

PREMATURE PARTIAL DISCLOSURE BY SCHOOL DISTRICT PUTS SEX-HARASSMENT SETTLEMENT IN JEOPARDY



Last week's announcement by the Los Angeles Unified School District that they had settled with a senior employee, who had accused former Superintendent Ramon C. Cortines of sexual harassment, was in jeopardy, and the matter could be facing a long legal battle. It had been stipulated earlier this week, that via a settlement agreed upon by both the parties, the school district would pay a lump sum of \$200,000 and lifetime benefits worth between \$250,000 and \$300,000. On his part, the employee, Scot Graham, would relinquish his post as the director of leasing and asset management, a job he has held for the last 12 years. Mr. Graham took home an annual salary of \$150,000 per year. However, Mr. Graham's lawyers claim that the district has acted rather hastily and made the settlement public before its time was ripe. Moreover, the lawyers allege, they dishonored a confidentiality agreement and betrayed discretion in releasing Mr. Graham's name, along with precise allegations. Mr. Graham, 56, had accused Mr. Cortines of taking him to his ranch north of Los Angeles in July 2010 and making improper sexual advances. Mr. Cortines, 79, acknowledged that Mr. Graham had indeed accompanied him to his ranch, but issued a statement last week saying that there was no harassment and only consensual and spontaneous "adult behavior." Mr. Cortines was a schools chancellor in New York City and took over the helm of affairs of Los Angeles, the country's second-largest district, in 2000. The current situation has created an ambiguous scenario. Smug in their belief that the latter would step down as part of the settlement, since last week they had blocked his access to district buildings and e-mail. District officials said that the announcements were made in good faith to show that they were not concealing anything from the people. However, Mr. Graham's lawyers said that they should not have revealed any of the specific accusations; moreover, the districts had told them that the benefits were valued at \$50,000 more than what was reported in the news media. "The economic value of the medical benefits were one of the reasons he agreed to a lesser amount than he otherwise would have," said Arnold Peter, the lead lawyer for Mr. Graham. "They acted in bad faith by misrepresenting that and by releasing otherwise private information we had agreed to keep confidential." Mr. Peter went on to say, that the timeline of events released by the district was partial and unjust. There is no mention of the fact that Mr. Graham had on three separate occasions complained to the district's chief counsel of harassment by Mr. Cortines. Linda Savitt, a lawyer for the district, said that given the changed circumstances, the board would face things as they unfolded, but for the moment the board planned to "rely on the verbal acceptance of the agreement we reached last week." "We're not stepping away from that, and if it unravels, as these things sometime do, we will have to move forward," she said. "The board made this decision to deal with risk management." The districts settlement vote was not unanimous and last week, three of the seven board members of the district had voted against the settlement and made it clear they would rather fight the accusations in court than settle. With draggers drawn, a long bitter fight seems a likely consequence.