

**BOARD OF EDUCATION OF THE
WILLOUGHBY-EASTLAKE CITY SCHOOL DISTRICT
RESOLUTION**

The Willoughby-Eastlake City School District Board of Education (the “Board”) met in special session on the 14th day of September, 2022, with the following members present:

_____ moved for the adoption of the following Resolution:

RESOLUTION # _____

**A RESOLUTION TO CENSURE
BOARD MEMBER WILLIAM BOXLER**

WHEREAS, William Boxler (“Mr. Boxler”) is a Board member of the Willoughby-Eastlake City School District (the “District”), currently serving a four-year term from January 1, 2022 through December 31, 2025;

WHEREAS, in early April 2022, the Board was notified of allegations regarding potential unauthorized access to certain District and/or personal accounts of Superintendent, Steve Thompson (“Dr. Thompson”) and Director of Communications, Catharine Beal (“Ms. Beal”);

WHEREAS, shortly thereafter, the Board initiated an investigation by a neutral third party in order to ensure a full and thorough investigation of all allegations was carried out;

WHEREAS, the investigatory report issued to the Board upon completion of the aforementioned investigation reflects that Mr. Boxler’s actions and behavior were in violation of multiple Board bylaws, policies, and procedures;

WHEREAS, Board Bylaw 0122.1 (“Member Powers”) provides in relevant part that “Board members as individuals do not separately possess the powers that reside in the Board of Education, except when and as expressly authorized by law or this Board...;”

WHEREAS, Board Bylaw 0123 (“Code of Ethics/Code of Conduct”) provides in relevant part that:

“The Board of Education believes quality public education and good Board service should be conducted in an ethical manner with traditional principles such as honesty, trust, fairness, and integrity. Each Board member should conform his/her conduct to Ohio law, the code of

ethics recommended by the Ohio School Boards Association and the code of conduct set forth below[.]

* * *

While serving as a member of the Board of Education, each member is expected to agree to abide by the following code of ethics promulgated by the Ohio School Boards Association...(C) respect the confidentiality of privileged information;”

WHEREAS, Board Policy Bylaw 0149 (“Access to Records”) provides in relevant part that “...Access to District personnel and student records shall be subject to Board policies and applicable State and Federal law...;”

WHEREAS, Board Policy 7540.01 (“Technology Privacy”) provides in relevant part that:

“The Board of Education recognizes its staff members' right to privacy in their personal lives. This policy serves to inform staff members of the Board's position with respect to staff-member privacy in the educational and workplace setting and to protect the Board's interests.

All District Technology Resources (as defined in Bylaw 0100) are the Board's property and are intended to be used for business purposes. The Board retains the right to access and review all Information Resources (as defined in Bylaw 0100), including but not limited to electronic and voice mail, computer files, databases, and any other electronic transmissions contained in or used in conjunction with the Board's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members shall be notified that they have no expectation that any personal information/data maintained, stored, or transmitted on or through such systems is confidential or private.

Review of such information may be done by the Board with or without the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the Board retains the right to access information in spite of a password. A staff member's refusal to permit such access may be grounds for discipline up to and including discharge.

* * *

District Technology Resources must be used properly. Review of computer files, electronic mail, and voice mail will only be done in the ordinary course of business and will be motivated by a legitimate business reason. If a staff member's personal information is discovered, the contents of such discovery will not be reviewed by the Board, except to the extent necessary to determine if the files/e-mail/voice mail constitute a public record or if the Board's interests have been compromised. Any information discovered will be limited to those who have a specific need to know that information;”

WHEREAS, Board Policy 8330 (“Student Records”) provides, in relevant part that:

“Student records shall be available only to students and their parents, eligible students, designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

* * *

“Legitimate educational interest” is defined as a “direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District” or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

* * *

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required);”

WHEREAS, such aforementioned violations include the following:

- a. It was determined that Mr. Boxler engaged in the unauthorized use of Ms. Beal’s login credentials to access her PowerSchool account;
- b. Evidence collected during the course of the aforementioned investigation reflected that Mr. Boxler accessed seven (7) pages while engaging in unauthorized access to Ms. Beal’s PowerSchool account, however, during the course of the investigation Mr. Boxler claimed to only have accessed one (1) page, indicating that information provided by Mr. Boxler during the course of the investigation may have been inaccurate in nature;
- c. Mr. Boxler’s unauthorized access to Ms. Beal’s PowerSchool account was found to have been without legitimate educational interest and not done in the ordinary course of business nor motivated by a legitimate business reason;
- d. Further, Mr. Boxler’s unauthorized access to Ms. Beal’s PowerSchool account was beyond the scope of his authority as an individual Board member, as no such authority to engage in such access was granted to Mr. Boxler by the Board;
- e. Mr. Boxler’s unauthorized access to Ms. Beal’s PowerSchool account was determined to be in violation of Board Bylaws 0122.1 and 0149 and Board Policies 7540.01 and 8330;
- f. During the course of the investigation, Mr. Boxler further was found to have attempted, unsuccessfully, to access the District’s Facebook account using saved passwords without authority or authorization for such access;

- g. Evidence collected during the investigation indicated that Mr. Boxler's attempted access to the District's Facebook account occurred after he had been instructed to delete all of Ms. Beal's passwords, and after Mr. Boxler had represented to another District employee that he had, in fact deleted such passwords, thus further indicating that Mr. Boxler acted in violation of his obligations under Board Bylaw 0123;
- h. Additionally, evidence collected during the course of the investigation indicates that it is more than likely that Mr. Boxler also accessed Ms. Beal's personal Gmail account on or about the time when the other unauthorized access or attempted access by Mr. Boxler occurred, thus indicating further potential violation of Board policy 7540.01 and Board Bylaw 0122.1, as Mr. Boxler was not granted the authority to access such account, nor was there a legitimate business reason for doing so;
- i. Taken together or separately, Mr. Boxler's actions constitute violations of multiple Board bylaws, policies, and procedures and are inconsistent with his obligations as a member of this Board;

WHEREAS, the Board, upon receipt of the investigatory report and recommendations, and in light of the associated findings, has determined it necessary to take formal, public action to address the identified violations of Board bylaw, policy, and procedure and express its position with regard to the matter as governing body of the District; and

WHEREAS, as a result, the Board, having considered the findings set forth in the investigatory report, wishes to take formal action to censure Mr. Boxler and formally disavow and express its disapproval of Mr. Boxler's conduct with regard to this matter.

NOW, THEREFORE, BE IT RESOLVED by the Board:

1. The Board hereby formally censures Mr. Boxler for having engaged in the above-described conduct in violation of Board bylaw, policy, and procedure, and in violation of Mr. Boxler's obligations as a member of this Board.
2. The Board hereby formally disavows and expresses that it in no way condones Mr. Boxler's behavior and actions with regard to the aforementioned matters, as such behavior and actions constitute violation of Board bylaw, policy, and procedure, and are indicative of Mr. Boxler's failure to meet his obligations as a member of this Board.
3. As a result of the foregoing, and to ensure that the aforementioned conduct is not repeated in the future, the Board will require Mr. Boxler to attend and participate in selected training regarding boardmanship and the Family Educational Rights and Privacy Act ("FERPA").
4. The Board President, Treasurer and/or Superintendent are authorized and directed to take all other actions as are necessary or appropriate to accomplish the objectives of the resolution.
5. It is hereby found and determined that all formal actions of the Board concerning and relating to the adoption of the Resolution were adopted in an open meeting of the Board, and all deliberations of the Board and of any of its committees that resulted in such formal

action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code, unless a lawful exception applies.

6. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Upon roll call, the vote resulted as follows:

_____	_____
_____	_____
_____	_____
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ADOPTED by the Willoughby-Eastlake District Board of Education this 14th day of September 2022.

CERTIFICATION OF TREASURER

I, Nick Ciarniello, Treasurer of the Board of Education of the Willoughby-Eastlake School District, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by said Board of Education at its special meeting on September 14, 2022.

Treasurer
Willoughby-Eastlake City School District
Board of Education