
TO: Vertus Charter High School Board of Trustees
FROM: Julie A. Locey, CEO
DATE: November 10, 2023
RE: Formal Complaint Investigation Report – CONFIDENTIAL

I. Introduction.

On or about September 29, 2023, Cherrise Bufis-Scott (“the Complainant”) emailed the Board of Trustees complaining that a Vertus employee (“the Employee”) violated an order of protection. Because the allegation involved a violation of a law, the email was considered a “formal complaint” pursuant to Vertus’s complaint policy, and I conducted the investigation pursuant to the relevant provisions of that policy.

By way of background, the Complainant is a both the parent of a current Vertus student and the ex-wife of the Employee. (The Employee is not the parent of the Vertus student.) The Complainant alleged that, on Saturday, September 16, 2023, the Employee violated an order of protection by attending the same event as her at Vertus High School. The event was hosted by the National Parent’s Union, which had requested and received approval to host the event at Vertus’s facility.

At some point during the event, the Complainant called the police and alleged the Employee was violating an Order of Protection she had in place against him. The police came to Vertus toward or at the end of the event and interviewed the Complainant, the Employee, and Principal Levi Bennett. The police provided a police report and left without arresting the Employee or otherwise requesting he leave the school.

II. Overview of Investigation.

The purpose of this investigation was to: (1) determine what happened between the Complainant and Employee at the *National Parents Union Summit* held at Vertus High School on September 16, 2023; (2) determine whether Vertus violated its charter or any law as a result of the alleged incident; and (3) provide a report to the Board of Trustees in accordance with Vertus’s Complaint Policy.

As part of the Investigation, I reviewed: (1) the email complaint; (2) written statements from the Employee, event childcare provider Mildrena Vega, and Vertus Principal Levi Bennett; (3) the police report created by Rochester Police Department Officer Ian Fry; and (4) an Order of Protection provided by the Employee. I also spoke with: (1) Mr. Bennet; and (2) the Employee.

III. The Investigation.

A. The Complaint

On September 29, 2023, the Complainant sent an email to the Vertus Board of Trustees detailing her complaint. She alleged that, while she was attending the National Parents Union Summit at Vertus High School on Saturday, September 16, 2023, the Employee violated an order of protection she had against him by also being present at the Summit. She additionally alleged that the Employee tried to persuade her 7-year-old daughter to go into his classroom with him alone, which caused the daughter to feel unsafe and uncomfortable. (The Employee is not a parent of the daughter.) Finally, she claimed that, after she called the police, the Employee falsely represented to the police that he was a principal at the school and that he was at the school for work purposes that day.

The Complainant requested the Board investigate the incident, create procedures to enforce the order of protection she has against the Employee, consider relocating the Employee to a different location, and properly train Vertus employees.

B. The Police Report

On September 16, 2023, Police Officer Ian Fry created a police report summarizing his investigation of the incident that day. According to Fry's report, the Complainant called 911 while at the school and alleged the Employee was violating an order of protection she had against him. The Complainant told Officer Fry she was working at the Summit when the Employee came to the school, where he is a teacher, and that she wanted him arrested for violating the order of protection. Officer Fry's report indicates a valid order of protection is in effect against the Employee until January 22, 2024. The police report indicates Officer Fry spoke with the Employee who said he was at the school because he was working that day in his capacity as a teacher, and that he was aware of the order of protection. Finally, Officer Fry spoke with Principal Bennett, who corroborated that the Employee was at the school that day to perform work in his teacher capacity.

According to Officer Fry's report, the Employee committed the offense of Criminal Contempt in the Second Degree, a misdemeanor crime under the New York Penal Law, as a result of violating the court's order of protection.

C. Employee's Statement

Upon my request for a written statement of the events as part of the investigation, in an email dated September 19, 2023, the Employee stated that he was at the Summit with his son and that the Complainant initiated the contact with him. Further, the Employee admitted to speaking with the Complainant's daughter in the gym where he briefly asked if she was ok and if he could do anything for her, but the Employee denied menacing or harassing her. The Employee provided an excerpt from an order of protection filed on August 12, 2022, which he claimed did not prevent him from speaking to the Complainant's daughter.

In an email dated September 20, 2023, the Employee indicated the order of protection against him had been dismissed during a custody hearing on September 13, 2023.

D. Mildrena Vega's Witness Statement

Mildrena Vega was a coordinator working at the Summit to provide childcare while parents attended the event. According to the statement provided by this witness, the Employee brought his and the Complainant's son to the childcare area during the event. Vega checked the Employee and his son in and asked if the Employee would be participating with his son in the event. The Employee initially said that he would not participate because the Complainant was also at the event, but the Employee later decided to participate following prompting from his son. While Vega was checking the Employee in, the Complainant approached the Employee and hugged her son.

According to Vega, the Employee was not present for the entire event, but he came in one time to check in on his son. During lunch, Vega located the Complainant so that she could sit with her son during lunch time. The Complainant shared with Vega that the Employee had spoken to her daughter and made her daughter feel uncomfortable.

When the event was over, Vega made multiple trips to the parking lot to pack up supplies. During those trips, Vega overheard the Complainant telling police officers that she was working at the Summit and that the Employee should not have been there. Vega also overheard the Complainant tell school staff she would inform the Board of the school about the incident.

E. Levi Bennett's Statement

Principal Bennett was present at the school during the Summit. Bennett opened the school so that the organizers of the event could use the school, but the event was not operated or sponsored by Vertus High School. The Employee told Bennett he would be at the school to do work during the event, but that he might also attend the event. The Employee told Bennett that he knew the Complainant was at the event, and he would spend most of the time in his classroom to avoid conflicts.

A few hours into the event, the Employee told Bennett that the Complainant had accused him of violating an order of protection. Bennett went to the event to monitor the school facilities, where he met the Complainant who told him that she called the police because the Employee was in violation of the order of protection and that the Employee had made her children uncomfortable. When the police arrived, Principal Bennett pulled the Employee out of a workshop he was attending with his son so that the police could speak to him. The police spoke with Bennett and the Employee in Bennett's office, and once Bennett told the police that the Employee worked at the school, the police left without further action. The police report notes that, "after further questioning [the Employee] became uncooperative."

III. Findings and Conclusions of the Investigation Based on the Evidence.

I find the following based on the evidence:

- On Saturday, September 16, 2023, the National Parents Union hosted a Summit at Vertus High School. This was not a school-sponsored event but Vertus allowed the organization to use its space free of charge.
- The Employee voluntarily came to the school that day and performed work in his capacity as a teacher; the Employee also attended portions of the Summit with his son.
- The Complainant was at the school to work or volunteer at the Summit. The Complainant is not listed as an employee on the National Parent Union's website.
- The Complainant has a valid order of protection against the Employee. The Complainant did not allege there was an order of protection between her daughter and the Employee.
- Though the Complainant knew the Employee worked at Vertus, the Complainant did not take any action to inform Vertus in advance of the circumstances, and Vertus did not know who would be attending the Summit or that an order of protection was applicable.
- At some point during the Summit, the Complainant confronted the Employee and accused him of violating the order of protection.
- The Complainant called the police because she believed the Employee was in violation of the order of protection. There is no mention in the police report of harassment by the Employee against the Complainant's daughter.
- Once the Employee informed Principal Bennett that the Complainant had accused him of violating the order of protection, Principal Bennett went to check on the Summit. The Complainant informed Principal Bennett that she believed the Employee had violated the order of protection and that she called the police.
- Officer Fry and other police officers arrived at the school and Principal Bennett pulled the Employee out of a workshop he was attending with his son at the Summit so that the police could talk to him.
- Police officers spoke with the Complainant, the Employee, and Principal Bennett. The Employee told the police he was aware of the order of protection.
- Officer Fry ran a check and determined that the Complainant had a valid order of protection against The Employee, which was signed by Judge Walsh on January 23, 2023, and was in effect until January 22, 2024.
- Principal Bennett and the Employee told the police that the Employee worked at the school as a teacher.
- Principal Bennett acted reasonably once he became aware of a possible violation of the order of protection, and fully cooperated with the police.
- The police left the School and the Employee was not arrested.
- In an email dated September 19, 2023, the Employee claimed that he did not violate the order of protection, but then in an email dated September 20, 2023, The Employee stated that the order of protection against him had been dismissed.

- In an email dated September 29, 2023, the Complainant reported to the Vertus Board of Trustees that the Employee had violated the order of protection and harassed her daughter during the Summit.
- Any findings relative to the Employee's actions/conduct in the employment context are not relevant to this complaint or report.

Based on the evidence discussed, I have come to the following conclusions regarding the question of whether Vertus violated the law or a provision of its charter:

- It is more likely than not that the Employee knew the event would be taking place and knew the Complainant would be attending the event, and decided to come to the school on that day.
- The Complainant had a valid order of protection in place on September 16, 2023 and, per the police report, the police found the Employee to be in violation of that order.
- Even if so, the police did not arrest the Employee, direct the Employee to leave school property, or direct the principal to take any action related to the Employee and/or Complainant.
- It is unclear why the police did not take any action against the Employee, but I conclude the police could not have believed the Complainant was in physical danger or that the Employee was dangerous.
- There is insufficient evidence to show the Employee harassed the Complainant's daughter.
- Because the Summit was not sponsored or organized by Vertus, I conclude Vertus did not have a duty to remove the Employee from school property or take any other action with respect to the Employee.
- Because the Complainant has a son that attends Vertus, it is more likely than not the Complainant knew the Employee worked at Vertus. It is not reasonable that Vertus would have known about any order of protection, and Complainant could have provided the order of protection to Vertus in advance of her attendance.
- Even if she had done so, Vertus would not have been required to bar the Employee from school property.
- Even if the *Employee* violated the law by violating the order of protection, *Vertus* did not violate the law.
- There are no provisions of Vertus's charter that apply relative to the allegations in this complaint.

IV. Conclusion.

Based on the foregoing, I conclude that the school did not violate its charter or the law.