

# HAMSTEAD WILLIAMS & SHOOK PLLC

LAW OFFICES

JACQUES R. WILLIAMS\*  
ALEX J. SHOOK  
ANDREW G. MEEK\*

EZRA E. HAMSTEAD (1897-1980)  
RICHARD E. HAMSTEAD (1937-1999)

\*also admitted in PA

March 21, 2019

Via Facsimile-304-326-7382

Dr. Mark Manchin, Superintendent  
Harrison County Schools  
445 West Main St.  
P.O. Box 1370  
Clarksburg, WV 26301

Re: Lee Livengood

Dear Dr. Manchin:

I am writing regarding the recent decision by the Board not to renew Assistant Principal Lee Livengood's contract for the next school year, and to request that you ask the Board to reconsider this decision. As we all know, this decision was based upon the controversy involving the incident with the transgender student. The Board's investigation into the incident, and information provided to the public, the student, and ACLU were lacking in several regards. First, there were at least three faculty witnesses that saw and heard some or all of the incident. One was standing right outside the bathroom door, and heard the entire conversation start to finish. I've personally interviewed each of the eyewitnesses, and they each say Mr. Livengood never said anything derogatory or bullying towards the student. Mr. Livengood provided the the faculty members' names to the Board's investigator. However, none of the three faculty witnesses were asked to give a statement to the Board's investigator, and only one was even interviewed. I have no idea why these witnesses wouldn't have been asked to submit statements, or why this information was withheld from the public.

Second, as you know, Mr. Livengood had no prior contact with this student and did not know that the student in question identified with a different gender. More importantly, Mr. Livengood was not informed that the student in question had privately made an arrangement with the Principal to be permitted to use the boys' restrooms. Two of the three faculty witnesses also were not aware that the student had this arrangement with the Principal. This entire incident could have been avoided had the Principal informed Mr. Livengood that the student had an arrangement to use the boys' restrooms. In addition, I find it very disturbing that you directed Mr. Livengood to remove that very information from the "apology" he was forced to write under threat of losing his job. (See attached email). I don't want to guess as to your intentions in directing Mr. Livengood to remove that information from his forced apology, but I think it was a disservice to the Board, the public, and, most of all, the student. It clearly set Mr. Livengood to be the fall guy rather than shed light on the fact that there was a serious lack of communication within the administration, and that the Board lacked a coherent and consistent policy for transgender students.

315 HIGH STREET, MORGANTOWN, WEST VIRGINIA 26505-5515

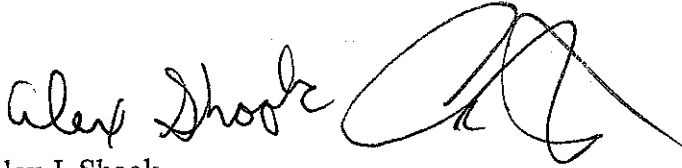
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Mr. Livengood, as a probationary employee, cooperated with your office to keep quiet and offer an apology in the hopes that the controversy would blow over. Instead, the student and the public have been misinformed, and the matter has been allowed to fester. Mr. Livengood's reputation has been unfairly excoriated across all forms of media and he has received multiple threats on his home phone. Mr. Livengood, in sixteen years in education, has never been suspended or disciplined for any reason. He respects the rights of all students and has never had any similar accusation against him. It is inconceivable that Mr. Livengood is going to lose his job when he has three independent eyewitnesses that completely corroborate his side of the story—that he never made any derogatory comments or attempted to bully the student. It reeks of a lack of due process, and I ask that you remedy this situation.

With Regards,

HAMSTEAD, WILLIAMS & SHOOK PLLC

A handwritten signature in black ink, appearing to read "Alex Shook", followed by a large, stylized flourish or scribble.

Alex J. Shook  
Andrew G. Meek

AJS/AGM

Enclosure

cc: Harrison County Board Of Education

3/7/2019

Mail - Lee Livengood - Outlook

**From:** Dora Stutler

**Sent:** Tuesday, January 22, 2019 12:34:24 PM

**To:** Lee Livengood

**Subject:** Re: Michael

Thank you. I will get back with you. Stay warm.

Sent from my iPhone

On Jan 22, 2019, at 12:21 PM, Lee Livengood <[llivengo@k12.wv.us](mailto:llivengo@k12.wv.us)> wrote:

Good afternoon Dora,

I hope this email finds you staying warm. I have attached the apology letter, please make any suggestions that you see fit. Have a great week.

Thank you,

Lee

*Lee Livengood  
Assistant Principal / AD  
Liberty High School*

<Michael 2.docx>

January 22, 2019

Michael Critchfield

Liberty High School

To: Michael Critchfield:

I am deeply sorry for raising my voice during our conversation while trying to find out why you were in the boy's bathroom. At the time of the incident in question, I had no idea of your identity status, nor was I made aware that you had an arrangement with another administrator that you were permitted to use the boy's bathroom. I want you to know that I respect your rights and I care about you also.

Sincerely,

Lee Livengood

Assistant Principal / AD

Liberty High School

**Re: Michael**

Dora Stutler

Tue 1/29/2019 10:25 PM

To: Lee Livengood &lt;llivengo@k12.wv.us&gt;

Good Evening Lee-

I just received an email from WV ACLU and they are requesting that your apology just be in your handwriting and they will give that to Michael. They are not wishing to have a face to face meeting. If you can bring me the apology tomorrow morning when you come in for training at 9:00, I will scan that to them and they can take care of that. I would suggest that this apology just be a sentence or two saying that you are deeply sorry for raising your voice and not include that you did not know. Dr. Manchin has addressed that with Mrs. Knight and does not feel this needs to be presented to Michael. He wants it to be very simple. I will see you in the morning for the training at 9:00.

Thanks-

Dora

*Dora L. Stutler**Supervisor of Personnel**Harrison County Schools**445 East Main Street**Clarksburg, WV 26301**dstutler@k12.wv.us**Office # 304-326-7342**Fax # 304-326-7382*

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**From:** Lee Livengood**Sent:** Thursday, January 24, 2019 9:44:15 AM**To:** Dora Stutler**Subject:** Re: Michael

Thank you

Sent from my U.S.Cellular© Smartphone

----- Original message -----

**From:** Dora Stutler <dstutler@k12.wv.us>**Date:** 1/23/19 9:45 AM (GMT-05:00)**To:** Lee Livengood <llivengo@k12.wv.us>**Subject:** Re: Michael