asked the waiter where it was. I used the rest room and when I came out Dr. Wendt was standing there and kissed me again. I went back into the bar area and he said we needed to go somewhere private to talk. I acted like I would go and he left, telling me we should not leave together. He texted me asking where I was, since I was not responding and did not go to the hotel he told me to go to. I told him I could not go to a hotel with him. He said that was okay but I really needed to talk to him so he met me at the JC Penney parking lot and he told me to get in his Jeep so we could talk. He drove to Lake Fayetteville and there was some physical contact in his Jeep but I would not have sex with him. I told him I had to leave and go home.

Right away, the next day, Dr. Wendt started texting me throughout the day. He kept saying we really needed to talk privately and wanted me to meet him at a hotel. He kept telling me it was not what I was thinking but because he can’t be out in public to have his meetings and he did that regularly. He said he got hotel rooms all the time to help kids and families that didn’t have a place to go and that they always had hotel rooms to watch ball games or meet off school grounds for meetings.

I’m not certain of the date but it was the first week of October. He insisted that it was very important we meet and talk because he was having surgery and would be out of the office and he had to talk to me about what happened. I met him at a hotel in Springdale and he brought a bottle

¹ The numbers referenced in the footnotes to this narrative refer to the Bates-labeled page of the documents previously provided to the District’s general counsel on March 15, 2018, with the exception of the text chain numbered 0300-0311, part of which had previously been discussed with the district general counsel (green sheet), but was produced on April 10, 2018).

of vodka. He poured me a drink and we talked while he had some dinner. I had another drink. We had sex. I didn't feel like I could tell him no and it was the biggest mistake I've ever made.

Dr. Wendt started talking almost immediately about us having a relationship and leaving our spouses. He was texting and calling all the time. That weekend, I was shopping with my mother-in-law and he kept texting me asking where I was. I told him I was at JC Penney. About 10 or 15 minutes later he showed up at JC Penney. It scared me that he seemed to be following me.

He began to demand that I call him first thing in the morning before coming to work, during the day, and also after I left work. He would call and text me during the work day and after hours. If I didn't respond, he would leave a meeting to ask me why I was not responding. He always wanted to know where I was and who I was with. Around October 13th, my husband and I were out to dinner with friends before an FHS football game. He was angry because I was not responding to his text messages. We were late to the game. When I got to the game he texted me to go to the bathroom and call him. My best friend, who I had confided in, came with me and listened to the conversation. He told me he could not believe I was late for my own son's game and that he thought I was a better mother than that. Because I told him that we had done a shot of vodka, he told me I could lose my job for doing that and asked me if my husband had been drinking because if so, he could lose his job too.

His controlling behavior and the fact that he was talking about my husband and me losing our jobs was making me very stressed. I told him I did not want to meet him again outside of work and I did not want to have a relationship outside my marriage. He started driving by my house. My sister and I went for a walk and he pulled up to us at the end of the road. My sister confronted him and after a verbal exchange he left. She and I walked to the park, and I called the police. They explained that the behavior was not normal and asked to send an officer to talk to me, but I was afraid of what would happen if I reported him.

When I would go to work, if I would not have answered his texts, he would be waiting for me and would berate me about needing to call him. At the office, I had to behave as if there was no problem. If I complained about him wanting to know where I was all the time or needing to be in touch on the phone all the time, he said it was because he was so protective of me.

My husband and I were planning to attend a Halloween party as Richard Simmons and Jane Fonda. Dr. Wendt was angry we were going together to a party, and told me I'd better not show too much skin. I wore something different than I had originally planned but he was still angry after he saw pictures of us on Facebook. He texted me pictures he had pulled off my Facebook page and was angry because he still thought I had dressed too provocatively. He cursed at me and complained about taking a picture with my husband. He told me I was ridiculous to attend the party and that it was not okay for me to be one person at school and another person on the weekends.

If there was a football game, he would insist that I come to the press box sometime during the game to visit him. If I failed to do that, he would berate me for it later. Once when I did not come to the press box, he came out looking for me. I would usually bring someone with me, my sister or my daughter, so he could not get me alone. During one away game in Van Buren, in early November, he did not attend because he needed to be at an event. I believe it was Dr. Colbert's

party celebrating his 30th year with the District. Dr. Wendt texted me asking where my husband was. I responded that he was on the sideline talking to the SRO. A minute or two later Dr. Wendt texted back and said my husband was not on the sideline. When I looked again, my husband was walking to the restroom. When I told Dr. Wendt that, he texted that he was always watching me.

In November I again attempted to get Dr. Wendt to leave me alone.² He would make fun of my statements about wanting to honor my marriage and my faith. He continued to drive by my house and call or text me. He texted a picture of my house to me on November 12th to let me know he was outside watching me.³ He would insist I come out of my house to talk to him. I told him I had security cameras that would record him (but I don't) so he would stop.⁴ I started seeing a counselor over the stress of it all. I also began to email copies of his text messages to my email. I knew that no one would take my word over his if this ever came out.

Whenever I asked him to leave me alone, he said he would stop calling and texting but only if I would meet him to discuss it.⁵ He would say that he would make me talk to him at work if I would not meet him outside of work.⁶ He would act like he was going to stop, but then it would start all over again. He knows it is much more difficult for me to stand up to him in person and I saw him every day at the office. He would wear me out until I agreed to meet and then he would pressure me for sex. He would always bring alcohol because I couldn't be with him without it.

He wanted me to travel to Little Rock overnight with him for a football game, which I did. He was going to New York on a district trip the weekend of December 8th and wanted me to go with him. I told him I did not want to go to New York with him. He told me I was going.⁷ He complained that he had spent hundreds of dollars on me and had bought tickets to shows and that I had to go. He promised me if I went to New York and still did not want to be with him after the trip, he would leave me alone. I went to New York with him. I told him after the trip I did not want to be with him. It didn't matter.⁸

He had promised me a PE job at Holcomb and had said he would transfer me in January, so I thought if I could just make it to January I could get out of this. But then he told me he wouldn't

² 0005

³ 0010

⁴ 0006 ("I will park outside of your house and call you....You can come out in the street and talk or I can park all day until somebody asks a question.")

⁵ 0014 ("We are going to clear the air in person. Don't tempt me to call and text you every damn hour. I will do it. . . . But we are meeting in person. . . we are meeting or I am going to call and text a lot more."); 0037 ("[N]o fucking way are you tossing me out via text.")

⁶ 0011 ("'[Y]ou should prepare yourself...I will pull up a chair in your 'fish bowl' and we will talk. It might create a scene but I have no problem telling people the truth. . . .Advice: PREPARE. If you don't choose to talk by phone or meet in person, I will choose to visit you at your workspace. And you know damn well I will.")

⁷ 0013 ("No I am not cancelling the flight. Too bad. You are going and we are going to have a great time.")

⁸ 0023-0035

be able to transfer me until he got rid of the “crazy principal” because she would ask too many questions.

The last few months have been a crazy balance of trying to keep him under control and trying to get my life back. I did what he wanted and told him what he wanted to hear many times in order to keep him calmed down. Anytime I did not do what he wanted me to, the intimidation would start. Every time I tried to get him to leave me alone, it turned into an exhausting back and forth where he would insist that I was in love with him. He always reminded me that he was the boss. He told me he was hired to clean house that he could just transfer someone to a position and then move them out.

In December, after the New York trip when I was again trying to get him at least back off, he told me “I’m the motherfucking boss...I CAN CALL WHEN I FUCKING WANT.”⁹ I would tell him not to call or text and he would send text after text message berating me.¹⁰ He would get angry at the texts saying I did not want to be with him, and he would answer with a text saying I’d never hear from him again. Then he would send a dozen more texts.¹¹

In January, he had not transferred me and I wasn’t sure how to handle the situation. I had sex with him once during the first week of January, but told him again it had to stop. When I told him I wanted out, he would tell me to find a new job or that he had promised to help me get another job and now he wouldn’t.¹² I wouldn’t meet him and things started getting worse.

In February I told him again that I was not interested in him and that he treated me like a whore and had pressured me into sex.¹³ He would turn it around on me about how horrible a person I was.¹⁴ There was another work related trip to Nashville that he was supposed to attend and wanted me to go with him. I kept refusing and he was very angry.¹⁵ He said extremely crude things about me and the fact that I had had sex with him. He would get really scary.¹⁶ He just kept complaining about the fact that I would not meet him. He said it was fine that I did not want to have sex with

⁹ 0016;

¹⁰ 0024-28

¹¹ 0048-0059

¹² 0047; 0067-68 (“Promised you a teaching job. In return, I don’t ask for sex” *but he obviously does*); 0101-0103 (“real estate is calling you”); 0112 (“I hope you have a plan to get the fuck out of my professional life too.”); 0016 (“How can I encourage you to do us both a huge favor ... and have a plan to get out. Because of your two kids I will not hurt you, but I will never help you.”); 0165 (“Springdale is hiring too”); 0178 (“And it’s Dr. Wendt. Not Matt”); 0311 (“Separation accepted. Please do not rely on me, my support or anything remotely aligned with me, my office or my position.”); 0305 (“Green sheet is in the trash”)

¹³ 0108-0122; 0002 (“You haven’t wanted me around in months. Last sexual activity you weren’t even with me...probably felt pressure to even do it.”)

¹⁴ 0070-0071; 0093.

¹⁵ 0002 (“There are tremendous females wanting me...and I’m going for it. Nashville is first up!!)

¹⁶ 0091-0103

him because he had lots of women wanted him including the women who come to his office.¹⁷ He said he could have sex with school board members and talked about one board member in particular.¹⁸

He was very angry because I had found excuses not to meet him since early January. He would try to embarrass or humiliate me at the office. He told me I was dressed like a whore one day at the office because I had a shirt that had the shoulders cut out of it. He told me I needed to go home and change. He said he would bring it up at a meeting that week to discuss his dress code. When I asked him what dress code, he said it's "my dress code. I'm still the top motherfucker in this district. . . the dress code is going to be what I make of it. That's the beautiful thing about it."¹⁹ In text messages that week, when he was angry about my refusing to be with him, he brought it up again referring to me as a pole dancer.²⁰

When I asked what his board would think if they knew what he was doing, he said they loved him and would never do anything about it.²¹ He threatened to tell my husband.²² His behavior toward me got more aggressive over the last couple of months and I got more scared.²³ I started recording sometimes when he would come to my desk. He would cuss at me and called me a bitch and a cunt.²⁴

I was terrified to complain about this. I did not tell anyone in the school district because they all work for Dr. Wendt. Dr. Wendt had told me that I could not complain that I was being harassed because we had had sex. I went to see a lawyer in February, but I was still too afraid to come forward. I didn't tell Dr. Wendt I had seen a lawyer but I talked to him about how much I wanted it all to stop. It was the first time we had a real civil conversation about it and I thought maybe it would really stop. Within a couple of weeks it was the same situation and cycle all over again.

On March 9th, he told Jennifer to watch my desk so he could talk to me, so I had to go to his office. When I tried to leave he ran around the other side of his couch grabbed my arms and pushed me away from the door. He stood in front of the door saying don't you love me? Say that you love me.

¹⁷ 0075 ("There are many other options and several will visit my office over the next week or so.")

¹⁸ 0144 ("Getting laid is easy. Even with board members"); 0160 ("██████████ will be GREAT. AGAIN."); 0176 ("██████████ ass...oh lord")

¹⁹ Recording played for general counsel on March 15, 2018.

²⁰ 0071 ("GO FUCK YOURSELF! YOU DO NOT DESERVE ME. And I will address whatever fucking topic at Friday's meeting I want to... including clothing fit for a bar and a pole...not MY office complex.")

²¹ 0041 ("My board loves me no matter what I have done personally . . . they will see it for what it is. I got caught up with a woman who played me.")

²² 0039; 0042

²³ 0060-0187

²⁴ 0168; recording provided to general counsel on March 15th

Do you love me? I said yes, so that he would let me go. My sister had always said that he would start hitting me at some point, and I was afraid she is right.²⁵

I knew if I came forward and told anyone, I was placing my job and my husband's job at risk, my reputation could be ruined and I would be exposing our children to this. I was afraid everyone would want to protect Dr. Wendt and that people would say I asked for it or deserved it. I finally decided I didn't have any other choice.

²⁵ Voicemail from Wendt provided to general counsel on March 15th acknowledging that saying "I love you" was likely so complainant could get out of the office