

## LAWSUIT

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The complaint, which demands a jury trial and seeks “an award of damages against (the District) in an amount to be established at trial” was filed Tuesday in U.S. District Court at Pendleton by Jennifer J. Middleton, a Eugene attorney.

Middleton said in a telephone interview Tuesday that her clients are especially interested in assuring that the District is required to change its policies regarding sexual harassment and retaliation against those who report it.

“(Katrina) Fast is an incredibly brave and strong young woman,” Middleton said. “It took a lot of courage to make the report and to continue to pursue it.

“She should have been listened to sooner,” Middleton said of Katrina. “The school district needs to be held accountable for taking a brave, strong young woman and attempting to quash her dreams.

“She hopes to play again next year and I hope they all get an opportunity to do so,” Middleton said, referring to the school shutdown due to the coronavirus pandemic.

On Tuesday, Baker School District Superintendent Mark Witty provided this statement via email in response to the Herald’s request for a comment about the lawsuit:

“While the District has been advised not to respond to specific allegations, the District can share that it disputes the allegations in the Complaint and looks forward to addressing and resolving those claims through the course of the litigation process.

“The District cares deeply about all of its students and is continually working to improve its systems, policies and practices to ensure students feel safe and supported at

“The school district needs to be held accountable for taking a brave, strong young woman and attempting to quash her dreams.”

— Jennifer Middleton, attorney for Katrina and Roberta Fast

school,” he said.

The Fast’s lawsuit seeks to require the District to adopt and enforce a comprehensive anti-retaliation policy regarding Title IX violations. Punitive damages, also to be determined at trial, are sought in an amount to deter future violations.

The complaint alleges that when Roberta and Katrina Fast complained to the District about what they considered Wilson’s excessive and unwanted touching of Katrina Fast and other members of the Baker High School volleyball team in 2018, and after their complaints were “publicized” by the District, Katrina, who is now a BHS junior, “was subjected to harassment and ostracization and ensuring that she would not play varsity volleyball.”

The complaint also alleges that the Fast’s were retaliated against for exercising their First Amendment rights guaranteeing freedom of speech. They claim that when they “spoke out on matters of public concern,” they were further retaliated against. Those matters include their complaints about Wilson, the 2019 hiring of Chelsea Hurliman as BHS volleyball coach, and the District’s alleged failure to investigate the Fast’s initial reports of retaliation against Katrina.

The complaint notes that Wilson was kept on as a BHS volleyball coach after he had been disciplined by the Oregon Teacher Standards and Practices Commission (TSPC) in November 2017. The discipline

was imposed after the School District investigated a complaint against Wilson for alleged “inappropriate teacher/student boundaries” in regard to his interaction with student athletes in his role as BHS girls JV basketball coach in 2015.

Wilson signed a stipulated agreement on Sept. 23, 2017, in which TSPC found that his actions constituted “gross neglect of duty,” in violation of state law.

His teaching license was suspended for 60 days and he was placed on two years’ probation.

In their complaint, the Fast’s contend that after he was disciplined in 2017, Wilson “continued to engage in the same kinds of behaviors toward Katrina Fast and others” in his role as volleyball coach.

The complaint further alleges that the behavior was reported to the junior varsity coach, the BHS athletic director, the assistant principal and the principal. It alleges that no action was taken against Wilson and that the District’s Title IX officer was not notified.

Roberta Fast ultimately took the issue to Witty. Witty fired Wilson from his jobs as head volleyball coach and assistant baseball coach on Feb. 25, 2019. The firing was appealed to the Baker School Board and Wilson’s termination was upheld in a unanimous vote during a public Board meeting on March 19, 2019.

During the meeting, Wilson’s supporters criticized the way the issue was handled and spoke favorably of Wilson’s character and coaching abilities. A member of the volleyball team urged the Board not to act based on comments from a few players who were dissatisfied with the coach and how much playing time they had been given.

Witty said at the time of Wilson’s 2019 firing that after the District

“The District cares deeply about all of its students and is continually working to improve its systems, policies and practices to ensure students feel safe and supported at school.”

— Mark Witty, Baker School District superintendent

investigated the 2015 complaints against Wilson — the situation that led to his punishment by the state agency in 2017 — district officials gave Wilson a written directive regarding his conduct and required that he complete Safe Schools training and training on the Coaching Handbook.

The Fast’s complaint alleges that BHS Principal Greg Mitchell’s hiring of Hurliman as the 2019 volleyball coach over a more experienced applicant led to Katrina Fast not making the varsity team.

Hurliman, who is the BHS assistant principal, is among the administrators who failed to take corrective action against Wilson after his alleged inappropriate behavior was reported, the Fast’s contend in the lawsuit.

It further alleges that every girl who had played on varsity in 2018 when Wilson was coach, except Katrina, also made the varsity team in 2019, when Hurliman was coach, including another junior player who had a back fracture and was unable to try out.

Due to what she considered unfair treatment of her daughter, Roberta Fast then contacted Buell Gonzalez Jr., who was hired as a full-time athletic director in June 2019, replacing Tim Smith, former part-time athletic director. The complaint alleges that Roberta Fast told Gonzalez that she believed the decision not to play her daughter

on the varsity team was in retaliation for their complaints against Wilson, resulting in Wilson’s firing.

Gonzales took no action on her complaint, the lawsuit states.

The Fast’s claim that as a result of the District’s retaliation against them, Katrina Fast “has experienced emotional distress which has, on some occasions, caused her to miss school. She lost the opportunity to letter in the sport that she has worked at since she was small. Because she is not on the volleyball team, she has lost opportunities for recruitment by college scouts. She has lost her core social group. She has been denied full and equal education opportunities.”

In regard to Roberta Fast, the complaint states that she “has been denied the benefit of speaking freely on matters of public concern without fear of retaliation against her child.”

The complaint alleges that the District further inflicted emotional injury on Roberta Fast through her daughter “in order to punish Roberta Fast for her advocacy, reports, and criticism on matters of public concern.”

In their claim for relief for retaliation in violation of Title IX of the federal Education Amendments of 1972 and for retaliation for exercising First Amendment rights, the Fast’s seek punitive damages to be awarded at trial on the allegations that the District denied their rights. Because of that action Katrina “has been denied full and equal educational opportunities and has suffered emotional distress and loss of opportunity for her future.”

The complaint further alleges that Roberta Fast “has suffered sleeplessness, worry, sadness, and other emotional distress in amounts to be determined by a jury at trial.”

## RANCHERS

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Sales of beef cattle make up the biggest share of the county’s biggest economic sector — agriculture.

In 2017, the most recent year for which detailed figures are available from the U.S. Department of Agriculture, 363 ranches in Baker County sold almost 47,000 head of beef cattle worth \$45 million.

A recent study commissioned by the National Cattlemen’s Beef Association estimated that cattle industry losses nationwide due to the pandemic will reach \$13.6 billion — including \$3.7 billion for cow-calf producers, the most common type of operation in Baker County.

The coronavirus has had multiple harmful effects on the cattle market, said Ron Rowan, director of risk management for Beef Northwest, a cattle-feeding company based in North Powder.

First, with schools closed nationwide and restaurants severely curtailed, demand for beef from the food service industry — which makes up about half of overall demand — has plummeted by about 80%, Rowan said.

Retail demand — people buying meat at grocery stores and other outlets — has increased at the same time, but overall demand has dropped, which has pushed prices down for live cattle, he said.

This is due in part to demand for different cuts of meat, Rowan said.

Restaurants, for instance, are major buyers of tenderloin and other more valuable cuts, while the retail market leans toward hamburger and other less valuable products. The difference is probably being exacerbated now because people have less disposable income, Rowan said.

### Virus wreaks havoc on markets

Cattle prices dropped almost as soon as the pandemic began to spread in late winter.

Frederick Phillips, who has a cattle ranch in Keating Valley about 20 miles east of Baker City, said he sold some yearlings in January and received about a dime more

## Trump orders meat plants to stay open

By Jill Colvin

Associated Press

WASHINGTON — President Donald Trump took executive action to order meat processing plants to stay open amid concerns over growing coronavirus cases and the impact on the nation’s food supply.

The order signed Tuesday uses the Defense Production Act to classify meat processing as critical infrastructure to try to prevent a shortage of chicken, pork and other meat on supermarket shelves. Unions fired back, saying the White House was jeopardizing lives and prioritizing cold cuts over workers’ health.

More than 20 meatpacking plants have closed temporarily under pressure from local authorities and their own workers because of the virus, including two of the nation’s largest, one in Iowa and one in South Dakota. Others have slowed production as workers have fallen ill or stayed home to avoid getting sick.

“Such closures threaten the continued functioning of the national meat and poultry supply chain, undermining critical infrastructure during the national emergency,” the order states.

The United Food and Commercial Workers International Union, which represents 1.3 million food and retail workers, said Tuesday that 20 food-processing and meatpacking union workers in the U.S. have died of the virus. An estimated 6,500 are sick or have been exposed while working near someone who tested positive, the union says.

per pound than at the same time the previous year.

But when he sold another group of yearlings in late February and early March, “we took quite a hit” as prices had dropped significantly.

Phillips doesn’t sell cattle in the fall, instead keeping animals on his feedlot through the winter.

That strategy is predicated on the cattle fetching a higher price after the winter — in effect, offsetting the cost of feeding the animals for several months.

But when prices dropped in late winter, Phillips said the money he spent feeding the cattle over the winter was in effect wasted.

“It’s kind of depressing,” he said.

The cattle market was still decent in some places as recently as March.

Dean Defrees, who has a cattle ranch in Sumpter Valley, said he sold some cattle in March and “they did fine.”

But prices have continued to plunge, and Defrees, who plans to sell more animals this summer, wonders what the market will look like then.

“It’s very concerning because nobody knows what’s going to happen,” Defrees said.

He said his family has been fortunate because they’re members of Country Natural Beef, a marketing group that has contracts for processing its members’ cattle at plants in Kuna, Idaho, and in Washington state.

Members are also in a relatively good position because only about 15% of Country Natural Beef’s products are sold to restaurants, with the rest going to the comparatively healthy retail sector, Defrees said.

So far, Country Natural Beef’s processing plants have been able to maintain production levels, he said.

### Packing plants close

But that’s not the case with many beef-packing plants in the region and nationwide, said Ron Currin, director of cattle procurement for Beef Northwest.

He cited as an example Tyson Foods’ plant at Wallula, Washington. The plant, which employs 1,400 people and processes more than

2,000 cattle per day, shut down last week after more than 90 workers tested positive for COVID-19.

Tyson is testing all plant workers for the coronavirus, and it’s not clear when the facility will reopen (*see related story on Page 3B*).

At least a dozen other meat packing plants in the U.S. — including ones that process hogs or chickens — have also closed due to workers being infected with the virus, according to the Food & Environment Reporting Network.

“The supply chain is broken,” Currin said. “Never in history has this happened.”

On Tuesday President Donald Trump signed an executive order under the Defense Production Act, classifying meat processing plants as essential infrastructure that must remain open (*see related story at left*).

Currin and Rowan both believe the packing plant closures, most of which have happened during the past two weeks, are responsible for the continuing decline in cattle prices.

And they both believe that once the plants return to full capacity, prices should begin to rise.

That could be a gradual trend, however, because there will be a “backlog” of cattle to be sold and processed, Currin said.

That bottleneck could be harmful not only to ranchers, as they struggle to find buyers, but also for consumers in the form of a potential beef shortage, said Curtis Martin, who has a ranch near North Powder and is a past president of the Oregon Cattlemen’s Association.

Martin describes the situation as “a vast array of chaos.”

“It shows how broken our supply chain is, and how vulnerable,” he said. “There’s definitely going to be a protein shortage at the retail level if this continues.”

To that end, Martin is working with the Oregon Beef Council — he’s treasurer of the organization — on a campaign to make it easier for ranchers to sell their beef to local consumers through local meat processors.

Ranchers can do that on a one-to-one basis now, but the idea, Martin said, is to expand the offerings.

This would benefit both ranchers who are struggling to find buyers for their butcher-ready cattle, and consumers.

Martin emphasizes that the proposal doesn’t involve any “shortcuts” on sanitation requirements or other food safety standards. But right now, he said, the expense of receiving certification through the U.S. Department of Agriculture means there are relatively few USDA-inspected processors.

But he’s convinced that local processors produce meat that’s equally safe.

Martin believes Eastern Oregonians would welcome a change in the system, at least during the pandemic, because they would appreciate knowing exactly where their meat comes from.

“I think consumer confidence in our area would not be suspect at all,” he said.

### Price manipulation claims

Not everyone in the cattle industry blames the abysmal prices solely on the pandemic and its effects on processing plants.

Jones said she believes there is “price manipulation” happening among the four corporations that dominate the U.S. meat packing industry — Tyson, JBS, Smithfield Foods and Cargill.

The National Cattlemen’s Beef Association has lobbied Agriculture Secretary Sonny Perdue and President Trump

to investigate the “striking disparity between boxed beef prices and cattle prices” in the futures and cash markets during the pandemic.

Several members of Congress have also called for a Department of Justice investigation into potential price-fixing among processors.

“Prices were lousy last year,” Jones said. “This year they’re a new lousy low.”

Jones and her husband are members of R-CALF, a cattle industry group which contends the cratering cattle prices are connected to an increase in beef imports during the pandemic.

“The record numbers of total imports that occurred in early April correspond to the seriously depressed cattle prices that cattle producers have witnessed ever since,” R-CALF wrote in a post on its Facebook page.

JBS is a Brazilian company with a U.S. subsidiary, JBS USA.

Jones said she believes America should produce all its own food rather than importing it.

“It’s very scary what’s going on now with the self-sufficiency of our food supply,” she said.

Jones said she’s anxious about the future of the ranching industry locally and nationwide.

“I really hope and pray everyone can survive it, but I know they won’t,” she said.

Commitment



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Position 3 – Board of Directors  
Oregon Trail Electric Cooperative

Knowledge

I ask for your vote so that I may continue to serve the members of the cooperative in order to achieve affordable and reliable power for our communities. As our communities are experiencing difficult times due to current events, having an experienced and knowledgeable board is essential for keeping services to its members cost effective and dependable.