

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

2017 JUN 19 PM 12:45

Civil Action No. **'17 - CV - 01480**
(To be supplied by the court)

LETTIE RUSSELL
CLERK

BY _____ DEP. CLK

Adam Federspill, Plaintiff,

v.

Denver Public Schools,

_____,

_____,

_____,

_____,

_____,

_____,

_____, Defendant(s).

(List each named defendant on a separate line.)

COMPLAINT

PARTIES

1. Plaintiff Adam Federspill is a citizen of The United States
 who presently resides at the following address:
6934 W Ida Place #1236 Littleton, CO 80123

2. Defendant Denver Public Schools is a citizen of The United States
 who live(s) at or is/are located at the following address:
1860 Lincoln St. Denver, CO 80203

3. Defendant _____ is a citizen of _____
 who live(s) at or is/are located at the following address:

(Attach a separate page, if necessary, to list additional parties.)

JURISDICTION

4. Jurisdiction is asserted pursuant to following statutory authorities:
The United States District Court
Denver, Colorado

5. Briefly state the background of your case:

Everything I speak of here I have direct proof of, either in writing, pictures, videos, eye witness accounts or affidavits. Where I don't, I will state as such. This is a chronological summary.

On January 29th, 2015, in a meeting requested by Denver Public Schools Allison Hamel Human Resources), I reported to Denver Public Schools that the Principal (Angela Robertson) of my school (PUSH Academy), had referred to me to a colleague as a "Typical, Lazy, White, Entitled Cracker." Discrimination. I provided Denver Public Schools (Allison Hamel Human Resources) at this time a typed list of unethical and illegal (Federal, State, Local) activities occurring at PUSH Academy. Denver Public Schools (Dana Risch) began investigating the racial comments and concluded an investigation of them that 2014-15 school year. Denver Public Schools did not rule on my behalf initially. During this time I was told I was fired, had my rights to student data systems taken away and demeaned on a weekly if not daily basis by Angela Robertson, her surrogates and Denver Public Schools. Retaliation, Hostile Work Environment, Harassment. Angela's husband Charles Robertson, a convicted felon who worked out of the building through his non-profit agency YAPA, would stalk past my office and throw things. Torture. Angela's choir director from her church brought a gun to the school. Menacing. Denver Public Schools took no action to make my work environment non-hostile and their efforts to stop the harassment towards me were not effective. I would have to lock myself in my office some days. Denver Public Schools (Edward Salem, Dana Risch, Deborah Staten, John "Randal" Johnson) referred to me as an "Alarmist" and did nothing to help when I emailed them and sent them video clips of Charles Robertson acting this way as well as Charles's staff teaching students racism. Retaliation, Hostile Work Environment, Harassment.

Please See Attached

I was not allowed to interview to be an Assistant Principal in 2015, though I did interview the previous year. Angela Robertson had promised be at the beginning of the year that I would be the Assistant Principal at PUSH Academy at the beginning of the 15-16 school year in front of many. Retaliation.

When I realized that Denver Public Schools was harassing me by having my student data rights taken away (John "Randal" Johnson) and covering up the unethical and illegal activities taking place at the school, I let Denver Public Schools (Edward Salem) know that I would be filing an EEOC suit and reaching out to the Attorney General of the United States of America. I began speaking with the Department of Justice about the unethical and criminal activities in Denver Public Schools and they began visiting Denver Public Alternative Education Schools the 2015-16 school year.

I interviewed for a counseling position at Cherry Creek High School and was told I was the top candidate until after a phone call between Angela Robertson and the Principal of Cherry Creek. I was not awarded the position at Cherry Creek High School and thus returned to Denver Public Schools, PUSH Academy. Upon returning, I was met immediately, as in the first hour, by the Instructional Superintendent (Deborah Staten), Director of School Counseling (Samantha Haviland), Human Resources (Allison Hamel), the Assistant Principal of PUSH Academy Karen Powell, and Angela Robertson. Collusion, Retaliation, Hostile Work Environment, Harassment. I was forced to sign a contract, secondary to my employment contract, stating my duties as a school counselor at PUSH Academy. Retaliation, Hostile Work Environment, Harassment. This contract took away most of my previous year's duties as a school counselor. No other school counselor in Denver Public Schools was met this way upon returning to school. The individual who was contracted to perform my duties was an employee of Charles Robertson. This individual incorrectly scheduled students in classes, thus jeopardizing their graduating. I was then asked by Denver Public Schools to change my contract so that I would take over some of my duties from the previous year so that I could help students be scheduled in the correct classes in order to graduate. I did so for the students and swallowed my pride.

Angela Robertson made more racially insensitive comments in December 2015, which Denver Public Schools acknowledges (In second rebuttal to my complaints to EEOC), in front of all staff members, allowed her son Kendall Robertson, a convicted child sex offender, to be at PUSH Academy and committed other crimes related to money and equipment. Denver Public Schools placed Angela on leave after about 2 months of investigating and she resigned later that school year of 2015-16. A total of 8 staff members at PUSH Academy filed EEOC complaints at this time. Denver Public Schools deemed it too hostile of a work environment to send their investigator into the school when Angela Robertson was there. Those who met with the investigator had to go to neighboring hotels in the area. After Angela Robertson resigned, I began reporting criminal activity to the Federal Bureau of Investigation. This was done at the request of the Department of Justice Officials that I had previously spoken to. (I am purposefully leaving out names and key information due to the ongoing nature of the investigation. I am reporting on elected officials as well as members of Denver Public Schools. I hope you understand as I do not want to obstruct justice.)

I was allowed to interview for an Assistant Principal position this school year, 2016, but was not given the same panel interview as all other applicants and instead was interviewed by just one individual. I was not allowed to move further in the hiring process to be an Assistant Principal.

Karen Powell, now Principal of PUSH Academy, stated that I did not understand black people and that when a black person makes threatening large arm movements, that it is a cultural thing and has nothing to do with being unprofessional. This was regarding a complaint I made to Karen at this time. I was forced to have a meeting with other Denver Public School staff members present, including Instructional Superintendent Michael Johnson. I thought the racism would have ended with Angela Robertson.

In the Summer of 2016 I was visited by United States Government Officials and told that I was on a hit list posted by Daesh (ISIS) at my current address. My ex-wife of over 6 years, whom I share custody of my 8 year old son with, was also visited by the same United States Government Officials. She was told that she was on a Daesh hit list, at her address, as well. The odds of me and my ex-wife being on this list are roughly 90 billion to 1. Tom Boasberg is the Superintendent of Denver Public Schools. Tom's childhood friend is former Denver Public Schools Superintendent and now United States Senator, Michael Bennet. Tom's brother is James "Jeb" Boasberg, Federal Judge on the Foreign Intelligence Surveillance Court. I do not believe that I, nor my ex-wife are on a Daesh hit list. Any reasonable person could conclude this truth of this threat and retaliation. This is Terrorism, plain and simple.

I returned to PUSH Academy and Denver Public Schools the next year, only to have Denver Public Schools cut enrollment at PUSH Academy to nearly half the students that were present the previous year. I was told my position would be cut to half time in October 2016. I was forced to resign in order to find full time employment elsewhere. At this time of year due to the educational hiring cycle it is extremely difficult, if not near impossible, to find an educational job. Students in an at risk school were left without a school counselor. Many mistakes were made with scheduling students in classes. More laws were broken in my absence.

1. I engaged in a protected activity in reporting racism, harassment, hostile work environment and discrimination, which Denver Public Schools admits occurred in its second rebuttal.
2. My employer, Denver Public Schools, took MANY actions against me.
3. There is an extreme causal link between my reporting discrimination and Denver Public School's action against me.

**FIRST CLAIM FOR RELIEF
AND SUPPORTING FACTUAL ALLEGATIONS**

(Please number your paragraphs and attach any necessary additional pages.)

1. Denver Public Schools has engaged in a pattern of discrimination based on racial harassment, harassment and retaliation as it allowed staff members to continually make racial jokes, slurs, allow harassment, threats and retaliation. This pattern of discrimination was directed at me and any other staff member at P.U.S.H. Academy that spoke up to Denver Public Schools about the discrimination. EEOC v. Lockheed Martin, Civil No. 05-00479 SPK (D. Haw. settled Jan. 2, 2008)

Please See Attached

2. The following italicized is my first EEOC complaint filed Pro Se:

A. 10/02/14 Action: I was told on 10/03/14 by a colleague Rafael Diaz, that my direct supervisor, Principal Angela Robertson referred to be as a “typical, lazy, white, entitled cracker”.

B. 1/29/15 Action: I met with Denver Public Schools (DPS) Human Resources Representative (HR) Allison Hamel on this date. I reported to her the incident from 10/02/14 as well as a plethora of other racially charged incidents that have been taking place regarding other staff members (Eric Iverson, Lindsey Myers, Debbie Phillips, Sean Shanahan). I also reported civil rights violations regarding English Language Learners (ELL) and Special Education Students (SPED) not receiving appropriate services, and many other concerns that I had of illegal and unethical behavior by the principal of the school, Angela Robertson. Included in this was my firing, or “transitioning out” of the school and DPS by Angela on January 22nd. Angela’s husband, Charles Robertson, a convicted felon also works at the school through a non-profit agency. I reported that he was creating a hostile work environment for me by staring at me unwarranted and not moving out of my way when I needed to walk past him on several occasions. I explained to Allison that I would not feel comfortable going back to work at the building having provided such condemning factual information. Examples and resources were provided for every point so that it was backed up by multiple resources. Allison has never addressed my situation to date, which I feel is retaliation.

Allison Hamel, DPS HR

C.2/3/15 Action: Dana Risch, an investigator for DPS, contacted me to meet regarding hostile work environment issues, FERPA issues related to students, as well as the racial discrimination that I reported. *Attached are the notes from this meeting.

I communicated with Dana regarding video I have of Charles continually walking past my office as well as other relatives of Angela’s teaching racism to students (Khalib Barton). Non action I believe is retaliation.

Dana Risch, Investigator DPS

D. 2/25/15 Action: I communicated with Dana one last time regarding Khalib having his class (Khalib is not a licensed teacher) presenting to staff the same racist doctrine that I had video taped. It went something like this, and Khalib has a powerpoint regarding it, “Some percentage of students in DPS are students of color and some percentage of teachers in DPS are white. This is an issue because white teachers can’t relate to students of color and this further exacerbates students of color having feelings of depression and other mental health concerns.” On 2/27/15, Dana replied to me stating that she had concluded her investigation already. I feel like having to stay in the school at this point and having to hear these things is retaliation.

Dana Risch, Investigator DPS

E. 2/18/15 Action: I called the DPS HR main office phone number stating (Which I have an e-mail from HR confirming the content of the call) that I was worried and feeling uncomfortable in my work environment. Allison called me back later that day and stated that "She was sorry that I felt uncomfortable around Charles". What was happening was that Charles Robertson, who was now made aware of the accusations that I had levied against his wife, was in my office area throwing things around and making a lot of noise. I closed and locked my door as I did not feel safe. I had a conversation with Dana through e-mail about this as well. I feel like this is retaliation to have to continually work in an environment under these conditions.

Allsion Hamel, DPS HR and Dana Risch, Investigator DPS

F. 2/18/15 Action: On 2/18/15 I received an e-mail from an HR representative that I was not eligible for participation in the interviewing process as an Assistant Principal (AP). I was selected for the position last year upon Randy's recommendation and he was aware (E-mail proof) that I was applying for the position this year. I feel like this is retaliation.

Randy Johnson, Instructional Superintendent (IS), DPS

G. 3/11/15 Action: Allison Hamel and her colleague Debbie Staten (Deputy Instructional Superintendent) on Randy Johnson) forced me to have a meeting with them after I had reached out to Sarah Marks, Allison's HR Supervisor on 3/6/15 through e-mail asking for help in my situation.

Allsion Hamel, HR DPS, Debbie Staten, Deputy IS, Sarah Marks HR

H. 3/12/15 Action: Ed Salem, Data Team Partner on Randy's "team", under direction of his supervisor Randy Johnson, revoked all of my "Master Scheduling" and "Walk-in Scheduling" rights. I feel like this is direct retaliation. I explained to Ed that I had a lawyer now. The very next day, Ed had my rights reinstated through Randy. I have to continue to report to Ed even up until this date 4/22/15 and forsseable future regarding any scheduling related matters.

Ed Salem, Data Team Partner, Randy Johnson, IS

I. 3/16/15 Action: I had a meeting with Allison and Debbie in which they stated that they understood I had a lawyer and asked me not to video the conversation. Allison then preceeded to write down everything I said until I asked her to stop and suggested that we video record the conversation if this was going to occur. Allison and Debbie explained to me that they could say nothing regarding my situation or the investigation, but wanted more information from me about the school. It was a short meeting. I addressed an issue in which I had overheard that Debbie and Randy had said in a meeting of DPS officials that "I thought Adam knew what he was doing.", regarding scheduling practices. I see this as retaliation and defamation of character.

Allsion Hamel, HR DPS, Debbie Staten, Deputy IS, Randy Johnson, IS

J. 3/20/15 Action: Angela called me in to a parent meeting in which she angrily stated in front of the parent and student that I did not want to see students getting credits from certain classes taught by my certain teachers. I left the meeting due to the unprofessionalism of her bringing this up (This is information that I had reported to Allison on 1/29/15, unlicensed teachers teaching classes), tone and demeanor. The student, NF, began telling other students in the hallways, that I overheard, later in the day that I wasn't "allowing students to get their credits and graduate". Direct retaliation.

Angela Robertson, Principal, P.U.S.H. Academy DPS, Student NF and her family.

K. 3/19/15 Action: While in a meeting with Ed Salem, Angela sent Jonathan Watts, Dean, to my office to collect my radio that I had carried since the beginning of the year. Just prior to this incident I had went to the restroom and did not have my radio on. Apparently someone was radioing me and Angela stopped me in the hallway on the way back to my office and questioned me about why I didn't have my radio on. I explained that I don't keep it on when in the restroom. (It is a common occurrence that people in the building with radios don't always have them on, but usually someone does and can find the person they are looking for. The building is only 2 floors and one hallway on each floor. This is retaliation.

Angela Robertson, Principal P.U.S.H. Academy, Ed Salem, Data Team Partner, Jonathan Watts, Dean P.U.S.H. Academy

L. 4/6/15 Action: Angela verbally berated me in front of a student, family and other staff members in her office regarding what she was calling a "scheduling error" that I had made, when in fact it was regarding the issues that I had brought up to Allison on 1/19/15. Student was AS. Ed Salem was present. Direct retaliation and now a much more stressful and hostile work environment where the principal of the school is blaming me in front of parents, staff, students, and district officials as the problem entity in the building.

Angela Robertson, Principal P.U.S.H. Academy, Ed Salem, Data Team Partner, Student AS and her family

M. 4/7/15 Action: Angela began sending harassing e-mails that Ed Salem was CC'd on. Ed had to come to the school to tell her to stop. Ed, at this point, is in the building just about every day. Direct retaliation.

Angela Robertson, Principal P.U.S.H. Academy, Ed Salem, Data Team Partner

N. 4/7/15 Action: Student MS came down to the counseling center to check on her credits because she had just heard 6 students in the cafeteria talking about how the counselor was "screwing kids out of earning their credits".

Student MS

O. 4/9/15 Action: Debbie Staten and Ed Salem met with me this day and explained that Angela wasn't to have any more communication with me without either of them present or CC'd on the e-mail. I still have to meet with Angela without them and have e-mails without their CC.

Angela Robertson, Principal P.U.S.H. Academy, Ed Salem, Data Team Partner

O. 4/20/15 Action: Don Gilmore, a teacher, reported to me that Angela had explained to him that Adam was making a lot of allegations against her and confronted him on the nature of our relationship. Direct retaliation.

Angela Robertson, Principal P.U.S.H. Academy, Don Gilmore, Teacher P.U.S.H. Academy

Addendum:

5/18/15

To Whom It May Concern:

I went over my previous submission and realized I had left out one important item. Attached is an e-mail from Allison Hamel asking me to meet with her prior to any reporting events occurring and also prior to Angela Robertson letting me know I would be transitioning out of my job on May 27th, 2015.

Due to this e-mail, I agreed to meet Allison on 1/29/15, outside of my normal work hours and provided her with the reporting information I detailed earlier.

3. Denver Public Schools initial rebuttal is included. The following italicized is my response to their rebuttal filed Pro Se:

Christopher Padilla

Enforcement Supervisor

US EEOC

303 East 17th Ave, Suite 410

Denver, CO 80203

RE: Adam Federspill v. Denver Public Schools

Charge No: 541-2015-01463

Hello Mr. Padilla,

This is my rebuttal to the Respondent, Denver Public Schools (DPS) and the law firm that they hired to represent them.

RE: A. "Facts" Let me illustrate the true facts in this matter.

RE: A. i.

*Robertson did recommend me for employment, but after Randy Johnson and Steve Goldstien (Data Assessment Partner on Randy Johnson's team) spoke to her on my behalf because they knew of my skills at "Master Scheduling" and the need for these skills at PUSH Academy. I had in fact went to PUSH the previous year to my employment to look over PUSH's transcripts at the bequest of Randy Johnson because of a "problems" with them. **** Email 1 & 6*

RE: A. ii.

I did not "Omit key facts" and "accurate account" used by DPS is again a stretch of the term accurate. "Rumors I was circulating"? Where is the documentation of these alleged rumors? This is the first time I am hearing or seeing this information.

*****Email 2 Alison Hamel did reach out to me and the full context of the email is attached. I was under the impression that Rafael had clued Allison in on the things that were happening at PUSH at his exit interview and so I met with her. I provided her with a list of academic related complaints.*

*****Attachment 1 She prompted me with more questions after this and so I let her know that:*

1. Rafael Diaz let me know that Angela Robertson had referred to me a "Typical, lazy, white, entitled cracker". He told me on 10/3/14 and the conversation according to him, took place between Angela and himself the day before.

2. We discussed the websites devoted to the Robertson's.

3. (B. 1/29/15 Action: I met with Denver Public Schools (DPS) Human Resources Representative (HR) Allison Hamel on this date. I reported to her the incident from 10/02/14 as well as a plethora of other racially charged incidents that have been taking place regarding other staff members (Eric Iverson, Lindsey Myers, Debbie Phillips, Seanean Shanahan). I also reported civil rights violations regarding English Language Learners (ELL) and Special Education Students (SPED) not receiving appropriate services, and many other concerns that I had of illegal and unethical behavior by the principal of the school, Angela Robertson. Included in this was my firing, or "transitioning out" of the school and DPS by Angela on January 22nd. Angela's husband, Charles Robertson, a convicted felon also works at the school through a non-profit agency. I reported that he was creating a hostile work environment for me by staring at me unwarranted and not moving out of my way when I needed to walk past him on several occasions. I explained to Allison that I would not feel comfortable going back to work at the building having provided such condemning factual information. Examples and resources were provided for every point so that it was backed up by multiple resources. Allison has never addressed my situation to date, which I feel is retaliation.

Allison Hamel, DPS HR)

The reference "cut out a white hand and hang it up for a project" was a conversation that took place between a student and Khalib Barton in the hallway outside Debbie Phillips (Social Worker) office. I did not attribute that to Angela. I also deny I said Robertson does not like people who are not African American, that she doesn't like white people and that I said Iverson has a recording of Williams stating that she and Robertson do not like Iverson because of the color of his skin. Re: Iverson's tape, I stated that Iverson told me that he had a tape in which Williams stated that it's a shame that they don't want you here because of the color of your skin.

*I cannot help what was written down by Allison Hamel, but I did not state those things that I deny above. I told the facts as I knew them, the same as I did with Dana Risch. I now feel like I was misled as to the purpose of the meeting in the first place after reading the Rebuttal. I also expressed concern about going back to work at PUSH after turning over all of the information I did to her. ****
Email 2*

RE: A. iii.

I told Risch the same information I told Hamel. This is the first I am seeing of anything related to the investigation. The way I read the quote from Rafael Diaz is that he didn't deny portions of it, he was just being evasive about its source. I'm sure if he were to be subpoenaed to give testimony, he would more forthcoming. On 10/3/14, Diaz retold the same story he told me about the comments Robertson stated to him in the company of other DPS employees at a happy hour; Cynthia Navarro, Kim Ortiz, Dwayne Swift, Ryan Battaglia.

Regarding Iverson's tape of Williams, it doesn't seem like anyone listened to it? Did Dana Risch actually listen to the tape to conclude what was said?

I did not make innocuous allegations to Hamel regarding Charles. I indelibly, verbally told her he was creating a hostile work environment for me, also citing examples.

RE: A. iv.

*Charles is not "occasionally" present at PUSH. He is there at least 6 out of the 8 hours a day that I am, which can easily be confirmed through interviewing PUSH staff members. Charles is a convicted Felon. I have never worked with a convicted felon, who happens to know now at this point in the process that his wife is under investigation due to information I gave to DPS. How would a normal spouse act in this situation? How would a convicted felon act in this situation? Is it professional for a husband and wife to work in the same building in Leadership roles? "Perplexing" is a word used to describe my "fear" of Charles. Charles would be around my office in the early morning when no his staff weren't there. ****Emails 3 My video tape Video 1 and Risch's emails will confirm this. His staff didn't arrive until 10am. There would be no reason for him to be there before 9 at the earliest. He was outside my office in the early morning hours consistently after I reported.*

I have not mischaracterized a single word in any of my statements regarding any matter of this issue.

*I did not document the complaint of racism being taught by PUSH at the Hamel meeting because the incidents occurred after the meeting. "Obscure" is not a word that should be used when I have video evidence which I sent to Risch on her Mobile phone on February 6th as phone records will show if subpoenaed. ****Video 2 I also called Risch about the presentation of this culminating lesson taught by Khalib Barton to students in Angela's "Leadership" class to staff at a Professional Development on February 25th. Any staff member at PUSH can testify to the racial content of the presentation of students lead by Khalib and introduced my Charles Robertson. I called Risch about this. ****Email 4 Nothing was done. ****Video 3 The video of the PD I have does not capture the content that I was referring to, but shows that this event took place and that Charles was there.*

RE: A. v.

*I first began my MA Ed in Administration and Supervision upon suggestion by Josefina Higa (Principal of Abraham Lincoln High School) and Cynthia Navarro (Assistant Principal at Abraham Lincoln High School) in the Fall of 2012. I was helping Josefina with "Master Scheduling", which is a traditional AP Role and something I had done for DPS schools prior to joining ALHS. In the spring, I was promoted by Josefina to the title of AA, which in DPS is arguably the same as an AP, but without the pay and title. For example, Cherry Creek uses the term "Dean" for the "AA" position. The offer was revoked upon the forecasted budget the next year, which would not allow Josefina to fund the position the next year and she stated that she did not want to see me without a job. I still helped her regarding master scheduling and when Cynthia Navarro received the principalship of her new DPS school, EXCEL Academy, she recruited me to be an "AP" there in addition to Steven Ellis, the DPS AP. DPS went in conjunction with a private entity, Camelot, to open the school. I was hired by Camelot in the title of "Academic Coordinator", which had the same duties as an AP, except I would not be evaluating DPS teaching staff, per contract rules. I did however oversee all testing, special education, ran 2 Master Schedules (Unheard of in Education and very difficult), set up teacher professional developments and mentored new teachers. These are AP duties and I did an incredible job. So well in fact that Cynthia on many occasions reportedly told Randy Johnson, who oversaw this school as well, that I was the most valuable employee at EXCEL Academy. **** Email 5 I did all of this in a NEW school, which any educator or entrepreneur can attest to how difficult a start up organization can be to get off the ground. Later, after I left, it took 3 people just to build the schedule (Leonard Ward, Ryan Battaglia and Steven Ellis) and Ryan still had to reach out to me for help.*

*Steve Goldstein and Randy Johnson both recommended me to PUSH Academy because of the troubles they were having there regarding scheduling, transcripts, and master scheduling ****Email 6. I went there while still employed by EXCEL, a DPS school, for 2 hours one day to even help figure out what was going on. Randy personally requested I go there, which Cynthia and Angela can attest to. I was later hired at PUSH and spent all summer building their Master Schedule according to Angela's wishes. In the Fall I was let know my duties would be Master Scheduling, scheduling alpha A-L, Registration of all students, ALL testing (Site Assessment Leader), ELA testing and other duties. Angela had a conversation with me in August of 2014, which Karen Alexander can attest to, that she wanted me to be the AP the following year when Karen left and that my duties would be administrative in nature more than counseling.*

*There were 4 components to the AP pool interview process (which was brand new when I entered in 13-14), a written, a group fishbowl discussion, a teacher feedback conversation and a personal interview portion. I got nervous with the personal interview portion and overplayed my nervousness with calmness, which obviously came off as not "enthusiastic". This was a new process in which it was hard for me to prepare for and I had hoped to do better the next year. I had let Randy know through Cynthia my intentions to enter the pool that year as guided by Cynthia was what I needed to do in order to gain admittance to the pool of candidates. Angela gave me the same advice in 14-15 and I have an email that I contacted Randy about gaining access to the pool at this time. ****Emails 7*

A concrete example of how this works is that I applied for the Principalship (Another Title was given for this position) of the Gilliam School by accident as Ed Salem had told me that a position was going to be opening up there. Ed must have relayed the message to someone, as I was then called to an interview in which, by my own admission, I did not have a right to be at and did not do well. I would need several years as an AP in order to be a principal. How was I selected to interview for a position I did not meet the qualifications for if there is not another system to bypass it for some candidates? See **Emails 7 as other examples.*

Regarding the opinion of the law firm of my cover letter and resume, I thank them for the constructive criticism and will do better next time.

Given all of the above background information, I believe that I am more than qualified to be an Assistant Principal in DPS as I have already been an AP in DPS by duties, just not by title.

RE: Section vi

As stated previously in this rebuttal, "I was later hired at PUSH and spent all summer building their Master Schedule according to Angela's wishes." The fact that it states that I did not have Master Scheduling Rights is an outright lie. How could any students have been scheduled had I not had rights? I had to build the schedule first in the Infinite Campus database system before any students could be placed there. DPS's Department of Technology Services (DOTS) as well as Angela's emails to request my access will give one a trail of this.

Angela lost her master scheduling rights before I did, which can easily be cleared up by subpoenaing DOTS records and rights of access. I received my master scheduling rights back only after I told Ed Salem that I had hired an attorney, which was my way of complaining. "Walk in scheduling" rights are in this case are an addendum, though important. Ed also could see that I was doing a good job with the master scheduling. So good in fact, that he said that I could use him as a reference, which I did in many of the cover letters I sent out as I was applying for jobs in the DPS system, which can be easily retrievable by their attorneys. I did not receive one interview for all of the positions, 10+, that I applied for after the Gilliam interview, although I am more than qualified for school counseling positions. So qualified in fact, that Debbie Staten and Ed both mentioned a counseling position would be created at the Gilliam for me and that they were just waiting on funding.

Regarding Johnson's statement, that "There has not been a discovery of an intentional violation of DPS Board Policy or an intentional violation of recommended procedures" due in part to an "internal review" Angela, Karen Powell and "school counselor", which I believe to be me, is interesting. I was never interviewed regarding the information I presented to Hamel as part of an investigation, nor were any other key individuals that I listed in the documentation. I liken this investigative method to following example:

"A person reports a crime to the police and has documented evidence of such crime as well as key witnesses. The police, instead of interviewing the witnesses and victims of the crime, interview the perpetrator of the alleged incident and an individual who didn't have any knowledge of the crime. After the information is collected in which the alleged perpetrator denies the allegations and the other individual interviewed denies knowledge of them, the case is dropped. "

DPS does not have a regulatory agency. The CO Attorney General refused to look into the matter due to a statement that they needed to have more complaints. The Colorado Dept of Education is not a Regulatory Agency. The US Dept of Justice only looks into matters primarily concerning the "Consent Decree" and ELA students.

RE: A. vii.

***** Email 8 Let's just have the court subpoena the family's that she harassed me in front to clear up this fact. I have all their names, as were stated in my original complaint, plus more now as more harassment took place after my initial report. Three students and their families will testify.*

*Allison Hamel sent me an ****Email 9 on 4/11 asking for me to meet with Angela on behalf of Debbie Staten, just days after I had to have Ed and Debbie intervene on my behalf due to ongoing harassment from her. The email states "Debbie feels that Angela is in an open place where she could productively sit down and share information and also hear from you on things that you may want to discuss." I interpret this as that prior to this email, she was not in an open place where we could productively talk.*

*****Emails 10 and 11 detail harassment. I in fact was never given a computer nor keys to my offices from the first day of work at PUSH until Deborah Staten intervened. ****Email 12. I also never received an Ipad at the beginning of the year like the rest of staff or her son Kendal Robertson did. Emails 11 show several emails that were continuous and had no real relevance to any mistakes that I had made, just her harassing me. It got to the point that I couldn't respond without her responding to me in an unprofessional manner. Ed told me over the phone not to respond to any more of the emails, and he spoke with her according to the email to stop her harassing me. I told Ed that the harassment would just shift from her directly harassing me to her having others harass me (See email 10).*

Regarding Watt's complaint of me, this is the first that I am hearing of it, let me recall to you the true events of this event. On May 27th during a fire drill I was walking back into the building with teachers Richard Clymo and Lydia Amewu (This took place outside the building and outside the main office. There were no walls present.) past Angela, Watt's and Sheila Mauldin (facility manager) when I overheard Angela whisper "Clymo and Federspill" to the group. She did this in such a manner as the rest of the

*group quit talking and looked down while Angela just looked at me. The way it was stated at the time made me think that it was typical harassing behavior and that it was sexual in nature. I reported this incident immediately to Salem, who told me to go ahead and leave for the year, but to also report the information to Hamel. I called Hamel and reported the information. **No investigation into my complaints was ever made. I see that Watt's statement and complaint were taken though. I view this as further harassment. (This is a new charge in an ongoing issue. One of which I emailed Todd Chavez about on June 1st about the incident which occurred May 27th.) *****Email 12.** I have not seen any rule where I can't professionally confront an employee about an issue. This happens normally throughout the course of everyday work. Please see the email, but I stayed at the school working until the end of the year despite everything because I did not receive a satisfactory answer to my questions and was concerned.*

To further expound about a comment Watt's stated about his office being "bugged". I made this comment to him in jest and in front of CSO Marcellus Roberts. Patricia Williams, a former teacher, told me to "not talk to Watt's" and inferred that Watt's was verbatim telling Angela anything and everything that I said to him. I explained this to Watt's as well as the "bugged" comment in front of Roberts as well.

RE: B. a.

*I did suffer adverse employment action by not being allowed to interview for the AP position although I did the right things such as apply and contact Randy Johnson. **A new development related to this is that all of my master scheduling privileges were taken away from me and now given to Assistant Principal Karen Alexander. Furthermore, a contract counselor was hired over the summer to schedule students rather than having me do this.***

I applied to any in-district position that I saw available that met my skill set over the summer. I did not receive one interview. Applying outside of DPS would result in a loss of substantial wages, but I began doing this in August and interviewed at Cherry Creek High School and was one of the top 2 candidates. Also, in applying outside of the district, I realized that it would take me another 5-10 years at least to be considered for administration jobs.

*Allison Hamel began e-mailing me the week before school started asking if I was returning, if so then there needed to be a meeting and suggesting that I apply for other jobs, Morey Middle School *****Email 13. Upon return to work on August 17th, I was required to have a meeting with Allison, Now Instructional Superintendent Deborah Staten, Head of DPS Counseling Services Samantha Haviland, Angela Robertson and Karen Powell. At this meeting my duties for the year were described to me, which were a complete 180 from my job description the last year. I no longer would have anything to do with scheduling, testing, registration, ELA, etc... And instead would only focus on College Counseling and Personal Education Plans. I was given a contract to sign **** Email 14 and Attachment 2 at the meeting of these new duties, which I refused until I had the time to look it over (To this date, 9/3, I have not yet signed this contract, which is separate from my employment contract, because my duties keep changing and the wording in the document keeps changing). I would like to*

know of ONE other counselor in the district or ONE other employee at PUSH Academy who was met with these same circumstances upon their return to work. Blatant Harassment.

Samantha requested to DOTS in an email dated August 11th that all of my Infinite Campus (DPS's main software database system where all scheduling and transcript entry is done.) rights be taken away. DOTS got around to processing that e-mail on 8/26 when all my rights were taken away.

RE: B. i.

I have worked for, or in a DPS High School going on 9 years now.

RE: B. ii.

I think I have demonstrated throughout this rebuttal that I have had an adverse employment action in two different ways, not obtaining the interview for an AP as well as loss of status in the school.

RE: B. iii.

Merriam Webster defines discrimination as "The practice of unfairly treating a person or group of people differently from other people or groups of people." By being referred to as "A typical, lazy, white, entitled cracker", I think I fit under the category of unfair treatment.

RE: B iv.

I've already explained above how this is false.

RE: B. b.

See video tapes, emails and above documentation please. I disagree with their denials.

RE: B. c.

"The District concedes Federspill's race discrimination claims in the Hamel meeting constitute protected opposition." I think I've more than proved that I have suffered adverse employment actions.

I would like to move to the next step in the process as quickly as possible in order to resolve the matters at hand please.

Sincerely,

Adam Federspill

4. Next is my affidavit of events occurring starting in December 2015.

AFFIDAVIT OF ADAM FEDERSPILL

I, Adam Federspill, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. I am a School Counselor licensed in the State of Colorado. My background includes working with developmentally disabled adults and children and in special education. I have two Master's Degrees, one in Counseling and one in Educational Leadership. I also have an initial principal's license. I have worked with Denver Public Schools for nine years. I am currently the school counselor at PUSH Academy, an alternative school within the Denver Public School District. The primary focus of PUSH is to provide students who have not achieved in other academic settings an opportunity to make up classes and graduate with an education comparable to those students who have not had such problems.
2. I have several very serious concerns about the hostile environment for both students and faculty at PUSH Academy. The current principal, Mrs. Angela Robertson has made numerous inappropriate racial remarks to staff regarding being "white". White staff members are subjected to inappropriate questioning, inappropriate comments, jokes and racially charged taunts.
3. She told my counterpart, a Hispanic counselor/college and career readiness advisor, that I was a "typical, lazy, white, entitled, Cracker." He told me this on October 2, 2014. He left in the middle of the school year, December, 2014, telling me that he could no longer tolerate the intimidation by Mrs. Robertson.
4. On December 7, 2015, I was present when Mrs. Robertson, during a faculty meeting where the discussion was focused on the upcoming

graduation, and the faculty were discussing what to wear during the ceremony. Someone suggested that we wear our traditional robes and hoods like other schools do. Immediately upon the mention of hoods, Mrs. Robertson shouted “Hoods! Hoods! I’m from Louisiana—someone says hoods, we start runnin!” She did not use her normal voice, but adopted an exaggerated southern drawl and accent, and acted the part of someone scared as if someone was chasing her. She next stated, “Look at all the white people lookin’ at the floor”. Not until then was it apparent to all the staff present that she was making a reference to the Klu Klux Klan. Her demeanor was full of anger and passion, suggesting that all the white people in the room were either Klan, or descendants’ of Klan members.

Mrs. Robertson was acting in her normal intimidating manner, this time coupled with flagrantly racial attacks on those whites in the room, and which I have experienced before.

5. Mrs. Robertson bullies and intimidates faculty and students. With regard to students, she does not follow the student discipline guidelines as established by Denver Public Schools; there are no suspensions and very few if any behavioral infractions logged in the PUSH academy records. Instead, she wields her own brand of punishment, by kicking students out of the school, or as she calls it, “transitioning “ students out, according to her own unwritten and constantly changing set of rules. She frightens students/guardians into submission, and scares them into leaving, without expulsion hearings or any due process. Because they do not know better, they leave. They do not dare to challenge Mrs. Robertson. This happens to at least 50 students per year.

6. Mrs. Robertson’s son, Kendall was employed at the school through Mrs. Robertson’s husband, Charles Robertson, who occupies half the second floor of the school through some arrangement with the District. While working for DPS, Kendall was the basketball coach at PUSH last year. He also had a job at another DPS school, High Tech Academy. It came out in

the newspaper that Kendall was charged with inappropriate interactions with female students. After he was apparently found guilty of a misdemeanor in the Fall of 2015, he regularly was at PUSH, co-coaching the basketball team and at the school in general. One of our female students reported to a teacher that Kendall used to take her and another girl out to smoke marijuana at lunch time during the school day. The teacher brought the issue to me as the school counselor, and I contacted my union representative who complained to the district. The next day, Instructional Superintendent Deborah Staten came to PUSH and questioned me. I told her about Kendall and the allegation that had been brought to me. She advised me to call Denver Police and DPS safety and security. I had already called Denver Police the day before as well.

During the week of my complaint, Mrs. Robertson addressed the staff saying that legally, Kendall was allowed to be in the building and she did not understand why the staff was uncomfortable, but she wouldn't have Kendall come to the building any more.

The female student came to me before school on January 7, 2016 and was visibly upset. She said that Mrs Robertson had called her mother the night before and requested a meeting with her and her mother. The student said she hadn't slept at all the night before and that she was extremely worried she would be kicked out of school. I was concerned that Mrs Robertson would be confronting the student regarding what she had said to the staff member about Kendall and so after consulting with the Assistant Principal at PUSH Academy, Dr Karen Powell, I emailed Instructional Superintendent Deborah Staten the details of the situation and asked her to call me. She called me and stated that it was completely appropriate for Mrs Robertson to take a statement from the student since one had not been taken. I let her know I disagreed and she stated that maybe I did not understand district protocols. I stated that I do understand how to handle such situations, just not when they are directly related to the Principal's son and asked her what I should do. Instructional Superintendent Deborah Staten stated to do nothing and let the interaction between the student, her mother and Mrs Robertson occur. I contacted my union representative about this as the student was coming to me for information as to why Mrs

Robertson was requesting the meeting and was frightened. I was summoned to Angela's office, where she told me she was going to call the students mother regarding her allegations about Kendall, and I told Mrs. Robertson that I did not think it was in her nor her student's best interest to speak with the student about Kendall. Mrs. Robertson expressed to me she would drop it and not contact the student. I found out later that Mrs Robertson asked another staff member to take a statement from the student. No statement was ever taken from the reporting teacher to the best of my knowledge, just the student.

FURTHER AFFIANT SAYETH NAUGHT.

Adam Federspill

Date

NOTARY

COUNTY OF DENVER)

STATE OF COLORADO)

The foregoing affidavit was acknowledged before me this 7th day of January, 2016, by Adam Federspill, who appeared before me personally and whose identity was verified by his Colorado Driving License.

My commission expires:

Kyle Zinth, Notary Public

Stamp:

5. In Denver Public Schools second rebuttal (Attached), they admit to Robertson making “unprofessional Comments”.

“-Robertson conducted a staff meeting on December 7, 2015 to discuss staff attire for an upcoming graduation event. The staff discussed if they should wear hoods and gowns. Robertson replied “hoods, hoods, I am from Louisiana and when someone says hood we start running.” Robertson followed that comment with, “Look at all the white people looking at the floor.”

-Robertson asked several candidates during the interview process if they had a problem taking orders from a black woman.

-Robertson advised a Caucasian teacher that she was having a difficult time getting along with a student because the teacher was white.

-During a conversation with an African American DPS Superintendent, Robertson was agitated and advised the Instructional Superintendent “You’re talking to me like those white people talk to me” and then made reference to his wife and children being white.

-Robertson told a teacher that she is “blacker” than most people because the teacher acts “pretty hood” sometimes.”

If the above admissions don’t constitute a continued allowance for discrimination, harassment and a hostile work environment by Denver Public Schools, then I obviously don’t know what does.

6. Besides what is included in the EEOC complaints (Discrimination, Harassment, Retaliation, Hostile Work Environment and loss of wages due to the inability to be promoted.), ultimately I was forced to resign from Denver Public Schools due to my position being cut to half time, against the school committees suggestion. Constructive discharge occurs when the employer, by its illegal discriminatory acts, has made working conditions so difficult that a reasonable

person in the employee's position would feel compelled to resign. *Derr v. Gulf Oil Corp.*, 796 F.2d 340, 344 (10th Cir.1986). *Yearous v. Niobrara County Mem'l Hosp.*, 128 F.3d 1351, 1356 (10th Cir.1997) (quoting *Woodward v. City of Worland*, 977 F.2d 1392, 1401 (10th Cir.1992)).

7. Any reasonable person will also be able to conclude the causal relationship between my reporting and the fact that I was placed on Daesh (ISIS) hit list. In July of 2016 I was visited by United States Government Officials and told that I was on a hit list posted by Daesh (ISIS) at my current address. My ex-wife of over 6 years, whom I share custody of my 8 year old son with, was also visited by the same United States Government Officials. She was told that she was on a Daesh hit list, at her address, as well. The odds of me and my ex-wife being on this list are roughly 90 billion to 1. Tom Boasberg is the Superintendent of Denver Public Schools. Tom's childhood friend is former Denver Public Schools Superintendent and now United States Senator, Michael Bennet. Tom's brother is James "Jeb" Boasberg, Federal Judge on the Foreign Intelligence Surveillance Court. 18 U.S.C. § 2332b(c)(1)(g) makes it a class C felony, punishable by 10 years imprisonment, for someone to willfully threaten to commit a crime that will result in death or great bodily harm; the threat is made with the specific intent that it be taken as a threat; the threat is so unequivocal, unconditional, and specific as to convey a gravity of purpose and immediate prospect of execution; the threat actually causes fear in the victim; and the fear is reasonable.

8. Please see Attached response to Denver Public Schools second rebuttal. This was prepared by Cathy Cooper and describes more discrimination, retaliation and a hostile work environment.

9.
 1. I engaged in a protected activity in reporting racism, harassment, hostile work environment and discrimination, which Denver Public Schools admits occurred in its second rebuttal.
 2. My employer, Denver Public Schools, took MANY actions against me as I have demonstrated above.
 3. There is an extreme causal link between my reporting discrimination and Denver Public School's action against me.

10. Through the process of Discovery and submission of other documents, pictures, and videos in my possession, at the time of trial, I will be able to prove a pattern of hostile work environment by Denver Public Schools to students and staff.

I will be able to prove a culture of manipulation by blackmailing in Denver Public Schools.

10. Through the process of Discovery and submission of other documents, pictures, and videos in my possession, at the time of trial, I will be able to prove a pattern of hostile work environment by Denver Public Schools to students and staff.

I will be able to prove a culture of manipulation by blackmailing in Denver Public Schools.

I will be able to prove that "hit lists" pertaining to firing staff members exist by Denver Public Schools Superintendents and Principals.

I will be able to prove the unlawful corporal punishment of students and Denver Public Schools allowance of it.

I will be able to prove the ongoing culture of sexual harassment by Denver Public Schools Principals and Administrative Staff.

I will be able to prove the cover up of a crime pertaining to 17 male students inappropriately touched by a male Principal and the Superintendent's awareness of this.

I will be able to prove systematic social oppression by Denver Public Schools.

I will be able to prove many other things as well pertaining to Denver Public Schools that are related to an ongoing criminal investigation that I cannot speak about at this time.

Attachments on DVD disc:

-1st Rebuttal by Denver Public Schools

-2nd Rebuttal by Denver Public Schools

-Scanned email responses to 1st rebuttal (This is the documentation I refer to in my response to Denver Public Schools 1st rebuttal.)

-Documentation (This is what I gave Allison Hamel at our first meeting.)

-Referenced miscellaneous videos

Attached exhibits

- 8/31/16 response to rebuttal (2 pages)

- Affidavit (2 pages)

- 10/6/16 respond to DPS rebuttal by Cathy Cooper

|

8/31/16

Re: Adam Federspill vs Denver Public Schools
EEOC Charge Number: 541-2016-01570

Rebuttal to Respondents position, June 28, 2016

Dear Inspector Lowell "Art" Pate,

Best wishes that you are having a good day.

Regarding Denver Public School's LEGAL ANALYSIS section, I stand by my claims of discrimination, retaliation, hostile work environment and adverse employment action previously submitted and will not waste your time by reiterating them here again. I think it is clear how Angela Robertson felt towards white individuals based on this respondent's position admissions and how I was systematically retaliated against.

Regarding i, ii,

In regards to Dana Risch and what she alleges I said in her interview this year and last, Dana herself told me that Semple, Farrington & Everall are not quoting her correctly in these respondent positions, omitting items and sometimes outright lying. I never signed Dana's notes from our last meetings, but did send her a corrected version of what I said, that was never formerly typed or returned to me. I never would have stated that I alone heard a comment in a room full of people (In the last position statement DPS states that I could "magically" hear through walls. I deny that I can magically hear through walls, by the way.) . Again, Dana Risch herself explained to me that Semple, Farrington & Everall are not quoting her correctly, lying and omitting items. This section that they wrote is called Facts? I think not.

Regarding iii

Interesting how it states DPS found that Angela Robertson mismanaged the school during the 2014-2015 school year, but in my previous Respondent's Position Randal Johnson goes on and on how "there has not been a discovery of an intentional violation of DPS Board Policy or an intentional violation of recommended procedures." It's actually fascinating all of the contradictions between this Position Statement and the last one.

Regarding position v.

I was forced to sign a contract listing my duties as very secretarial in nature. This contract was HUGE change from the year before. Gone was any hope of mine to advance with DPS and I was stifled. I am a good employee and do what I was told to do. In this case, during the 2014-2015 school year and after I made my complaint to DPS, I was told what my job was by Edwin Salem, because Deborah Staten and Edwin Salem were directed to keep Angela away from me and stop harassing me. Previously, I was directed how to perform my duties by Angela Robertson. I have countless emails and phone records to

I, Adam Federspill, hereby state that the following facts are true and accurate to the best of my knowledge and belief:

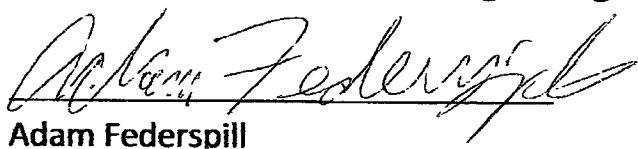
1. I am the school counselor at PUSH Academy. As such, I have first-hand knowledge of student enrollment figures, school budget, school planning documents, and staff assignments. I have been the counselor at PUSH for three years.
2. The notes attached hereto dated 2/18/16 are notes I recorded at the time of the described meeting, and were based on my observations at that time.
3. In 2015-16 there was a known gang presence at PUSH. Many of our students last year and this are involved with the criminal justice system.
4. I brought concerns regarding discrimination and hostile environment to the school district's attention in January 2015. The school district took no action to remedy these problems, and has continued to deny there was anything improper, including discrimination, at PUSH.
5. PUSH has the capability to serve approximately 280 students. Currently, there are only 70 students actively attending PUSH, and about 113 enrolled. PUSH was aware of the number enrolled for 2016-17 in May, 2016. There was no effort by the District to enroll students over last summer as there had been in the past. In August, there were close to 40 students who could have been enrolled this year to raise our student count and avoid staff cuts. Suddenly, we were not enrolling any new students this fall.
6. As a result of the artificially low enrollment at PUSH, DPS has cut 1 math teacher, 1 pro-tech employee, and half of my position was cut. Rich Clymo was

7. On September 16, 2016, I was notified that my position would be cut in half effective October 21, 2016. The district has not assigned me to a second half time job to make up a full time position. I have therefore lost half my income for the remainder of the year. Attached is the notice I received from the district.

8. Despite our low enrollment, and despite the cuts, PUSH added a full time administrator position this year—an assistant principal who has not worked at PUSH before. This means we have two administrators, an Instructional Dean, and a Dean of Students (Behavior) for 70 active students. This makes no sense.

9. We have been informed that PUSH will no longer exist as a school for next year, but will instead become an “Engagement Center” school. This means that there will be a new “Edgenuity” curriculum, a solely computerized curriculum. A feasibility study has been conducted by Denver Public Schools. The name of the school replacing PUSH is “Montbello Engagement Center”.

10. Our PUSH students are highly sensitized to issues of race. Race issues must be handled at PUSH with a high degree of sensitivity and professionalism. Angela Robertson frequently played into racial divisiveness and attempted to influence students of color against Caucasian teachers. Even though she is no longer at the school, I have been informed by numerous students, parents and staff in contact with her that she continues to agitate against the Caucasian teachers at PUSH.


Adam Federspill

2

prove this in court/mediation. No other counselor was forced to sign such an agreement in the district. The fact that they used a template is the same thing as saying that a company copied McDonald's employment application as their own. A forced signature contract is a forced signature contract.

Regarding position vi.

So this time I allegedly didn't give great feedback regarding the teaching lesson. Last time it was that I allegedly didn't "interview" well in the question and answer interview activity, but did great in all the others, including feedback regarding the teaching lesson. What will it be next? He wore purple socks, thus not demonstrating professional attire?

Furthermore, I will provide witnesses that individuals in DPS Human Resources and other employees who work for Randal Johnson defamed my character, in court/mediation.

I have a lot more to say and comment about other things going on, but am not legally allowed to do so unless in front of a federal judge.

I hope you see through this farce perpetrated by DPS and allow me my day in court/mediation.

Have a great day.

Sincerely,

Adam Federspill

REQUEST FOR RELIEF

Plaintiff requests the following relief:

I would like to invoke my right to a Jury Trial. I will be requesting two million, five hundred thousand dollars in compensatory wages consisting of loss of compensation due to the discrepancy in pay between a school counselor and assistant principal as well as pain and suffering. In addition, I will be requesting punitive damages in the amount of two million, five hundred thousand dollars, which I will use to start an organization to monitor school districts across the country and help those affected by wrongdoing. Total relief requested is \$5 million dollars.

Date: 6/19/17



(Plaintiff's Original Signature)

6934 W. Ida Place #1236

(Street Address)

Littleton, CO 80123

(City, State, ZIP)

303.242.0575

(Telephone Number)



U.S. Department of Justice
Civil Rights Division

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL

7003 0500 0002 5071 3348

950 Pennsylvania Avenue, N.W.

Karen Ferguson, EMP, PHB, Room 4701

Washington, DC 20530

March 20, 2017

Mr. Adam L. Federspill
c/o Cathy L. Cooper, Esquire
Attorney at Law
1570 South Monroe Street
Denver, CO 80210

Re: EEOC Charge Against Denver Public Schools
No. 541201601570

Dear Mr. Federspill:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

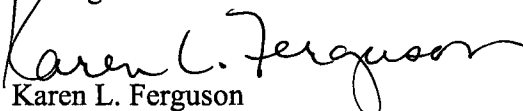
If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Denver District Office, Denver, CO.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

T. E. Wheeler, II
Acting Assistant Attorney General
Civil Rights Division

by 
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Denver District Office, EEOC
Denver Public Schools

October 6, 2016

Mr. Lowell Pate
Equal Employment Opportunity Commission
303 E. 17th Ave., Suite 410
Denver, Colorado 80203

Re: Combined Rebuttal to DPS Responses to:

Charge Nos. 541-2016-01592 and 541-2016-01208 --Richard Clymo v. DPS¹
Charge No. 541-2016-01567-----Matt Neely v. DPS
Charge No. 541-2016-01568-----Lindsie Myers v. DPS
Charge No. 541-2016-01570-----Adam Federspill v. DPS²

Dear Mr. Pate,

The above charges arise from the discriminatorily hostile environment created and perpetuated by the former principal of PUSH Academy, Angela Robertson and her surrogates against the charging parties at PUSH Academy, a high school within the Denver public school system. This correspondence constitutes the combined rebuttal to Denver Public Schools' four individual responses to the above referenced charges of discrimination.

¹ Mr. Clymo's initial charge was intended to be a group charge, brought on behalf of himself and all others similarly situated.

² Mr. Federspill asks that this rebuttal be considered in his charge before the EEOC in addition to the rebuttal he filed *pro se*.

I. PROCEDURAL BACKGROUND THE “TOTALITY OF THE CIRCUMSTANCES” APPROACH

Although the school district has chosen to respond to each of the above charges individually, that approach does not provide the legally required context and scope of what the claimants experienced in the workplace at PUSH. That is, the District’s approach ignores the “totality of the circumstances” test for a hostile environment claim. “[T]he very term ‘environment’ indicates that allegedly discriminatory incidents should not be examined in isolation.” *EEOC v. PVNF, LLC.*, 487 F. 3d 790, 799 (10th Cir. 2007); *Penry v. Fed. Home Loan Bank of Topeka*, 155 F.3d 1257, 1262 (10th Cir.1998). Moreover, by treating each charge as independent, the district’s responses are virtually identical in many paragraphs, both those containing factual assertions and those asserting legal arguments. The few exceptions are those paragraphs detailing historical differences among charging parties, and those paragraphs making legal arguments apparently unique to an individual.

We take a different approach. The above referenced teachers all taught at the same school, PUSH Academy, and were subjected to many of the same hostile environment experiences during the 2015-16 school year and before, under the direction and administration of Angela Robertson, the former principal. Their shared experiences at the school constitute the “totality of circumstances” evidence in support of the Charging Parties’ claims. The facts testified to in the

affidavits³ made by the charging parties themselves supporting their charges, plus the evidence included in the affidavits of Adam Federspill, Donald Gilmore, Eric Iverson, Allen Hagerman, and Amanda Willhite, all taken together, present the true picture of the hostile environment at the school. Given that one must consider the “totality of the circumstances”, all affidavits and other evidence submitted, taken together, provide evidence to support not only an individual charging party’s complaint of hostile environment, but one another’s complaints as well.⁴

This approach is supported by the law on hostile environment claims: “The objective hostility of a work environment depends on the totality of the circumstances, viewed from the perspective of a reasonable person in the plaintiff’s position, considering all the circumstances including the social context in which particular behavior occurs, and is experienced by its target. *Petrosino v. Bell Atlantic*, 385 F. 3d 210, 221(2nd Cir. 2004), (quoting *Oncale v. Sundowner Offshore Svcs.* , 523 U.S. 75, 81,(1998).(emphasis added). A Court must take care not to view individual incidents in isolation. Where state of mind and intent are

³ Affidavits of the Charging Parties are at Ex. 23 unless otherwise noted. Aff.2 signifies the “second” affidavit of the individual cited. The EEOC has the original affidavits of Federspill and Clymo; those are not in the possession of the undersigned.

⁴ Two pending charges, those of Eric Iverson, Charge No. 541-2016-01591, and Allen Hagerman, charge number unknown, are still in process. The affidavits of those individuals likewise apply to the shared experience of all these teachers, as well as the affidavits of Adam Federspill and Donald Gilmore, who is represented by counsel from the Colorado Education Association.

at issue, the court should not view the record in piecemeal fashion.” *Kaytor v. Electric Boat Corp.*, 609 F.3d 537, 548 (2nd Cir. 2010).

Thus, in view of the prevailing law, and rather than burden your office with three repetitive rebuttals, we have chosen to combine the charging parties’ factual statements and legal arguments, and include references to their affidavits, and those of their colleagues.

II. STATEMENT OF FACTS

A. PUSH Academy

PUSH Academy (Persevere Until Success Happens) is one of Denver Public Schools’ “Pathways” schools. It is a high school. The students who attend this school, as is true with other District Pathways schools, are those who, for one reason or another, have not had success in traditionally organized high schools. PUSH is a “traditional school” in that it is neither a “charter” nor an “innovation” school, but it is an alternative school, one where students are hoping to be successful in securing sufficient school credits to graduate with a diploma under a modified curriculum and an individualized teaching /counseling support approach. The student body is almost exclusively minority, with approximately 70% Hispanic students, the remaining students being African Americans; there is one Caucasian student. The faculty at PUSH was culturally and racially diverse in 2015-16.

The students enrolled at PUSH face harsh life challenges and multiple ones. There was, in 2015-16, a known gang presence at PUSH; some students were and are involved in the criminal justice system--some wore ankle monitors to school, some have probation officers. In this school, a high degree of cultural and racial sensitivity, racial and social acceptance and understanding, and diplomacy are key to learning as well as maintaining a positive climate at the school. (Affidavits of Clymo and Federspill).

And that is an essential point: this is a school-- a public institution, a branch of a local government, a governmental endeavor paid for in large part through taxes, serving solely children, and presumably serving the public good. This is not a business, a trucking company, a construction site, or the kind of private adult workplace where workers can engage in rough and tumble humor, occasional sexual innuendo, off color racial jokes, or other "run of the mill boorish, juvenile or annoying behavior that is not uncommon in American workplaces." [Respondent's brief at p. 10, quoting *Morris v. City of Colorado Springs*, 666 F. 3d 654, 663-64 (10th Cir. 2012)]. The social context of this workplace is specialized.

B. Policies and Requirements for Professional Behavior in a School Environment: A Unique Context

This is a school. The faculty and administration are required to be highly educated and trained professional individuals. As required by state statute, they have at least earned their Bachelor's degrees, many have obtained Master's degrees. The teachers and administrators must be (and the Charging Parties have

been) licensed. They have been officially investigated, vetted and approved by state agency—the Colorado Department of Education (CDE)—during the licensure process, including the required criminal background check. Many have long experience in schools or classrooms; some among the charging parties have intentionally chosen to work in inner city schools for years (Clymo, Gilmore, Hagerman); others (Myers, Neely, Iverson) are beginning careers in public education. They applied to and chose to work at PUSH because they want to work with this special student population and help these students reach their potential in the face of adversity.

Behavior that is expected to be tolerated, or which is excused in other, commercial, workplace environments is not tolerable in a school. A very high standard of behavior is expected and must be enforced. Policies have been adopted by the board of education, including a collective bargaining agreement (the “Agreement” or the “Contract”) between the district and the teachers’ professional association (Denver Classroom Teachers Association—DCTA), to ensure maintenance of special standards. As stated in the collective bargaining agreement between Denver Public Schools and DCTA, at Article 26-4: “The District and the Association affirm the importance of good staff morale to the instructional and operational programs of a school. Teachers and administrators are expected to exhibit positive attitudes and professional behavior that will maintain and enhance good staff morale.” At Article 26-6, the Agreement requires: “Every teacher and administrator is expected to exhibit sensitivity to ethnic-minority persons and to promote the success of students from multi-

cultural/multi-ethnic backgrounds.” Other provisions of the contract likewise emphasize the need for a professional, respectful, atmosphere in a school:

- Article 5-1-5: A positive school climate is also an important component of improving student achievement;
- Article 5-1-4: Teamwork among teachers and with the principals is an important component for improving achievement. Teachers shall have a significant role in identifying and developing the instructional program;
- Article 5-1-5: Implementation of the District’s instructional program is complex and best accomplished when there is mutual respect among a school’s administrators and teachers and a joint commitment to problem solving. Such an atmosphere in no way diminishes the authority of the principal or the professionalism of the teachers.

These Articles are not simply contractual provisions, they are adopted as Board Policy: Article 2-8: “This agreement constitutes District policy for the term of said Agreement, and the Board and the Association will carry out the commitments contained herein and given them full force and effect.” Moreover, both parties to the agreement explicitly agreed “to abide by and enforce the provisions of this Agreement in good faith”.

Article 2-1.(Ex. 1).

The District also has enacted Board Policies (Ex. 2). which recognize that a school is a specialized environment. For example, Policy AC states:

“The District will provide a safe learning and working environment where all members of the school community are treated with dignity and respect regardless of race, color, gender, sexual orientation, gender identity, transgender status, religion, national origin, ancestry, age, marital status pregnancy status, veteran status or disability.....”.

Similarly, the District has a policy on unethical conduct including Policy GBEA, *Conflicts of Interest*, prohibiting district employees from “engaging in or having a financial interest directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his or her duties and responsibilities in the school system. Employees are expected to perform the duties of the position to which they are assigned and to observe rules of conduct and ethical principles established by state law and district policies and regulations.”

The totality of the circumstances at PUSH under the principalship of Angela Robertson and with District knowledge, lead to the inexorable conclusion that she and her surrogates violated all of these policies and more, and thereby created a hostile environment for the charging parties who worked there.

C. The Robertsons at PUSH

Angela Robertson was the principal at PUSH. As the principal, she was required to abide by the collective bargaining agreement and District policy; she was also responsible for the PUSH budget, for PUSH expenditures, for PUSH

personnel, and for ensuring implementation of the district educational program at PUSH. Nevertheless, she allowed her husband, Charles Robertson, who was not a DPS employee, to make decisions about DPS funds-- for example, those for science-- that disadvantaged DPS students. (Aff. Hagerman, #33). She used her husband to intimidate teachers, (Original Aff. Federspill) and used DPS resources to further the family enterprise, YAPA, which ostensibly was to serve disadvantaged youth, and particularly African Americans. (Ex. 3, 3a). This matter is being investigated by Federal authorities. (Ex. 3a). According to the Secretary of State website, Angela Robertson is the secretary/treasurer for YAPA; (Ex. 4), and according to her published resume, she was the co-founder of YAPA, and is, or has been, co-executive director of its Colorado Foundation. (Ex. 5). Mrs. Robertson hired and paid certain individuals to work with students as mentors and counselors; they were paid by PUSH, as approved by Ms. Robertson, although they were not licensed DPS employees and not subject to background checks. (Ex. 8).

Charles Robertson is the husband of Angela Robertson. He conducts business as a non-profit agency, YAPA, (Young Adults for Positive Action) and as CER and Associates.(Ex. 7). YAPA was housed on the second floor of PUSH, rent free, (Aff. Hagerman # 28) and still as a presence at other DPS sites, including on the Evie Dennis Campus, at "Z Place."(Ex. 6). The three officers of YAPA, according to documents filed with the Secretary of State, are Charles Robertson, Angela Robertson, and Pam Walters. (Ex. 4). Mr. Robertson was not an employee of DPS, and had no authority over the staff and faculty at PUSH Nevertheless, teachers

at PUSH were required by Mrs. Robertson to take part in YAPA activities, non-licensed YAPA people were paid by PUSH to teach subjects for which they were not qualified, and Charles Robertson and Pam Walters had privileges and access to PUSH equipment and facilities that DPS teachers did not. (Aff. Hagerman, #24, 26, 27, 28, 36). Mr. Robertson was previously convicted of embezzlement when he worked for the City and County of Denver. (Ex. 9). Former DPS school board member, Landri Taylor (elected in 2013, resigned in February, 2016) informed the Colorado Independent in 2013 that he and Charles Robertson had been best friends for 22 years. (Ex. 10). It cannot be suggested by the District that officials were unaware of the problems at PUSH, or of the likelihood that the charging parties' complaints could be substantiated.

Kendall Robertson is the son of Angela and Charles Robertson. He was employed by DPS at Collegiate Prep High School as an in-house suspension monitor and as a basketball coach. In May 2015, he was charged with invasion of privacy for sexual gratification involving high school girls. (Ex. 11). He was convicted of this class one misdemeanor and was required by the court to register as a sex offender.(Ex.12). At the time he was charged, he was placed on unpaid administrative leave, which typically requires no contact with DPS staff or students, and no presence on school grounds (Ex.13). Newspaper reports indicate that he was confiscating girls' cell phones as part of his job, searching the phones for sexually explicit material, and inviting the girls for sex.

Pam Walters, was frequently referred to by Angela Robertson as "my spiritual daughter". Ms. Walters was an English teacher at PUSH. She was an

officer of YAPA—vice president.(Ex.4). Ms. Robertson paid Walters at a much higher rate than other teachers for certain services to PUSH, (Aff. Hagerman, #24) and did not hold her to the same time and attendance requirements as the other teachers at PUSH. (Aff. Hagerman, #15,16). Walters often came late, missed meetings, took vacations on black-out days, or left early, all with impunity. (Aff. Amanda Willhite #11).

Sheila Mauldin, (African American) the PUSH Facilities Manager, is a close ally of Mrs. Robertson. Although not a licensed teacher, (Aff. Myers, #21), Mauldin was assigned by Angela Robertson to teach a five credit course entitled “Social Justice”, with the motto “Let’s take our Community Back” (Ex. 14). Mauldin has stated that “she hates our kind” (white people), and “talks derogatorily about white people—how white cops shoot Black people and how Black lives don’t matter. She makes these statements in front of staff, many of whom are white.” (Aff. Myers # 21). After Ms. Robertson was put on administrative leave, Mauldin accused Hagerman and the other white teachers of trying to get rid of the Black principal, secretly searched Hagerman’s backpack and office and Neely’s desk, posted racially divisive material around the school, including a poster that stated “Africans were not slaves until they arrived in America”, wore clothing with racial slogans (which were approved by Instructional Superintendents Debbie Staten and Michael Johnson (both African American) and refused to do her job as the custodian in the building. (Aff. Hagerman #36-44). After Angela Robertson was put on administrative leave, Mauldin encouraged students to believe that Lindsie Myers was “racist”, and encouraged students to

“report Myers to the administration”. Myers believed this was retaliation for Myers complaining to administration previously that Mauldin had falsely stated Myers was “leading a racially charged movement to have Mrs. Robertson removed from the school.” (Aff. Myers, #25).

D. The Charging Parties and Affiants

Richard Clymo⁵ has been a teacher in DPS for over 27 years. This is his third year as a math teacher at PUSH. Clymo’s affidavit testifies to the rampant grade, credit and graduation fraud supported by Angela Robertson at PUSH: Robertson made requests of Clymo that he be the teacher “of record” for about 50 students he did not teach, but who had been working on a computerized online math class at home or at other places outside his classroom. He informed Robertson that he would only sign off on the completion of those students’ work if he was allowed to verify legitimate completion of work by those students. He offered to and did create a proposal which he submitted to Robertson. His proposal indicated he would not guarantee how many students would receive credit. About 80% of these students comprised the graduation class of 2015. Without his signature, the students would not graduate. Robertson rejected the proposal, and told Clymo she would find someone else to sign off. She did—she misrepresented the situation to coerce another teacher to sign off. Amanda Willhite was the signatory (Aff. Willhite). The students graduated. Clymo was aware that some of these students had cheated in order to complete math

⁵ The following facts are taken from Mr. Clymo’s original affidavit, filed with his “group” charge.

courses in a week or less. He personally observed student work that represented alleged completion of a whole semester math course in three days. Another student showed him that she was enrolled in five computer math classes concurrently and was seeking credit for all of them at once so she could graduate.

In September, 2015, Clymo brought his concerns to the attention of the District's head of Secondary Mathematics, Kathy Martin. His concerns were verified by the District. However, the PUSH assistant principal at the time, Dr. Karen Powell, confronted him about going to the District with his concerns. Immediately after she did so, she informed Clymo that the building administration had serious problems with his lesson plans being timely submitted and with the allegation that he had not submitted a syllabus or outline for the courses he was teaching. Powell gave Clymo a written "Memo of Understanding" as a directive to submit lesson plans and syllabi. It was obvious to Clymo, by the tone and contents of the directive, as well as its immediately following on the heels of the administration's notice of his complaint regarding grade/graduation/credit improprieties, that he was being retaliated against. Moreover, for the fall of 2015, he was assigned to a classroom that was intended for no more than 12 students; his classes ranged from 20-24 students, and it was a miserable environment in which to teach.

Clymo also testifies in his affidavit about the racially hostile work environment for the Caucasian teachers at PUSH. He vividly describes the faculty meeting at which Robertson humiliated everyone with a racial enactment of a person fleeing from the KKK: "Mrs. Robertson openly mimicked an exaggerated

stereotypical African American fleeing persecution by the KKK. “ This was triggered by a discussion at an all staff meeting of faculty attire for the upcoming graduation ceremony when one among [the staff] stated they couldn’t wear graduation robes because not everyone had the hoods designating their Master’s degrees. “She immediately opened her eyes wide, rolled her eyes, raised her arms in the outstretched posture of one who is fleeing pursuit, and ran in a circle of about a five foot radius pretending to be fleeing. While doing this, she kept repeating, ‘Hood, hoods’. I am from Louisiana—when somebody says ‘hood’ we start runnin’”. She said this in an animated southern accent. We were so humiliated we all looked down, rather shocked and uncomfortable, to which she stated “Look at all the white people lookin’ at the floor”. There was a dead, awkward silence....”

Clymo, like others, was asked at his initial interview “Do you have any problems taking orders from two Black women?” He was taken aback, and could not determine whether she was serious or trying to get a point across. He realized she was absolutely serious.

After the charging parties complained and Robertson was put on administrative leave to be investigated, Instructional Superintendent Deborah Staten conducted a faculty meeting at PUSH at which she claimed that Angela Robertson was a “great leader for the school.” (Aff. Hagerman #46).

On February 5, 2016, Staten conducted a faculty meeting at which the PUSH faculty were asking for explanations of what was going to be done about Angela Robertson’s infractions and the problems they created for PUSH. Clymo wanted

to know if Robertson was going to be allowed to return. A verbal comment was made that staff should not be discussing the problems at the school with students. (Ex. 15. Aff.-2, Clymo #1). A few days later, students in Clymo's math class were questioning the absence of the principal from the school and the removal of Charles Robertson as well. The students were worried and insecure and needed to vent their worries and frustrations. (Id., #2). Unknown to Mr. Clymo, a student videotaped the conversation with her phone and turned it in. Clymo was informed that he would receive a letter of reprimand and he did, (Id. #4)(Ex.15a)—not for anything he had said in the class, but for allegedly wasting class time.(Id.)

A letter of reprimand is a serious disciplinary incident in DPS. Clymo's letter was placed in his personnel file, and the face of his letter warns that the letter could lead to further disciplinary action, including termination. (Ex. 15a). There is expressly no "progressive discipline in DPS—any corrective action can lead to termination. (Ex.16). Clymo filed a rebuttal to the letter of reprimand.(Id. #5). (Ex.15b). On April 18, 2016, the acting principal, Karen Powell, informed the staff that they should allow students to discuss their concerns about the Robertsons and the investigation and that it was appropriate to use class time to do so. Her language was very like the language Clymo used in his rebuttal. (Ex. 15,Clymo, Aff. 2 # 7). Clymo requested the letter of reprimand be removed from his file. He was informed by Powell that the letter had not been her idea and she could not remove it from his file. (Id., Aff.2 Clymo #5). Deborah Staten was very hostile toward Clymo in a staff meeting. (Ex. 17a, Aff. 2 of Federspill).

Clymo was slated for a RIB at the end of the 2015-16 school year; however, Amanda Willhite resigned, and Clymo was placed in the math position. (Ex. 17, Aff. 2, Federspill, #6).

Enrollment at PUSH is being kept artificially and intentionally low this 2016-17 school year. PUSH is slated to be closed and reopened as an “Engagement Center” with a completely computerized curriculum “Edgenuity”. (Id, #5, 9).

Lindsie Myers is a licensed social studies teacher and is obtaining her Career and Tech Ed license in Business. She has taught at PUSH for two years, and is in her third year there. (Aff. Myers, # 1,2). She is designated a “Teacher Leader”, and sponsors the yearbook and Future Business Leaders of America (FBLA), (Id. #3). Robertson made explicit racial statements to Myers: she told Myers that Myers has “a little Black” in her and that Myers is “Blacker than most white people.” (Aff. Myers # 5). Myers was present when Robertson stated she didn’t know how black men could marry white women and treat them as their queens, when their mothers had been treated by white women so horribly—cleaning their floors, mending their clothes and cooking their meals. (Id. # 5). Myers was present in the staff meeting when Angela Robertson mimed a person running from the KKK, when someone mentioned wearing an academic hood at the graduation ceremony. Another teacher told Myers that he hadn’t slept the night of that incident because of the hood comment. (Id. #6,7).

Myers reported Kendall Robertson to law enforcement when girls in her class asked her if it was ok that he had been at the previous basketball game, and was it ok for him to be where students were? One of the girls told her that

Kendall and the student had smoked weed together, “he was cool like that”. (Id. #8.) Myers reported these facts to law enforcement. Robertson called Myers and wanted to know why people were bad mouthing her family. She told Myers, “if I can’t trust my staff, they will have to go.” (Id. #8). Robertson allowed her son to coach basketball at PUSH after he had been put on administrative leave. (Id. #10). Robertson complained that the principal at Collegiate Prep should not have reported Kendall (to law enforcement) she should have handled it internally, and called Angela Robertson directly; that she should have handled the situation the way Robertson does—by calling in the accusing girl and talking to her; she can usually tell if a girl is lying. (Id. #9). This is in violation of law and District policy. (Ex. 16, p.2, c). Angela retaliated against the girl who reported to Myers, by taking away the privilege of concurrent enrollment and making the girl graduate in May 2016 rather than later. That means the girl was not eligible to take free college classes and get college credit for the 2016-17 school year. (Id. #11-13).

Myers believes that she was retaliated against by Angela Robertson: “She views everything through a Black/White racial lens. When I turned her son in for smoking marijuana with one of my students, she took it as a racial attack on African Americans, and not a student protection issue and retaliated against me by eliminating my job at PUSH.” (Id. #24). Myers only kept her job at PUSH because, after Robertson was out of the building, another teacher left and the personnel committee (teachers at the school) selected Myers to fill that position. Angela Robertson had no part in her rehire. (Id.)

Matt Neely is a science teacher at PUSH. He is in his second year of teaching. Early in the school year 2015-16, he was diagnosed with testicular cancer, for which he underwent surgery in October 2015. While supportive to his face, Angela Robertson ridiculed him behind his back to other staff members. (Myers Aff. #4). Robertson stated in public—"he doesn't have cancer of the boobies, he has cancer of the penis". As he stated in his charge, "My health status is a very personal matter, and knowing of her actions has caused me considerable pain and anxiety. She has used my illness to make jokes about me without consideration of the very real trauma of the illness." (Charge and Aff. Neely #2; Aff. Hagerman # 7). Although the District claims that Neely told various staff members of his illness himself, this does not excuse the administration discussing his illness, referring to his body, or undercutting his right to privacy. The discriminatory conduct establishing a hostile work environment need not be both directed at the victim and be intended to be received by the victim. The fact that the plaintiff was not the intended recipient of the discriminatory statement is of no consequence in a court's review of the totality of circumstances in a hostile environment case. *EEOC v. PVNF, LLC.*, 487 F. 3d 790 (10th Cir. 2007).

Robertson quizzed Neely about race before she hired him, and he notes that training was provided in the first week of school on how to teach African American boys, even though the student population is mostly Hispanic. (Aff. Hagerman #7). He testified that he and other staff were routinely pressured to pass students, even if they were not attending class, and that they were pressured with their jobs if they didn't sign fabricated attendance sheets in

October 2015 for the “October count”⁶. Robertson told the staff that if the sheets weren’t signed, she didn’t know how many positions they would have for the 2016-17 school year—they had to show attendance to get funding. (Id. #3, 4). Neely testified that attendance sheets were falsified; although he refused to mark students as attending when they were not, someone changed his attendance records.(Id. #5). He also testified that Mrs. Robertson made up discipline policies according to her whim. (Id. #6). When he had a question about how to grade students in the absence of access to the computerized grading program, Mr. Neely was told by Pam Walters, Robertson’s “daughter” and the language arts “teacher leader” to “give students the grades that will keep them coming back”. (Id.#7).

Mr. Neely had no materials and had to survive teaching science all year by buying materials out of his own pocket at the Dollar Store. (Id. #8). Although Mr. Charles Robertson had no authority over DPS matters, nor over PUSH budgets and expenditures, he helped Mrs. Robertson make budget allocations for science. Obviously, Mr. Neely did not get the equipment he needed for science. (Id. #9).

Neely also testified to the hostile environment being perpetuated by one of Robertson’s surrogates, Sheila Mauldin. Ms. Mauldin asked Neely point blank what he knew about “the white faculty trying the (*sic*)take down the Black principal”. When he denied this and defended his objection to racial inequality of any sort, Mauldin responded by stating she was told that Mr. Bernal and Lindsie

⁶ The October count is a count of all students who attend school on a day early in October. The state funds school districts per pupil based on those students who are in attendance on that day.

Myers were the two faculty members leading “the white group.” Neely reported this conversation to the acting principal, Karen Powell, who spoke to Mrs. Mauldin. After that, Mauldin stopped talking to Neely, and acted in an openly hostile manner to him. (Aff. Neely #12). Following his report to Dr. Powell, Neely was subjected to further hostility by the African American Dean of Students, John Watts, who threatened Neely by interrupting Neely’s science lab, telling him that he couldn’t have a hotplate in his room for his science experiment and forcing Neely to stop a science demonstration he had done numerous times previously without incident. (Id. #13). He entered Neely’s class numerous times that day and disrupted the students who became agitated by this behavior. Later that same day, Watts complained to Neely that he was not sufficiently doing his job in the hallway, and then turned his back on Neely and walked away in the middle of Neely’s explanation. (Id.)

Allen Hagerman has been a teacher for over 26 years. He has taught in DPS for over 17 years. It is his third year, currently, at PUSH. He is licensed by CDE to teach math, science, and social studies. He has several advanced degrees. He testified that last year, the hostility towards white teachers, and the racial divisiveness perpetrated by Angela Robertson and tolerated by the District, despite complaints, was unbearable. (Aff. Hagerman #2). He was asked whether he had a problem working for two black women at his interview (Id. #3); he was present at a teacher leader meeting when Ms. Robertson detailed how her nephew had to leave a family dinner because Robertson and her family objected to her nephew bringing a white woman as his date, saying “how could she be his

'queen' after what white people had done to his family" and Robertson told her nephew "uh-uh, you better get her out of here." (Id. #4). He was present for the KKK/hood demonstration at a faculty meeting, which humiliated the staff (Id. #5). She asked Hagerman why he thought Amanda Willhite, was having trouble in class, and he responded that Amanda was having trouble teaching a curriculum she had never taught before, but Robertson blamed it on race, expressing that she thought Amanda had a problem with "this", stroking the skin on her arm with her forefinger. (Id. #7). She made disparaging remarks to staff about Matt Neely's cancer, saying he had his "cluck cluck" removed, waggling her fingers in her groin area. (Id. #7). Robertson asked Hagerman and others to falsify attendance sheets and grades, pressuring them to sign off on the false documentation, and threatening them that if they didn't there wouldn't be jobs the following year. She demeaned Hagerman in front of a student by changing the student's grade from a fail to a pass, telling them both that the student would not need to know the math and would be unlikely to pass a geometry class no matter how many times the student was able to take it. (Id. #9). She asked Hagerman how long it would be before he and certain other older colleagues, Gilmore, Bernal, and Clymo, were going to retire. (Id. #10).

Hagerman, as a school employee, is a mandated reporter to law enforcement if the teacher has a reasonable suspicion that a child is being subjected to emotional, physical or sexual abuse. Kendall Robertson's arrest and citation for sexual exploitation of a student was public knowledge; there were many news reports about his situation (Ex. 11, 12). Despite his being on

administrative leave without pay, and therefore not allowed to be on school premises (Ex. 13), Mrs. Robertson allowed her son to come to PUSH, talk to students, and be otherwise involved in the school. Hagerman reported this to the police, as required by law. Angela Robertson threatened him for doing so (Aff. Hagerman #11), and after the police notified the District, Hagerman was informed by the District's safety and security department that he should not inform the police but only their department if Kendall appeared at school again. This is clearly a violation of the law that requires a report be made to law enforcement or social services. C.R.S. 19-3-304 *et.seq.* Hagerman is also aware that Robertson and Pam Walters intentionally gave misinformation to the Justice Department which was investigating violations at the school of the English Language Development Consent Decree issued by the Federal District Court for Colorado concerning appropriate English teaching for speakers of other languages. (Aff. Hagerman, #13).

Adam Federspill is a school counselor, licensed as such by the State of Colorado. He has two Master's Degrees, one in Counseling and one in Educational Leadership, as well as an initial Principal's license. He has worked with DPS for nine years. At all times relevant to his charge, he has been the school counselor at PUSH. (See Original affidavit of Federspill and Aff. 2, Federspill, #1.) He complained about the hostile environment at PUSH, and specifically about whites being subjected to inappropriate questioning, inappropriate comments, jokes and racially charged taunts. (Id. #2). These include the KKK hood demonstration and comments made by Robertson on December 7, 2015, (Id. #4); (Aff. Neely #11).;

and earlier, Robertson telling a coworker that Federspill was a “typical, lazy white, Cracker”. (See Federspill’s notes, Ex. 18). Federspill complains about the numerous violations of students rights, (Id. #5) including not following student discipline guidelines, not logging behavioral infractions into record as required, kicking students out of the school without due process, and intimidating students and families. (Id.) He complains of Robertson allowing her son, Kendall to be present and in contact with students, including coaching basketball, even though he was on administrative leave during an investigation of the criminal charge of which he was later found guilty—a sex crime involving students. (Id. #6). Federspill brought this to the District’s attention, and also brought it to the District’s attention that a student who had revealed that Kendall Robertson had smoked pot with the student in his car (see Affidavit of Myers) was being intimidated, along with her mother, by Robertson. Deborah Staten, the Instructional Superintendent for PUSH, and a member of the same sorority as Robertson,⁷ allowed Angela Robertson to question the student and her mother, despite the obvious conflict of interest.

Federspill complained as early as January 2015 of discrimination, and filed his first formal charge of discrimination in April 2015, complaining of retaliatory discrimination. An incident was previously reported to DPS human resources

⁷ The District does not deny the two women belong to the same sorority, but suggest there is no conflict because they did not belong to the sorority at the same time. However, at a minimum, this creates the appearance of a conflict, since sororities, like many fraternal organizations, exist, to a large degree, to create supportive networks for their members.

“School Partner” Allison Hamel, on January 29, 2015, based on a colleague’s report to Federspill that Angela Robertson had called Federspill a “typical, lazy, white cracker”. Following that report, Federspill experienced many instances of harassment, including some by Robertson’s husband, Charles, who would intimidate Federspill by walking back and forth in front of Federspill’s office, blocking Federspill’s passage in the hall, staring at Federspill, and , in April, 2016, by sitting outside Federspill’s counseling office door for 45 minutes in a hostile manner and scowling. (Aff. Neely #9). Federspill also reported the teaching of racism by one of Angela Robertson’s friends, Khalib Barton, who was not a licensed teacher. Barton’s comments included telling students that white teachers can’t relate to students of color and that this further exacerbates students of color having feelings of depression and other mental health concerns.” (Notes of Adam Federspill , Ex. 18), filed with Federspill’s original charge). Angela Robertson immediately⁸ attempted to enlist the aid of Donald Gilmore, (African American) to whom she made disparaging remarks about Federspill, including that he was “telling a lot of lies”. When Gilmore refused to “bad mouth” Federspill, she verbally attacked Gilmore as not being “a team player”, and revealed that Federspill’s job was going to be eliminated. She also attempted to intimidate Gilmore with comments about his own job. She discouraged Gilmore from having contact with Federspill telling him it was not in his best interests to associate with Federspill. (Ex. 20, Aff. Gilmore #3). At the

⁸ Federspill’s notes document that Gilmore told him of this conversation on April 20, 2015.

start of the 2015-16 school year, Federspill was stripped of several of his administrative duties, and given secretarial duties in their place. Federspill has applied to be accepted into the District's pool of candidates for assistant principal jobs, without success. Most recently, he was notified on September 21, 2016, that his full time job as a counselor at PUSH was being reduced to half-time effective October 21, 2016. (Ex. 17b). The district will not assign him to another half time placement to fulfill a full time contract. His pay is being cut in half. (Ex. 17, Aff. 2 of Federspill).

Eric Iverson is licensed by the State as a Career and Tech Ed teacher, and taught Automotive Technology at PUSH during the 2014-15 and 2015-16 school years. Iverson complains of racially hostile remarks and actions towards white teachers at PUSH (Aff. Iverson,#3). He states that Robertson made it very clear that there is no toleration for white teachers at PUSH, that "we are disrespected and made the butt of numerous slurs and ugly references. It is a hostile environment for me, for many of my colleagues, and it affects the students in negative and demeaning ways." (Id. #12). He describes in his affidavit how Angela Robertson intentionally ignored him throughout the ribbon cutting ceremony for his program, even though she asked him to be up on stage. She acknowledged every African American on stage by name, but only one white person—the Director from Emily Griffith. Her refusal to recognize Iverson was obvious to his students in the audience, who began to cough and say his name under their breath. She ignored this as well. The next day, at the PUSH staff meeting, and in front of Iverson, she again intentionally humiliated him by

pointedly making a big show of how she had forgotten to acknowledge someone very important to the automotive program—and then acknowledged Sheila Mauldin, the African American school custodian. (Aff. Iverson, #5). She harassed Iverson in other ways, including forcing him to have class in an unheated garage, would not give him the classroom intended for the automotive program, refused to require Sheila Mauldin to clean his classroom after her church Sunday school used it every Sunday, thereby forcing him to clean up litter, trash from crafts and art projects, cupcake sprinkles, soda, frosting and other food on the desks and walls. (Id. #7). Iverson was present when Robertson refused to allow a white student—the only one at the school in 2015-16, and a “quiet and nice young man”, attend her college/career readiness seminar for other students, saying, “ I don’t want you in here .” (Id. #9). The student was taken to Lindsie Myers’ class.

Iverson decided to resign from PUSH after his first year, due to the atmosphere there, which he characterized as “racially charged”. He complained of discrimination and asked HR for the right way to resign, and a statement was taken by Dana Risch, who concluded there was no discrimination. (Id. #14.) He felt his statement went nowhere, and he saw no changes at the school. He again gave a statement in 2016, but found the written notes of his interview were “sanitized” and most frequently focused on the hearsay he was asked about. His own experience was not thoroughly investigated. (Id. #14). Nothing changed at the school. Most disturbing was the fact that Iverson’s program was incredibly popular and had a 90 % attendance rate—uniquely high at PUSH, yet students were turned away, by counselors who were told by PUSH , falsely and at Mrs.

Robertson's direction, that there were no open slots for enrollment, only a waiting list. (Id. ## 10, 11.)

Donald Gilmore was a social studies teacher at PUSH for six years until he was RIBbed at the end of the 2015-16 school year. He testified that the atmosphere at PUSH is one of fear and distrust, and that intimidation and defamation are pervasive at the school. He specifically referenced Angela Robertson's disparaging remarks to him about Adam Federspill, the school counselor; she asked him "what he knew" about Federspill. When Gilmore refused to be unprofessional about Federspill, Robertson accused Gilmore of "not being a team player". She told him that Federspill's employment was in jeopardy and that his position was going to be eliminated⁹. She told him his own position would have been eliminated but for his being on paternity leave. She forced Gilmore to change grades until she was satisfied with the scores, and shored up her own position as administrator by doing so. Gilmore testifies that Robertson frequently tried to intimidate faculty by citing her political connections to Landri Taylor, African American DPS school board member—who told a reporter that he and Charles Robertson, Angela's husband, had been best of friends for over twenty years. Further, Gilmore testifies that Robertson violated numerous policies, such as convening the Collaborative School Committee (CSC) which

⁹ Of course, this statement was made in the spring of 2015, a year before the affidavit was made on April 4, 2016; true to Robertson's intent, the District has followed through; and even though Robertson left at the end of the 2015-16 school year, Federspill has now been cut to half time, as has his salary, effective October 21, 2016. Clearly retaliation was being contemplated following Federspill's complaints to the district and to the EEOC.

oversees the budget of the school as well as other aspects of administration.

Robertson did the PUSH budget on her own.

In the third week of January, 2016, Gilmore was informed that the complaining teachers were to be cut. (Aff. Gilmore #12.) Gilmore himself was RIBbed, and is placed in a one year only position, where he has no security of continuing beyond the one year. (Id. #13). Gilmore believes he has been discriminated against because of his age, 50, his color—which is not “black enough” for Mrs. Robertson, because he has associated with the “white teachers who have complained against discrimination, and for his support of Federspill, who filed the initial EEOC complaint. (Id. #14). (See Charge of Gilmore and, generally, Affidavit of Gilmore, attached).

Amanda Willhite, (Caucasian) is licensed as a secondary math teacher by CDE. She was hired by DPS in April, 2015 to work as a Saturday School teacher at PUSH. She was informed by Angela Robertson, falsely, that PUSH did not have a certified math instructor at the school. Clymo is a licensed math teacher and had refused to sign off on credits for students he did not teach. Robertson told Willhite that she needed a licensed teacher to sign off on student credits for the year. Robertson presented this to Willhite as a mere formality, and Willhite signed the form. After Robertson hired her full time at PUSH in August 2015, Willhite learned from other staff members that Mrs. Robertson’s requirement that she sign off on math credits may have been improper. At the time of the

October Count¹⁰ Willhite discovered that Mrs. Robertson's records of the October count were inaccurate, and that Robertson had listed students on Willhite's October Count sheet that had not appeared in Willhite's classes. Willhite refused to sign the inaccurate count sheets, as did several other teachers. Robertson alluded to not having as many positions (for teachers) the following year if the sheets weren't signed. The sheets were redone by class, but Willhite still refused to sign. Robertson then created a false rationale for counting a student as present if the student had shown up in another teacher's class, even if the student had not attended the class of the signatory. Mrs. Robertson later required Willhite to raise the grade of a purported special education student from failing to passing, even though the student had not received any special education assistance at the school. Indeed, there was no special ed teacher at the school.

Following Willhite's reluctance or refusal to commit unethical acts, Robertson twice accused her of being a racist. On one occasion, Robertson claimed that a group of girls had said that Willhite was a racist, but told Willhite she couldn't remember which girls had made such a statement. On another occasion, after Willhite disciplined a student, Robertson specifically told Willhite, "he is an Islander and you are a white lady, so it won't work". Robertson was

¹⁰ The October Count, as it is called, is the date when schools report to the State Department of Education the number of students in actual attendance at the school on that date. The numbers reported to the state on that date determine the amount of state funding, per pupil that the District receives to fund its operations. Thus, it is advantageous to the district to have as many students reported in attendance as possible.

unaware, or ignored the fact, that this particular student told Willhite many times that she was his favorite teacher, and that he worked very hard in her class.

Willhite testified that the climate at PUSH was hostile due to race and other factors, including favoritism towards certain students and certain staff, particularly toward Pam Walters, Robertson's "daughter", who was allowed to flaunt time and attendance rules. (Aff. Willhite #11). Willhite also reports Robertson as stating that Robertson is "straight from the plantations," and that she ostentatiously injected her (Christian) religion into situations at school. This made Willhite uncomfortable due to the number of Muslim students at the school. (Id.#12).

III. Legal Argument

A. Hostile Environment Race Discrimination

1. The Legal Standard

"Although Title VII does not explicitly mention hostile work environment, a victim of a racially hostile work environment may nevertheless bring a cause of action under Title VII." *Ford v. West*, 222 F.3d 767, 775 (10th Cir.2000); *Tademy v. Union Pacific Corp.*, 520 F. 3d 1149 (10th Cir. 2008). An abusive, racially hostile work environment is sufficient alteration in the terms and conditions of employment to create a claim under Title VII: Title VII proscribes employment practices that permeate the workplace with "discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the

victim's employment and create an abusive working environment." *Harris v. Forklift Sys.*, 510 U.S. 17, 21, 114 S.Ct. 367(1993) (internal quotations and citations omitted).

The District's response does not mention it, but the proof for hostile environment discrimination does *not* include proving an "adverse action". In order to make out a prima facie case for hostile environment race discrimination, the charging party must address two elements: (1) that the alleged discrimination was because of race and (2) that the discrimination was sufficiently severe or pervasive such that it altered the terms or conditions of his employment and created an abusive working environment. *Medina v. Income Support Div.*, 413 F3d 1131, 1134 (10th Cir. 2005).

We must assess "the objective severity of the harassment from the perspective of a reasonable person in the plaintiff's position, considering all the circumstances." *Harsco Corp. v. Renner*, 475 F.3d 1179, 1187 (10th Cir.2007). In other words, we must look to a "totality of the circumstances," and "consider[] such factors as `the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance.'" *Chavez v. New Mexico*, 397 F.3d 826, 832-33 (10th Cir.2005) [quoting *O'Shea v. Yellow Tech. Servs., Inc.*, 185 F.3d 1093, 1098 (10th Cir.1999)]; "[T]hat [objective] inquiry requires careful consideration of the social context in which particular behavior occurs and is experienced by its target." *Oncale*, 523 U.S. at 81, 118 S.Ct. 998. "Conduct which is considered normal and appropriate in one setting may be

deemed abusive or hostile in another." *EEOC v. Fairbrook Med. Clinic, PA.*, 609 F.3d 320, 328 (4th Cir.2010).

Furthermore, "if the victim does not subjectively perceive the environment to be abusive, the conduct has not actually altered the conditions of the victim's employment, and there is no Title VII violation." *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21-22, 114 S.Ct. 367, 126 L.Ed.2d 295 (1993). However, "[i]n order to prevail on the subjective component of this test, the law does not require a plaintiff to show that the discriminatorily abusive work environment seriously affected her psychological well-being or that it tangibly impaired her work performance." *Morris v. City of Colorado Springs*, 666 F.3d 654(10th Cir. 2012). Here, there is no question that each charging party experienced and was profoundly disturbed by the hostile environment at the school. Many of the affidavits describe the hostile atmosphere at the school and the degree to which the charging party felt threatened and abused. (see for example, Neely, Myers, Federspill) These individuals were fearful, and they felt they were being undermined, harassed, and humiliated.

Science teacher Matt Neely describes it eloquently: "The District allowed this hostility to persist for several months and a lack of decisive action caused enormous pain and distress for everyone—students, and staff, and disrupted the learning environment completely. As a result, the school has been polarized and students have threatened to walk out. Members of the White staff are fearful, have been threatened with their jobs at various times during these events, and the entire building feels unsafe. I have been devastated by this environment, by

the utter disregard for my privacy, by the humiliating realization that I have been ridiculed behind my back for a physical impairment that I did not choose. I feel horrible on behalf of my students who are vulnerable in the extreme and have been shortchanged in their education.”(Aff. Neely #15). The District has ignored our school by putting in place administrators and network supervisors who have demonstrated complete disregard for the future of this neighborhood and the children who attend our school. What they see as the norm is corruption, racism, retaliation and abuses of power.” (Aff. Neely #16).

Myers is also on point: “I can’t be working at a school where our entire student population is minority, and some of who (*sic*) are gang affiliated, thinking I am a racist or that I am leading any racially charged movement. Mrs. Robertson’s husband also is at PUSH, Charles Robertson. When I have taken my students to his presentations, he always talks about how he was gang affiliated when he was in school—a message which is misinterpreted by some students, that if they are in gangs, they will be “rich like him.”” (Aff. Myers, #20.)

2. The Totality of the Evidence Establishes a Racially Hostile Environment

The Charging Parties have provided plenary evidence to establish probable cause that they were subjected to a racially hostile environment at PUSH. Hostile, offensive and demeaning racial remarks and actions on the part of the Principal, Angela Robertson, and others, especially Mauldin, were frequent occurrences at PUSH. The District admits to several instances of racially offensive remarks by Angela Robertson, and admits the incident complained of by the teachers involving Robinson’s account of throwing her nephew out of a family dinner

her tangible productivity has declined as a result of the harassment." *Davis v. Monsanto Chemical Co.*, 858 F. 2d 345, 349 (CA6 1988). It suffices to prove that a reasonable person subjected to the discriminatory conduct would find, as the plaintiff did, that the harassment so altered working conditions as to "ma[k]e it more difficult to do the job."

3. The hostility was sufficiently severe and persistent to constitute a hostile environment

It is obvious from the facts, affidavits and documents provided that the atmosphere at PUSH was both overtly race discriminatory, and that there was a *sub rosa* racially motivated agenda—to further the Robertson family endeavor, YAPA. By constantly forcing teachers to compromise the most basic ethical obligations of their profession, PUSH would have a constant stream of minority students and the state and federal funding that accompanied their enrollment; the work of the Robertsons through YAPA would be supported financially with these funds and would continue to provide powerful community connections. In short, the Robertson goal was to graduate as many minority students as possible, regardless of the integrity of that diploma, and in so doing so grow and financially support the Robertson family business, YAPA, and the community influence of the Robertsons.

The fact that not every utterance and not every act complained of was overtly racial is of no legal consequence: not all offensive incidents need to be overtly racial to constitute a racially hostile environment. “[F]acially neutral

abusive conduct can support a finding of [racial] animus sufficient to sustain a hostile work environment claim when that conduct is viewed in the context of other, overtly [racially]-discriminatory conduct." *O'Shea*, 185 F.3d at 1097; *Penry v. Fed. Home Loan Bank of Topeka*, 155 F.3d 1257, 1263 (10th Cir.1998) ("Even where the motive behind the alleged conduct was not the plaintiff's [race or national origin], the court may still consider that conduct relevant when evaluating whether ambiguous conduct was in fact [racially] motivated or whether [racially]motivated conduct was so severe [or] pervasive as to create Title VII liability."). This is because what is important in a hostile environment claim is the environment, and apparently [racially] neutral harassment can make up an important part of the relevant work environment. Conduct that appears [racially]neutral in isolation may in fact be [race]-based, but may appear so only when viewed in the context of other [race]-based behavior. Thus, when a plaintiff introduces evidence of both [race]-based and [race]-neutral harassment, and when a jury, viewing the evidence in context, reasonably could view all of the allegedly harassing conduct ... as the product of [racial] hostility, then it is for the fact finder to decide whether such an inference should be drawn. *Chavez v. New Mexico*, 397 F.3d 826, 833 (10th Cir.2005) (holding that plaintiffs "can use a substantial amount of arguably [racially]-neutral harassment to bolster a smaller amount of [race]-based conduct on summary judgment"). Such racially neutral harassment includes, for example, the incident where, in Hagerman's presence, Robertson demeaned Hagerman and gave a student who had not been attending school or doing any work a passing grade in Hagerman's grade book, after

Hagerman refused to falsify the student's grade; (Aff. Hagerman #9). Robertson told the student in front of Hagerman that the student did not need to know the math, and he could not pass the geometry class no matter how many times he took the class.

The affidavits provide a full and very disturbing picture of a thoroughly corrupt administration at the school and supported by the district, including the PUSH Instructional Superintendent who claimed Angela Robertson was a great leader for PUSH, as well as the racially hostile animus that fostered that corruption. When viewed under the totality of the circumstances test, the Charging parties have provided sufficient evidence for the EEOC to conclude that there is probable cause to find discrimination here.

B. The Ellerth Defense

In the absence of a tangible employment action, the employer may avoid liability by establishing, as an affirmative defense on which it has the burden of proof, "two necessary elements: (a) that the employer exercised reasonable care to prevent and correct promptly any harassing behavior, and (b) that the plaintiff employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise." *Ellerth*, 524 U.S. at 765, 118 S.Ct. 2257; see *Faragher*, 524 U.S. at 807-08, 118 S.Ct. 2275; *Ferraro v. Kellwood Co.*, 440 F.3d 96, 101-02 (2d Cir.2006); *Petrosino*, 385 F.3d at 225. *Id.*

1. The School District Failed to exercise reasonable care to prevent or promptly correct the Discrimination at PUSH

The District suggests its “internal investigations” conducted by Dana Risch were sufficient “reasonable care”. Despite all of the instances complained of, the numerous individuals who complained, all of the specific evidence brought forward, and its own admissions regarding facially discriminatory statements, there was not a single DPS finding of discrimination as a result of these internal investigations. When the district states that complaints were “unfounded”, it means by the district—not by any conflict free, unbiased, or neutral entity.

The internal investigations were neither credible nor reasonable, and cannot influence this agency’s findings. Ms. Risch is not an independent investigator, but an employee of the District. The charging parties were not allowed to decline to be interviewed by Ms. Risch, despite their preference to take their complaints to the EEOC-- even though Board Policy GBA R-1, describing the District’s complaint policy, only “encourages” but does not require mandatory reporting to the District’s compliance office. Notably, the policy makes no mention of and does not direct employees to any neutral government agencies authorized to take complaints of discrimination (EEOC,CCRD, Department of Justice, Department of Education etc.) Also, the District refused to allow the charging parties to have representation when they were interviewed by Ms. Risch. Due to discomfort with the process used by Ms. Risch, and due to their unsatisfactory experiences the first time she conducted an investigation, some of

the charging parties declined to sign the report of the interviews that Ms. Risch prepared.

Ms. Risch conducts her investigation by creating a limited series of finite questions to which she records answers.(Ex. 21). These questions circumscribe the discussion—it is not an open ended investigation, despite the fact that Board policy provides the means to obtain open-ended statements: even though there is a format for open complaint, these forms were not provided to the charging parties. (Ex.2.). Moreover, the statements prepared by the District for the complaining parties' signatures require the signatory to sign off on such intimidating red flag questions such as "Are you aware that providing false information during an investigation is cause for corrective action including termination?; Have you made any false statements you would like to change at this time?; Has everything you have told me been truthful?" (Ex. 21). It is not surprising that the claimants did not feel they had the latitude to express themselves freely, and that they perceived that the investigation could be a trap for the unwary.

Even though the District admits that Mrs. Robertson did make obviously inappropriate racial comments to various individuals—including an Instructional Superintendent, a superior position to hers; and even though the charging parties provided plenary evidence for over a year prior to filing their EEOC claims; and even though there was an alarm raised by the parties through their union (Ex. 22), the District did not and has not credited any claims of discrimination. Unfortunately, we have not been given the actual investigatory statements made

by Mrs. Robertson or other employees, such as Mauldin, nor do we know whether these are all the statements made or all the interviews conducted. Even so, the “sanitized” statements are not insufficient for the district to admit discriminatory actions on the part of Robertson.

The most the District is willing to concede, however, is the rather feeble conclusion that Robertson was guilty of “unprofessional conduct”. The district is silent on whether the “unprofessional conduct” that caused Robertson to be allowed to resign was her racially divisive behavior, the financial improprieties in which she participated, her failure to follow district policy in the hire and payment of unqualified, unauthorized teachers, or her efforts to intimidate the charging parties into unethical falsification of attendance and grade records, among other abuses. Thus, it is impossible to credit the District’s actions in removing Ms. Robertson from the school as an attempt to remedy discrimination. The district claims there was no discrimination.

We cannot say therefore, that the District has fulfilled the requirements of taking swift remedial action to eliminate discriminatory practices at the school. By turning a blind eye to the discriminatory statements made by Robertson and others, and by downplaying discriminatory actions on Robertson’s part, the District implicitly condones such discriminatory actions by adopting and characterizing them *as de minimus*.

It is important to note that complaints of significance were brought to the district’s attention as early as the 2014-15 school year by Adam Federspill, and some of his colleagues—Iverson and Myers were both interviewed by Dana Risch

at that time. None felt satisfied that the complaints were properly dealt with. Indeed, the district took no action until the undersigned threatened to take action on the charging parties' complaints due to continued inaction on the district's part. (Ex. 22).

Again, the District investigations concluded that the principal's actions were "unprofessional." However, we do not know that the principal was relieved of her duties due to her discriminatory acts. In fact, since the District denies any discriminatory motive or intention on the part of the principal, we must conclude that her removal was not as a remedy for discrimination or the hostile environment claimed by the Claimants. Therefore, since the District claims there was no hostile environment and no discrimination, the District cannot say that it is exempt from liability on the basis of taking prompt remedial action to alleviate discrimination, and therefore it may not invoke the *Ellerth* analysis.

2. The Charging Parties did not unreasonably fail to take advantage of preventive or corrective opportunities

Adam Federspill brought his concerns about a racially hostile environment, grade and attendance fraud and other aspects of the hostile environment to the District in the 2014-15 school year. Eric Iverson did also. Lindsie Myers gave her statement to Dana Risch that same year. When nothing appeared to change, Adam Federspill filed a charge with the EEOC. When the District responded, it claimed that Federspill's allegations were unfounded.

Last year, several of the teachers complained to Deborah Staten, and to other District officials. They reported the hostile environment created by both Angela and Charles Robertson, and they reported Mrs. Robertson's allowing her son to be on District property, at the school when children were present. When the charging parties felt their response from their supervisors was nothing but retaliation, they sought assistance from their union. Only after the union threatened action, did the District take action. It cannot be said that the Charging Parties unreasonably failed to take advantage of preventive or corrective opportunities. They tried the chain of command, they tried the EEOC, and finally they tried union intervention. With these complaints now before the EEOC, they seek legitimate resolution of their awful experience at PUSH, and a remedy for the hostile environment that they experienced. Closing the school, and shunting the teachers out of the school, and then out of the district is not a remedy, but retaliation.

C. Other Claims of Discrimination

1. Reverse Discrimination

The Charging Parties have provided sufficient evidence to establish that there is probable cause to credit the existence of Reverse Discrimination at PUSH.

Even though the Charging Parties here are "White", they are protected from discrimination. *McGarry v. Board of County Commissioners of the County of Pitkin*, 175 F3d 1193, 1199 (10th Cir. 1999). *McGarry* elucidates the two general

methods by which a plaintiff may proceed on a reverse discrimination claim: (1) by relying on a version of the *McDonnell Douglas* burden shifting analysis to test whether a person who is a member of a historically favored group is entitled to the McDonnell Douglas presumption of discrimination, *citing Notari v. Denver Water Dept.*, 971 F2d 585 588 -9 (10th Cir. 1992), or by demonstrating through direct evidence of discrimination that the plaintiff is the subject of reverse discrimination, or indirect evidence sufficient to support a reasonable probability that but for the plaintiff's status, the challenged employment decision would have favored the plaintiff. *Notari* at 590.

The District cites *McDonnell Douglas v. Green*, 411 U.S. 792, 93 S.Ct. 1817, 36 L. Ed. 2d 668 (1973), assuming *incorrectly* that the charging parties must use a burden shifting approach in proving a case of discrimination. The District applies this burden shifting approach in their legal analysis, even though it admits that the burden shifting analysis is not required when the charging party has provided direct evidence of discrimination.

The District's analysis for allegations of discrimination is inapplicable in this case, since the charging parties have provided direct evidence of discrimination. Direct evidence is evidence which, if believed, proves the existence of a fact in issue without inference or presumption. *Shorter v. ICE Holdings, Inc.* 188 F. 3d 1204, 1207 (10th Cir. 1999), *overruled on other grounds by Desert Palace, Inc. v. Costa*, 539 US 90, 123 S.Ct 245, 156 L.Ed.2d 84(2003).

To prevail using the direct method, a plaintiff must introduce direct or circumstantial evidence that the plaintiff's race was a motivating factor in the

respondent's adverse actions towards the plaintiff, *Medlock v. Ortho Biotech, Inc.*, 164 F.3d 545, 549-50 (10th Cir. 1999). Once a plaintiff has established that a discriminatory factor played a motivating part in the employer's adverse actions, the burden of persuasion shifts to the employer to prove by a preponderance of the evidence that it would have conducted the same adverse actions even in the absence of discrimination. This the District has not done.

2. Retaliation

a. Proof of Retaliation

To establish a prima facie case of retaliation, a plaintiff must show: " (1) that he [or she] engaged in protected opposition to discrimination, (2) that a reasonable employee would have found the challenged action materially adverse, and (3) that a causal connection existed between the protected activity and the materially adverse action." *Proctor v. United Parcel Serv.*, 502 F.3d at 1208 (quoting *Argo v. Blue Cross & Blue Shield of Kan., Inc.*, 452 F.3d at 1202). " To establish that a causal connection exists," a plaintiff " may proffer 'evidence of circumstances that justify an inference of retaliatory motive, such as protected conduct closely followed by adverse action.'" *Proctor v. United Parcel Serv.*, 502 F.3d at 1208 [quoting *Haynes v. Level 3 Commc'ns, LLC*, 456 F.3d 1215, 1228 (10th Cir. 2006)].

The Charging Parties have met all of these elements. All have participated in protected activity, including filing EEOC charges, complaining to DPS' investigator, Dana Risch, objecting to racially divisive and hostile language at

PUSH, and through their union, objecting strenuously to racially hostile environment and the unethical conduct of the Robertsons.

The charging parties have detailed the retaliation each suffered in his/her affidavit. Suffice it to say in addition that the District has determined that PUSH will be closed, and most of the Charging Parties have been RIBbed already or will face a RIB at the end of this year. Many were subjected to racial hostility by Sheila Mauldin immediately following their complaints regarding Robertson; Federspill has suffered a 50% cut in pay effective October 21, 2016. Myers, Clymo and Gilmore were slated for RIBs before the end of last school year, and shortly after they filed their EEOC charges in the spring.

b. The Charging Parties have been subjected to adverse actions.

The district claims, incorrectly that the adverse actions against these Charging Parties are not "materially adverse". However, the 10th Circuit has, in its retaliation cases, liberally interpreted the phrase "adverse employment action." In *Jeffries v. Kansas*, 147 F.3d 1220, 1231-32 (10th Cir.1998), the Court stated, "In recognition of the remedial nature of Title VII, the law in this circuit liberally defines adverse employment action." Rather than defining a set rule regarding what constitutes an "adverse employment action," we noted that "this court takes a case-by-case approach to determining whether a given employment action is `adverse.'" *Id.* (citing *Corneveaux v. CUNA Mut. Ins. Group*, 76 F.3d 1498, 1507 (10th Cir.1996), and *Berry v. Stevinson Chevrolet*, 74 F.3d 980, 986-87 (10th Cir.1996)). In *Berry*, for example, the Court found that malicious prosecution may constitute an "adverse employment action." See *Berry*, 74 F.3d at 986-87. The

Court has also found that co-worker hostility or retaliatory harassment, if sufficiently severe, may constitute "adverse employment action" *Gunnell v. Utah Valley State College*, 152 F. 3d 1253 (10th Circuit 1998) for purposes of a retaliation claim.

The Charging parties believe that the adverse actions taken against them thus far constitute materially adverse actions sufficient to find probable cause for retaliation: Clymo received a written warning for an act that others were informed by the principal was appropriate. A written warning may be an adverse employment action only if it effects a significant change in the plaintiff's employment status. For example, in *Roberts*, the defendant had peppered plaintiff's file with "twenty warning letters," and the record demonstrated "that the more warnings an employee received, the more likely he or she was to be terminated for a further infraction." 149 F.3d at 1104. Thus, the effect on the plaintiff's employment status was an immediate placement in an at-risk status. *Haynes v. Level 3 Communications, LLC*, 456 F. 3d 1215,1225(10th Circuit 2006). Here, there is a similar situation. Not only was Clymo given a letter of reprimand –ostensibly for wasting half an hour of instructional time by allowing students to discuss their concerns about the upheaval at the school, but the district has signaled its intent to make an issue of this. Two months after Clymo received the reprimand, the faculty was informed that they were allowed to devote class time to student discussions of their concerns about the upheaval at the school. Nevertheless, the administration has refused to remove the letter from Mr. Clymo's file. His principal has told him the letter was not her idea (even though

she signed it) and that she cannot remove it from his file. Clymo is thus placed in an at risk status: he has been singled out for a purpose—that purpose can only be further discipline based on an event for which others will be held harmless. He is currently being regularly papered with various emails alleging concerns about his lesson plans and other routine matters. (Aff. 2 Clymo).

A significant adverse action against the charging parties was Robertson's constantly jeopardizing the teachers' licenses by demanding that they commit unethical acts, such as falsifying grades, giving unearned credit, and falsifying attendance records to defraud the state of per-pupil funding while artificially bolstering the PUSH rosters. For example, the Charging Parties were required to teach a semester's worth (18 weeks) of course content in only six weeks or less, (Clymo Aff. 1, Para. 3) and misrepresent to the public that this was diploma worthy—again, a potential licensure revocation; The charging parties were threatened that if they did not sign false attendance sheets there would not be jobs next year (Aff. Hagerman, #9); indeed this threat has been fulfilled by the intended closure of the school; some of the charging parties have been RIBbed—Federspill has lost half his salary; Gilmore was RIBbed, Clymo and Myers were slated for RIBs, and the school will be closed next year, placing all the remaining charging parties in a RIB situation; the probationary teachers are at risk of being nonrenewed, while the nonprobationary teachers who are RIBbed have no job security beyond one year.

The teachers involved feel more fearful for their jobs than ever and less respected as a result of their complaints of discrimination. They have been given

information that the District intends to close the school. (Aff.2 Federspill). There is evidence that the District is keeping the numbers of students artificially low at PUSH so as to create a reason to RIB, or transfer the complaining teachers out of the school on grounds of low student enrollment.(*Id.*) This is not far-fetched—this precise approach was accomplished in the past: Eric Iverson’s affidavit speaks to the fact that though he had slots for students in his very popular automotive program last year, when he attempted to fill them by reaching out to counselors at other schools, he learned that those counselors were being told by PUSH that the program was full and there was no room for other students.

IV. CONCLUSION

As detailed in the charges and affidavits provided to the EEOC, the PUSH school principal, Angela Robertson, made numerous open and offensive racial remarks about white people, openly humiliated teachers with racially charged statements and actions at faculty meetings, and frequently and continually created division among the races by blatant, racially motivated actions and remarks. She threatened her staff with terminations, or not having jobs if they did not commit unethical, illegal acts including falsifying grades, attendance records, and other academic records. She created courses and staffed them with African American individuals who were not qualified by training, education, or licensure to teach, thereby devaluing the educational standards in the school, demeaning the earned qualifications of the charging parties and other qualified staff, and by placing the charging parties in an ethical and racially charged quagmire. She paid

her African American supporters (ex. Pam Walters) far more than Caucasian individuals for the same work, and she allowed African Americans whom she considered her allies to flaunt school and district rules. (Mauldin, Walters and Charles Robertson, for example.) Her surrogates at the school, Sheila Mauldin--the Facilities Manager, John Watts---the School Dean, her husband, Charles Robertson, whose non-profit YAPA had District financial support and free accommodations on the second floor of the school, and others, continued to harass the teachers who had complained about Robertson's behavior, even after Robertson was placed on administrative leave with pay. These instances are described in the Charging Parties' affidavits. Despite being aware of these problems as early as January 2015, the District enabled Robertson to continue these practices and did nothing to protect the Complainants who brought these problems into the open. Indeed, the Complainants were, and are, being retaliated against. In considering all these circumstances, as explained above, the EEOC has sufficient evidence before it to conclude that there is a probable cause to believe that the District has discriminated against the Charging Parties.

Thank you, Mr. Pate, for your time and attention to these charges, and for your gracious allowance of extra time to complete this rebuttal. If we can supply further information or clarification, do not hesitate to contact me.

Sincerely,


Cathy Cooper



AGREEMENT AND PARTNERSHIP

between

School District No. 1 in the

City and County of Denver, State of Colorado

and

Denver Classroom Teachers Association

September 1, 2008 – August 31, 2011



DCTA

Excellence

www.dpsk12.org
www.denverclassroom.org
www.DenverProComp.org



Article 1 - Definitions

- 1-1 The term "Community" as used in these Articles shall include parents and other Denver Community members.
- 1-2 The term "teacher" as used in this Agreement shall mean all non-administrative teaching personnel, employed half-time or more, who are licensed by the Colorado Department of Education as teachers, including others who are authorized to teach by statute.
- 1-3 The term "Board" as used in these Articles shall mean the Board of District No. 1 in the City and County of Denver and State of Colorado.
- 1-4 The term "Association" as used in this Agreement shall mean the Denver Classroom Teachers Association.
- 1-5 The terms "School District," "District" and "Denver Public Schools" as used in these Articles shall mean District No. 1 in the City and County of Denver and State of Colorado.
- 1-6 The term "Superintendent" as used in these Articles shall mean the Superintendent of Schools of District No. 1 in the City and County of Denver and State of Colorado. The Superintendent is the Chief Executive Officer of the Board who administers the affairs and programs of the District as provided by law and Board policy.
- 1-7 The term "school year" as used in these Articles shall mean the officially adopted school calendar.
- 1-8 The term "principal" as used in these Articles shall include the head administrator of a school, as well as an administrative supervisor, where appropriate.
- 1-9 The term "school" as used in these Articles shall refer to each educational unit overseen by a principal or administrative supervisor.
- 1-10 The term "ProComp Agreement" as used in these Articles shall refer to the Professional Compensation System for Teachers Agreement as amended August 2008.
- 1-11 The term "Beacon School" will be used to describe a school where the teachers and principals have worked together to create a clear coherent instructional plan for their school approved by the Board of Education.

Article 2 - General

- 2-1 The District and the Association agree to abide by and enforce the provisions of this Agreement in good faith.
- 2-2 The Board shall apply the provisions of this Agreement equally to all employees without discrimination on the basis of race, creed, color, national origin, sex, sexual orientation,

marital status, age, and consistent with the provisions of the Americans with Disabilities Act, membership or official activities in any teacher organization or such other specified human or civil rights as may be protected by statute.

- 2-3 The District and the Association shall regularly conduct training with teachers and administrators to ensure the implementation and enforcement of the Agreement.
- 2-4 No change, rescission, alteration or modification of this Agreement in whole or in part shall be valid unless the same is ratified by both the Board and the Association.
 - 2-4-1 Unless otherwise provided in this Agreement, requests for waivers from this Agreement shall be made by the principal and the Association Representative to the Board of Education and the Association.
- 2-5 This Agreement shall be governed and construed according to the Constitution and Laws of the State of Colorado. If any provision of the Agreement or any application of this Agreement to any teacher covered hereby is found contrary to law, such provision or application shall have effect only to the extent permitted by law, but all other provisions or application of this Agreement shall continue in full force and effect.
- 2-6 In case of any direct conflict between the express provisions of this Agreement and any Board policy or writing not incorporated in this Agreement, the provisions of this Agreement shall control.
- 2-7 The parties recognize that the Board has the responsibility and authority to establish policies and regulations for the management of all the operations and activities of the District. All lawful rights and authority of the Board not modified by this Agreement are retained by the Board.
- 2-8 This Agreement constitutes District policy for the term of said Agreement, and the Board and the Association will carry out the commitments contained herein and give them full force and effect.
- 2-9 The Association shall continue to admit persons to membership without discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status, age, handicapping condition, membership in any teacher organization or such other specified human or civil rights as may be protected by statute.
- 2-10 Teachers have the right to join, or refrain from joining, any lawful organization for their professional or economic improvement and for the advancement of public education. Membership of a teacher in, or financial support for any organization, shall not be required as a condition of employment with the District.

- 4-4-1 On the first business day of August and September, the District shall provide to the Association a list of all new hires and transfers, including the name, current address, and phone number.

Article 5 - Student Achievement, Instruction and Educational Reform

5-1 Guiding Principles.

- 5-1-1 Implementation of the District's instructional program is complex and best accomplished when there is mutual respect among a school's administrators and teachers and a joint commitment to problem solving. Such an atmosphere in no way diminishes the authority of the principal or the professionalism of teachers.
- 5-1-2 The Board of Education is vested with the authority to establish the District's curriculum and instructional program.
- 5-1-3 For teachers, a variety of professional growth activities is most likely to improve instruction, including individual time for reflection, participation in grade level/subject area/vertical teams, whole school professional development, working with the literacy coach, and participation in professional learning communities. A staff development plan shall take into account the differentiated needs of teachers based on experience, education, and skills. A variety of activities developed in collaboration with teachers shall be included in the plan.
- 5-1-4 Teamwork among teachers and with the principals is an important component for improving achievement. Teachers shall have a significant role in identifying and developing the instructional program.
- 5-1-5 A positive school climate is also an important component of improving student achievement.

5-2 Instructional Issues Council.

- 5-2-1 The District and the Association shall establish a District-wide Instructional Issues Council (the Council) to collaborate, review, and problem solve through an open and honest dialogue, in order to make recommendations by consensus, where appropriate, regarding the planning, implementation and ongoing improvement of the District's existing and proposed curriculum, instructional programs, and assessment tools, including professional development. The Council shall be co-chaired by a teacher, appointed by the Association President, and a designee of the Superintendent.
- 5-2-2 Impact on Student Achievement and Teacher Time.

When considering a recommended course of action, the Council will consider the impact of the proposed initiative on the:

25-2 Teachers will be notified of placement during the teacher staffing process.

Article 26 - Professional Behavior

- 26-1 Teachers are expected to comply with rules, regulations, and directions adopted by the Board or its representatives which are not inconsistent with the express provisions of this Agreement, except that a teacher may refuse to carry out an order which reasonably threatens the teacher's physical safety.
- 26-2 Teachers are expected to use appropriate channels of communication for comments, suggestions, grievances and other professional matters. Such channels include normal administrative channels, the grievance procedure, CSC, teacher organization representatives, and negotiations. No reprisals may be taken against teachers, CSC, SLT and Personnel Committee members due to the exercise of the responsibilities of these positions.
- 26-3 The District affirms the principles that teachers have the full rights and responsibilities of citizenship and that a teacher's private life and activities are not an appropriate concern of the District, except to the extent that they detract from the effective accomplishment of the teacher's professional duties or are grounds for dismissal under Colorado statutes.
- 26-3-1 Teachers have the right, except as otherwise provided by law, to engage in political activity, to campaign on behalf of candidates for public office, and to themselves seek, campaign for, and hold public office. However, these activities must be conducted outside school hours and must not interfere with the effective accomplishment of the teacher's professional duties.
- 26-4 The District and the Association affirm the importance of good staff morale to the instructional and operational programs of a school. Teachers and administrators are expected to exhibit positive attitudes and professional behavior that will maintain and enhance good staff morale.
- 26-5 The Board, teachers, and administrators encourage one another to exemplify the highest standards of personal and professional excellence and to become outstanding role models for all students.
- 26-6 Every teacher and administrator is expected to exhibit sensitivity to ethnic-minority persons and to promote the success of students from multi-cultural/multi-ethnic backgrounds.
- 26-7 Any alleged abuses of principal authority in the Personnel Committee or SLT process shall be reported to the Association or Instructional Superintendent or designee. The Association and Instructional Superintendent or designee will review and address these allegations.

EXHIBIT
tabbles
2



Book Denver Public Schools Board of Education Policies
Section A - Foundations and Basic Commitments
Title Nondiscrimination and Equal Opportunity
Number AC
Status Active
Adopted March 18, 2006
Last Revised October 23, 2014

Denver Public Schools ("the District") is committed to fostering, cultivating and preserving a culture of diversity and inclusiveness. We celebrate our diversity and will provide the necessary resources and supports to eliminate barriers to success and foster a more equitable future for all our students and employees.

The District will provide a safe learning and working environment where all members of the school community are treated with dignity and respect regardless of race, color, gender, sexual orientation, gender identity, transgender status, religion, national origin, ancestry, age, marital status, pregnancy status, veteran status, or disability (collectively, "Protected Classes"). Accordingly, no otherwise qualified student, employee, applicant for employment, or member of the public shall be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination or harassment under any District program or activity on the basis of Protected Class status.

This policy and any accompanying procedures shall be used to address all concerns from members of the public regarding unlawful discrimination and harassment and requests for accommodation. Policy GBA and any accompanying procedures shall be used to address all concerns from employees and applicants for employment regarding unlawful discrimination and harassment and requests for accommodation. Policy JB and any accompanying procedures shall be used to address all concerns from students regarding unlawful discrimination and harassment and requests for accommodation.

Harassment is Prohibited

Harassment based on a person's Protected Class status is a form of discrimination prohibited by state and federal law. Preventing and remedying such harassment in schools is essential to ensure a nondiscriminatory, safe environment in which students can learn, employees can work, and members of the public can access and receive the benefits of District facilities and programs. All such harassment by district employees, students, and third parties, is strictly prohibited.

All District employees and students share the responsibility to ensure that harassment does not occur at any District school, on any District property, at any District or school-sanctioned activity or event, off school property when such conduct has a nexus to the school, or at any District curricular or non-curricular activity or event.

Adoption of Regulations

The Superintendent or a designee shall develop such procedures as may be needed for the implementation of this policy so long as such procedures are consistent with Board policies.

Legal Ref.:

Title IX of the Education Amendments, 20 U.S.C. § 1681
Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621 et seq.
Section 504 of the Rehabilitation Act, 29 U.S.C. § 794

Americans with Disabilities Act, 42 U.S.C. § 12101 et seq
Title VI of the Civil Rights Act, 42 U.S.C. § 2000d -R1
Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e
Genetic Information Nondiscrimination Act, 42 U.S.C. § 2000ff et seq.
Equal Educational Opportunities Act, 20 U.S.C. §1701-1758
Individuals with Disabilities Education Act, 20 U.S.C. §1400
C.R.S. § 2-4-401(13.5)
C.R.S. § 22-32-109(1)(kk)(II)
C.R.S. § 22-32-110(cc) and (dd)
C.R.S. § 22-61-101
C.R.S. § 24-34-301 et seq.
C.R.S. § 24-34-401 et seq.
C.R.S. § 24-34-601 et seq.

Cross Refs.:

AC-R1 – Procedures for the Investigation of Public Complaints of Discrimination or Harassment
AC-R2 – Procedures for Public Requests for Reasonable Accommodations and Procedures for the Investigation of Public Complaints Regarding the Provision of Requested Accommodations

[Form AC-E-4_Discrimination and Harassment Incident Report Form.pdf \(87 KB\)](#)

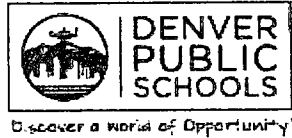
[Form AC-E-1_Checklist for Processing Discrimination and Harassment Complaints.pdf \(107 KB\)](#)

[Form AC-E-2_Discrimination and Harassment Complaint Form.pdf \(86 KB\)](#)

[Form AC-E-3_Discrimination and Harassment Respondent or Witness Form.pdf \(24 KB\)](#)

[Form AC-E-4_Discrimination and Harassment Incident Report Form.pdf \(87 KB\)](#)

[Form AC-E-5_Public Accommodation Request Form.pdf \(27 KB\)](#)



Book	Denver Public Schools Board of Education Policies
Section	A - Foundations and Basic Commitments
Title	Procedures for the Investigation of Public Complaints of Discrimination or Harassment
Number	AC-R1
Status	Active
Adopted	October 23, 2014

Denver Public Schools ("the District") will provide a safe learning and working environment that is free from unlawful discrimination and harassment. The District shall promptly respond to concerns and complaints of unlawful discrimination and/or harassment; take action in response to unlawful discrimination and/or harassment; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all involved in unlawful discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint shall be referred to law enforcement for investigation.

The District has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

Definitions

1. "Public Compliance Officer" means the Chief of the Office of Family and Community Engagement or his or her designee who is designated to receive complaints of alleged unlawful discrimination and harassment.
2. "Aggrieved Individual" shall mean a member of the public who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment.
3. "Member of the public" shall mean an individual who is not an employee of the District or a student attending a District school and who is authorized to communicate with District employees or representatives, be present on District-owned property, or participate in District-sponsored activities.
4. "Harassment" is any unwelcome, hostile, and offensive verbal, written, or physical conduct based on or directed at a person's Protected Class status that: (1) results in physical, emotional, or mental harm or damage to property; (2) is sufficiently severe, persistent, or pervasive that it interferes with an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, hostile, or threatening environment; or (3) substantially disrupts the orderly operation of the school.
 - a. Harassing conduct may take many forms, including but not limited to:
 - i. Verbal acts and name-calling;
 - ii. Graphic depictions and written statements, which may include use of cell phones or the Internet; and/or
 - iii. Other conduct that may be physically threatening, harmful, or humiliating.

Public Compliance Officer's Duties

The Public Compliance Officer shall be responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting unlawful discrimination or harassment.

The District's Public Compliance Officer is:

Chief
Office of Family and Community Engagement
Denver Public Schools
1860 Lincoln St.
Denver, CO 80203
Telephone: 720-423-3054

Complaint Procedure

An Aggrieved Individual is encouraged to promptly report the incident to the District’s Public Compliance Officer. All reports received by teachers, counselors, principals, or other District employees shall be promptly forwarded to the Public Compliance Officer. If the Public Compliance Officer is the individual alleged to have engaged in the prohibited conduct, the complaint shall be forwarded to the Superintendent, and the Superintendent shall designate an alternate Public Compliance Officer to investigate the matter.

Any Aggrieved Individual may file with the Public Compliance Officer a complaint charging the District, another student or any school employee with unlawful discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint shall be encouraged to use the form in AC-E2: “Discrimination/Harassment Complaint Form.”

All complaints shall include a detailed description of the alleged events, the dates the alleged events occurred, and names of the parties involved, including any witnesses. The complaint shall be made as soon as possible after the incident.

The Public Compliance Officer shall confer with the Aggrieved Individual and/or the alleged victim of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than 15 school days following the District’s receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within 5 school days following the initial meeting with the Aggrieved Individual and/or alleged victim, the Public Compliance Officer shall attempt to meet with the individual alleged to have engaged in the prohibited conduct. Such person(s) shall be informed of all allegations that, in the Public Compliance Officer’s judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

At the initial meetings, the Public Compliance Officer shall explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the victim and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The Public Compliance Officer shall also explain that whether or not the individual files a written complaint or otherwise requests action, the District is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment, or retaliation against anyone who makes a report or participates in an investigation. The Public Compliance Officer shall also explain that any request for confidentiality shall be honored so long as doing so does not preclude the District from responding effectively to prohibited conduct and preventing future prohibited conduct.

Informal Action

If the Aggrieved Individual and/or the individual alleged to have engaged in the prohibited conduct requests that the matter be resolved in an informal manner and/or the Public Compliance Officer believes that the matter is suitable to such resolution, the Public Compliance Officer may attempt to resolve the matter informally through mediation, counseling, or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party shall be compelled to resolve a complaint of unlawful discrimination or harassment informally and either party may request an end to an informal process at any time.

Formal Action

If informal resolution is inappropriate, unavailable, or unsuccessful, the Public Compliance Officer shall promptly investigate the allegations to determine whether and/or to what extent unlawful discrimination or

harassment has occurred. The Public Compliance Officer may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

1. Statements by any witness to the alleged incident;
2. Evidence about the relative credibility of the parties involved;
3. Evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibit conduct against others;
4. Evidence of the Aggrieved Individual and/or alleged victim’s reaction or change in behavior following the alleged prohibited conduct;
5. Evidence about whether the alleged victim and/or aggrieved individual took action to protest the conduct;
6. Evidence and witness statements or testimony presented by the parties involved;
7. Other contemporaneous evidence, and/or
8. Any other evidence deemed relevant by the Public Compliance Officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances shall be considered by the Public Compliance Officer, including:

1. The degree to which the conduct affected one or more student’s education;
2. The type, frequency, and duration of the conduct;
3. The identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the Aggrieved Individual and/or alleged victim;
4. The number of individuals alleged to have engaged in the prohibited conduct and number of victims of the prohibited conduct;
5. The age of the individual alleged to have engaged in the prohibited conduct and the Aggrieved individual and/or alleged victim;
6. The size of the school, location of the incident, and context in which it occurred; and/or
7. Other incidents at the school.

The Public Compliance Officer shall prepare a written report containing findings and recommendations, including proposed disciplinary action for students and/or employees as appropriate, and submit the report to the Superintendent or the Superintendent’s designee within 15 school days following the Public Compliance Officer’s initial meeting with the complainant or 15 school days following the termination of the informal resolution process. To the extent permitted by federal and state law, the Public Compliance Officer shall notify all parties in writing of the final outcome of the investigation and all steps taken by the District within 5 days following the Public Compliance Officer’s determination. The District shall implement the recommendations found in the Public Compliance Officer’s report.

Should the Aggrieved Individual and/or alleged victim disagree with the Public Compliance Officer’s findings and recommendations, the Aggrieved Individual and/or alleged victim may appeal the Public Compliance Officer’s decision by submitting a written appeal to the Superintendent or his or her designee within 10 calendar days of receipt of the notification of the final outcome of the investigation. The written appeal shall include any additional evidence to be considered and shall state with specificity the appellant’s disagreements with the Public Compliance Officer’s decision. The Superintendent or his or her designee shall review the evidence and submit a final written report affirming or reversing the Public Compliance Officer’s determination and proposing additional recommendations as appropriate. The Superintendent or designee’s decision shall be final.

Legal Ref.:

Title IX of the Education Amendments, 20 U.S.C. § 1681
Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621 et seq.
Title VI of the Civil Rights Act, 42 U.S.C. § 2000d -R1
Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e
Genetic Information Nondiscrimination Act, 42 U.S.C. § 2000ff et seq.
Equal Educational Opportunities Act, 20 U.S.C. §1701-1758
C.R.S. § 2-4-401(13.5)
C.R.S. § 22-32-109(1)(kk)(II)
C.R.S. § 22-32-110(cc) and (dd)
C.R.S. § 22-61-101
C.R.S. § 24-34-301 et seq.
C.R.S. § 24-34-401 et seq.
C.R.S. § 24-34-601 et seq.

Cross Refs.:

AC – Nondiscrimination and Equal Opportunity

Checklist for Processing Discrimination & Harassment Complaints

Complainant: _____		
Date of Incident:		School/Department:
Date	Name of Responsible Party	Action
		Received Notice of Incident or Complaint (Copy of complaint attached if received)
		Notified Appropriate Compliance Officer or Designee
		Interviewed Involved Parties: Complainant/Witnesses/Respondent
		Notified Parents of Complainant (if student)
		Notified Supervisor of Employee(s) Involved
		Notified DPS Safety & Security, if applicable
		Notified DPD, if applicable
		Completed Investigation and Processing of Parties Involved in Incident: <ul style="list-style-type: none"> • Offered Victim Assistance (as needed) • Initiated Sexual Harassment Education Process, if applicable • Initiated Disciplinary Procedures, if applicable
		Forwarded Documentation to Appropriate Compliance Officer (including additional forms 2, 3, & 4)

FOR COMPLIANCE OFFICER USE ONLY

DATE	NAME/INITIALS	ACTION
		Coordinated Investigation of Complaint, if applicable. Confirmed Initiation of Harassment Education and/or Counseling for All Parties, as needed. Ensured Proper Disciplinary or Corrective Action Procedures Were Followed, as applicable.
		Informed Complainant and Respondent of Outcome of Investigation, if applicable
		10-day Follow Up Complete
		Submitted Report to Appropriate Compliance Officer, Showing Final Disposition, For Year-end Reporting to Superintendent, if applicable.
		Closed File

Please submit accompanying forms: AC-E-2: Discrimination/Harassment Complaint Form, AC-E-3: Respondent/Witness Form, AC-E-4: Discrimination/Harassment Incident Report Form

Discrimination/Harassment Complaint Form

Date: _____

Name of complainant: _____

School: _____

Address: _____

Phone: _____

Summary of alleged unlawful discrimination or harassment: _____

Name(s) of individual(s) allegedly engaging in prohibited conduct: _____

Date(s) alleged prohibited conduct occurred: _____

Name(s) of witness(es) to alleged prohibited conduct: _____

Form AC-E-2
Form 2 of 4

If others are affected by the possible unlawful discrimination or harassment, please give their names: _____

Your suggestions regarding resolving the complaint: _____

Please describe any corrective action you wish to see taken with regard to the alleged unlawful discrimination or harassment. You may also provide other information relevant to this complaint: _____

Signature of complainant

Date

Signature of person receiving complaint

Date

Form AC-E-2
Form 2 of 4

Attach Additional Pages as Necessary

**Form AC-E-3
Form 3 of 4**

List any additional witnesses who were present: _____

If Respondent, what is your response to the allegations? _____

I hereby certify that the information I have provided in these answers is true, correct and complete to the best of my knowledge.

Respondent or Witness Signature

Date

Witnessed by

Date

Form AC-E-3
Form 3 of 4

Attach additional pages as necessary

Discrimination/Harassment Incident Report Form
(To Be Completed by Compliance Officer or Designee)

Overview

Date of Report: _____

School/Department: _____

Person Reporting: _____

Position of Person Reporting: _____

Date of Occurrence: _____

Alleged Victim Name: _____

Alleged Victim is a:

- Student – age & grade level _____
- Employee – position & immediate supervisor _____
- Community Member

Type of Discrimination Alleged:

- Protected Class: _____
- Sexual Harassment

Alleged Perpetrator(s) Name(s): _____

Alleged Perpetrator(s) is/are a:

- Student – age and grade level _____
- Employee – position & immediate supervisor _____
- Community Member

Description of Event(s) (Be specific): _____

Conclusion

Have the allegations been substantiated as factual?

Yes – please explain: _____

No – please explain: _____

Does the conduct violate Board policy?

Yes

No

If the conduct violates Board policy, which policy or policies does the conduct violate?

Resolution

Was disciplinary action taken?

Form AC-E-4
Form 4 of 4

Yes – please explain: _____

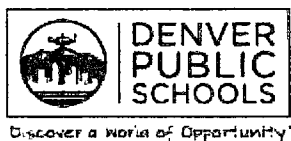
No – please explain: _____

Was victim assistance or support provided (school counselor, psychologist, employee assistance, etc.)?

Yes – please explain: _____

No – please explain:

Notes/Additional Comments/Recommendations: _____



Book Denver Public Schools Board of Education Policies
Section G - Personnel
Title Procedures for the Investigation of Employee Complaints of Discrimination or Harassment
Number GBA-R1
Status Active
Adopted October 23, 2014

Nondiscrimination and Harassment

Denver Public Schools ("the District") will provide a work environment that is free from unlawful discrimination and harassment. The District shall promptly respond to concerns and complaints of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all involved in unlawful discrimination and/or harassment complaints as required by state and federal law. When appropriate, the complaint shall be referred to law enforcement for investigation.

The District has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted orally or in writing.

Definitions

1. "Employee Compliance Officer" means the Chief of the Human Resources Department or his or her designee who is designated to receive complaints of alleged unlawful discrimination and harassment.
2. "Aggrieved Individual" shall mean an employee of the District or an applicant for employment with the District who is directly affected by and/or is witness to an alleged violation of Board policies prohibiting unlawful discrimination or harassment.
3. "Harassment" is any unwelcome, hostile, and offensive verbal, written, or physical conduct based on or directed at a person's Protected Class status: (1) that results in physical, emotional, or mental harm or damage to property; (2) that is severe or pervasive and creates a hostile work environment; or (3) where the satisfaction of a sexual demand is used as the basis for an employment decision.
 - a. Harassing conduct may take many forms, including but not limited to:
 - i. Verbal acts and name-calling;
 - ii. Graphic depictions and written statements, which may include use of cell phones or the Internet; and/or
 - iii. Other conduct that may be physically threatening, harmful, or humiliating.

Employee Compliance Officer's Duties

The Employee Compliance Officer shall be responsible for conducting an investigation and coordinating all complaint procedures and processes for any alleged violation of federal or state statute or Board policy prohibiting unlawful discrimination or harassment.

The District's Employee Compliance Officer is:

Chief Human Resources Officer
Denver Public Schools

1860 Lincoln St.
Denver, CO 80203
Telephone: (720) 423-3985

Complaint Procedure

An Aggrieved Individual is encouraged to promptly report the incident to an immediate supervisor or the District's Employee Compliance Officer. All reports received by teachers, counselors, principals, or other District employees shall be promptly forwarded to the Employee Compliance Officer. If the Employee Compliance Officer is the individual alleged to have engaged in the prohibited conduct, the complaint shall be forwarded to the Superintendent, and the Superintendent shall designate an alternate Employee Compliance Officer to investigate the matter.

Any Aggrieved Individual may file with the Employee Compliance Officer a complaint charging the District or any other school employee with unlawful discrimination or harassment. Complaints may be made orally or in writing. Persons who wish to file a written complaint shall be encouraged to use form AC-E2: "Discrimination/Harassment Complaint Form."

All complaints shall include a detailed description of the alleged events, the dates the alleged events occurred, and names of the parties involved, including any witnesses. The complaint shall be made as soon as possible after the incident.

The Employee Compliance Officer shall confer with the Aggrieved Individual and/or the alleged victim of the unlawful discrimination or harassment as soon as is reasonably possible, but no later than 15 school days following the District's receipt of the complaint in order to obtain a clear understanding of the basis of the complaint.

Within 5 school days following the initial meeting with the Aggrieved Individual and/or alleged victim, the Employee Compliance Officer shall attempt to meet with the individual alleged to have engaged in the prohibited conduct. Such person(s) shall be informed of all allegations that, in the Employee Compliance Officer's judgment, are necessary to achieve a full and accurate disclosure of material information or to otherwise resolve the complaint.

At the initial meetings, the Employee Compliance Officer shall explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the victim and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The Employee Compliance Officer shall also explain that whether or not the individual files a written complaint or otherwise requests action, the District is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment, or retaliation against anyone who makes a report or participates in an investigation. The Employee Compliance Officer shall also explain that any request for confidentiality shall be honored so long as doing so does not preclude the District from responding effectively to prohibited conduct and preventing future prohibited conduct.

Informal Action

If the Aggrieved Individual and/or the individual alleged to have engaged in the prohibited conduct requests that the matter be resolved in an informal manner and/or the Employee Compliance Officer believes that the matter is suitable to such resolution, the Employee Compliance Officer may attempt to resolve the matter informally through mediation, counseling, or other non-disciplinary means. If both parties feel a resolution has been achieved through the informal process, then no further compliance action must be taken. No party shall be compelled to resolve a complaint of unlawful discrimination or harassment informally and either party may request an end to an informal process at any time.

Formal Action

If informal resolution is inappropriate, unavailable, or unsuccessful, the Employee Compliance Officer shall promptly investigate the allegations to determine whether and/or to what extent, unlawful discrimination or harassment has occurred. The Employee Compliance Officer may consider the following types of information in determining whether unlawful discrimination or harassment occurred:

1. Statements by any witness to the alleged incident;

2. Evidence about the relative credibility of the parties involved;
3. Evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others;
4. Evidence of the Aggrieved Individual and/or alleged victim's reaction or change in behavior following the alleged prohibited conduct;
5. Evidence about whether the alleged victim and/or aggrieved individual took action to protest the conduct;
6. Evidence and witness statements or testimony presented by the parties involved;
7. Other contemporaneous evidence, and/or
8. Any other evidence deemed relevant by the Employee Compliance Officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances shall be considered by the Employee Compliance Officer, including:

1. The degree to which the conduct affected one or more student's education;
2. The type, frequency, and duration of the conduct;
3. The identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the Aggrieved Individual and/or alleged victim;
4. The number of individuals alleged to have engaged in the prohibited conduct and number of victims of the prohibited conduct;
5. The age of the individual alleged to have engaged in the prohibited conduct and the Aggrieved individual and/or alleged victim;
6. The size of the school, location of the incident, and context in which it occurred; and/or
7. Other incidents at the school.

The Employee Compliance Officer shall prepare a written report containing findings and recommendations, including proposed disciplinary action for students and/or employees as appropriate, and submit the report to the Superintendent or the Superintendent's designee within 15 school days following the Employee Compliance Officer's initial meeting with the complainant or 15 school days following the termination of the informal resolution process. To the extent permitted by federal and state law, the Employee Compliance Officer shall notify all parties of the final outcome of the investigation within 5 days following the Employee Compliance Officer's determination. The District shall implement the recommendations found in the Employee Compliance Officer's report.

Should the Aggrieved Individual and/or alleged victim disagree with the Employee Compliance Officer's findings and recommendations, the Aggrieved Individual and/or alleged victim may appeal the Employee Compliance Officer's decision by submitting a written appeal to the Superintendent or his or her designee within 10 calendar days of receipt of the notification of the final outcome of the investigation. The written appeal shall include any additional evidence to be considered and shall state with specificity the appellant's disagreements with the Employee Compliance Officer's decision. The Superintendent or his or her designee shall review the evidence and submit a final written report affirming or reversing the Employee Compliance Officer's determination and proposing additional recommendations as appropriate. The Superintendent or designee's decision shall be final.

Legal Ref.:

Title IX of the Education Amendments, 20 U.S.C. § 1681
Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621 et seq.
Title VI of the Civil Rights Act, 42 U.S.C. § 2000d -R1

Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e
Genetic Information Nondiscrimination Act, 42 U.S.C. § 2000ff et seq.
C.R.S. § 2-4-401(13.5)
C.R.S. § 22-32-109(1)(kk)(II)
C.R.S. § 22-61-101
C.R.S. § 24-34-301 et seq.
C.R.S. § 24-34-401 et seq.
C.R.S. § 24-34-601 et seq.

Cross Refs.:

GBA – Equal Opportunity and Nondiscrimination



Book Denver Public Schools Board of Education Policies
Section G - Personnel
Title Conflicts of Interest
Number GBEA
Status Active
Adopted September 18, 1975
Last Revised March 19, 2015

No district employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his or her duties and responsibilities in the school system. Employees are expected to perform the duties of the position to which they are assigned and to observe rules of conduct and ethical principles established by state law and district policies and regulations.

All confidential information an employee is privy to as a result of district employment shall be kept strictly confidential. In addition, employees shall not utilize information solely available to them through school sources to engage in any type of work outside of the school district. This includes information concerning potential customers, clients or employers.

An employee shall not sell any books, instructional supplies, musical instruments, equipment or other school supplies to any student or to the parents/guardians of a student who attends the school served by the employee unless prior approval has been obtained from the Superintendent.

To avoid a conflict of interest, the district prohibits an employee from exercising supervisory, appointment or dismissal authority, or disciplinary action over a member of the employee's immediate family. For purposes of this policy, an employee's "immediate family" means his or her spouse, partner in a civil union, children and parents.

LEGAL REFS.:

Constitution of Colorado, Art. X, Sec. 13

C.R.S. 18-8-308

C.R.S. 22-63-204

C.R.S. 24-34-402(1)

CROSS REF.:

Policy GBEBC - Gifts to and Solicitations by Staff

EXHIBIT
tabbies
3



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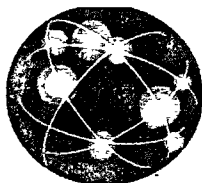
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YAPA

Young Adults for Positive Action

Young Adults for Positive Action (YAPA) was established in 1996 out of the need to provide the youths of Metropolitan Denver with the tools and marketable skills necessary to ensure their success into the 21st Century. YAPA provides the youth of Metropolitan Denver with the skills required by today's business while emphasizing the power of a quality education and positive civic engagement. Services offered through Young Adults for Positive Action include: Summer Leadership Camp, Colorado Youth Leadership Institute, Hospitality Opportunity and Services Training, and Placement Educational Training.



Mission

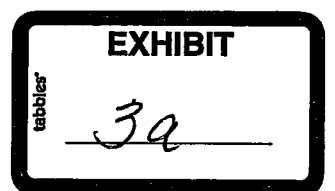


To empower young men and women with the tools and marketable skills necessary to ensure their success for the 21st Century. Young Adults for Positive Action (YAPA) will provide advocacy, resources, and mentors to youth, throughout urban communities.

[View Website](#)

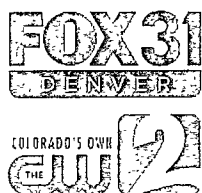
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Feds investigate Denver Schools' relationship with nonprofit

POSTED 9:30 PM, JULY 14, 2016, BY CHRIS HALSNE AND CHRIS KOEBERL, *UPDATED AT 06:33AM, JULY 15, 2016*



DENVER -- A partnership between Denver Public Schools and a nonprofit business run by a well-connected convicted embezzler has grabbed the attention of the FBI.

A source with direct knowledge of the probe tells FOX31 Denver the FBI is vetting information regarding possible financial irregularities involving the P.U.S.H. Academy and the not-for-profit Young Adults for Positive Action.



PUSH High School in Denver

P.U.S.H. is a low-performing public high school in northeast Denver. DPS records show the “intensive pathways” school last year failed to meet accreditation standards for Student Progress Over-Time, Student Achievement, and Post-Secondary Readiness.

After prompting from the FOX31 Problem Solvers, DPS admitted that its chief financial officer (and former Speaker of the Colorado House of Representatives) Mark Ferrandino “did (recently) have a meeting with the FBI about P.U.S.H. Academy and YAPA.” The district said to contact Denver-based federal agents for further comment.

For the past year, the Problem Solvers have been investigating the cozy relationship among DPS, the leader of YAPA, his wife and former P.U.S.H. principal, his sex offender son and a former Denver School Board member.

The FBI will not say whether its investigation was sparked by the investigative work, but it appears agents and the journalists are on a similar path for information.



Unauthorized removal of property

It was hot Monday morning the week after Denver Public Schools released students for the summer. Outside the P.U.S.H Academy, a maintenance crew mowed the lawn, a new custodian moved in and out of the building with cleaning supplies, and a security guard occasionally drove the parking lot.

Also outside on June 6: A trio of cameras aimed at the front and propped-open rear doors of the troubled school.

At around 10 a.m., a black pickup truck arrived. A man and a woman, neither of whom were Denver Public Schools employees, began to load the vehicle with equipment, boxes and supplies from inside P.U.S.H.

At times, the pair used a rolling chair like a moving cart to wheel items up the sidewalk.

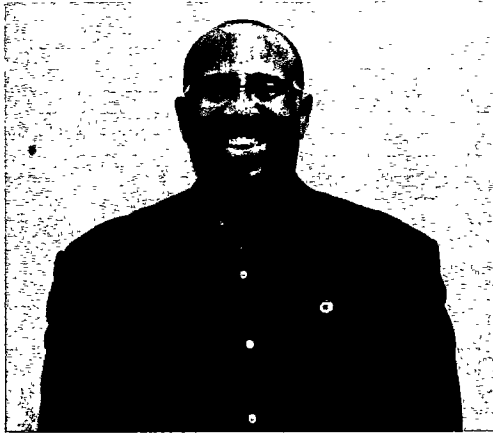
All of the goods could not be identified. From the front, the man loaded a small black refrigerator/freezer into the bed of the truck, while putting other items like a fan, two laptops, a box of miscellaneous small electronics and surge protectors inside the cab.



Refrigerator being loaded into pickup truck

After driving around to the back of the building, the pair filled the truck with kitchen equipment, a pair of speakers, a slide top freezer, microphone stands and what looked like music stands.

Concerned school district staff had been speaking with the Problem Solvers about what they called a “family affair” operating inside the school, with accusations that higher-ups at DPS had been turning a blind eye to financial improprieties and gross conflicts of interest involving educational tax dollars.



Charles Robertson

The person loading the truck was Charles Edward Robertson, the co-founder of YAPA. Records show the other founder is recently resigned Denver School Board member Landri Taylor.

In March 2015, DPS approved funding to YAPA for \$165,432 out of the general fund. YAPA promised in return to provide “extended day activities, wraparound services and advocacy support for families.”

Taylor was an active member of the school board and on the YAPA board when the contract was signed.

“I don’t believe my involvement was a conflict of interest,” and that “YAPA’s services were valuable to the community,” Taylor said last week.

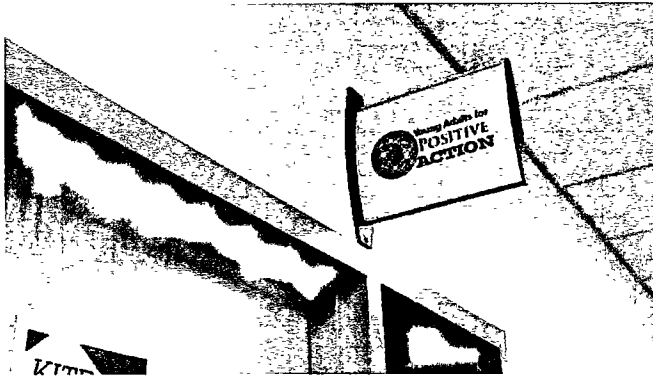


Landri Taylor

Taylor said YAPA helped with after-school tutoring services, mentoring for students, and, at times, bought groceries for needy students’ families.

Although not part of the “partnership agreement,” DPS also apparently provided free office space for YAPA inside the P.U.S.H. Academy for at least the school years of 2014-15 and part of 2015-16.

Other financial documents, obtained from sources with knowledge of the federal investigation, show Robertson was also operating business inside the high school in 2013. A “job invoice” shows Robertson’s name and apparent signature on a “work order” for unloading a delivery consisting of a “display case” and an “ice cream freezer.”



YAPA office

The free office space allowed Robertson to come to work with his wife, P.U.S.H. principal Angela Robertson. The Robertsons' son, Kendall, was a YAPA staff member during the 2014-15 school year, serving in a youth leadership role. He was also being paid by DPS as an employee and coach.

Kendall Robertson was fired earlier this year from DPS and removed from the YAPA website after getting caught trolling through underage female students' cellphones looking for sexual content. Kendall Robertson was convicted of invasion of privacy for sexual gratification in January and sentenced to register as a sex offender.

While investigating Kendall's arrest last summer, the Problem Solvers noticed YAPA had an office inside P.U.S.H. and that Charles Robertson and his wife worked in the same building.

According to information provided by the district, in early February, Angela Robertson was put on paid administrative leave pending an investigation.

By March 14, she had resigned. Neither she nor DPS would elaborate as to why. When reporters approached Angela Robertson at her house, she shouted through the door that "she couldn't talk because (I) signed a confidentiality contract."

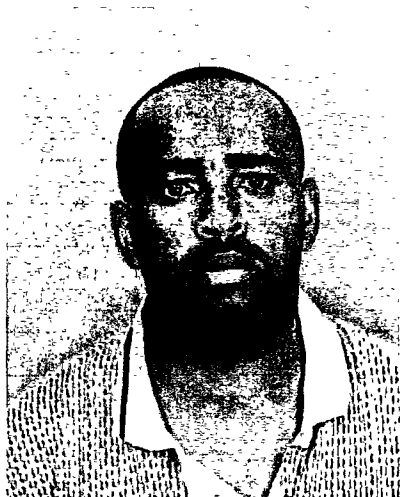


Angela Robertson

That brings us back to June 6.

Because his principal wife was no longer at the P.U.S.H. Academy and DPS had decided to stop supporting YAPA financially, Charles Robertson needed to move from his YAPA office, which was in room 214 in the high school.

We wanted to make certain that because Charles Robertson was moving goods out of a public school, that he only took what belonged to (and was paid for by) YAPA.



Charles Robertson's mugshot

Charles Robertson had stolen government property before. In 2001, when he was deputy director of Denver Parks and Recreation, he was convicted of felony embezzlement of public property. According to prosecutors, he filched office, photography and surveillance equipment from work, along with fax machines, fire extinguishers, trophies and football jerseys.

When approached in the school parking lot while he was still loading kitchen pans and warmers into his truck, Robertson declined to say much.

Reporter: We hear that federal law enforcement agents have been looking at the finances between YAPA and the school district.

Robertson: Uh-huh.

Reporter: What do you know about that? Can you tell us anything at all?

Robertson: Nah.

Reporter: What are you doing here today?

Robertson: Removing YAPA stuff.

Reporter: Is the school district ending its association with YAPA?

Robertson: (Silence)

Reporter: Can you tell us anything about the association with YAPA and the school?

Robertson: (Silence)

Reporter: You're not going to talk about this at all?

Robertson: (Silence)

Reporter: Nice speakers? Those are YAPA speakers? Those are YAPA speakers not school district speakers?

Robertson: (Silence)

DPS Backtracks, then investigates

After the parking lot encounter, DPS said Robertson had permission to take everything that was piled into the bed and back seat of the truck.

"Karen Powell, interim principal for PUSH this year/new principal for next year, was there while they were moving their things and was taking inventory of what was removed," according to an email from the district. "Principal Powell worked with the DPS Department of Safety to cross-reference the items to ensure that only YAPA property was removed."

The district said four cameras, two camera stands, two speakers, 20 black table cloths, four large warmers, two long heating pans, one two burner, one ice cream cooler, one miter saw with laser, YAPA folders and two menu boards were taken.

A follow-up email was sent to DPS after a number of items were missing from the list that were seen being removed by Robertson.

KDVR videotaped YAPA employees removing materials from inside P.U.S.H. academy. There are a number of items we videotaped being loaded into Charles Robertson's truck that are not listed on the DPS "inventory" list sent to this station. These items include but are not limited to: a black refrigerator/freezer, two laptops, large surge protectors, a fan, and additional kitchen equipment (pans, warmers). Explanation regarding discrepancies?

The answer was, in part, "Principal Karen Powell says that she did not see any YAPA employees loading those additional items into the truck. YAPA personnel told her that all of the objects that they were removing belonged to YAPA."

When asked for proof of purchase receipts for all the goods, the district's "careful oversight" story fell apart further.

According to DPS, its investigation found YAPA had proof it owned two speakers and two camera stands, but the "other (restaurant) items did not have numbers." When asked for a clarification, apparently the "no numbers" also means there are no receipts for the kitchen items to prove ownership.

Four digital cameras were removed from P.U.S.H. by Robertson that turned out to be DPS property. Serial numbers on the four cameras prove it. Pictures of those cameras also show large white stickers with a bar code that reads "Denver Public Schools" stuck to the bottom of each device.



Cameras with Denver Public Schools bar code stickers on them

In an updated statement on July 5, a month after YAPA removed the cameras and the Problem Solvers first asked about the truck full of

property leaving the P.U.S.H. parking lot in a private vehicle, DPS said: "Denver Public Schools did not contact the police regarding the four cameras. However, DPS is in the process of recovering the district's property from YAPA."

On July 8, DPS said the four cameras were returned to the school by the executive director of YAPA.

Weak financial oversight lets wife approve money for husband?

A concerned insider provided financial records that appear to show examples where Angela Robertson approved district spending for YAPA and directly for her husband.

One receipt shows a \$437.75 rental agreement for "2 6-person Golf Cars." The customer is Charles Robertson. Approval for the expense appears to be Angela Robertson's scripted signature above the printed words "Principal."

"The golf cart rental was for an event at P.U.S.H. Academy with YAPA," DPS said in an email. "DPS believed that the golf carts were used for students and staff during this event. This rental was paid for out of school funds, therefore, Ms. Robertson is the appropriate individual to sign for it."

"If this is not a screaming red flag than screaming red flags don't exist," said Jon Caldara, president of the Independence Institute, a free market think tank. "It doesn't take a genius to see that something is very, very wrong in this school."

Other financial records raised questions of lax DPS oversight of financial affairs at the school. One receipt shows \$226.96 worth of computer software was billed to P.U.S.H., but handwritten on the invoice are the words "Mr. Robertson" and "Nulites."

Again, DPS had a hard time explaining the record.

"We are not sure whether there is any relationship between Nulites and YAPA," DPS wrote in an email. "However, we believe that they are separate. DPS does not have a separate partnership with Nulites."

"When you see this type of abuse, this type of nepotism, this type of, looks like thievery, it puts a chill on all sorts of good people out there trying innovative things to help Denver students. It is demoralizing and it is sad," Caldara said.

Caldara said the findings won't give voters much confidence as they consider approving a November ballot request by DPS to get \$572 million in bond funding and another \$56 million paid for with a mill levy increase.

"The reason DPS doesn't have the money it needs is because they aren't spending the money it has wisely," he said. "In fact, they are so reckless with it, you see it literally walking out the door."

Records show DPS has never conducted a financial audit of YAPA.

DPS defends oversight, but many questions unanswered

On Wednesday, instructional superintendent Deborah Staten defended the district's handling of the June 6 YAPA move.

"I think the monitoring was successful by the current principal and I think that we recovered the items that we believed belonged to Denver Public Schools," she said.

As for her thoughts on the district's monitoring of YAPA, its services and finances, Staten said, "I believe that the district leadership was operating in good faith with YAPA as they were providing services to the students in the far northeast community."

She defined "good faith" as the district physically seeing students receiving services from YAPA "beyond the school day and on Saturdays."

Staten could not answer, or provided a vague answer, to dozens of other questions. To be fair, it appeared Staten had not been briefed despite the exchange of volumes of information with district officials regarding the findings.

She could not elaborate on the FBI's interest in YAPA and the P.U.S.H. Academy, and declined to comment on why Angela Robertson was under district investigation.

Staten also declined to offer an opinion as to whether the district's funding of a nonprofit tied to a then-active school board member was a conflict of interest.

"If YAPA was providing important services for the school district, why stop funding YAPA?" she was asked.

"We can certainly research that information and get back to you. I can't speak to that," Staten said.

She also had a hard time explaining why it directly funded YAPA in the first place.

Records show the Urban League was initially slated to provide similar after-school services for the 2012-13, 2013-14 and 2014-15 school years, but when that organization tried to sub the work out to YAPA, the funding fell apart.

According to a DPS statement, it received a 21st Century Learning grant from the Colorado Department of Education for an after-school program at the Denver Center of International Studies at Montbello.

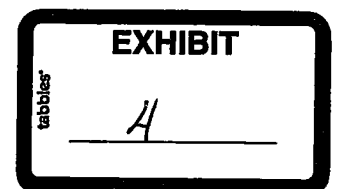
Grant guidelines show the programs were to be run by the Denver Urban League. The Urban League transferred the service agreement to YAPA. Because of that, DPS needed to reapply for the grant.

"After many conversations between leaders within the school system, the decision was made to not reapply for the grant," DPS media relations director Will Jones wrote in an email. "To ensure services continued to our students and the community, DPS decided to fund from the general fund nearly \$150,000 for services."

The Urban League declined to further explain the funding mechanisms it used for the YAPA deal. Spokesperson Shawn Bradley said the organization would not comment because it was "in litigation" with one of Charles Robertson's other enterprises, CER.

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ABOVE SPACE FOR OFFICE USE ONLY

Articles of Incorporation for a Nonprofit Corporation
filed pursuant to § 7-122-101 and § 7-122-102 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name for the nonprofit corporation is Young Adults for Positive Action YAPA of Colorado
(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the nonprofit corporation's initial principal office is

Street address 4944 Ursula St.
(Street number and name)
Denver CO 80239
(City) (State) (ZIP/Postal Code)
United States
(Province - if applicable) (Country)

Mailing address
(leave blank if same as street address)
(Street number and name or Post Office Box information)
(City) (State) (ZIP/Postal Code)
(Province - if applicable) (Country)

3. The registered agent name and registered agent address of the nonprofit corporation's initial registered agent are

Name Robertson Charles E. Jr.
(if an individual) (Last) (First) (Middle) (Suffix)

OR
(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Street address 4944 Ursula St.
(Street number and name)
Denver CO 80239
(City) (State) (ZIP Code)

Mailing address (leave blank if same as street address) (Street number and name or Post Office Box information) (City) CO (State) (ZIP Code)

(The following statement is adopted by marking the box.)

[X] The person appointed as registered agent above has consented to being so appointed.

4. The true name and mailing address of the incorporator are

Name (if an individual) Robertson Charles Edward Jr. (Last) (First) (Middle) (Suffix)

OR

(if an entity) (Caution: Do not provide both an individual and an entity name.)

Mailing address 4944 Ursula St. (Street number and name or Post Office Box information) Denver CO 80239 (City) (State) (ZIP/Postal Code) United States (Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

[] The corporation has one or more additional incorporators and the name and mailing address of each additional incorporator are stated in an attachment.

5. (If the following statement applies, adopt the statement by marking the box.)

[] The nonprofit corporation will have voting members.

6. (The following statement is adopted by marking the box.)

[X] Provisions regarding the distribution of assets on dissolution are included in an attachment.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

[] This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are (mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

<u>Robertson</u>	<u>Angela</u>		
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
<u>4944 Ursula St.</u>			
<i>(Street number and name or Post Office Box information)</i>			
<hr/>			
<u>Denver</u>	<u>CO</u>	<u>80239</u>	
<i>(City)</i>	<i>(State)</i>	<i>(ZIP/Postal Code)</i>	
	<u>United States</u>		
<i>(Province – if applicable)</i>	<i>(Country)</i>		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

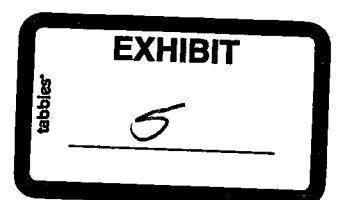
Distribution of Assets:

If any assets are acquired they will equally distributed among current officers at the time of dissolution.

Current Officers 2012:

Charles Robertson, Jr. President
Pamela Walters Vice-President
Angela Robertson Secretary/Treasurer

Angela Robertson



Angela Davis-Robertson
Parent/Community Involvement Coordinator

Education

- **Masters of Science, School Counseling, University of Phoenix**
- **Bachelor of Science, Business Management, minor Marketing, Southern University, A&M**
- **Tom McCarthy Management**
- **Licensed Agent Pearson's Tour and Travel**

Areas of Expertise

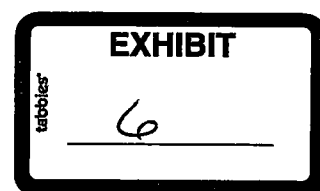
- **Parent/Community Engagement**
- **Leadership, Health, and Wellness**
- **Project Management**
- **Community Outreach**
- **Scheduling**
- **Events**
- **Quality Control**
- **Collaboration and Approaches**

Angela Davis-Robertson is Montbello High Schools' Parent/Community Involvement Coordinator. Quality Control and Community Outreach have been the cornerstones for Angela's career in hospitality, youth development, and community relations. She engages parents and community members in collaborating with the school to be partners successfully educating our students. Angela is from Baton Rouge, Louisiana. She holds a Master's of Science, in School Counseling, from the University of Phoenix and a Bachelor's of Science in Business Management and Marketing from Southern University A&M, Baton Rouge, Louisiana.

Prior to working with Denver Public Schools, she worked with Aurora Public Schools for three years. She lived and worked at Copper Mountain Ski Resort for ten years as a National Meeting and Conference Sales Manager. She was the Director of Group Sales for the Denver Grizzlies Hockey Team, Assistant to the Vice-Chancellor of Athletics at the University of Denver, and owned and operated franchised restaurants and a catering business.

She is Co-Founder of Young Adults for Positive Action, founded in 1981 in Baton Rouge, Louisiana and currently serves as Co-Executive Director of its Colorado Foundation as well as an Associate Minister at True Light Baptist Church.

Angela has over twenty-five (25) years experience in administration, education, event planning, sales, and marketing. She is an active member of Young Adults for Positive Action, Far Northeast Principal Council, Far Northeast Pastoral Advisory Council, Jack and Jill of America, Alpha Kappa Alpha Sorority, Montbello 20/20, Metro Denver Chamber of Commerce Leadership Class 2009, Mental Health America Colorado Education Committee, Far Northeast Business Association, Montbello Collaborative School Committee, and Colorado Black Chamber of Commerce.



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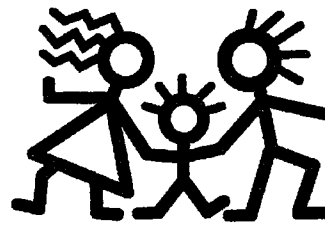
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The Denver Kids, Inc. educational counselors are the core of our program. Averaging caseloads of 55 students, our educational counselors provide the one-on-one support and advocacy necessary to empower our Denver Kids, Inc. students to succeed academically, personally, and socially.

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At Sewall, children of all abilities and learning styles come together to learn and grow. We integrate children with unique needs and children who are typical in their development in inclusive and enriching environments.

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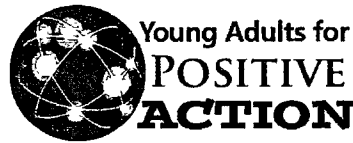


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Supports Far Northeast Denver families in selecting and enrolling in great neighborhood schools

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Young Adults for Positive Action

Young Adults for Positive Action empowers young men and women with the tools and marketable skills necessary to ensure their success for the 21st Century. Young Adults for Positive Action (YAPA) will provide advocacy, resources, and mentors to youth, throughout urban communities

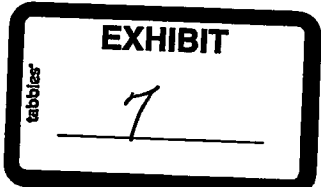
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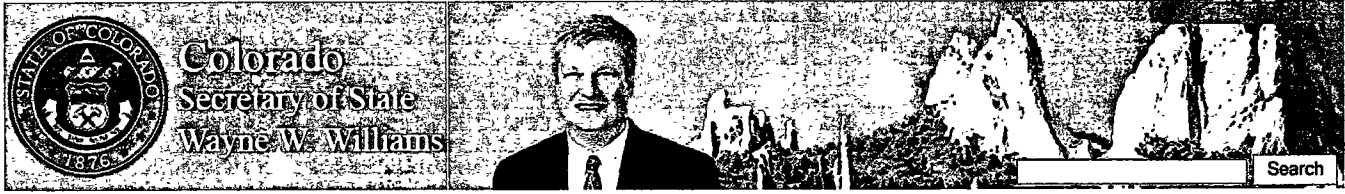


Young Americans Bank

Young Americans Bank in Denver, Colorado, is the only bank in the entire world specifically designed for young people ages 21 and younger.

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Summary

Details			
Name	Young Adults for Positive Action YAPA of Colorado		
Status	Good Standing	Formation date	02/04/2012
ID number	20121080246	Form	Nonprofit Corporation
Periodic report month	February	Jurisdiction	Colorado
Principal office street address	4944 Ursula St., Denver, CO 80239, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Charles E. Robertson Jr.
Street address	4944 Ursula St., Denver, CO 80239, United States
Mailing address	4944 ursula st, denver, CO 80239, United States

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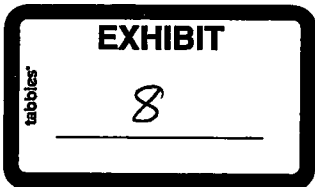
Details			
Name	CER & ASSOCIATES INC		
Status	Good Standing	Formation date	01/03/2008
ID number	20081004667	Form	Corporation
Periodic report month	January	Jurisdiction	Colorado
Principal office street address	4944 Ursula Street, Denver, CO 80239, Montbello, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Charles Robertson Jr.
Street address	4944 Ursula Street, Denver, CO 80239, United States
Mailing address	n/a

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Vendor/Contractor Invoice

Vendor/Contractor:

Name Douglas Farley
 Address 8954 E. Louisiana Pl
Denver Co 80247
 Phone 303 909 4395
 Email doug.farley@comcast.net
 SSN/TID 579-70-3548

Vendor Number _____
 Invoice # 1
 Invoice Date May 21, 2015
 Vendor Signature Douglas Farley

Billed to:

School Push Acadamey
 Address 4561 Airport Lane
Denver Co 80239
 Contact: Ms. Alicia Betts

Dates of Service	Description of Service/Product	Qty (hours)	Rate	Total
4/30	Mentoring Session	2	70.00	140.00
5/7	Mentoring Session	2	70.00	140.00
5/14	Mentoring Session	2	70.00	140.00
5/21	Mentoring Session	2	70.00	140.00
				560.00

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Purchase Order # _____
 Account Code/Activity Code 10.1005093030.9334.0
 Signature of Principal Angela Robertson
 Printed Name Angela Robertson
 Date 5/21/15

Vendor/Contractor Invoice

Vendor/Contractor:

Name Laki Gabriel Campbell
 Address 1390 Emerson St. Apt 107
Denver, CO 80218
 Phone 203-246-9202
 Email gabriel_campbell@dps142.org
 SSN/TID 105-28-2763

Vendor Number _____
 Invoice # 14
 Invoice Date 3/15/15
 Vendor Signature [Signature]

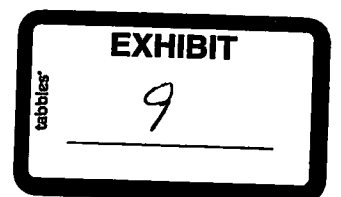
Billed to:

School PUSH Academy
 Address 4501 Airport Way
Denver, CO, 80239
 Contact: Alicia Betts

Dates of Service	Description of Service/Product	Qty (hours)	Rate	Total
3/2/15	Academic Support	8		81.35
3/3/15				81.35
3/4/15				81.35
3/5/15				81.35
3/6/15				81.35
3/9/15				81.35
3/10/15				81.35
3/11/15				81.35
3/12/15				81.35
3/13/15				81.35
			Total:	813.50

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Purchase Order # _____
 Account Code/Activity Code 14 1005090500 9334 0
 Signature of Principal [Signature]
 Printed Name Angela Robertson
 Date 4/7/15



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ROBERTSON PLEADS GUILTY IN PARKS AND REC PROBE

June 29, 2001

Contact: Lynn Kimbrough, 720-913-9025

Denver District Attorney Bill Ritter, Jr. has formally charged a former Deputy Director of Denver's Parks and Recreation Department following a lengthy criminal investigation.

36-year-old Charles Robertson (DOB: 12-14-64) has been charged with, and has pleaded guilty to, one count of *embezzlement of public property* (F5).

Although the investigation has been in a Denver Grand Jury, the charge was not brought forward as an indictment. This criminal charge was filed directly into Denver District Court on Wednesday, June 27, 2001 as part of an agreement under which Robertson agreed to plead guilty as charged.

An arrest warrant was also issued for Robertson on Wednesday, and he voluntarily surrendered at the Denver Police Department this morning, Friday, June 29, 2001. He was booked and released on a personal recognizance bond prior to his formal advisement in Denver District Court earlier this afternoon. At that time, Robertson pleaded guilty as charged to embezzlement of public property. He is scheduled to be sentenced Friday, August 10, 2001 in Denver District Courtroom 6 at 8:30 a.m.

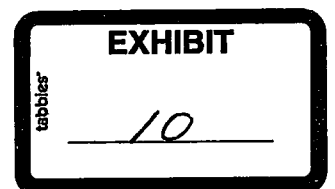
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The investigation began late last year after allegations were raised concerning Robertson that specifically involved embezzlement of public property. In pleading guilty today, Robertson admitted to embezzling more than \$5,000 in property and services from the City and County of Denver between September 1, 1998 and June 15, 2001. This property included office equipment, surveillance equipment, photography equipment, fax machines, computer software, fire extinguishers, trophies, jerseys, and other equipment.

The Denver Grand Jury investigation is continuing and additional charges are possible.

***The filing of a criminal charge is merely a formal accusation that an individual(s) committed a crime(s) under Colorado laws. A defendant is presumed innocent until and unless proven guilty. See Colo. RPC 3.6**

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Denver school board election accusations spotlight tangled web of relationships

1. Contracts, fiscal agents, bond attorneys — the language of the allegations and of the answers to the allegations fails to satisfy

Shelby Kinney-Lang

October 29, 2013 Education 5 Comments

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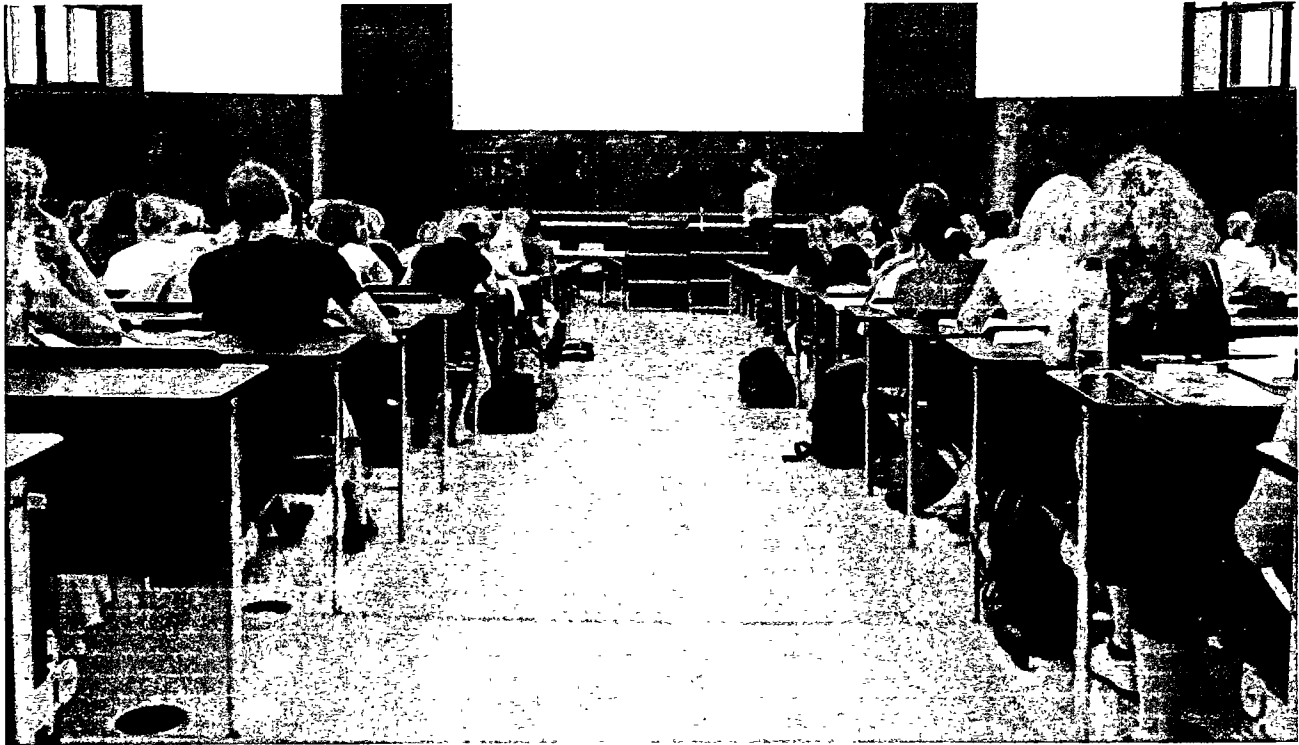
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"TYPE=PICT;ALT=Denverschoolboardelectionaccusationsspotlighttangledwebofrelationships"



Denver Board of Education candidates scoff at the raft of conflict-of-interest allegations that have marked the race, but the allegations may yet gain traction given the vast sums and complex financial arrangements the board is trusted to oversee.

There are 90,000 students in the Denver public education system. The budget this year is \$811 million.

Board members will decide how to prioritize spending in the coming years, whether to push forward on the reform agenda the majority has backed for years and that has drawn the attention of education wonks around the nation, or to retrench and focus instead on the kinds of less sexy, nuts-and-bolts work proponents say will lift up existing neighborhood schools.

The reform movement has meant big money for Denver, from the federal government and from national nonprofits.

The board has helped bolster school-choice enrollment, populating the district with charter and innovation schools, imposed teacher evaluations tied to student performance and shuttered schools that fail to meet standard metrics.

Some of the board candidates accused of conflicts helm nonprofits that have secured grant money and otherwise benefitted from the reform movement. They are Barbara O'Brien, Landri Taylor

and Michael Johnson.

O'Brien and Taylor both head up organizations with Denver Public Schools contracts. Johnson has served as outside bond counsel for the district for 15 years.

O'Brien and Johnson have accused their opponents, Mike Kiley and Meg Schomp, of similar conflicts. O'Brien says Kiley works at a software company that does business with the district. Johnson points out that Schomp's husband has enjoyed a lucrative run as a member of a law firm that represented the district and has now taken over as bond counsel.

The board **code of ethics** states that members should not hold an interest in a business that might benefit directly from official action taken by the board.

"This whole thing is really about neighborhood schools, about local control instead of national influence," said Kristen Tourangeau, a DPS parent, board member of the **Denver Alliance for Public Education**, and co-chair of DPS's District School Improvement and Accountability Council. "For me, those are the candidates I'm interested in voting for — ones who are very interested in working for neighborhood schools, so you can walk out your door to a good local school that is supported by the community."

"We completely severed our ties. There's no remaining financial relationship. No relationship of any kind — and that was not an easy thing to do."

Tourangeau naturally questions whether board members can vote critically on policies from which they have benefited and helped craft?

"I heard someone say today at the forum that Michael Bennet thought kids were products," Tourangeau said. Now a U.S. senator, Bennet was superintendent of the School Board in 2005 and the harbinger of reform change for Denver's schools. "You can't put a price on developing a sense of community and encouraging neighborhood schools. I don't think [kids] can be treated like commodities."

O'Brien and Get Smart Schools

Barbara O'Brien is one of three candidates running for the at-large seat on the board. She has been the President of Get Smart Schools for less than a year. In 2011, Get Smart and DPS entered into an annual contract to train school principals. The contract was renewed in 2012 and again in 2013.

According to its contract, the Get Smart School fellowship "develops principals as they work towards creating and leading new schools through the DPS Call for Quality Schools process or to gain innovation status for their school." The Fellowship is funded with a portion of the \$2.5 million granted to DPS from the Wallace Foundation. Between 2011 and the current school year, Get Smart Schools has received \$350,000 from DPS, which allocates the funds from the Wallace Grant.

"This a nonprofit that I'm very proud being a part of," O'Brien told the Colorado Independent. "Our principals are outperforming the district average in low-income neighborhoods. I'm

committed to making sure that what we've learned from this we apply to other principal training programs that work for DPS, to make sure that we're all using best practices."

O'Brien says there is no conflict of interest. Being president of Get Smart School is "real world experience" that has contributed to her education philosophy.

She said she checked with the General Counsel at DPS about any potential conflict. Counsel told her she may have to recuse herself in approximately 1 percent of votes — an occurrence so rare she claims it doesn't amount to a conflict. The General Counsel represents the District and the Board of Education.

In situations where O'Brien would have to recuse herself, the board would be left with six voting members. The at-large seat would remain unrepresented in the vote. The ideologically divided board has often split four votes to three. Without the at-large seat, there would be no deciding vote.

"I'm going to renegotiate this grant, because it runs through DPS to Get Smart, and then [Get Smart] resends it all out to their principals in training so they get stipends," O'Brien said.

According to the 2012 contract, Get Smart Schools budgeted a 6 percent administrative fee for its fiscal sponsor, the Colorado Nonprofit Development Center.

"It will be very easy to renegotiate it so that it stays in DPS and goes straight to the principals in training. It doesn't even need to go through us, we don't get a penny. I'll renegotiate that, no matter what happens in this election."

For the first year at least, the private grant money delivered to Get Smart Schools was used for the development and implementation of the program. Get Smart worked closely with DPS to identify the standards and criteria of the fellowship. The money since has been budgeted directly for living stipends for principals in the program.

O'Brien is quick to turn any conflict of interest charges onto her primary opponent, Mike Kiley.

"I guess the question for Mr. Kiley is — you know, he actually has a serious conflict of interest that he has not divulged. It turns out that his company has many contracts with DPS as a vendor," O'Brien said.

Kiley is an employee and program manager at the software company Kronos Incorporated. His division of Kronos works exclusively with hospitals, he told the Independent. The District runs some Kronos software and is one of thousands of the company's clients.

Taylor and the Urban League of Metropolitan Denver

Landri Taylor is running against Roger Kilgore for the District 4 seat.

In June, a DPS mother cashed a \$17,000 check **mistakenly sent to her** from the District. The check was supposed to be sent to the Urban League of Denver.

The Urban League has a multi-year contract with DPS. Taylor joined the Urban League after it

had been awarded the 21st Century Community Learning Center Grant. The 2012-2013 school year was the first year of the five-year grant.

The Urban League received \$140,000 from the National Urban League Incentives to Excel and Succeed Center at Denver Center for International Studies at Montbello. The 21st Century grant is a statewide competitive grant to establish community centers that provide tutoring and other academic development resources.

“In essence there is no conflict,” Taylor told the Independent. “The Urban League simply serves as the nonprofit fiscal agent for providing the grant.”

“In essence”? “Simply serves as the nonprofit fiscal agent for providing the grant”? That’s exactly the kind of bureaucratic language that litters the board races. It sounds like dodging and it turns off voters. It’s hard to dig into.

The contract for the first year 21st Century grant included a “Scope of Work” attachment. The attachment describes, on a year-long timeline, the “Deliverables” and the “Cost” required for the Urban League’s “Independent Contract Agreement.” The “Deliverables” include goals like establishing a CDE data-tracking system and implementing grant programs and workshops.

“The funds are for a third-party contractor,” Taylor said.

The third party contractor is CER Associates, under the leadership of Charles Robertson. In addition to running the National Urban League Incentives program, Taylor said Robertson is in charge of the after-school programs in the Greater Northeast.

Robertson and Taylor have been good friends for more than two decades.

“Just to be clear about Mr. Charles Robertson, Mr. Charles Robertson has been my best friend for 22 years.” Taylor said he and Robertson have a history running nonprofits together.

“We understood how to set up an arrangement so as not to cause any misuse of funds for the programs,” Taylor said. “The Urban League invoices DPS for these programs. The money comes in, we put that grant money in a restricted bank account and write a check from the restricted bank account to the CER Associates for the programs they do.”

Robertson has a history working in Denver’s local government. He is the former Deputy Director of Denver’s Parks and Recreation Department under Mayor Webb. Following a lengthy criminal investigation, Robertson plead guilty to embezzlement of public property in 2001.

At an October 10 debate, Taylor told Kilgore he would be willing to transfer the fiscal sponsorship away from the Urban League. Because Robertson’s wife, Angela Robertson, is the principal of P.U.S.H Academy, and therefore employed by DPS, it’s unclear whether or not Robertson’s CER Associates would be able to contract directly with the DPS without breaking the contract’s Conflict of Interest clause.

“What he’s been saying is that he’s just a fiscal agent,” Kilgore said. “Taking him at his word, there are probably another zillion entities that could be a fiscal agent.”

Kilgore said if that if Taylor would transfer the contract, his concern about the issue would be resolved.

“I have no hesitation, no hesitation,” Taylor told the Independent. “We don’t have to be the fiscal agent; we are the fiscal agent. We get no money from it. If the funder from the grant says that we can transfer it to another entity to provide the same services, without an interruption to those services out there, I’m all in.”

Michael Johnson and Meg Schomp

Michael Johnson has gained support of the reform movement. He says he values analyzing data in order to “do what works.”

Schomp is the “neighborhood school” candidate. She likes school choice, but she thinks Denver should slow down on providing choice in order to evaluate the real impact of charter schools and prioritize work to create strong neighborhood schools as the best first choice for parents.

Johnson and Schomp have children attending the Denver School of the Arts. They have both been active on the board for DSA’s Friend Foundation. Johnson served for 15 years as DPS’s outside legal counsel working on bond issues with his firm Kutak Rock. He resigned from the position in May. Schomp’s husband’s firm, Sherman & Howard, has been contracted to be the district’s new bond counsel. Schomp’s husband is a full equity partner and an intellectual property lawyer at the firm.

“When I became a candidate in May, I went through a whole process of severing all of our ties with Denver Public Schools,” Johnson said. “We completely severed our ties. There’s no remaining financial relationship. No relationship of any kind — and that was not an easy thing to do.”

Not an easy thing to do because the DPS was a large and profitable client. Documents obtained by the Independent show that DPS paid Kutak Rock more than \$3.8 million since 1999. Johnson’s hourly rate, in a 2008 contract, was \$410 an hour.

He says focus on his past relationship with DPS and accusations that he may have a conflict of interest in the race “infuriate” him.

“This is a side issue, it has nothing to do with what we’re trying to do for Denver kids,” Johnson said. “I frankly believe the reason Meg’s had to bring it up is because she’s wrong on the issues that matter to voters.”

Johnson contends that Schomp “at least technically” has the same conflict of interest that he had during his 15 years as DPS’s bond counsel, because Sherman & Howard served as DPS’s disclosure counsel during that time. Now that Sherman & Howard is DPS’s bond counsel, Johnson argues Schomp has a direct conflict of interest.

“My husband put an ethical firewall around himself — a virtual firewall — when I decided to run,” Schomp said. She explains that her husband can not view any DPS contracts with his firm.

“Neither my husband nor I have received any money from Denver Public Schools,” Schomp said. “He’s an equity partner, but he doesn’t bill DPS. If anything, I’ve contributed hours and hours of my own resources back into my children’s schools.”

Schomp and her husband sought legal counsel on whether there were any conflicts of interest. They said they were advised that there was no conflict.

Schomp also notes that while Johnson may have severed financial ties with DPS, he petitioned the board and the principal at DSA for endorsements. She says she thought asking for such a petition would divide the community.

“To me those are conflicts of interest, and those are essentials in someone’s character we should be looking at.”

Angela Robertson

Charles Robertson

Charter Schools

Denver Board of Education

Get Smart School

Landri Taylor

Meg Schomp

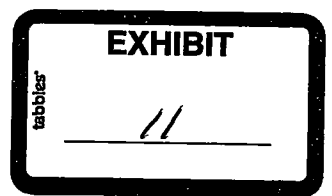
Michael Johnson

Mike Kiley

P.U.S.H Academy

reform movement

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http://www.denverpost.com/news/cj_28245276/police-denver-school-staffer-sought-explicit-images-girls

Police: Denver school staffer sought explicit images on girls' phones

DenverPost.com

Updated: 06/03/2015 04:06:10 PM MDT



A Denver high school staffer and part-time athletic coach was cited last month on suspicion of trying to find sexually explicit images on two students' — both girls — cellphones.

Kendall Robertson, 24, was cited May 14 with one count of invasion of privacy for sexual gratification, a Class 1 misdemeanor.

One of the girls said Robertson took her phone and looked through her images as she served an in-school suspension under his supervision, according to a probable cause warrant. The other told investigators Robertson scanned her photos when she went to him to talk about breaking up with her boyfriend, the warrant says.

Both girls told police they felt Robertson was invading their privacy and didn't have permission to look at their phones.

Robertson, who worked as a restorative justice coordinator at Collegiate Preparatory Academy, has been placed on unpaid administrative leave, according to Denver Public Schools. He began that job on April 7, roughly a month before he was cited.

He began coaching for the district in November 2012.

"Due to the pending charge and internal personnel investigation, we cannot provide additional information in this matter," said Douglas Schepman, a district spokesman.

The citation was first reported by KDVR-TV on Tuesday night.

According to the warrant, Robertson, after viewing an explicit video on one of the girl's phones, showed her a cartoon of two people having sex captioned "best friends do real (stuff)."

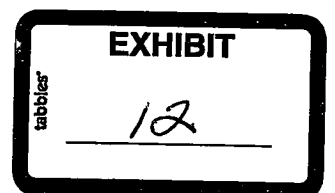
He then showed her the cartoon and asked if they could be best fiends.

On the other student's phone, Robertson allegedly found a photo of the girl clad only in a bra and then showed her the image.

"I would like to inform you that an employee at our school has been arrested and charged with a misdemeanor for viewing content on a student's phone without permission," Martha Gustafson, the Collegiate Preparatory Academy principal, wrote in a letter home to parents.

Robertson is due back in court Thursday for a bond reduction hearing.

Jesse Paul: 303-954-1733, jpaul@denverpost.com or twitter.com/JesseAPaul

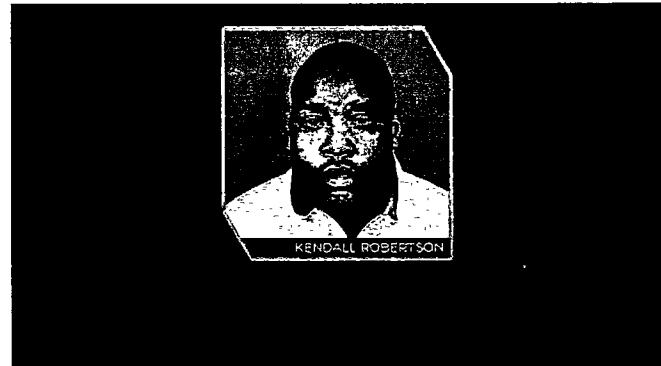


Former Denver Public Schools coach must register as sex offender

POSTED 3:15 PM, JANUARY 28, 2016, BY CHRIS HALSNE, *UPDATED AT 07:21PM, JANUARY 28, 2016*



DENVER — A former Denver Public Schools employee was sentenced Thursday to three years probation and must register as a sex offender, following his conviction of “invasion of privacy for sexual gratification.”



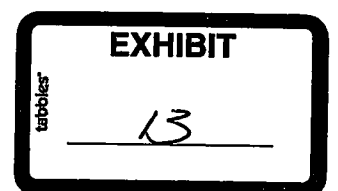
FOX31 Denver first broke the story last year of 24-year old Kendall Robertson.

Robertson was a coach and staff member at Collegiate Prep. He was fired on Oct. 30, 2015 as this case developed.

He was convicted of trolling through female students’ cell phones, looking for inappropriate pictures or video.

Police said in several cases, Robertson then targeted students with sexual harassment.

Robertson declined comment Thursday outside the courtroom. His mother, Angela Robertson, remains principal of Denver’s P.U.S.H. Academy.





APPENDIX 1

Administrative Leave With Pay Checklist

Name of teacher: _____ Date: _____

You are being placed on administrative leave with pay for the purpose of investigation of a matter of which your principal (or supervisor) has apprised you. This leave is not a punitive action by your principal. The following information is intended to outline your rights and responsibilities while on leave.

You are directed to:

- _____ Leave all school keys at the school office today
- _____ Leave a hard copy of your lesson plans **for the following 5 school days** at the school office, including class rosters, seating charts, grade books, and all student records and data in your possession
- _____ These lesson plans may be faxed or e-mailed to the school office, if necessary, no later than _____

For security purposes, access to the following will be temporarily suspended during the administrative leave period:

- _____ All District servers
- _____ E-mail
- _____ Voicemail

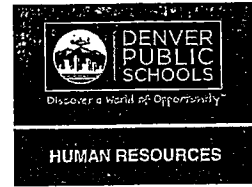
During this leave, you will not have access to school or school grounds unless specified otherwise below:

By appointment:

At certain times: _____ Other: _____

During your administrative leave

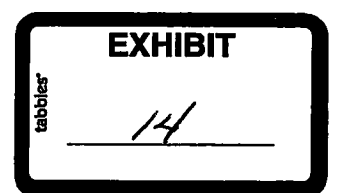
- _____ A District investigator may be contacting you and you are directed to cooperate in this investigation
- _____ You are required to be available during regular school hours for such an appointment or a return-to-work meeting
- _____ You may not contact any students or parents concerning any matters pertaining to this investigation
- _____ District personnel assigned to conduct the investigation will gather all necessary information
- _____ You will be informed of the results of the investigation at a meeting
- _____ You may learn about your rights under the Agreement and Partnership by going to the DPS-DCTA website: <http://dps-dcta.dpsk12.org/>
- _____ You may, but are not required to, remove personal effects from the school premises under the supervision of staff designated by the principal or by calling the principal's office to make an appointment



Please sign and date this form below to indicate your receipt of it.

Teacher: _____ Date: _____

Principal: _____ Date: _____





P.U.S.H. Academy
4501 Airport Way
Denver, CO 80439
(720) 423-7200

What is Social Justice: Social Justice is justice that all individuals and groups are entitled to fair and impartial treatment. Social Justice attempts to prevent human rights abuses.

Social Justice Q/A:

- **Will I receive credit?** Yes 5 credits per session that you attend.
- **How will you benefit from these meetings?** You will learn to be a leader in your community and how to present up to date Social Justice Information.
- **When do we meet?** Meeting will normally be the 2nd Sunday in every month. From 12:30 pm – 2:30 pm and lunch will be served.
- **Will transportation be provided?** Yes, on the Sunday of the meeting, the school bus will leave the school campus, at ~~12:30 pm~~, ~~return at 2:30 pm~~. And you're welcome to find your own transportation, if you would like.
- **Do I have to communicate in the meeting?** Yes, you will be required to participate verbally and or take notes. Notes will be discussed later.

Additional Requirements:

- You will be given information on how to communicate to the people in your community.
- You will meet or gather information from your monthly Community Meetings.
- You can appointment people to be on your Community Committee, from school or your community.
- You will be required to bring information from your Community Meeting.

Let's take our Community Back, Shelia Rossum Mauldin

Any questions please see Mrs. Mauldin, Facility Manager at PUSH Academy 720-581-8212

Location: 5100 Richard Allen Court, Denver CO 80205: On the corner of MLK and 32nd

[Handwritten Signature]
Parent/Guardian Signature

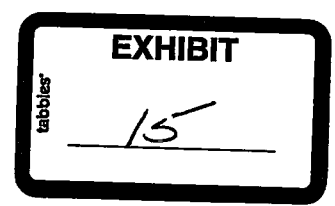
1-26-15
Date

720 809-0212
Phone

Sapphire Tolson
Student signature is required:

1-26-15
Date

720-415-0347
Phone



AFFIDAVIT OF RICHARD CLYMO

I, Richard Clymo, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. On or about February 5, 2016, Deborah Staten (African American), the District Instructional Superintendent for PUSH, conducted a staff meeting at PUSH that staff attended. Those present, including myself, were asking for explanations of what was going to be done about Angela Robertson's infractions and the problems they created for our school. I also wanted to know if Ms. Robertson was going to be allowed to return from administrative leave following our numerous complaints about her. There was a verbal comment made that staff should not be discussing the problems at the school with students. This comment was not in any way a directive—it was a suggestion only, and it was not in writing or shared with those who were not present.

2. A few days later, students in my room were questioning the absence of the principal and her husband from the school. There was a discussion, initiated by the students about Mrs. Robertson's absence and the removal of her husband, Charles Robertson, from the school premises. Students were insecure, feeling worried about the school, and needed to vent some of their worries and frustrations about the absence of the principal and the rumors being spread by some of her allies at the school. There was a lot of upheaval at the school and in the community surrounding the absence of the Robertsons and the incidents involving their son, Kendall, who had been at the school and convicted of a sex crime involving students.

4. On February 19, 2016, I learned that a student had videotaped this discussion with her phone, and that I was to receive a letter of reprimand—not for anything I had said in that discussion—but for allegedly “wasting” instructional time in math. I requested but was refused a copy of the videotape.

5. I filed a rebuttal to the letter of reprimand, correcting the inaccuracies, and explaining why it was necessary to allow students to vent their concerns and frustrations. I requested that Dr. Powell rescind the letter and remove it from my file. My request was refused; Dr. Powell informed me that the letter was not her idea and that she couldn't remove it from my file.

6. A letter of reprimand is a serious disciplinary measure in Denver Public Schools—far more serious than an oral warning or a letter of warning. The letter of reprimand informed me on its face that it could lead to further disciplinary action, including termination, and it contained a

directive that I was not to discuss “the investigation” with students. This directive, it seems, is meant for me alone.

7. On April 18, 2016, our new principal, Karen Powell, informed the faculty at a staff meeting that we should allow students to discuss their concerns about the Robertsons and the investigation, and that it was appropriate to use class time to do so. Her language was very similar to the language I used in my rebuttal, and she acknowledged that it was important to deal with the issue so that students could then get back to work. Nevertheless, the letter of reprimand remains in my file.

8. This year, I have already been sent several emails questioning my lesson plans, my use of class time, and my work. This is unprecedented in my time at PUSH. My principal, Karen Powell, seems to be doing this at someone else’s direction; she has not behaved in this stilted way with me in the past. I am certain that my file is being “papered” with numerous demands and directives so that there will be a basis for negative consequences for me.

9. I have no doubt that there is an effort to close PUSH and remove all staff involved in the complaints about discrimination. Policies regarding the constitution of the various staff committees were not followed this fall, and we had to have union intervention to nullify the improper formation of these important committees and reform them to include the proper number of teachers, including myself. There has also been discussion concerning the renaming of PUSH and of creating it as an “engagement center” type of school based on a computerized curriculum, not based on classroom teaching as we know it.

10. The room I was assigned to in 2015-16 was extremely small, intended to have a maximum capacity of twelve students. When I was required to teach in that room, I had classes up to 24 students. It was noted on my evaluation by the peer observer that my classroom was about one third the size of a regular classroom used as a learning environment for 20+ students. It was also directly across from Angela’s office. I was assigned that room after I refused to be teacher of record for about 50 students who had not been assigned a qualified math teacher, and I had complained to Robertson’s supervisor, Ed Salem, that I was being asked to do so.

11. The letter of reprimand and the rebuttal attached to this affidavit are true and accurate copies of the discipline I received and the rebuttal I filed.

12. The emails attached to this affidavit are true and accurate copies of emails I sent/received last year.

FURTHER AFFIANT SAYETH NOT.

Dated this 29th day of September, 2016.

Richard K. Clymo

Richard Clymo

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

Subscribed and sworn to before me this 29th day of September, 2016, by Richard Clymo.

Karen S. Rigli

Notary Public

1500 Grant Street

Denver, Co 80203

KAREN S RIGLI
NOTARY PUBLIC

STATE OF COLORADO
NOTARY ID 19904015928

MY COMMISSION EXPIRES NOVEMBER 9, 2018

My commission expires:

(SEAL)

EXHIBIT
tables*
15a

Date: 2/23/2016

Richard Clymo

Re: letter of reprimand

Dear Mr Clymo,

You are hereby reprimanded because you neglected your duty as a teacher to provide quality math instruction to students during a class period, you did not follow the directive given by IS, Debbie Staten and overall a concern about professionalism with leading your class.

Debbie Staten addressed the PUSH Academy staff on 2/5/2016 to share that it was inappropriate to be discussing details of the current investigation taking place at PUSH Academy with students. You were present in the staff meeting when the directive was given. The reason this directive was given was due to the fact that the discussions surrounding the ongoing investigation were causing a distraction and negative impact on student learning.

A student came forward and shared that she was uncomfortable with topics that were discussed during your Algebra II, period 7 class on 2/11/2016. After further investigation, it was discovered that you spend over 25 minutes discussing the nature of the PUSH investigation with students during class.

The discussion that took place replaced over 25 minutes of student learning that should have been the priority in your classroom.

You will not continue to discuss the investigation with students. Information will be shared when available by appropriate district personnel. As information is available and pertinent, it will be shared with staff, students, parents and the community.

Time to correct behavior:

This behavior is expected to stop immediately.

Consequences for failure to correct the behavior:

Failure to comply with this letter of reprimand may result in further disciplinary action, including possible dismissal recommendation.

You have the right to review and sign the filed copy and attach a written explanation of your behavior, which shall be attached to this letter of reprimand in your personnel file. If you refuse or fail to sign the copy of the letter of reprimand within the specified time, the letter will still be placed in your personnel file with an indication that you refused or failed to sign the letter of reprimand.

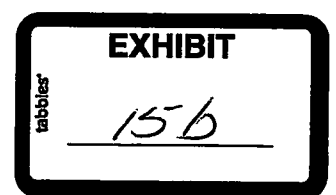
By this reprimand, I am giving you an opportunity to correct your behavior and perform your teaching duties in an acceptable manner.

Cordially,

ref: Police

Disciplinary reprimand on 2/23/2016 by Richard Clymo

I have had an opportunity to review this reprimand, receive a copy and the opportunity to provide a



Rebuttal letter to letter of reprimand issued on February 23

Richard Clymo

On Friday February 19, I was verbally notified by Dr. Powell that I was to receive a formal written reprimand for non - compliance to a so called “verbal directive” given by Deborah Staten at an all staff meeting that occurred, according to Ms. Staten, on February 5 (I believe it was the 4th). I asked Dr. Powell if the official reprimand was coming from her, she indicated that it was not she who had made this decision.

First, I object to receiving a reprimand because the comment made by Deborah Staten was *not* a directive, but was presented as a suggestion. Had there been an actual directive, it should have been to all staff and in written form so there would be no confusion or misinterpretation of an actual directive.

Second, not all staff were present at the meeting on January 4th. There were at least 4 teachers/staff who were not there. Jalonía Walker pointed out at the meeting that there were teachers not present and that it would be appropriate that they should be informed of information given at the meeting. Dr. Powell stated she would follow up with individuals not in attendance. Allen Hagerman, Matt Nealy, Lindsie Myers and Adam Federspill, who were not at the meeting, have since confirmed to me that they were never given any information regarding what to say or not to say to students regarding Ms. Robertson. Since at least 4 individuals did not receive this “directive”, the fairness of any reprimand given to me or any other person for a suggestion that was not universal is inappropriate. Indeed, this reprimand appears to be retaliatory for complaints I had made prior to the Robertson’s exit, and it serves only to warn other teachers not to complain for fear of retaliation.

Third, as everyone is aware, since the Robertsons’ exit from the building, there has been ongoing retaliation against those of us who complained about the serious problems in the building. This retaliation has been levied against all of us and in a very public way by Mrs. Robertson’s surrogates. Our facilities manager, Mrs. Robertson’s daughter, and others have posted posters on their doors and

windows, have written biblical quotes on the board, and have been openly hostile towards white teachers who complained about the discrimination in the building. No one has stopped this retaliation, which has been overt and which students have seen every day since the Robertsons' exit.

Additionally, I believe that the student who videotaped my conversation with the class was asked to do so by a Robertson or her surrogate. The message sent to students therefore, is this: we will punish teachers who students disagree with, no matter that the conversation in the classroom was initiated by those students who take Mrs. Robertson's part. Therefore, retaliation becomes the currency of the day, and students who want to retaliate are rewarded for their efforts. In our population, this is a terrible precedent to establish.

According to Ms. Staten, in a meeting on February 18 , (where I was called out of class and not allowed to return, for 40 minutes-- the duration of the meeting) the directive given was that any questions that students may have about Angela Robertson's absence(starting January 25) should be directed to Dr. Powell or Ms. Staten. My recollection is not clear as to exactly what she stated at the all staff meeting on February 4th as it **2 weeks prior to the February 18th meeting.** **However, I am certain that her comments were not a directive.**

At this meeting, I was presented with a video that a student had taken during my 7th period class a full week earlier. I have since reviewed the video in its entirety with Dr. Powell present. In the video I stated that I could not comment on the status of the investigation and that I had no information on the nature or reason why Ms. Robertson was being investigated. In the meeting with Dr. Powell, I stated that I felt like this meeting (particularly with Michael Johnson in attendance) and a video presented to me was a form of retaliation for coming forward with allegations against Ms. Robertson. I also stated that since this video was taken without my knowledge or consent that it was inappropriate, at the very least, that video should be used against me.

I was informed that the primary basis of concern was not *what I said*, but the loss of instructional time. I commented that there have been numerous examples of loss of instruction time (***entire days of no instruction*** –specifically

50% of the first 8 days of the Spring semester had zero instruction time) as a result of decisions made by leadership at PUSH. Further, if instruction time is a priority, why call me out of class for 40 minutes? This meeting could have taken place at any time. Finally, the complaint of many of us against Mrs. Robertson was that she was requiring us to give a semester's credit for work that sometimes lasted only a few weeks. If instruction time were a paramount concern, we should not have been encouraged to cheat our students' education by giving them formal graduation credit for minimal instruction time/ work.

It should be noted that on the day of the meeting where I would ultimately received my reprimand, I was in the building over 12 hours, conducting interviews as part of my duties a member of the personnel subcommittee amidst RIBS, in addition to a "senior night" that lasted until 7 PM. In light of these facts the allegation of lost instruction time hardly seems credible.

On the morning of February 18, an all staff meeting was called at 7:45 AM. Ms. Staten was very aggressive in demanding I explain why, according to her, I "made a face" when she announce that Dr. Powell was to be interim Principal. This struck me as wholly inappropriate, but I explained that I, along with others, was concerned that 4 weeks into the investigation of Ms. Robertson there was no new information. While I was responding to Ms. Staten's questions, several staff members of color were making noises and making comments, specifically Sheila Mauldin. Michael Johnson stood up and walked in my direction. It was reported to me later by more than 1 colleague that they had never witnessed such a scene in a staff meeting. At no time did Ms. Staten make any effort to ease tensions in the room or comment on the inappropriate behavior on the part of some staff in the room. I am aware that Ms. Staten and Mrs. Robertson were close and affiliated outside of the school setting.

After the meeting, Ms. Staten directed me to speak with her. This was 5 minutes before I was to teach my period 1 class. We spoke briefly and I told her my intentions/comments were motivated by the interests of students and colleagues and parents. I had to inform Ms. Staten that I needed to leave to teach my class, I asked her if "we were good?" she said "Yes". To be clear, I was not

aware at this time of the existence of the video for which I would be called out of class to account for later in the day. Obviously Ms. Staten was aware of the video and had already planned to meet with me later in the day. Again, this was a week after the video had been turned in to Dr. Powell.

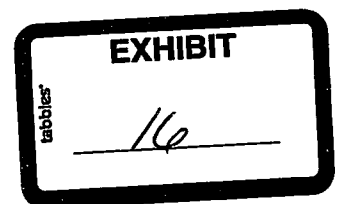
While I do not dispute the fact that I did field questions from students regarding Ms. Roberston's absence, I do dispute the fairness of my receiving this reprimand. Students were clearly in need of discussing the situation because of the unsettling nature at the events at PUSH. They were insecure, and they were not ready to learn that day without some feedback on their concerns. I did not comment on the investigation status of Ms. Robertson. I assured them that the situation would not affect their ability to graduate or earn credit. My comments were in the best interests of students, did not violate any "directive" and were made for the sole purpose of calming students who were needing some reassurance.

I've no doubt the video taking was suggested or coerced by an adult; this is consistent with the ongoing hostile work environment that has existed at PUSH for the entire time that I've worked there as a teacher. I believe this reprimand and its timing is an act of retaliation for my (and others) having come forward with facts against Ms. Robertson.

During my 27 years of service as a teacher in Denver Public Schools, my actions have been motivated by what is best for students. I care about the students at PUSH and know they deserve better than what has been allowed to occur at this school. If it is truly a core value that we put students first, then it necessitates that their teachers are supported as well. It is obvious that the situation at PUSH is not typical and warrants special consideration. As an act of good faith, and in light of the inequitable treatment of persons who work at PUSH, I feel strongly that this letter of reprimand, is unwarranted and should be rescinded.

Sincerely,

Richard Clymo





September 16, 2005
Revised April 26, 2011
“Basic Fairness and Due Process, A Guide for Corrective Discipline”
Rev. Nov. 7, 2013

The enforcement of and compliance with the Agreement and Partnership between Denver Classroom Teachers Association (“Association”) and the School District (“Agreement”) are essential tenets of the partnership between the District and the Association. The Agreement further recognizes our collective responsibility to promote positive change through regular training with Administrators and teachers on the Agreement. Section 11-2-2 of the 2005-2008 Agreement states: “The principal or designee shall follow the procedures established in the District document “Basic Fairness and Due Process, A Guide for Corrective Discipline.”

This guide is a District document that was developed in consultation with the Association. The purpose of this document is to be a resource to assist administrators in effectively managing matters pertaining to corrective actions covered by the Agreement. It is anticipated that this guide will be a resource for teachers as well. In the event of any conflict between the terms of the Agreement and this guide, the Agreement’s terms take precedence.

This guide does not specifically cover coaching/counseling/verbal warnings, which can be given at any time without any formal procedures; recommendations to the superintendent that a statutory “teacher” be dismissed under the Teacher Employment, Compensation and Dismissal Act of 1990, Article 63 of Title 22, Colorado Revised Statutes (“Act”); or the dismissal of employees covered under the Agreement but who are not statutory “teachers” under Colorado law, in which case their dismissal shall be governed by Board of Education Policy GDQD-R.

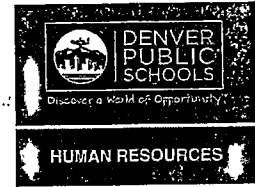
As you review this guide, administrators and principals are encouraged to consult the resources that are available to help administrators work through individual situations. They include: Human Resources staff, the Legal Services Department, and Area/Assistant Superintendents. It is the Superintendent’s goal to provide technical assistance to help administrators/principals make the best decision about what type of correction is necessary to improve the teacher’s conduct and/or make the difficult decision that corrective action has not resulted in the desired improvement and a recommendation for dismissal is appropriate.

A. Goals:

1. Teachers hold the key to our success in achieving the Board of Education’s goals.
2. To ensure quality instruction by our teachers, the District intends that administrators follow processes that will result in prompt, reasonable, and fair resolution of matters related to the correction of teacher misconduct.

B. Matter of Concern/Investigation

1. A matter of concern that may give rise to teacher corrective discipline must first come to the attention of the District. Matters of concern regarding a teacher may be expressed verbally or in writing to the school principal or other school administrator. A school principal may also determine matters of concern exist with a teacher based upon his/her observations of and/or contact with the teacher. A matter of concern can arise from internal school issues and/or



external issues.

- a. If a person makes a verbal or written complaint about a teacher "...the principal or designee shall investigate the complaint and attempt to resolve the complaint informally."
AGREEMENT 11-1-1. (Note: allegations of child abuse should not be deemed resolved simply because they must be reported to the appropriate authorities consistent with law and District policy. Investigations of such behavior by external agencies do not relieve the District of its duty to investigate.)
- b. The teacher shall be promptly notified of the nature of the verbal or written complaint and the identity of the complainant, and be given an opportunity to respond to the complaint.
AGREEMENT 11-1. (Note: allegations of child abuse must be reported to the appropriate authorities consistent with law and District policy. The principal/designee should also consult with Legal or Human Resources and the Security Office. See Board Policy JLF-R.)
- c. If a school official has reasonable cause to suspect that child abuse may have occurred (for example, a physical assault on a student); he/she is required to report the incident to Denver Police Department or Denver Department of Human Services and to file an incident report with the Security Office. See Board Policy JLF-R for further details.
- d. If a school official receives information regarding an incident that might constitute a form of prohibited harassment, the principal/designee shall notify the requisite parties in accordance with Board of Education policy. (For example, in the event of a student complaint of sexual harassment, the principal /designee shall comply with Board Policy JBB-R which requires immediate notification of the Title IX officer. The investigation shall determine whether reasonable cause exists to believe that the alleged conduct occurred and whether such conduct constitutes sexual harassment. If a violation of policy is found, the superintendent or designee shall appropriately discipline any student, teacher, administrator, or other school personnel who is found to have violated the policy, provide appropriate assistance to the victim, and/or take other appropriate action reasonably calculated to end the harassment.)
- e. "If appropriate, the principal or designee shall arrange a meeting with the complainant, the teacher and the principal/designee in an attempt to resolve the situation." AGREEMENT 11-1-1-1.
- f. "If any record of the complaint, or its formal or informal resolution, is placed in the teacher's files, the teacher shall have the right to file a written response within twenty (20) school days." AGREEMENT 11-1-2.

2. Investigations

The District shall investigate the matter of concern to gather information. The investigation will typically be conducted by the supervising principal, but may be conducted by some other person designated by the District. The investigation shall be concluded as expeditiously as possible.

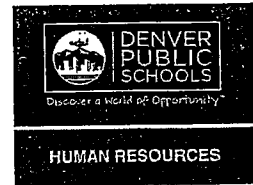
Upon providing notice of the complaint as referenced in Section B.1.b. above, the teacher may be questioned regarding the allegation, immediately if appropriate, as part of the investigation. The teacher may also be provided an opportunity to respond as soon as possible at a date, time and location to be determined by the District. See Section B.1.b. above. The teacher shall cooperate



with the investigation, and under no circumstances engage in unlawful or prohibited retaliation against any complainant.

- a. The supervising principal/designee shall determine whether administrative leave with pay is necessary to protect the interests of students, the teacher, or other staff, or to conduct an appropriate investigation. AGREEMENT 11-3-7. It will ordinarily be deemed necessary to place the teacher on paid administrative leave only in connection with pending investigations of serious allegations, such as those that, if subsequently proven, might lead to a recommendation to dismiss under the Act. Administrative leave with pay is not a punitive or corrective action, and is not an indicator that a matter has been prejudged.
- b. If leave is determined to be necessary, the principal/designee shall:
 1. Give the teacher the "specific allegation(s) of misbehavior and the basic reason why the leave is deemed necessary, when possible." AGREEMENT 11-3.
 2. Provide the teacher a copy of the administrative leave checklist (see Appendix 1) and review it with the teacher. The teacher shall sign the administrative leave checklist for receipt acknowledgment purposes, and a copy of the executed document shall be provided to the teacher. AGREEMENT 11-3-1-2. The principal/designee may, at her/his discretion and in appropriate circumstances, present the administrative leave checklist to the teacher before or after the school day. The principal/designee may, at his/her discretion, also allow the teacher to bring to this meeting the Association building representative or another teacher.
 3. At the teacher's request, allow the teacher the opportunity to respond to the allegations that caused the teacher to be put on leave at a meeting set by the District within three work days of being placed on administrative leave. AGREEMENT 11- 3-2. The teacher may be represented by the Association at that meeting. This meeting may, at the discretion of the principal/designee, be combined with the meeting referenced in subparagraph 2.a above.
 4. "If an investigation must extend beyond seven (7) calendar days, or if the administrative leave must be extended, the teacher and the Association will be notified by phone from the Department of Human Resources or designee the reasons for the extension and the expected date of completion of the investigation and/or leave." AGREEMENT 11-3-3.
- c. If administrative leave is not necessary, the principal/designee should obtain relevant information and documents from appropriate sources including the teacher and conclude the investigation as expeditiously as possible.
 - d. The principal or District representative shall review all the evidence gathered, including any response provided by the teacher, and preliminarily determine if corrective action may be necessary. See below.
3. Resolution
 - a. Determination of No Corrective Action

If no corrective action is deemed necessary, the District shall provide such notice



and information to the teacher and Association representative as necessary to close out the investigation.

- b. Determination that Recommendation for dismissal under the Act is warranted. All such actions are governed by the Act and not by the Agreement or this guide.
- c. Preliminary Determination of Corrective Action
If corrective action may be deemed necessary, the District shall follow the guidelines outlined below.

4. Corrective Action Guidelines

- a. The Agreement does not determine what level of discipline should be imposed or that any particular progression of discipline be followed. The discipline will be determined by the District based upon the specific circumstances of the situation, and must meet a "just cause" standard. The District, school or principal should use corrective action when a teacher has engaged in misconduct or violated a directive, work rule, Board or school policy, or job duty, or where other good and just cause exists. Work rules and directives should be communicated verbally or in writing to the teachers, and cannot conflict with law, District policy, or the terms of the Agreement. Appropriate corrective discipline should be imposed promptly and not deferred until the any teacher evaluation process is completed. An example of one way to handle violation of a work rule is referenced in Appendix 4.
- b. Provide Notice: The principal/designee will inform the teacher of the preliminary intent to consider imposition of corrective action, and schedule a meeting at which the teacher may be accompanied by another teacher or an Association representative. AGREEMENT 11-2-1. At that meeting, to the extent it has not already occurred, the teacher shall be given an opportunity to respond to the allegations and the investigation results, which the principal/designee should share with the teacher at that time. If the teacher fails to meet with the principal at the designated date, time and location, such failure will not limit the District's right to implement corrective action in accordance with the Agreement. Upon consideration of any additional information/response provided by the teacher at the meeting, the principal/designee shall complete any necessary follow-up to the investigation, and then determine if corrective action will be imposed. The principal/designee may render the decision (e.g., determination that no corrective action is necessary, issuance of a Letter of Warning, or issuance of a Letter of Reprimand with/without unpaid leave) at the conclusion of that meeting. Alternately, the principal/designee may schedule a separate meeting for the specific purpose of rendering the decision to the teacher. At any subsequent meeting, the teacher may opt to be accompanied by another teacher or an Association representative.
- c. Corrective action may include one or a combination of the following:
 - 1. Letter of Warning (see template at Appendix 2): A Letter of Warning constitutes written notice to the teacher that certain types of behavior are prohibited and that future misconduct may result in more serious corrective action or other discipline up to and including dismissal. The document will include: the teacher's name; date; situation needing improvement; facts of the situation and the investigatory conclusions (what, where, when, who); the date(s) that the teacher was extended an opportunity to respond; any previous discussions and instructions with the teacher on this situation; the actions to be taken; a reasonable period of time, if appropriate, to correct behavior; the consequences for failure to correct the behavior; and a



statement advising the teacher of the right to attach a written explanation. A copy of this letter may, at the discretion of the principal, be placed in the teacher's personnel file. If it is to be placed in the teacher's file, the teacher must be told of such decision and provided with an opportunity to review the Letter of Warning and to sign the copy of the letter as an acknowledgement of receipt. If the teacher refuses or fails to sign the copy of the Letter of Warning, the letter will still be placed in the teacher's personnel file with an indication that the teacher refused to sign it.

2. Letter of Reprimand (see template at Appendix 3): a Letter of Reprimand constitutes written notice to the teacher that certain types of behavior are prohibited and that future misconduct may result in more serious corrective action or other discipline up to and including dismissal. The Letter of Reprimand should include the same information referenced above which is contained in a Letter of Warning. A copy of a Letter of Reprimand is ordinarily placed in the teacher's personnel file. The teacher must be provided with an opportunity to review the Letter of Reprimand and to sign the copy of the letter as an acknowledgment of receipt. If the teacher refuses or fails to sign the copy of the letter, the letter will still be placed in the teacher's personnel file with an indication that the teacher refused or failed to sign it.

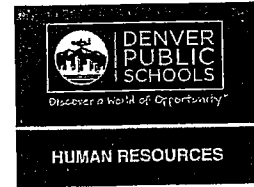
Note: The distinction between a Letter of Warning and Letter of Reprimand:

- A Letter of Reprimand is ordinarily placed in the teacher's personnel file whereas a Letter of Warning may be placed, at the discretion of the principal.
- A Letter of Reprimand is usually reserved for serious or repeated infractions.

3. Suspension without pay: a teacher may be suspended without pay as a sanction for the teacher's actions or inaction, for a period of time not to exceed 20 teacher work days. Except that, in the event that a teacher fails to complete the ELA-E, S or T qualifications within the District-designated timeline, a teacher can be suspended without pay for longer than 20 work days. A suspension will be implemented by providing the teacher with a written decision, which may be included in the Letter of Reprimand, finding that the District has determined that suspension of the teacher is appropriate for a specified period of time. The duration of the suspension will be determined at the discretion of the District based upon the severity of the particular situation under consideration.

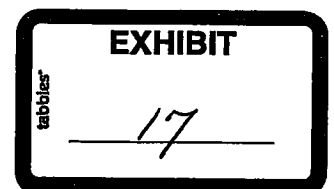
C. Miscellaneous

1. Return to work: Principals are encouraged to meet with teachers who return to work after administrative leaves with pay or suspension without pay to transition the teacher back into the classroom to ensure high quality and continuity of instruction.
2. The failure of the principal or his/her designee to follow any of the requirements contained in this document does not limit the Board of Education's right to non-renew a probationary teacher under the Act.



Appendices

1. Administrative Leave With Pay Checklist
2. Letter of Warning template
3. Letter of Reprimand template
4. Example of Work Rule Violation and Sample Letter of Warning



AFFIDAVIT OF ADAM FEDERSPILL

I, Adam Federspill, hereby state that the following facts are true and accurate to the best of my knowledge and belief:

1. I am the school counselor at PUSH Academy. As such, I have first-hand knowledge of student enrollment figures, school budget, school planning documents, and staff assignments. I have been the counselor at PUSH for three years.
2. The notes attached hereto dated 2/18/16 are notes I recorded at the time of the described meeting, and were based on my observations at that time.
3. In 2015-16 there was a known gang presence at PUSH. Many of our students last year and this are involved with the criminal justice system.
4. I brought concerns regarding discrimination and hostile environment to the school district's attention in January 2015. The school district took no action to remedy these problems, and has continued to deny there was anything improper, including discrimination, at PUSH.
5. PUSH has the capability to serve approximately 280 students. Currently, there are only 70 students actively attending PUSH, and about 113 enrolled. PUSH was aware of the number enrolled for 2016-17 in May, 2016. There was no effort by the District to enroll students over last summer as there had been in the past. In August, there were close to 40 students who could have been enrolled this year to raise our student count and avoid staff cuts. Suddenly, we were not enrolling any new students this fall.
6. As a result of the artificially low enrollment at PUSH, DPS has cut 1 math teacher, 1 pro-tech employee, and half of my position was cut. Rich Clymo was

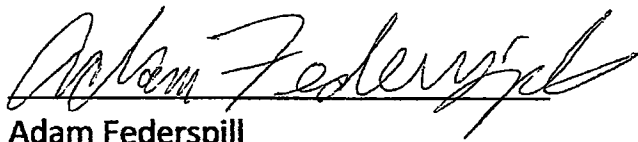
the intended cut in math, but Amanda Willhite quit DPS, so Mr. Clymo remained at PUSH.

7. On September 16, 2016, I was notified that my position would be cut in half effective October 21, 2016. The district has not assigned me to a second half time job to make up a full time position. I have therefore lost half my income for the remainder of the year. Attached is the notice I received from the district.

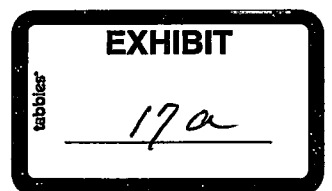
8. Despite our low enrollment, and despite the cuts, PUSH added a full time administrator position this year—an assistant principal who has not worked at PUSH before. This means we have two administrators, an Instructional Dean, and a Dean of Students (Behavior) for 70 active students. This makes no sense.

9. We have been informed that PUSH will no longer exist as a school for next year, but will instead become an “Engagement Center” school. This means that there will be a new “Edgenuity” curriculum, a solely computerized curriculum. A feasibility study has been conducted by Denver Public Schools. The name of the school replacing PUSH is “Montbello Engagement Center”.

10. Our PUSH students are highly sensitized to issues of race. Race issues must be handled at PUSH with a high degree of sensitivity and professionalism. Angela Robertson frequently played into racial divisiveness and attempted to influence students of color against Caucasian teachers. Even though she is no longer at the school, I have been informed by numerous students, parents and staff in contact with her that she continues to agitate against the Caucasian teachers at PUSH.



Adam Federspill



2/18/16 7:45am

Deborah Staten, Instructional Superintendent in Denver Public Schools, lead a meeting that all staff were required to attend. Deborah Staten began to speak and before she said anything of substance or value, she called on Rich Clymo in a vehement manner, "I see you are making a face"? Deborah Staten continued in the angry and condescending demeanor, "Would you like to explain what that face is about"? I remember Rich being rightfully caught off guard to Deborah Staten's hostile attack and then responding that the investigation had taken a lot of time with no communication to staff, students, parents or guardians.

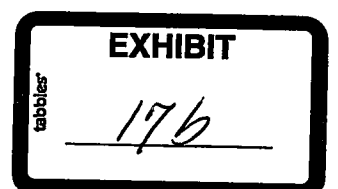
Deborah Staten then went on to verbally berate Rich off and on throughout the 5 minute meeting. Deborah Staten was stating nonsensical things such as that "I am 100" and that principals were routinely placed out on leave for a month with no communication to stakeholders in an attempt to bolster her arguments against Rich.

While Deborah Staten was verbally berating Rich, she allowed other African American staff in the room to behave in a disrespectful and hostile manner towards Rich. She allowed Sheila Mauldin to loudly make teeth sucking and spitting noises when Rich spoke and Jo Keel to verbally admonish him in an angry tone, "You don't speak for me. Keep your comments to yourself."

At the end of the meeting, in front of all staff she called for Rich to see her after the meeting in her continued vehement and condescending tone while publicly ridiculing him at this point.

I feel this was retaliatory in nature due to Rich having made complaints about the African American Principal of the school, Angela Robertson as well as discriminatory in nature. Deborah Staten is African American.

Adam Federspill



tel: 720-423-3900

Emily Griffith Campus
1860 Lincoln Street
Denver, CO 80203

www.dpsk12.org



September 21, 2016

Adam Federspill
DPS ID 100032719
P.U.S.H. Academy

Re: Special Service Provider Reduction Notification

Dear Adam:

The purpose of this letter is to confirm that your position is being reduced from 1.0 FTE to .5 FTE on October 21, 2016 due to a reduction reported by your school/department. Should you have questions about your paycheck or benefits, please contact HR Connect at (720) 423-3900.

Please know that our HR team, with support from your employee association, where applicable, will make every effort to assist you as you consider other opportunities within the district. I would encourage you to consider other positions within DPS. Positions are available year round and are posted on the district's website at <http://careers.dpsk12.org/>.

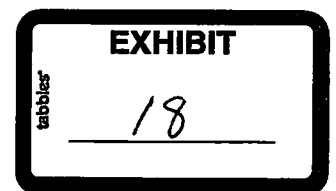
In addition, you will continue to have access to Guidance Resources, the district's EAP services. It is a free, confidential referral and counseling service available for you. You may call the toll-free number, 855-327-1377, to speak with a counselor 24 hours a day and you can also schedule a confidential face-to-face appointment with a counselor. Guidance Resources provides the following services: marital and relationship counseling; child and elder care; alcohol and drug abuse; emotional stress; legal assistance; and debt management. You may receive up to three counseling sessions per situation. After that, the counselor may refer you to another resource for additional assistance and applicable fees. Most importantly, services are completely confidential.

Should you have any questions, please contact HR Connect at 720-423-3900.

Sincerely,

Jodie Sandell
HR Project Manager

cc: Karen Powell



B. 1/29/15 Action: I met with Denver Public Schools (DPS) Human Resources Representative (HR) Allison Hamel on this date. I reported to her the incident from 10/02/14 as well as a plethora of other racially charged incidents that have been taking place regarding other staff members (Eric Iverson, Lindsey Myers, Debbie Phillips, Seanean Shanahan). I also reported civil rights violations regarding English Language Learners (ELL) and Special Education Students (SPED) not receiving appropriate services, and many other concerns that I had of illegal and unethical behavior by the principal of the school, Angela Robertson. Included in this was my firing, or "transitioning out" of the school and DPS by Angela on January 22nd. Angela's husband, Charles Robertson, a convicted felon also works at the school through a non-profit agency. I reported that he was creating a hostile work environment for me by staring at me unwarranted and not moving out of my way when I needed to walk past him on several occasions. I explained to Allison that I would not feel comfortable going back to work at the building having provided such condemning factual information. Examples and resources were provided for every point so that it was backed up by multiple resources. Allison has never addressed my situation to date, which I feel is retaliation.

Allison Hamel, DPS HR

C.2/3/15 Action: Dana Risch, an investigator for DPS, contacted me to meet regarding hostile work environment issues, FERPA issues related to students, as well as the racial discrimination that I reported. *Attached are the notes from this meeting.

I communicated with Dana regarding video I have of Charles continually walking past my office as well as other relatives of Angela's teaching racism to students (Khalib Barton). Non action I believe is retaliation.

Dana Risch, Investigator DPS

D. 2/25/15 Action: I communicated with Dana one last time regarding Khalib having his class (Khalib is not a licensed teacher) presenting to staff the same racist doctrine that I had video taped. It went something like this, and Khalib has a powerpoint regarding it, "Some percentage of students in DPS are students of color and some percentage of teachers in DPS are white. This is an issue because white teachers can't relate to students of color and this further exacerbates students of color having feelings of depression and other mental health concerns." On 2/27/15, Dana replied to me stating that she had concluded her investigation already. I feel like having to stay in the school at this point and having to hear these things is retaliation.

Dana Risch, Investigator DPS

E. 2/18/15 Action: I called the DPS HR main office phone number stating (Which I have an e-mail from HR confirming the content of the call) that I was worried and feeling uncomfortable in my work environment. Allison called me back later that day and stated that "She was sorry that I felt uncomfortable around Charles". What was happening was that Charles Robertson, who was now made

aware of the accusations that I had levied against his wife, was in my office area throwing things around and making a lot of noise. I closed and locked my door as I did not feel safe. I had a conversation with Dana through e-mail about this as well. I feel like this is retaliation to have to continually work in an environment under these conditions.

Allsion Hamel, DPS HR and Dana Risch, Investigator DPS

F. 2/18/15 Action: On 2/18/15 I received an e-mail from an HR representative that I was not eligible for participation in the interviewing process as an Assistant Principal (AP). I was selected for the position last year upon Randy's recommendation and he was aware (E-mail proof) that I was applying for the position this year. I feel like this is retaliation.

Randy Johnson, Instructional Superintendent (IS), DPS

G. 3/11/15 Action: Allison Hamel and her colleague Debbie Staten (Deputy Instructional Superintendent) on Randy Johnson) forced me to have a meeting with them after I had reached out to Sarah Marks, Allison's HR Supervisor on 3/6/15 through e-mail asking for help in my situation.

Allsion Hamel, HR DPS, Debbie Staten, Deputy IS, Sarah Marks HR

H. 3/12/15 Action: Ed Salem, Data Team Partner on Randy's "team", under direction of his supervisor Randy Johnson, revoked all of my "Master Scheduling" and "Walk-in Scheduling" rights. I feel like this is direct retaliation. I explained to Ed that I had a lawyer now. The very next day, Ed had my rights reinstated through Randy. I have to continue to report to Ed even up until this date 4/22/15 and forseable future regarding any scheduling related matters.

Ed Salem, Data Team Partner, Randy Johnson, IS

I. 3/16/15 Action: I had a meeting with Allison and Debbie in which they stated that they understood I had a lawyer and asked me not to video the conversation. Allison then preceeded to write down everything I said until I asked her to stop and suggested that we video record the conversation if this was going to occur. Allison and Debbie explained to me that they could say nothing regarding my situation or the investigation, but wanted more information from me about the school. It was a short meeting. I addressed an issue in which I had overheard that Debbie and Randy had said in a meeting of DPS officials that "I thought Adam knew what he was doing.", regarding scheduling practices. I see this as retaliation and defamation of character.

Allsion Hamel, HR DPS, Debbie Staten, Deputy IS, Randy Johnson, IS

J. 3/20/15 Action: Angela called me in to a parent meeting in which she angrily stated in front of the parent and student that I did not want to see students getting credits from certain classes taught my certain teachers. I left the meeting due to the unprofessionalism of her bringing this up (This is

information that I had reported to Allison on 1/29/15, unlicensed teachers teaching classes), tone and demeanor. The student, NF, began telling other students in the hallways, that I overheard, later in the day that I wasn't "allowing students to get their credits and graduate". Direct retaliation.

Angela Robertson, Principal, P.U.S.H. Academy DPS, Student NF and her family.

K. 3/19/15 Action: While in a meeting with Ed Salem, Angela sent Jonathan Watts, Dean, to my office to collect my radio that I had carried since the beginning of the year. Just prior to this incident I had went to the restroom and did not have my radio on. Apparently someone was radioing me and Angela stopped me in the hallway on the way back to my office and questioned me about why I didn't have my radio on. I explained that I don't keep it on when in the restroom. (It is a common occurrence that people in the building with radios don't always have them on, but usually someone does and can find the person they are looking for. The building is only 2 floors and one hallway on each floor. This is retaliation.

Angela Robertson, Principal P.U.S.H. Academy, Ed Salem, Data Team Partner, Jonathan Watts, Dean P.U.S.H. Academy

L. 4/6/15 Action: Angela verbally berated me in front of a student, family and other staff members in her office regarding what she was calling a "scheduling error" that I had made, when in fact it was regarding the issues that I had brought up to Allison on 1/19/15. Student was AS. Ed Salem was present. Direct retaliation and now a much more stressful and hostile work environment where the principal of the school is blaming me in front of parents, staff, students, and district officials as the problem entity in the building.

Angela Robertson, Principal P.U.S.H. Academy, Ed Salem, Data Team Partner, Student AS and her family

M. 4/7/15 Action: Angela began sending harassing e-mails that Ed Salem was CC'd on. Ed had to come to the school to tell her to stop. Ed, at this point, is in the building just about every day. Direct retaliation.

Angela Robertson, Principal P.U.S.H. Academy, Ed Salem, Data Team Partner

N. 4/7/15 Action: Student MS came down to the counseling center to check on her credits because she had just heard 6 students in the cafeteria talking about how the counselor was "screwing kids out of earning their credits".

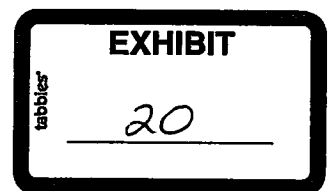
Student MS

O. 4/9/15 Action: Debbie Staten and Ed Salem met with me this day and explained that Angela wasn't to have any more communication with me without either of them present or CC'd on the e-mail. I still have to meet with Angela without them and have e-mails without their CC.

Angela Robertson, Principal P.U.S.H. Academy, Ed Salem, Data Team Partner

O. 4/20/15 Action: Don Gilmore, a teacher, reported to me that Angela had explained to him that Adam was making a lot of allegations against her and confronted him on the nature of our relationship. Direct retaliation.

Angela Robertson, Principal P.U.S.H. Academy, Don Gilmore, Teacher P.U.S.H. Academy



AFFIDAVIT OF DONALD GILMORE

I, Donald Gilmore, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. I am a teacher licensed in the state of Colorado. My license is endorsed in secondary social studies 6-12. I have been a teacher with Denver Public Schools for twenty four years. I have taught at three schools in the DPS District, I have been a student advisor and I have held a position in the Central Administration Office—"Pro Comp Specialist" supporting the district's professional compensation system for teachers. I have four advanced degrees.
2. I am currently teaching social studies at PUSH Academy ("Persevere Until Success Happens"). This is my sixth year at this "alternative" school.
3. The atmosphere at PUSH under Angela Robertson's leadership is a climate of fear and distrust. Collaboration is not valued or appreciated. Intimidation and often defamation are pervasive at the school. Angela Robertson made disparaging remarks to me personally about Adam Federspill, our school counselor, in her office. In or about March or April 2015, Mrs. Robertson stated to me that Adam Federspill was telling a lot of lies, and she wanted to know what I knew about Adam. I had nothing to tell her other than about my professional interactions with Mr. Federspill, and she then accused me of not being a team player. She told me that Adam's employment was in jeopardy and his position was going to be eliminated. At the time, I was in the building on ProComp business, but was officially on paternity leave. She told me that if I wasn't on paternity leave, my position would have been eliminated. I had the distinct impression that she was threatening me so that I would implicate Mr. Federspill in some way. She conducted this interrogation of me for over fifteen minutes. This is a violation of DPS' shared and much publicized Core Values of integrity, equity, and collaboration.
4. Mrs. Robertson discouraged me from having any contact at all with Mr. Federspill and told me it wasn't in my best interest to associate with Adam Federspill. She told me he couldn't be trusted. During this entire meeting

she was very hostile towards Adam and towards me. She firmly asserted "Do you not know who I know? I am well connected to Landri Taylor and Senator Bennett!" Landri Taylor is a former member of the DPS school board and African American. He recently resigned that position. She has made this statement on more than one occasion when we have questioned her.

5. First quarter of the 2015-16 school year, we were told that the administration got dinged if students got D's and F's. The administration ran the grade reports of our students, and Mrs. Robertson came to me and directed me to change grades of two students—I needed to go back and change the students' failing grades. Mrs. Robertson walked around with the grade report on paper in her hands. She would keep running the grade report until she saw that the grade had been changed.

6. To my knowledge there has been no formal due process for students who are told to leave the school.

7. Every school in DPS, including PUSH, is required to establish a Collaborative School Committee—a committee of staff, community and parents that determines department chairpersons, reductions in staff, and other staffing and accountability decisions. This requirement is statutory (C.R.S. 22-11-401 et, seq.), and part of DPS Board Policies (BDF and BDF – R4). Mrs. Robertson has never convened the PUSH CSC, and when I asked her to do so, her response to me was "Why do you ask?" The CSC oversees whether the school is in compliance with affirmative action, state and federal laws, district mandates and school board policies. The committee is charged with enhancing student achievement and school climate by involving the community and providing strategic direction in support of the schools mission and vision as stated in the School Improvement Plan. Mrs. Robertson has never convened the CSC during her administration, and has not communicated to the staff any efforts to do so. To my knowledge she did not make any efforts to establish a CSC, to publicize opportunities to serve on a CSC, or to solicit parents to become part of any CSC. In this way, Mrs. Robertson eliminated any objections to her priorities for spending school monies—she does the budget alone.

8. The school personnel subcommittee, like the CSC, was not established at the start of the year as it should have been. I asked about establishment

of these committees and did not get a positive response, or even a sensible one.

9. On or about January 13, 2016, I asked again about the CSC and asked for a copy of the school budget, since materials I had ordered in August had never shown up at the school. Mrs. Robertson did not produce it and told me it was none of my concern.

10. On January 15, 2016, I asked for the budget again. Mrs. Robertson went into a tirade at me, yelling at me over and over that I was threatening her and that she was going to call security on me. She was furious.

11. On January 16, 2016, I went to school to work. Mrs. Robertson was there and threw me out of the school. She told me that I was going to be fired. It was very concerning to me that my principal was threatening me with my employment.

12. In or about the third week of January, 2016, I was informed that several positions were going to be cut at the school, due to budget concerns. These cuts were recommended by the principal and supported by her supervisors at DPS. These were primarily the positions held by me and the majority of the white teachers at PUSH who also raised concerns about discrimination and the discriminatory practices at the school.

13. Because I have been RIBbed, (reduced in the building), I have to find my own job in the district—called “mutual consent”, where a principal offers me a job after a competitive application—or I will have to accept a one year placement in a position I have no control over. This is called a “limited term assignment”. A limited term assignment is only a one year appointment, and then, if I do not secure a “mutual consent” position on my own, I will be eliminated from the District altogether. 65% of teachers in Denver Public Schools have three years or fewer of teaching experience and are very young.

14. I believe I have been discriminated against because of my age, 50, my color, which is not “black enough” for Mrs. Robertson my association with the white teachers who have complained against discrimination and for my support of a white colleague who filed an EEOC complaint and who is continuing in that process. I have lost my job at PUSH in retaliation for these activities and for objecting to the hostile environment at PUSH.

FURTHER AFFIANT SAYETH NAUGHT.

Donald Gilmore

Don Gilmore

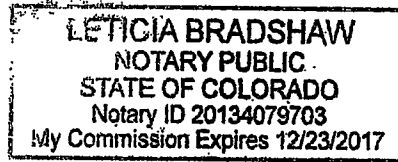
4/4/16

Date

NOTARY.

COUNTY OF DENVER)

STATE OF COLORADO)

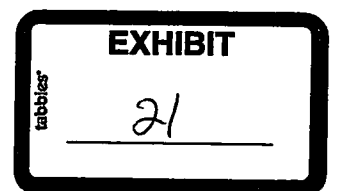


The foregoing affidavit was acknowledged before me this 4th day of April, 2016, by Don Gilmore, who appeared before me personally and whose identity was verified by his Colorado Driving License.

Leticia Bradshaw

Notary Public

My commission expires: 12-23-2017



Witness Statement
Confidential Information- Not for Distribution

Interview with Adam Federspill

Date: 1/26/2016
Time: 10:50 a.m.
Place: Homewood Suites – Across street from PUSH
Interviewer: Dana Risch, Senior ER Investigator

I understand you had an encounter with Angela surrounding a student and his behavior plan in which Angela raised her voice at you?

Yes. This happened the 15th, the Friday before the holiday.

When did the incident take place?

January 15th.

Where did the incident take place?

My office. I had come down to talk to her about a student. There was an ongoing situation with a student. This student was in my office (Sydney-student), she was upset that another student was bullying her. We have had ongoing meetings and plans regarding this issue. This type of situation was a suspension issue so I take it to Angela because she makes those decisions. This is not out of the ordinary. She asked me to send her the plan, which I did (regarding the other student doing the harassing). She then asked me to bring the student to her. I sent out the e-mail while the student was still in my office. Angela comes to my office and gets the student and said she was going to talk to Jonathan Watts about how to handle it next (more behavior-I am not a dean). The behavior items go to Mr. Watts. She was in my office yelling at me. She was asking why I wasn't taking care of this. I explained that I did my part and that is was a disciplinary action issue. I told her that she asked me to send her the plan and then send the student to her office.

Allen Hagerman was witness to this.

Did this occur while the student was in your office?

No.

Where did the student go?

Angela came down and took the student away. She then returned about 5-10 minutes later to have this confrontation with me.

What time did the incident take place?

About 10-15 minutes after I sent the e-mail, not sure of exact time. There would have been video of that too. Math has off second period so it would have happened during that time.

Witness Statement

Confidential Information- Not for Distribution

How would you describe Angela's behavior?

Angry as she was last year. I haven't seen that side of her since last year, which is how she was with me all the time. I have seen her angry with other people this year, just not with me.

Specifically indicate what she said during this conversation again?

She was yelling. I was sitting down and she was standing over me yelling. She asked me why I wasn't handling this ("the situation"). She yelled at me why I didn't follow up with Watts. She yelled why I wasn't dealing with this. I told her I wasn't in charge of discipline. When she saw Allen behind me, she stopped the harassing tone and left my office.

After this incident with Angela, did Mr. Robertson sit outside your door?

So first off, Allen Haggerman was there. Allen wanted to come into my room to talk to me. I told him that I needed a minute. He came in and I can't remember what we talked about, probably just about what he overheard. They canceled school that day, for Charles Robertson's organization to host a YAPA conference. His event was happening back in the auditorium. His employees are not in my office area at all and he is placed at the end of the hallway. The event is going on in the auditorium and all the other things are happening far away from me. He is directing everything from my office area. He was there until I can only assume Cathy sent the e-mail to the district. Karen Powell, Matt Neely and Don Gilmore. Everyone I just mentioned saw him standing there. He was sitting in a chair. There is no rhyme or reason that he should have been sitting there.

Did anyone else sit outside the office?

No, the only other person that was down there was Marcellus Roberts (CSO), he was there to watch the door to make sure kids didn't go outside the door, but that was earlier in the day. Charles was there for an entirely different reason. If she hadn't just yelled at me I wouldn't have thought much about it. Couple those things together and it is intimidation and retaliation.

I have never seen him (Charles) in this area at all this year. He doesn't have any employees in that location at all anymore. He has since been moved up to the second floor suite.

Was Mr. Robertson sitting outside the counseling office door at any other time this day, or was it only after your incident with Angela described above?

Only after the incident with Angela. He had a massive event where he was the lead speaker. They canceled school for this event. I have all the e-mails if you want them.

Witness Statement

Confidential Information- Not for Distribution

Did Mr. Robertson offer any explanation as to why he was sitting outside the counseling office?

No.

Did you ask Mr. Robertson why he was sitting outside the counseling office?

No.

Did Angela offer any explanation as to why Mr. Robertson was sitting outside the office?

I had no more interactions with Angela that day. I specifically avoided her. To be honest, it's a hostile environment.

I was out yesterday because I wasn't going to come in if she was still in the building. Last week I took the days off when I knew she was going to be in the building.

How would you describe the actions of Mr. Robertson sitting outside the counseling office?

I felt that he was there to intimidate me because I argued back with his wife.

Do you feel that Angela has retaliated against you?

Yes.

My rebuttal to my EEOC claim should be obtained as evidence of the retaliation I have experienced from Angela.

At the beginning of the year I was met with and was forced to sign a secondary contract. I was met with this on my first day back. From last year to this year, all of my duties were stripped to the point that they hired Maureen Peenley to do all the scheduling over the summer time. She is an employee of Charles. Within one week, they had realized their decision was wrong. I did get some of the scheduling duties back because of all of the mess up over the summer. The contract is humiliating.

Have you ever heard Angela make inappropriate racial remarks to staff, students, or parents?

Yes. Now I can tell you all kinds or point you in the right direction.

Expand upon that?

December 7th – 3:10 p.m. – we were having a discussion on early graduation. Someone brought up what we should wear to graduation (dresses/suites or robes). Someone said that we couldn't do robes because we didn't have any hoods.

Witness Statement

Confidential Information- Not for Distribution

Angela got up and said, "hoods, hoods, I am from Louisiana and when someone says hoods we start running." She then said, "Look at all the white people looking at the floor." Everyone in the staff meeting heard this. I was up next and had to talk about sexual harassment and then Kendall Robertson walked in.

I believe the above example is the only one I have seen firsthand. I know that others have signed affidavits on things they have witnessed.

Second hand examples:

Richard Clymo - During his hiring process, he was asked if he had a problem taking orders from a black woman. He was also present for the December 7th staff meeting. He has been retaliated against for age discrimination.

Age discrimination – Angela said in front of Allen Hagerman, when are you going to retire and when are those guys going to retire. Allen, Rich and Gilmore. She said, "I know Gilmore is out of here in a year and asked when those two were going to retire. It was directed toward Allen so you'll want to talk to him.

Richard last year (key piece) – APEX (online classes) – students were completing classes in as little as an hour and half. He was asked to sign off on that. He is now sitting in a closet. His cap was 25 students and I was given the 15 student cap for everyone else. When he didn't sign off on the credits like she wanted, she retaliated against him.

Eric Iverson – He has a lot of stuff. You'll want to talk to him about it. She called his students crazy white boys. His room was moved from the auto motive area to a very small room away from automotive and given to Allen Hagerman instead. Now Allen occupies the auto area. Eric's classroom is now in the shop. Debbie and Randy both know about this.

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Are you aware if Matt disclosed his cancer to others freely?

No, I have never got that information from Matt directly. Angela is the one that told him about his cancer without his consent.

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Charles was onsite all day yesterday. Tony Smith had to remove him.

Debbie Staten knew about the racial joke on December 7th. About the KKK hoods. Randy knew about this stuff last year too. I told him about all of this stuff. It is documented.

Witness Statement

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Have you had any conversations with staff while in the teachers' lounge about Angela?

I don't believe I have ever had a conversation with staff while I was in the teachers lounge because I know better. I don't go there, I don't eat lunch there.

Does Angela have "stand-up" meetings?

Yes she does.

Did Angela have a meeting with staff in January of this year in which she said, "Don't think I don't know who is talking to who."

Yes. I think this is the meeting where she passed out lighters, gave us red pieces of paper and for us to write down what we wanted to forgive. We burned them in a bucket. She was using religious reference but I can't remember exactly what it was.

She forgave us for being uncomfortable when her son was there. In the context of that conversation she said, "don't think I don't know who is talking to who." She does this quite frequently as a scare tactic. She yells at people all the time.

Who was in attendance for this meeting?

All staff members. She made some inappropriate comment about me but I can't remember exactly what it was, something about me having a lot to burn.

Was this the first time you had heard Angela make comments about individuals talking to other individuals?

No. She would always say that. Last year with Rafael, she would say, "I know you two talk." She does this to Dr. Powell constantly. She says that she knows that Dr. Powell knows about certain things.

Her favorite target at the beginning of the year was Jonathan Watts. She would yell at him repeatedly.

I also have an e-mail I sent Debbie about the Melika incident.

In March 2015, did you witness a conversation between Don Gilmore and Angela in which Angela confronted Don about helping you?

Yes, I was right outside the office. Something about me making accusations. Something about him siding up with me. I have it written and it was in my EEO complaint. I wrote 47 pages of rebuttal for my EEOC complaint.

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Did you ever hear Angela tell Don that he wasn't being a part of the team?

Yes with regard to him siding up and him being on the right team. I have known Don for a long time. I worked with him at CLA. I was helping him with school counseling hours.

Did you ever hear Angela ask Don what he knew and if he was helping you?

No. I remember something about me making a lot of allegations and Don being on the right team. Some things I believe she was saying for me to hear and then some of the conversation was quite so I couldn't hear.

Did you ever hear Angela threatened Don's job during this conversation?

No I did not. He has mentioned to me that in relation to his FMLA time that Angela did try to get his job taken.

Have you discussed concerns with Angela directly with Don?

No.

Thursday, January 14th – did Angela have a staff meeting in which she addressed instructional dollars and where they went?

Lindsie, Allen and Don would be in this meeting. That wouldn't be a full staff meeting.

Did you ever hear Angela say that she ordered 300 computers and that's where most of the instructional dollars went?

I did not. That was reported by several people who were in this meeting.

Did Angela conduct a staff meeting in which she addressed concerns about Kendall Robertson being on campus?

Yes. Several. The first one that she did was via phone because she was some place else. It was for her to tell the staff that she was sorry that we were uncomfortable. She said he was allowed on campus and no one said that he couldn't be on campus. She said he was legally allowed on campus. She said that she was sorry that we were uncomfortable and asked why we didn't come to her before going outside the building.

Angela came up with a policy about staff not being able to take time off.

Did Angela inform the staff that Kendall had been investigated by the district, cleared and charges were unfounded?

Yes. She had several meeting about this.

Witness Statement

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In what manner do you feel that Angela has retaliated against you?

Adam advised me that he would check with his legal counsel to determine appropriate response to this question.

Has everything you told me been truthful?

Yes.

Are you aware that providing false information during an investigation is cause for corrective action including termination?

Yes.

Have you made any false statements you would like to change at this time?

No.

Anything else?

Students right to process – she transitions students out when she wants to. A white student at the school missed 56 days. A black student missed 85 and the black student is still there and the white student is not. She is her own judge and jury.

I agree that the statements captured above are true and accurate to the best of my recollection.

Employee Name _____

Date _____

Witness Statement

Confidential Information- Not for Distribution

Interview with Amanda Wilhite

Date: 1/27/2016
Time: 12:15 p.m.
Place: Homewood Suites – Across street from PUSH
Interviewer: Dana Risch, Senior ER Investigator

What is your current position at PUSH?

I am a high school math instructor. Algebra I and Geometry.

How long have you been at PUSH?

First year, although I was brought in earlier. I was offered an early contract last year. In March, HR reached out about a long-term sub position. I took that position. While I was there (West Career Academy) I asked about PUSH. Angela asked if I could do extra hours for Saturday math classes before I officially joined DPS. She had me sign off on APEX classes (by looking at test that students had taken). The test that students took, she said they could take over and over again until they reached an 80%. She then had me review the tests to see if the scores were at least 80% and that's what I signed off on.

Were you in a staff meeting in which Angela said, "don't think I don't know who is talking to who?"

It doesn't ring a bell. Although in staff meetings, I will check out. If we are talking about personnel information, she told me that she was trying to find Dr. Powell a new position. At one point, I cried during a meeting we had. I told her it was overwhelming that they (Angela and Dr. Powell) would both come at me from different directions. Angela told me to just listen to her and that she was trying to find Dr. Powell a new position and that she had previously been moved around in the district. Angela said this in regards to me questioning who's expectations I should be listening to.

Were you in a staff meeting in which Angela said, "This time I am going to forgive everyone for Kendall?"

I remember her talking about Kendall and her saying that it was okay that he was there. I wasn't privy to any of this information. I am the teacher that stays in my room. I do not usually engage in conversation. I didn't even know who Kendall was. Others were telling me about situations with Kendall. During this staff meeting, she said that it was okay for Kendall to be here. She definitely overshared information with Kendall.

Did Angela have a staff meeting in which a discussion involved graduation and what everyone should wear for graduation?

Yes.

Witness Statement

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What do you recall was said during this staff meeting?

She asked if everyone had the stuff we were going to wear for graduation. She said something about where she was from she doesn't like people in hoods and then said now all the white people are looking away.

Has Angela ever shared confidential information about Mr. Neely having cancer in a staff meeting?

Yes.

In what context did Angela bring up Mr. Neely having cancer to the staff?

She had a meeting in his classroom. I can't remember if everyone was there. She shared that Mr. Neely is going to take some time and Mr. Mason was going to be covering his classes because Mr. Neely had cancer. She didn't state the specific cancer but I did find out from Mr. Neely later that it was testicular cancer.

Was Mr. Neely present when Angela disclosed he had cancer to the staff?

No. That was his first day out. I think he e-mailed her the night before or something.

Has Mr. Neely ever informed you that he has cancer?

Yes, he informed me of it, but this was after Angela already informed the staff.

Did Angela inform the staff that Kendall was investigated by the district, he was clear, charges were unfounded, and that he had a right to be in the building?

No. She said that it was okay that he was there. I still don't know what he was charged with. She stated that everyone knew what was going on with her and her family.

Did Angela have a staff meeting in October/November in which she made comments about her nephew bringing a white girl home to date and how she wasn't allowed in the house?

I heard something about that but I wasn't in the meeting.

Did you sign the October count numbers?

Yes.

Did you express reluctance in signing these numbers?

Yes. Multiple times. I was intimidated by Ms. Walker and Ms. Robertson multiple times. When I first saw October count, it was inaccurate according to what I knew. I had never met children that she said were in my classroom every day. She asked me if I had

Witness Statement

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proof otherwise. I told her the information was inaccurate and other teachers expressed that as well. She said it was only if someone came in to audit the information that we would have to prove that a student was in the class.

Angela said, "If you guys don't sign off on this years attendance, next year there won't be as many positions," making referencing to staff reduction.

The next day I had a different October count in front of me. Some areas were inflated and others were deflated. I didn't have anything to compare to aside from knowing the faces that come to my classroom each day. Ms. Walker kept asking me what she needed to do to the document to get me to sign.

I think attendance has been an issue all year.

I was told to change a grade once (nudged by Ms. Robertson) for a SPED student.

Explain the situation?

I have never seen any of my students pulled for hours. There has never been a SPED teacher in my room. The only thing I ever saw from SPED was IEP's. At one point from the first quarter, Angela told me she was looking at my grades.

I had already been told that I had too many F's from other teachers and that Angela would question this.

Angela came in and I had to justify the F's. She told me Maranda Ornelas was special ed and her percentage was 58%. She asked me if there was some place I could give her some points. She said this about all of the students that had F's (asking if there was a place where they could get points). I told her they all had fully graded assignments. I could not get around changing this grade for Maranda. I changed the grade for Maranda to a D.

Do you believe you were forced to sign the October count numbers?

Yes. I was intimidated to the point that I had two different people asking me to sign. I am a first year teacher so it is very easy to intimidate me because I am unsure of procedure.

Did Angela say, "You don't seem to like these kids and maybe you need to find a new job?"

She didn't say that I should find a new job. She said, "sometimes it feels like you don't like these kids." She insinuated that talking to other people wouldn't be a good idea and that she would help me find another position in the district. She said if I wanted something else in the district that she knew a lot of people. I didn't really know what she meant about "these kids". She always talks about being from the South.

Witness Statement

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Student issues – I asked a student to move seats and sent him away. I found Angela later to see if TJ came to her and she said, “He is an islander and you are a white lady and that’s why you guys don’t get along.”

Were there any other racist comments made to you?

She did say that some girls came in and told me that they thought I was racist. I asked what girls and she said she couldn’t remember. I think this was during the same conversation she said about me not liking students.

Do you feel that Angela has retaliated against you?

No. I do think it was a little weird about her talking to me about a job somewhere else.

Has everything you told me been truthful?

Yes.

Are you aware that providing false information during an investigation is cause for corrective action including termination?

Yes.

Have you made any false statements you would like to change at this time?

No.

Anything else?

I feel scared because I am a first year teacher. I look to my principal to tell me what is right and wrong. For the attendance thing, I felt like it must come back to her so that’s why I signed. It feels hostile, it doesn’t feel good. It seems like everyone is talking. I got an e-mail asking for the minutes of CSC meeting last night from Sheila Mauldin.

Dr. Powell sent out a message to the group thanking us for attending the meeting and Sheila responded that she wanted the minutes from the secretary.

I have never seen an employee handbook. I feel like I don’t know anything about this school.

Witness Statement
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I agree that the statements captured above are true and accurate to the best of my recollection.

Employee Name _____

Date _____

Witness Statement

Confidential Information- Not for Distribution

Interview with Adam Federspill

Date: 1/26/2016
Time: 10:50 a.m.
Place: Homewood Suites – Across street from PUSH
Interviewer: Dana Risch, Senior ER Investigator

I understand you had an encounter with Angela surrounding a student and his behavior plan in which Angela raised her voice at you?

Yes. This happened the 15th, the Friday before the holiday.

When did the incident take place?

January 15th.

Where did the incident take place?

My office. I had come down to talk to her about a student. There was an ongoing situation with a student. This student was in my office (Sydney-student), she was upset that another student was bullying her. We have had ongoing meetings and plans regarding this issue. This type of situation was a suspension issue so I take it to Angela because she makes those decisions. This is not out of the ordinary. She asked me to send her the plan, which I did (regarding the other student doing the harassing). She then asked me to bring the student to her. I sent out the e-mail while the student was still in my office. Angela comes to my office and gets the student and said she was going to talk to Jonathan Watts about how to handle it next (more behavior-I am not a dean). The behavior items go to Mr. Watts. She was in my office yelling at me. She was asking why I wasn't taking care of this. I explained that I did my part and that is was a disciplinary action issue. I told her that she asked me to send her the plan and then send the student to her office.

Allen Hagerman was witness to this.

Did this occur while the student was in your office?

No.

Where did the student go?

Angela came down and took the student away. She then returned about 5-10 minutes later to have this confrontation with me.

What time did the incident take place?

About 10-15 minutes after I sent the e-mail, not sure of exact time. There would have been video of that too. Math has off second period so it would have happened during that time.

Witness Statement

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How would you describe Angela's behavior?

Angry as she was last year. I haven't seen that side of her since last year, which is how she was with me all the time. I have seen her angry with other people this year, just not with me.

Specifically indicate what she said during this conversation again?

She was yelling. I was sitting down and she was standing over me yelling. She asked me why I wasn't handling this ("the situation"). She yelled at me why I didn't follow up with Watts. She yelled why I wasn't dealing with this. I told her I wasn't in charge of discipline. When she saw Allen behind me, she stopped the harassing tone and left my office.

After this incident with Angela, did Mr. Robertson sit outside your door?

So first off, Allen Haggerman was there. Allen wanted to come into my room to talk to me. I told him that I needed a minute. He came in and I can't remember what we talked about, probably just about what he overheard. They canceled school that day, for Charles Robertson's organization to host a YAPA conference. His event was happening back in the auditorium. His employees are not in my office area at all and he is placed at the end of the hallway. The event is going on in the auditorium and all the other things are happening far away from me. He is directing everything from my office area. He was there until I can only assume Cathy sent the e-mail to the district. Karen Powell, Matt Neely and Don Gilmore. Everyone I just mentioned saw him standing there. He was sitting in a chair. There is no rhyme or reason that he should have been sitting there.

Did anyone else sit outside the office?

No, the only other person that was down there was Marcellus Roberts (CSO), he was there to watch the door to make sure kids didn't go outside the door, but that was earlier in the day. Charles was there for an entirely different reason. If she hadn't just yelled at me I wouldn't have thought much about it. Couple those things together and it is intimidation and retaliation.

I have never seen him (Charles) in this area at all this year. He doesn't have any employees in that location at all anymore. He has since been moved up to the second floor suite.

Was Mr. Robertson sitting outside the counseling office door at any other time this day, or was it only after your incident with Angela described above?

Only after the incident with Angela. He had a massive event where he was the lead speaker. They canceled school for this event. I have all the e-mails if you want them.

Witness Statement

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Did Mr. Robertson offer any explanation as to why he was sitting outside the counseling office?

No.

Did you ask Mr. Robertson why he was sitting outside the counseling office?

No.

Did Angela offer any explanation as to why Mr. Robertson was sitting outside the office?

I had no more interactions with Angela that day. I specifically avoided her. To be honest, it's a hostile environment.

I was out yesterday because I wasn't going to come in if she was still in the building. Last week I took the days off when I knew she was going to be in the building.

How would you describe the actions of Mr. Robertson sitting outside the counseling office?

I felt that he was there to intimidate me because I argued back with his wife.

Do you feel that Angela has retaliated against you?

Yes.

My rebuttal to my EEOC claim should be obtained as evidence of the retaliation I have experienced from Angela.

At the beginning of the year I was met with and was forced to sign a secondary contract. I was met with this on my first day back. From last year to this year, all of my duties were stripped to the point that they hired Maureen Peenley to do all the scheduling over the summer time. She is an employee of Charles. Within one week, they had realized their decision was wrong. I did get some of the scheduling duties back because of all of the mess up over the summer. The contract is humiliating.

Have you ever heard Angela make inappropriate racial remarks to staff, students, or parents?

Yes. Now I can tell you all kinds or point you in the right direction.

Expand upon that?

December 7th – 3:10 p.m. – we were having a discussion on early graduation. Someone brought up what we should wear to graduation (dresses/suites or robes). Someone said that we couldn't do robes because we didn't have any hoods.

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Angela got up and said, "hoods, hoods, I am from Louisiana and when someone says hoods we start running." She then said, "Look at all the white people looking at the floor." Everyone in the staff meeting heard this. I was up next and had to talk about sexual harassment and then Kendall Robertson walked in.

I believe the above example is the only one I have seen firsthand. I know that others have signed affidavits on things they have witnessed.

Second hand examples:

Richard Clymo - During his hiring process, he was asked if he had a problem taking orders from a black woman. He was also present for the December 7th staff meeting. He has been retaliated against for age discrimination.

Age discrimination – Angela said in front of Allen Hagerman, when are you going to retire and when are those guys going to retire. Allen, Rich and Gilmore. She said, "I know Gilmore is out of here in a year and asked when those two were going to retire. It was directed toward Allen so you'll want to talk to him.

Richard last year (key piece) – APEX (online classes) – students were completing classes in as little as an hour and half. He was asked to sign off on that. He is now sitting in a closet. His cap was 25 students and I was given the 15 student cap for everyone else. When he didn't sign off on the credits like she wanted, she retaliated against him.

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Charles has the whole suite on the second floor. Right next to Sheila's office he has a conference room that no one is supposed to know about. We have teachers teaching in a garage and small offices while Charles has the whole upstairs.

Charles was onsite all day yesterday. Tony Smith had to remove him.

Debbie Staten knew about the racial joke on December 7th. About the KKK hoods. Randy knew about this stuff last year too. I told him about all of this stuff. It is documented.

Witness Statement

Confidential Information- Not for Distribution

Have you had any conversations with staff while in the teachers' lounge about Angela?

I don't believe I have ever had a conversation with staff while I was in the teachers lounge because I know better. I don't go there, I don't eat lunch there.

Does Angela have "stand-up" meetings?

Yes she does.

Did Angela have a meeting with staff in January of this year in which she said, "Don't think I don't know who is talking to who."

Yes. I think this is the meeting where she passed out lighters, gave us red pieces of paper and for us to write down what we wanted to forgive. We burned them in a bucket. She was using religious reference but I can't remember exactly what it was.

She forgave us for being uncomfortable when her son was there. In the context of that conversation she said, "don't think I don't know who is talking to who." She does this quite frequently as a scare tactic. She yells at people all the time.

Who was in attendance for this meeting?

All staff members. She made some inappropriate comment about me but I can't remember exactly what it was, something about me having a lot to burn.

Was this the first time you had heard Angela make comments about individuals talking to other individuals?

No. She would always say that. Last year with Rafael, she would say, 'I know you two talk.' She does this to Dr. Powell constantly. She says that she knows that Dr. Powell knows about certain things.

Her favorite target at the beginning of the year was Jonathan Watts. She would yell at him repeatedly.

I also have an e-mail I sent Debbie about the Melika incident.

In March 2015, did you witness a conversation between Don Gilmore and Angela in which Angela confronted Don about helping you?

Yes, I was right outside the office. Something about me making accusations. Something about him siding up with me. I have it written and it was in my EEO complaint. I wrote 47 pages of rebuttal for my EEOC complaint.

Witness Statement

Confidential Information- Not for Distribution

Did you ever hear Angela tell Don that he wasn't being a part of the team?

Yes with regard to him siding up and him being on the right team. I have known Don for a long time. I worked with him at CLA. I was helping him with school counseling hours.

Did you ever hear Angela ask Don what he knew and if he was helping you?

No. I remember something about me making a lot of allegations and Don being on the right team. Some things I believe she was saying for me to hear and then some of the conversation was quite so I couldn't hear.

Did you ever hear Angela threatened Don's job during this conversation?

No I did not. He has mentioned to me that in relation to his FMLA time that Angela did try to get his job taken.

Have you discussed concerns with Angela directly with Don?

No.

Thursday, January 14th – did Angela have a staff meeting in which she addressed instructional dollars and where they went?

Lindsie, Allen and Don would be in this meeting. That wouldn't be a full staff meeting.

Did you ever hear Angela say that she ordered 300 computers and that's where most of the instructional dollars went?

I did not. That was reported by several people who were in this meeting.

Did Angela conduct a staff meeting in which she addressed concerns about Kendall Robertson being on campus?

Yes. Several. The first one that she did was via phone because she was some place else. It was for her to tell the staff that she was sorry that we were uncomfortable. She said he was allowed on campus and no one said that he couldn't be on campus. She said he was legally allowed on campus. She said that she was sorry that we were uncomfortable and asked why we didn't come to her before going outside the building.

Angela came up with a policy about staff not being able to take time off.

Did Angela inform the staff that Kendall had been investigated by the district, cleared and charges were unfounded?

Yes. She had several meeting about this.

Witness Statement
Confidential Information- Not for Distribution

In what manner do you feel that Angela has retaliated against you?

Adam advised me that he would check with his legal counsel to determine appropriate response to this question.

Has everything you told me been truthful?

Yes.

Are you aware that providing false information during an investigation is cause for corrective action including termination?

Yes.

Have you made any false statements you would like to change at this time?

No.

Anything else?

Students right to process – she transitions students out when she wants to. A white student at the school missed 56 days. A black student missed 85 and the black student is still there and the white student is not. She is her own judge and jury.

I agree that the statements captured above are true and accurate to the best of my recollection.

Employee Name _____

Date _____

Witness Statement

Confidential Information- Not for Distribution

Interview with Eric Iverson

Date: 1/28/2016
Time: 3:00 p.m.
Place: Country Inn & Suites – Across street from PUSH
Interviewer: Dana Risch, Senior ER Investigator

Were you in a staff meeting in which Angela said, “Don’t think I don’t know who is talking to who?”

No.

Were you in a staff meeting in which Angela said, “This time I am going to forgive everyone for Kendall?”

Yes. It was a conference call.

Please explain when this staff meeting occurred and in what context Angela made this statement.

Kendall showed up during a sexual harassment training which I thought was inappropriate. A couple of people called security so she had a meeting to explain why he was there. She was trying to give us all the reason why Kendall was there. I have heard that others called because they know they are mandatory reporters.

She said she thought this was a safe place for Kendall. I felt like this was directed toward staff because she said that she wouldn’t put Kendall in a place that wasn’t safe. She made it seem like it was our fault that security was called on Kendall.

Has Angela ever made reference to Kendall in any other staff meetings?

He was at the company retreat in Copper Mountain which I didn’t think was okay. Thursday and Friday before the first day of school. We had a company retreat at Copper Mountain. Kendall was there.

Did Angela have a staff meeting in which a discussion involved graduation and what everyone should wear for graduation?

Yes.

What do you recall was said during this staff meeting?

Robes and hoods and whether or not the faculty was going to wear robes and hoods. I think most of us were on board with our robes and hoods. Angela said she didn’t want to hear the word hood one more time. She said, “Where I am from, when you hear the word hood, you start running.” She then starts running around the room and dodging the faculty. She said where she is from that means the KKK is coming and you better run and that’s when she started running around. I looked down at the carpet. She said, “Look at all the white people looking away.”

Witness Statement

Confidential Information- Not for Distribution

Has Angela ever shared confidential information about Mr. Neely having cancer in a staff meeting?

That was probably another staff meeting that I missed. I usually ask what I miss. They usually have staff meetings at 7:30 which is when my class begins. My students and I come in at 7:30. If they say all faculty and staff come to the office, I try to come up for that. I don't pick and choose but my class is 4 hours long. I asked what I missed and another faculty member told me that Mr. Neely had cancer.

Has Mr. Neely ever informed you that he has cancer?

Never.

Did Angela inform the staff that Kendall was investigated by the district, he was clear, charges were unfounded, and that he had a right to be in the building?

Yes. That was on the conference call.

Did Angela have a staff meeting in October/November in which she made comments about her nephew bringing a white girl home to date and how she wasn't allowed in the house?

I heard the story, I wasn't in the meeting. I heard it was Thanksgiving or Christmas in Louisiana, but that's exactly what I heard. It was right before the holidays.

Did Angela have a conversation with you about you and Lindsie being black?

No, but Lindsie told me that Angela said that she wished Lindsie and I were both black. I try to brush it off because I didn't hear it directly. Angela said I would be a perfect fit for the program if I was black. Somehow Lindsie knows how much money I make which creates a hostile environment. It has created tension.

Did Angela ever call your students crazy white boys?

Yes.

And in what context did she say this?

I went to her office and asked about the classroom transition. She said, "That class has too many crazy white boys in it." I said, "Excuse me." And she didn't repeat herself, she just kept on going.

I don't feel like I can protect these kids in a lockdown scenario. I can't barricade my door. The cold weather doesn't bother me but it bothers the kids. The heat didn't work until Christmas was over. The heat works great now.

Witness Statement

Confidential Information- Not for Distribution

Has your classroom been moved from automotive?

Yes.

What was the reason for your classroom relocation?

From what I got from Angela, there were too many crazy white boys in Mr. Hagerman's classroom. That's the only explanation I got from Angela.

So where is your classroom?

My classroom is in the garage. I have made it work.

Are students allowed to enter first period if they are late to school?

Not anymore. They get put in the gym and then they're an hour and a half late. I have kids that say they are 3 minutes late and they are forced to sit in the gym until first period is over. I have a 240 minute class. I don't even know if my students are in the gym. I have tried to give the kids 15 minutes.

There is a new tardy policy that they put the students in the gym until first period is over.

When did the tardy policy come out?

I don't know when they started putting kids in the gym, I know it has been this month.

Friday, January 15th – was this a regular school day for students?

No.

Was instructional curriculum taught on this day?

No. I don't have class on Friday, it is the exact same schedule as Emily Griffith. The first three days of the semester were workshops. I don't even know what they were. I didn't know what to tell the kids. I told the students they had to be at school though.

We have been doing MAP testing for 3 weeks with extended lunches. Angela said to Lindsie that she was disappointed in Lindsie and me for the low test scores.

Has everything you told me been truthful?

It is.

Are you aware that providing false information during an investigation is cause for corrective action including termination?

Yes I am.

Witness Statement

Confidential Information- Not for Distribution

Have you made any false statements you would like to change at this time?

No.

Anything else?

I do have one young white boy by the name of Chris. Angela was running a college readiness workshop. He came in 3 minutes late and Angela told him to get out and that she didn't want him in there. Lindsie Myers was brought Chris and Paola said it was because Angela didn't want him. I don't like talking about the kids like that but I could only imagine it was because he was one of my white kids. I didn't ask him about it because I didn't think it was right to have that conversation with him.

Something I heard from Angela in the lunchroom just the other day. We have a new instructor, Ms. Alberca's assistant. This young man was eating fried chicken. Angela came in and said that she smelled the chicken and it smelled good. This guy said, "I don't like white meat," and Angela said, "I'm glad you said that." She laughs about that stuff. I think Mr. Whitman was in the room and a full time substitute.

I drove the basketball team on the bus to the basketball game and Kendall was on the bus. That was before winter break. That was the first time I had driven a school bus for the kids. I plan on doing this tomorrow too.

Do you have your own school bus?

Yes, PUSH does. No one else drives it but us.

I drove the basketball team to one of Angela's events. Her sorority sisters feeding homeless people event.

I think she recruited the basketball team and coach for more volunteers. This was on a Saturday. I drove the bus with Mr. Watts.

Angela did give me an hour and a half observation this year. From what I remember she gave me a good evaluation based on the hour and half she spent with me. I am effective in her eyes.

I would visit schools and every time they called PUSH Academy they were told there was a waiting list and automotive was full. Thinking about basing budget cuts off of enrollment or student interest in the program scares me. I feel like she kept my numbers down.

Witness Statement

Confidential Information- Not for Distribution

What were the schools?

CPA, Noel, Montebello, High-Tech, DCIS.

Who was telling you this information?

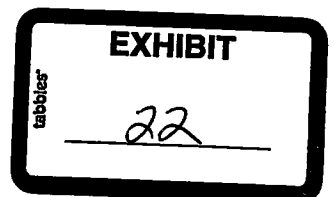
I have their business cards, I would have to look and get that for you later because I don't remember.

I would love to have a waiting list for my program.

I agree that the statements captured above are true and accurate to the best of my recollection.

Employee Name _____

Date _____



Cooper, Cathy [CO]

From: Cooper, Cathy [CO]
Sent: Friday, January 15, 2016 12:46 PM
To: 'Hamel, Allison'; Muller, Bart; 'Dana_Risch@dpsk12.org'; 'Sarah_Marks@dpsk12.org'
Cc: Cooper, Cathy [CO]
Subject: FW: PUSH Academy Threatening Behavior by Angela Robertson

Dear Ms. Hamel and Colleagues,

I just received a series of very disturbing phone calls from my members at PUSH Academy. Apparently Mrs. Robertson, the principal threatened to call security on Don Gilmore because he asked for the school budget so that he could prepare for Mrs. Robertson's agreement that a CSC would finally be convened at the school (there has not been one all year). Instead of providing him the budget, she began to question at him in a hostile and threatening manner, and would not let him explain; she then picked up the phone and threatened to call security on him. The assistant principal was witness to this, and informed Mr. Gilmore in Mrs. Robertson's presence that Mr. Gilmore was not acting in any kind of a threatening manner warranting Mrs. Robertson's escalation of the situation or her threat to call security.

Shortly thereafter, Mrs. Robertson confronted Mr. Federspill in an extremely intimidating fashion, raising her voice at him after he explicitly followed her instruction to him as the school counselor to send a student and the student's behavior plan to her office so she could deal with the situation. There are witnesses to the unprofessional and hostile manner in which she approached Mr. Federspill. She then called her husband, Charles Robertson and had him sit outside Mr. Federspill's door. Mr. Federspill has locked his office door and feels threatened by Mr. Robertson's presence. It is my understanding that Mr. Robertson has no supervisory authority over Mr. Federspill and is certainly not in a position to act in this manner.

I have advised these two gentlemen to postpone any meetings or interactions they may have scheduled between themselves and Mrs. Robertson for the remainder of the day; she clearly is not acting in a professional manner, and it would appear to me that your intervention with this principal is necessary and should take place immediately to guarantee the safety of these employees and to control a situation that is escalating in an alarming manner.

Please contact Mr. Robertson and have him remove himself from outside Mr. Federspill's door and direct him to have no contact with Mr. Federspill of any kind. I would appreciate your immediate attention to this situation. These gentlemen do not feel safe at the school today, but I must tell you that such is not an uncommon sentiment at that school.

Sincerely,

Cathy Cooper

From: Cooper, Cathy [CO]
Sent: Wednesday, January 13, 2016 10:43 AM
To: 'Hamel, Allison'
Cc: Muller, Bart; 'Dana_Risch@dpsk12.org'
Subject: RE: PUSH Academy Concern

Hi Allison, Bart, and Ms. Risch,

I approached my clients at PUSH with the idea of filing an in-house discrimination complaint as you proposed, and frankly, given the continuing problems at PUSH even though investigations took place in the past, and given Mrs. Robertson's ongoing retaliatory responses following the complaint we made to you in December regarding Kendall

Robertson showing up on school grounds and interacting with students, the individuals involved at PUSH do not trust the efficacy or ability of these in house investigations to curb the retaliatory and racially offensive practices of Mrs. Robertson. Therefore, we are filing complaints of discrimination with outside agencies who have the ability to conduct investigations with hope that the continuing and escalating intimidation and retaliation by Mrs. Robertson will cease immediately.

Please be advised that her recent activity has included threatening and intimidating a student and family who complained about Kendall Robertson being on school grounds. The child was terrified that she would be expelled and not allowed to graduate; the mother, originally outspoken, has, after being talked to by Mrs. Robertson, refused to make any further statement. This will go into our complaint—apparently DPS has no control over how Mrs. Robertson conducts her business at PUSH, and if DPS has tried, she is flagrantly ignoring any ameliorative advice that may have been given. If her conduct is in accord with the advice given her by DPS, then that merely supports our concerns. In short, please be advised that Mrs. Robertson has personally threatened those whom she suspects of complaining to me with RIFs, RIBs or otherwise elimination of their positions, as well as direct personal threats for their jobs and worse; she has intimidated and threatened a family who brought allegations forward about her son, Kendall Robertson, with expulsion of the student who wishes to graduate, and similar hints that other children in that family will be adversely affected if the complaint about Kendall is substantiated by any official statement, to the point where the parent and student have refused to participate further; Mrs. Robertson continues to treat her position as one of absolute power without regard for district policies, professional ethics, or the legal responsibilities of the District. Her racial remarks about white and light skinned African Americans are extremely disturbing—the hostile environment she has created for students and staff at PUSH is untenable and extremely offensive. These complaints have been legion over the last couple of years, as our files here at DCTA reflect, and DPS has been unable to resolve the problems.

If a teacher would have done any one of the things that have been reported to me, under oath, or made any of the comments that have been reported to me, under oath, that teacher would have been immediately removed from the school premises and that teacher would have been recommended for dismissal. Why is this not the case with an administrator, even one who, if her boasts to faculty are true, is politically well connected and protected?

Thank you for your time and attention to this matter. I am sure you understand that we cannot go through DPS' channels with these complaints.

Sincerely,

Cathy L. Cooper

From: Hamel, Allison [mailto:ALLISON_HAMEL@dpsk12.org]

Sent: Friday, December 11, 2015 7:52 AM

To: Cooper, Cathy [CO]

Cc: Muller, Bart

Subject: RE: PUSH Academy Concern

Hi Cathy,

It is nice to meet you. I wanted to confirm that I received your e-mail and to let you know we take all such concerns seriously. The District is currently taking steps to ensure that Kendall Robertson is not on campus or acting in a capacity as a volunteer with DPS students.

With regards to the other concerns that were raised, we would need the individuals with these concerns to follow the district's processes for bringing these concerns forward so we have the adequate information needed to conduct any necessary investigations. The process includes submission of the district form AC-E-2 which I have attached here for your reference.

Please let me know if you have additional questions or concerns. Also please feel free to reach out directly to Bart Muller (cc'd) if you have additional questions about the district processes for employees to report these types of concerns.

Thank you,

Allison Hamel, SPHR
Human Resources School Partner
Denver Public Schools
Emily Griffith Campus
1860 Lincoln, Suite 809
Denver, CO 80203
303-995-3905 (cell)
720-423-3516 (office)

From: Cooper, Cathy [CO] [<mailto:cathy.cooper@coloradoea.org>]
Sent: Thursday, December 10, 2015 1:50 PM
To: Hamel, Allison
Cc: Shamburg, Pam [CO]
Subject: PUSH Academy Concern

Dear Allison

I am the DCTA UniServ Director for the PUSH Academy. I have been informed that you are the HR School Partner for the school. I am informing you of the following employee concerns, which are also DCTA's concerns, and individual teacher concerns as taxpayers and citizens, so that we can pursue an appropriate and immediate resolution to the matters described below. I am providing this information in hopes that you can help resolve these issues before we take further action, which could include grievances, civil rights complaints to the appropriate state and federal agencies, and as a last resort, notification to the media.

First, several of my members have brought it to my attention that Kendall Robertson, son of the PUSH principal, has been at the school several times during the day while students are present. The complaint they are raising is that K. Robertson was terminated for inappropriate interactions with students, was convicted of an offense stemming from his inappropriate actions, and yet is allowed by the principal and, apparently, the district, to be present with students at the school --within the last week.

The complaining teachers/staff are reporting that they and several students are extremely uncomfortable that this man is still allowed to be on school premises, and other allegations about his inappropriate conduct with students are surfacing and being reported to me. I am sure the district would not condone or permit such safety risks to continue to occur, given its duty to promote safety and positive role models for students.

Please inform me of the district's intent regarding keeping this man away from students and the school. As you know, school employees are mandatory reporters and I am encouraging reports to be made to social services and law enforcement .

Second, I have also been made aware that the principal has been publicly making extremely inappropriate racial remarks, including intimidating, rude, and inappropriate comments about white teachers in staff meetings. This violates numerous provisions of the collective bargaining agreement and board policy and opens the district to charges of employment discrimination. These are not isolated incidents, but have been routinely made, most recently this week, and had created a hostile environment at that school for PUSH employees.

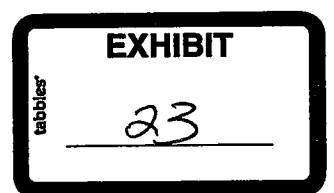
I apologize for the harsh introduction since we have not worked together before, but these employees are utterly dumbfounded and humiliated and repressed by the brazen disregard for student safety and emotional well-being, and

by the shockingly unprofessional and divisive conduct of this principal. The conduct reported to me, which I have summarized to you, is damaging the image of DPS, making it very difficult for PUSH staff to work effectively with students, and making the staff miserable and afraid.

Thank you for your attention to this matter.

Sincerely,

Cathy Cooper
303-831-0590
Cathy.Cooper@coloradoea.org





AFFIDAVIT OF RICHARD CLYMO

I, Richard Clymo, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. I am a teacher licensed in the state of Colorado. My license is endorsed in secondary mathematics 7-12. I have been a teacher with Denver Public Schools for twenty seven years. I have taught at several schools in the DPS District.

2. I am currently teaching math at PUSH Academy (“Persevere Until Success Happens”). This is my second year at this “alternative” schools, known in DPS as an Accelerated Pathways school. I teach Algebra II and Pre-Calculus to juniors and seniors. PUSH students are over 95% minority (non-Caucasian), have been unable to succeed in traditional District schools, and often are severely behind in credits earned and therefore not “on track” to graduate in the normal four year time frame..

3. I am very disturbed by the policies and practices being implemented at PUSH by our current administration. These include:

- Being required to teach a full semester course of 18 weeks in both my subjects in 9 weeks of 55 minute periods, yet credit students with receiving a full semester’s credit; in the second nine weeks of the fall semester of 2015, our student contact time for both these courses was cut to less than six weeks. Therefore, our students received a semester’s academic credit for only six weeks of work. As a result of this demand, a great deal of coursework was eliminated from our students’ curriculum, and they were thus deprived of any semblance of a fundamental understanding of either of the courses I teach. The seniors who graduated in December of 2015, received less than five weeks of instruction in both these courses because seniors had less time in the classroom due to their imminent

graduation. This truncated education is a disservice to our students and a misrepresentation of the education we provide, to students, to parents, to future employers and to the public at large. It immeasurably cheapens the meaning of a DPS diploma.

- In the 2014-15 academic year, in early April, our Principal Angela Roberts requested that I agree to be teacher of record for fifty students on my roster that I did not teach, but who had been working on a computerized on line math class at home, or at other places outside my classroom. I stated that I would be willing to sign off only if I was allowed to verify legitimate completion of work by those students. I said I would write a proposal stating my requirements to verify work completed. Mrs. Robertson said that would be fine. I created the proposal, and submitted it. My proposal said that I did not guarantee how many students would receive credit, especially since these students comprised 80% of the graduating class. Without my signature, the students would not graduate. Mrs. Robertson rejected my proposal and said they would find someone else to sign off. I know that she intimidated and tricked another teacher into signing off when I refused, and those students did graduate.
- Several students reported to me directly that they themselves had cheated in order to complete math courses in a week or less. I also personally observed student work that represented alleged completion of a whole semester math course in the space of three days. Another student showed me that he was enrolled in five computer math classes concurrently, and was seeking credit for all of them at once so he could graduate.

- I brought this problem to Kathy Martin, the DPS head of Secondary Mathematics. She referred me to another individual who stated that she understood my concern, was concerned herself, validated that this was a problem and said she would refer the concern to her supervisor and get back to me. She did so, but it took quite a while. The PUSH Assistant Principal, Dr. Karen Powell, confronted me with the fact that I had reached out to the District with the above concerns, and told me that I would be receiving help. Immediately after this statement, she informed me that the building administration had serious problems with my lesson plans being timely submitted and that I had not submitted a syllabus or an outline for the course as the administration required. She gave me a written "Memo of Understanding" as a directive to submit lesson plans in a timely fashion and produce syllabi for each course outlining my pacing and planning. This was the first written "directive" I have received in the two years I have worked at PUSH; it was obvious by the tone and contents of the directive that I was being retaliated against for having complained to the District Level Administration about the practices described above.
- In addition to the fact that PUSH has become a "graduation mill" without any concern for fidelity to the education necessary for students to legitimately earn education credits, the atmosphere at PUSH can only be described as a racially hostile work environment for the Caucasian or "White" teachers at the school, of whom there are several. All of the Caucasian teachers at the school who are full time have complained about the racially hostile environment perpetrated primarily by our principal, Angela Robertson. Most recently, on December 7, 2015, Mrs. Robertson openly mimicked an exaggerated, stereotypical African American fleeing persecution by the KKK. This was triggered by a discussion at an all staff meeting of faculty attire for the upcoming graduation ceremony when one among stated we can't wear graduation robes, because we

don't all have the hoods designating our Master's degrees. She immediately opened her eyes wide, rolled her eyes in an old fashioned Negro attitude that could have come straight from an old timey movie, and raised her arms in the outstretched posture of one who is fleeing pursuit, and ran in a circle of about a five foot radius pretending to be fleeing. While doing this, she kept repeating "Hoods, Hoods,". I am from Loiusiana—when somebody says "Hoods" we start runnin". She said this in an accentuated southern Negro dialectical accent. We were so humiliated, we all looked down, rather that be privy to this charade, to which she stated "Look at all the white people lookin" at the floor!" There was a dead, awkward silence that lasted until someone else got up to speak about a different topic.

- This kind of racial intimidation is not unusual on the part of Ms. Robertson. When I was interviewing to be hired, towards the end of the interview, Mrs. Robertson asked me point blank "Do you have any problems taking orders from two Black women?". I was not only taken aback, but couldn't determine whether she was serious or trying to get a point across. By her facial expression and intent look, I realized she was absolutely serious and was expecting an answer.
- Other white faculty have expressed to me similar interactions and comments from Mrs. Robertson of a racial nature. It has also been reported to me that Mrs. Robertson has told students that they are failing because they were born in sin.
- Three white teachers have been assigned to classrooms that are so small that our students are not in a safe learning environment—an environment that does not accommodate students' learning needs and which exacerbates behavior problems. I was assigned to such a class for this year after I refused to sign off on the math "accomplishments" that are described above.

FURTHER AFFIANT SAYETH NAUGHT.

Richard K. Clymo

Richard Clymo

1-7-16

Date

NOTARY

COUNTY OF DENVER)

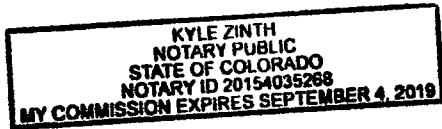
STATE OF COLORADO)

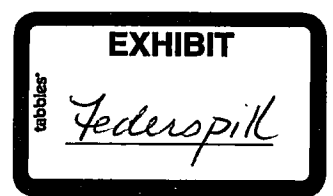
The foregoing affidavit was acknowledged before this 7th day of January, 2016, by Richard Clymo, who appeared before me personally and whose identity was verified by his Colorado Driving License.

Kyle Zinth
Kyle Zinth, Notary Public

My commission expires:

Stamp:





AFFIDAVIT OF ADAM FEDERSPILL

I, Adam Federspill, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. I am a School Counselor licensed in the State of Colorado. My background includes working with developmentally disabled adults and children and in special education. I have two Master's Degrees, one in Counseling and one in Educational Leadership. I also have an initial principal's license. I have worked with Denver Public Schools for nine years. I am currently the school counselor at PUSH Academy, an alternative school within the Denver Public School District. The primary focus of PUSH is to provide students who have not achieved in other academic settings an opportunity to make up classes and graduate with an education comparable to those students who have not had such problems.
2. I have several very serious concerns about the hostile environment for both students and faculty at PUSH Academy. The current principal, Mrs. Angela Robertson has made numerous inappropriate racial remarks to staff regarding being "white". White staff members are subjected to inappropriate questioning, inappropriate comments, jokes and racially charged taunts.
3. She told my counterpart, a Hispanic counselor/college and career readiness advisor, that I was a "typical, lazy, white, entitled, Cracker." He told me this on October 2, 2014. He left in the middle of the school year, December, 2014, telling me that he could no longer tolerate the intimidation by Mrs. Robertson.
4. On December 7, 2015, I was present when Mrs. Robertson, during a faculty meeting where the discussion was focused on the upcoming graduation, and the faculty were discussing what to wear during the ceremony. Someone suggested that we wear our traditional robes and hoods like other schools do. Immediately upon the mention of hoods, Mrs. Robertson shouted "Hoods! Hoods! I'm from Louisiana—someone says hoods, we start runnin!" She did not use her normal voice, but adopted an exaggerated southern drawl and accent, and acted the part of someone

scared as if someone was chasing her. She next stated, "Look at all the white people lookin' at the floor". Not until then was it apparent to all the staff present that she was making a reference to the Klu Klux Klan. Her demeanor was full of anger and passion, suggesting that all the white people in the room were either Klan, or descendants' of Klan members.

Mrs. Robertson was acting in her normal intimidating manner, this time coupled with flagrantly racial attacks on those whites in the room, and which I have experienced before.

5. Mrs. Robertson bullies and intimidates faculty and students. With regard to students, she does not follow the student discipline guidelines as established by Denver Public Schools; there are no suspensions and very few if any behavioral infractions logged in the PUSH academy records. Instead, she wields her own brand of punishment, by kicking students out of the school, or as she calls it, "transitioning " students out, according to her own unwritten and constantly changing set of rules. She frightens students/guardians into submission, and scares them into leaving, without expulsion hearings or any due process. Because they do not know better, they leave. They do not dare to challenge Mrs. Robertson. This happens to at least 50 students per year.

6. Mrs. Robertson's son, Kendall was employed at the school through Mrs. Robertson's husband, Charles Robertson, who occupies half the second floor of the school through some arrangement with the District. While working for DPS, Kendall was the basketball coach at PUSH last year. He also had a job at another DPS school, High Tech Academy. It came out in the newspaper that Kendall was charged with inappropriate interactions with female students. After he was apparently found guilty of a misdemeanor in the fall of 2015, he regularly was at PUSH, co-coaching the basketball team and at the school in general. One of our female students reported to a teacher that Kendall used to take her and another girl out to smoke marijuana at lunch time during the school day. The teacher brought the issue to me as the school counselor, and I contacted my union representative who complained to the district. The next day, Instructional Superintendent Deborah Staten came to PUSH and

questioned me. I told her about Kendall and the allegation that had been brought to me. She advised me to call Denver Police and DPS safety and security. I had already called Denver Police the day before as well.

During the week of my complaint, Mrs. Robertson addressed the staff saying that legally, Kendall was allowed to be in the building and she did not understand why the staff was uncomfortable, but she wouldn't have Kendall come to the building any more.

The female student came to me before school on January 7, 2016 and was visibly upset. She said that Mrs. Robertson had called her mother the night before and requested a meeting with her and her mother. The student said she hadn't slept at all the night before and that she was extremely worried she would be kicked out of school. I was concerned that Mrs. Robertson would be confronting the student regarding what she had said to the staff member about Kendall and so after consulting with the Assistant Principal at PUSH Academy, Dr Karen Powell, I emailed Instructional Superintendent Deborah Staten the details of the situation and asked her to call me. She called me and stated that it was completely appropriate for Mrs. Robertson to take a statement from the student since one had not been taken. I let her know I disagreed and she stated that maybe I did not understand district protocols. I stated that I do understand how to handle such situations, just not when they are directly related to the Principal's son and asked her what I should do. Instructional Superintendent Deborah Staten told me to do nothing and let the interaction between the student, her mother and Mrs. Robertson occur. I contacted my union representative about this as the student was coming to me for information as to why Mrs. Robertson was requesting the meeting and was frightened. I was summoned to Angela's office, where she told me she was going to call the student's mother regarding her allegations about Kendall, and I told Mrs. Robertson that I did not think it was in her nor her student's best interest to speak with the student about Kendall. Mrs. Robertson expressed to me she would drop it and not contact the student. I found out later that Mrs. Robertson asked another staff member to take a statement from the student. No statement was ever taken from the reporting teacher to the best of my knowledge, just the student.

7. Angela was placed on administrative leave on January 25, 2016, after many of us complained, but the discrimination and hostile environment at the school was not stopped by DPS. Mrs. Robertson had several close allies at the school who continued her vendetta against me and others who complained through our union. The Facilities Manager and other African American staff who were favored by Mrs. Robertson posted racially charged posters in classrooms and hallways, and Sheila Mauldin, the Facilities manager wore t-shirts with racial slogans and posted racial signs around the school, including on her office door. Pam Walters, Mrs. Robertson's daughter wrote religious passages on the copy room white board that were suggestive and problematic given the circumstances, and students were encouraged to add to the comments.

8. I supported a colleague, Richard Clymo, who was yelled at and berated in an all staff meeting at which I was present. Deborah Staten, African American, one of Mrs. Robertson's sorority sisters and a DPS Instructional Superintendent, verbally and vehemently attacked Mr. Clymo, who is Caucasian, for "making a face" during the meeting where it was announced that Dr. Karen Powell would be the interim principal. She allowed other African Americans to act inappropriately at the meeting, including Sheila Mauldin who was sucking her teeth and making sighing and spitting noises, and Button Keel, an African American instructor at the school and Mrs. Robertson's friend, who yelled at Mr. Clymo. Staten was hostile to Clymo and continued to berate Mr. Clymo during the entire meeting. Mr. Clymo's only response was that the investigation was taking a long time and there had been no written communication to staff or students about the status of the investigation of Mrs. Robertson.

9. During the investigation, it was revealed that the Robertson budget had allocated over \$200,000 for technology, which she publicly alleged she had purchased for the school. There was no such technology or equipment at the school. We believe that if Donald Gilmore had not asked about the budget, DPS

would have taken no action against Mrs. Robertson. I and others had been complaining about the discrimination at the school for many months, and DPS did nothing.

10. I have been employed at six different schools, and I have never experienced such a rampant hostile environment or such overt discrimination and retaliation as existed at PUSH. It is beyond my comprehension that DPS turned a deaf ear to all our complaints until budgetary improprieties were discovered.

11. To this day, the hostile environment at PUSH and the retaliation against me and others who complained has not stopped.

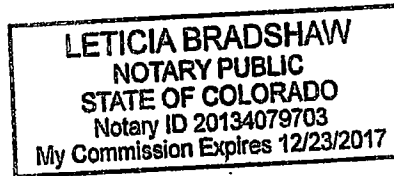
FURTHER AFFIANT SAYETH NAUGHT.

Adam Federspill
Adam Federspill

4/4/16
Date

NOTARY

COUNTY OF DENVER)
STATE OF COLORADO)



The foregoing affidavit was acknowledged before me this 4th day of April, 2016, by Adam Federspill, who appeared before me personally and whose identity was verified by his Colorado Driving License.

Leticia Bradshaw

My commission expires: 12/23/2017



AFFIDAVIT OF ALLEN HAGERMAN

I, Allen Hagerman, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. My name is Allen Hagerman. I am a licensed teacher in the State of Colorado, holding a license endorsed for teaching Math, Science, and Social Studies. I have taught for 26 years. I am currently employed at PUSH Academy as a Math/Science teacher, and as a Math/Science Teacher Leader. I have been a teacher in DPS for seventeen years; this will be my second year at PUSH.
2. The atmosphere at PUSH has been hostile and racially discriminatory the whole time Angela Robertson has been principal. This last year, however, the hostility towards white teachers, and the racial divisiveness perpetrated by Mrs. Robertson and tolerated by the District despite complaints, has been unbearable.
3. PUSH under Robertson's leadership has been circumscribed by race. For example, when I interviewed for my current position with Mrs. Robertson and Karen Powell at PUSH, Mrs. Robertson asked me "Do you have a problem working for two Black Women?" Ms. Robertson and Ms. Powell are African American.
4. After a staff meeting, while meeting with all the teacher leadership team which I am a member of, Mrs. Robertson described a visit she had had with her family for a holiday meal. She detailed the fact that her nephew came to the house with a white woman. Mrs. Robertson told us they began asking him how that could be his "queen" after what white people had done to his family and told him "uh—uh, you better get her out of here", so he left. I was present when she told this story.
5. When the faculty met to discuss graduation ceremony attire for fall graduation, Mrs. Robertson asked if "teachers wanted to wear hoods and the asked if all teachers have hoods", at this point her son Kendall Robertson walked into the office and after he came in the room, Angela then laughed and began to duck and dodge throughout the room mimicking a person running and looking over her shoulder. She began laughing and said that where she grew up, "white people in hoods" were a reason for

black people to hide and meant you better run for your life". The behavior was so embarrassing that I as well as the rest of the staff were all stunned and silent avoiding eye contact. The she looked at all the staff and said, "You know you do, oh look, all the white people got quiet." Our staff is not all white.

6. While talking to me about another teacher, Amanda Willhite (white), Ms. Robertson mentioned that Ms. Willhite has difficulty relating to students and that she has problems with classroom management. Mrs. Robertson asked me what I thought Amanda's difficulties were. I told her I thought she had a hard time with curriculum that she has never used. Mrs. Robertson said, "No I don't think it is that. I think she has a problem with this," and stroked the skin on her arm with two fingers.

7. After school had started, I was in the office and Mrs. Robertson asked me to represent the school at a job fair at North High School. I agreed and she asked me to interview candidates for a SPED or Science position. I asked her if she had a preference. She stated, "I would like you to look for both, depending on who is there." I said, is this for Ms. Alberca? She said, Ms. Alberca and for Mr. Matt Neely. I told her that Matt was out ill, but I had talked to him and he would be back in a week. She said, "Who knows? He is having his 'cluck, cluck' removed," while she motioned, wagging two fingers in her groin area. (Mr. Neely had been treated for testicular cancer.) At the job fair, HR told us (Dr. Powell and I) that PUSH was not in the system and could not draw interviewees as no jobs were posted.

We were told we would be formally addressed by Darlene Sampson to provide supports around African American Students. The majority of our students at PUSH are Hispanic, but nothing was offered to us in the way of training or supports around our Hispanic students.

8. At the end of the first semester, 2015-16, Ms. Alberca, the SpEd and Science teacher came to me with a copy of a contract listing her as a half time SpEd teacher and asked me if she should sign it. I asked Ms. Alberca if she understood that if she signed it she would be a half time teacher. She said, "I asked and they told me no, my job would be the same, but on paper I'll be ½ sped, and ½ science, but I will continue to teach science full time, and then they have no one else to do SpEd other than me, so I will

still have to do SpEd as well as teach full time.” I told her that she should double check. She went down stairs and she came up to Mr. Neely’s room and said they told her “never mind” and “snatched” the contract paper from her.

9. At the end of the 1st term, before October count, teachers were presented with attendance rosters to sign at a faculty meeting. Across the board, teachers complained that the rosters were incorrect—students were marked as present that had never been to class, and that students were going to the office and asking to have attendance changed so that they were marked present. The teachers refused to sign. Ms. Pam Walters, whom (Mrs. Robertson and Pam both refer to each other as being mother and daughter after having a “spiritual adoption”) calls her “daughter”, although there is no family relationship, told us to make corrections and give them back to her. Amanda Willhite, and several staff members said they would need to refer to IC and our grade books in order to make corrections. Mrs. Robertson came to talk to Mr. Clymo and myself about our not signing the attendance sheets after a day in a math PD day, and asked, in a hostile tone, “What is the deal with you two not signing these?” I said, “I have made corrections. Ms. Walters said she would print new ones. Mary Cruz brought them to us.” Mrs. Robertson then began to exert pressure to sign, telling us that if we did not sign them, there would not be jobs next year. Mrs Robertson the asked to meet with a student and myself that had not been attending school or doing work and asked me to give the student a passing grade. Mrs Robertson asked me to open my grade book so she could see his grades while looking Mrs Robertson put in a passing grade, and saved that grade then explained to the student, that he would be working at a job and would not need to know the mathematics, and would be unlikely to pass Ms Wilhite’s Geometry class no matter how many times he was able to retake it.

10. At a meeting with Mrs. Robertson and Karen Powell in Dr. Powell’s office, I mentioned that Rich Clymo and I were working together to get lesson plans developed and were writing our SLO’s (Student Learning Objectives). Mrs. Robertson told me, “You know you have a lot to offer this

school and you are wasting your talents here". "I think they all are just tired. How long will it be until Mr. Gilmore, Mr. Bernal, Mr. Clymo and you are going to retire?"

11. I had seen Kendall Robertson Hanging out in the gym after school with the boys' basketball team. I was notified by several staff members and some students that Kendall Robertson, Mrs. Robertson's son, was in the school and that Mrs Robertson had asked Mr. Watts to allow Kendall to help coach the basketball team. It had been all over the local news that Kendall had been charged with some kind of sex crime, and we were all aware of these news reports. Kendall walked into the front office during staff meeting and the next day, he was seen at PUSH twice; he was observed coaching the boys' basketball team, and he was seen hugging a female student. All teachers are mandated reporters when there is a reasonable suspicion of child abuse. Normally, when an employee is arrested on these kinds of charges, the employee is placed on administrative leave and told he cannot be on district property. Seeing Kendall at school was jarring to most of us. I approached Mr. Watts, (African American) the Dean of Students, and asked if it was ok for Kendall to be at the school, given his current issues. Mr. Watts replied that Mrs. Robertson had told him there were no charges on him, so he can be anywhere he wants to. Mrs. Robertson was in New York for a conference, and after I spoke to Watts I received a message to call Mrs. Robertson at the hotel from my cell phone. I called and couldn't get through. I had been upstairs and asked Lindsie Myers what it was about and Lindsie told me that Mrs. Robertson had called and told her people are talking about Kendall, and had said if they didn't trust her they should leave. I told her that I had raised the issue about Kendall being at school--we are all mandated reporters, and people had been asking me about Kendall-- so I had asked Mr. Watts, the Dean of Students. Lindsie said that Mr. Watts told Ms. Button Keel (African American) about my question, and Ms. Button Keel had called Mrs. Robertson, then Mrs Robertson called her and blamed her, and then MS Myers warned me that Mrs Robertson was pretty upset with me.. I went back to my classroom and called again, Mrs. Robertson finally answered her phone, and told me that people had been asking about Kendall and Kendall had every right to be in the building and Kendall does not have any charges on him. I told her that I had asked Mr. Watts about

the propriety of having Kendall on school property, that I am a mandated reporter and I was not sure what to do.” Mrs. Robertson told me “I can make things hard for you and for Mr. Watts.” I told her I knew that, and that I was thankful that she had hired me.. She told me again Kendall had no charges on him. I knew that to be false. Given that situation I then went to the police department and filed a report, while in the officers presence he called DPS Safety and security to report Kendall had been in the building two days later I received a phone call from safety and security asking me that next time Kendall was in the building to call Safety and security and not to notify the police department.

12. The first week of school after break we were notified that we would be doing sessions with students to do a soft start in the morning of the first day we began. This day turned out to be a day to support Mrs Robertson’s husband Charles’ business (YAPA). Teachers were told to be available to help support the classes and some teachers were asked to lead classes for YAPA. Lindsie Myers came to me and told me that she was asked to help in the room where Mrs. Robertson was leading a group and Mrs. Robertson told the students “the reason your lives were so difficult is because you were born in sin and the only way to change your life was to accept Jesus Christ as your Lord and Savior.”

13. I served on the ISA team and we along with the rest of the staff were informed that the ISA team and any new teachers were going to be questioned by representatives from the U.S. Department of Justice and the district regarding the school’s compliance with a federal Consent Decree concerning teaching English Language Development. The morning of the visit, a DOJ lawyer asked the group who was teaching the ELD classes last school year. Mrs. Robertson answered “Pam Walters”. This was false— Pam Walters did not teach the ELD classes. Leonard Bernal, the ISA team lead, told me previously that Mrs Robertson had been using YAPA staff and Para’s to teach the ELD classes as well as math and credit recovery classes. Mr Bernal showed me the teachers names listed with grade sheets and Pam Walters did not do grades, even though she was listed as the teacher. At our faculty meeting at the end of the day, Mrs. Robertson was talking about the results of the investigation, Pam Walters said, “at least we could cover this up”. Mrs. Robertson responded “we didn’t cover it up, we just presented facts.” It was not true that Pam taught the class.

15. Mrs. Robertson exhibits gross favoritism. Special rules were applied to Mrs. Robertson's "spiritual daughter", Pam Walters. Pam was absent from school the week before Thanksgiving break. Then, before winter break, she went on vacation, as did Mrs. Robertson. We were directed as employees that we are not to be gone on the days leading to and following a holiday. Paola Luevanos, the school secretary, administered MS Walters' final exams because Pam was on vacation. Ms. Walters was not required to put in for leave, as she had requested no substitute. As I understand it, this is a violation of District policy.

16. Pam Walters leaves school early and comes late to school without consequences due to her relationship with the Robertsons. Ms. Walters regularly arrives at school between 8:30 and 9:00 a.m. even though she has a class scheduled at 8:00 a.m. She leaves her classes unattended because she has day-care issues. She is also reported to not do student data collection as required and to fail to administer the required tests. Her students are often in the gym without any supervision due to her absences from school.

17. At PUSH, students receive a semester's credit for 9 weeks' work, a year's credit for a semester's work, and two years of credits for one year's work. All of this in a 50 minute class. This is happening for students who are behind academically. Students are not given supports, tutoring and Saturday School, for example, to be successful. When we questioned changing the process to having semesters instead of nine week quarters, Dr. Powell, she told us that we would have to address this with Mrs. Robertson but that she wouldn't be open. When we talked with Mrs. Robertson, she asked "where is this coming from? Students came here so they can get done."

18. Amanda Willhite is teaching Algebra with APEX paperwork that does not cover Algebra I standards. We met to plan with Jennifer Yacoubian; Jennifer told Amanda that she has to teach Algebra and Geometry standards and use district resources. Amanda has struggled with the curriculum and was told by Mrs. Robertson that she could switch back to her Apex packets. I was given students not on my roster to get them through courses and I was asked to "give" them grades

32. Mr Rich Clymo asked about lesson pacing and told Mrs. Robertson and I that it is not reasonable to teach a semester of Pre-Calculus and Algebra II in 9 weeks. He was asked what he needed and he replied time. Rich was asked what the problem was, Rich replied, it isn't fair to those students. Rich was given a syllabus from another school and asked if he could do this, he laughed and said sure, and then later showed it to me. The syllabus was for Pre-Algebra. When we met with Jennifer Yacoubian, we showed her the syllabus. She laughed and said, "We aren't doing that."

19. I asked Angela for the science budget. She asked why I wanted to know. I told her that Matt Neely was concerned that he had put in a request to purchase materials for science class and it hadn't been received yet. Angela told me "we don't do budgets here, teachers tell me what they need and we get it." I told her that their classrooms are not equipped with safety and lab equipment and that students are receiving lab credit for science, even though science teachers can't teach labs due to lack of equipment and supplies, and inability to meet minimal safety requirements. I put in requisitions for supplies and was told we didn't have any money. Jennifer Yacoubian asked me to order graphing calculators for the Math department as there were not enough for all the teachers I put in an order and it was repeatedly put off when I finally got an answer I was told we don't have any money.

21. In January, I discussed my budget concerns with Mr. Gilmore, Mr Gilmore asked me about the budget, Personnel Committee and the CSC Committee and I replied none of them are currently active I invited him to attend a meeting In February, he said he wanted to. These are committees that each school in DPS is required to have. We asked Mrs. Robertson to share the School Improvement Plan and the budget. Mr Gilmore reiterated that we need to see the budget; Mrs. Robertson asked "where is this coming from". Mr. Gilmore replied we have to know this information so that we have the resources to drive instruction. MS Robertson finally offered to put the School Improvement Plan up on the overhead. When she did, we noticed that the most recent entry for our monthly goals was October. The goal for reading in the Plan stated that we would use ACT vocabulary, but that had never been done. Mrs. Robertson asked why the reading program was not working. I stated that the conversation I had had in my Professional Learning Committee (PLC) was that Angela had promised to

have the girls at the front desk would copy the articles and get them out to staff, but this had never happened. Mrs. Robertson replied, "Well we don't have a point person here, so we will have to wait until Amanda can be here." I replied that Amanda was not the point person, Pam Walters was. To my knowledge, this was not resolved, as Pam was out of the building.

22. At our Instructional Leadership Team (ILT) meeting, Mr. Gilmore asked for a copy of the budget with a line item list of the names of people paid out of the budget. Mrs. Robertson replied, "I can't give that to you until March 15th." Mr. Gilmore replied, "I want this year's budget, not next year's." Mrs. Robertson asked, "Where is this coming from, and why do you want to know?" Then she stated, "I can share it after Debbie Staten has signed off on it. Dr. Powell has not seen it either." Dr. Powell replied "that's true."

23. Mr. Gilmore asked again to see the budget, with line items and indications of who was being paid out of the budget. Angela replied, "You know, you aren't even supposed to be here, but I'll let you stay." Mrs. Robertson then said, "You know where that budget went. I bought 350 to 400 computers for this school and now we don't have any for testing. I bought every teacher an iPad!" All four teachers in attendance replied they had not been given iPads. Mrs. Robertson said, "Yes I did, I bought every teacher speakers too. We have some sticky fingered kids here....If you want to know about the budget, where is all that stuff?" Mr. Gilmore replied, "Knowing the budget will help us manage this." Mrs. Robertson asked Mr. Gilmore, "Why do you want to know this again?" Mr. Gilmore replied, "So that we can support instruction in this building for these kids." Mrs. Robertson insisted, "Where is this coming from?" Lindsie Myers told me that Mrs. Robertson gave Charles Robertson (Mrs. Robertson's husband) an IPAD.

24. When I asked for a copy of a key for the file cabinets in my room and a key for the weight room I was told no one can have those keys. However Pam Walters has a master key, and I saw her open and enter Angela's office and carry things out after Angela was placed on leave. When I finally got a key for the file cabinet they were in a packet (the packet of keys had Charles Robertson's name on it), When I opened the file cabinet I found a contract for Forrest Bell, a friend of Angela's. The contract was for Ms. Bell

employment in the building and was for more than teacher base pay, and had been made before Ms. Bell had passed her background check, MS Bell had started work in the building and was supervising students on her own before she had passed her background check. There was also a contract to pay Pam Walters as a teacher leader that was for a much greater amount than other teacher leaders were being paid.

25. At our faculty retreat, Mrs. Robertson's son Kendall was in attendance.

26. Mrs. Robertson's husband, Charles, is not a DPS employee, yet he had a master key for the building, attended staff meetings, and addressed students in the building.

27. Teachers were required to report Friday January 15th to support Charles Robertson's program—and we were required to be in halls and in classrooms. Our students, who are already on a condensed schedule, lost another day of instruction while Mr. Robertson had use of DPS facilities—for which, I understand, he paid no rent.

28. Mr. Robertson's employees with YAPA are left in charge of PUSH Academy students and staff when Ms. Robertson and Dr. Powell are out of the building, even though the YAPA staff are not DPS employees. YAPA occupied the top floor of the school, rent free. I am aware that some of the YAPA employees had not passed the required background check by DPS Safety and Security. Those employees are left in charge of students without a certified staff member in with them. These YAPA employees have been allowed to teach DPS classes and give tests and record grades for students, even though they are not licensed teachers.

29. A student, Malika D., was identified by Lindsie Myers as being a student that was approached by Kendall Robertson. Lindsie and Leonard Bernal both stated that Kendall sat in a car in the parking lot and smoked with Malika. Malika D. was in my class the 1st week of school and said she was upset and needed to talk to Mr. Federspill. I asked what it was about and she said Mrs. Robertson wants to talk to me about her son Kendall.

30. Amanda Willhite reported to me that Angela accused her of "having a problem with young men of color" Mrs. Robertson said to me that Amanda did not know how to deal with young black men.

31. Amanda responded to me that Mrs. Robertson asked her to review student grades and records the last week of school and sign off and certify their grades, even though Amanda was not their teacher, nor had she done any instruction. Amanda stated that Mrs. Robertson offered her a job when she agreed and signed off on Apex grades.

33. I told Mrs. Robertson that the science classrooms do not have safety equipment—the rooms need storage, acid/base cabinets, hazardous materials storage, a shower and fire blanket, and that science had no way to dispose of wastes, nor basic lab supplies. I asked if we could order the science kits the district uses, Angela turned and asked her husband Charles and he said there was no reason to do that.

34. Seniors came to school for 4 ½ weeks leading up to winter break and received credit for a semester of school.

35. A student's mom made plans for vacation and Mr. Clymo was instructed to give the student his final exam before Thanksgiving, only 4 weeks into the semester and then was pressured to give him a passing grade even though the student had not completed all the work.

36. Leonard Bernal told me that Mrs. Robertson had Mr. Robertson's YAPA employees teach classes in PUSH in 2014-15, and they made up data around ELA testing and paperwork. There were noncertified staff teaching ELA courses. I was also told that Mrs. Robertson lied in documents and in testimony to the DOJ. Unlicensed VISTA employees were asked to work for Charles Robertson.

Before I left for Winter Break, I asked Ms. Sheila Mauldin, the Facilities Manager at the school, for bookshelves for my room and for Mr. Clymo's. She said she did not have any. I was in the back storage room and there were two empty bookshelves, so I moved them into our two rooms. When I took the bookshelf into Mr. Clymo's room, Sheila asked me, "Why do you people think you can do what you want?" I said, "I am a Teacher Leader so I am trying to support him in his classroom, and it is so small that he needs a way to get the books off the floor."

37. Sheila Mauldin approached me and asked “why the white teachers are trying to get rid of the Black Principal”. I asked her why she felt that way, and she said, “You know you all are doing that. A student in class told me, “Mrs. Robertson said at church, that all you white teachers are trying to get her.”

38. I was interviewed by Dana Risch, the District person who investigates claims of discrimination. When I came back from the meeting with Ms. Risch, Sheila was standing out in the parking lot. When I got out of my car, I saw Sheila on the radio talking, and I heard her saying, “Mr. Hagerman is back from trying to get us...” I asked her what was going on, and she said, “I went in your room and you were not there.” I told her that I was ok, because Dr. Powell knew where I was. When I went in my classroom, my backpack was open and things had been removed. I emailed Dr. Powell and told her that Sheila told me she had gone in my room, and a bag with my thumb drives was missing. I then told Dr. Powell that I had seen Sheila in Matt Neely’s room going through his desk, and now my things had been gone through, and I was no longer comfortable with her in my room.

39. I was walking through the hall and stopped to look at the Social Studies Bulletin Board. I saw a church bulletin stating that “Africans were not slaves until they arrived in America” stapled on the board. I asked Ms. Myers about it, and Ms. Myers told me that Sheila put that up. Previously, we had been told we had to have Dr. Powell’s permission to put something on the board. Ms. Mauldin also taped a poster outside her office showing a Black man with his hands tied up with an American flag which said, “Let my People Vote.”

40. The next day, Debbie Staten, PUSH’s Instructional Superintendent, (African American) called me and asked me to send her a picture of the poster. I did. Ms. Staten asked me if I was offended. I told her I am a Minister’s son, so by itself, no, but that the message in a school was inappropriate, along with Christmas decorations. I have Muslim Students that have told me they were offended by all of this. Ms. Staten told me that the poster and the T-shirt worn by Ms. Mauldin with the same message were both ok.

41. She told me, Michael Johnson (also African American), would be in the building the next day to meet with me. The following day I was pulled from

class and my students were left unattended to meet with Mr. Johnson and another male. We talked briefly and he asked me for the bulletin so I gave it to him. He also stated that the picture of Dr. King was nice and the poster was ok. I told him that Sheila had worn another t-shirt with a racial message, he told me that was ok too. However, later I noticed that Sheila had changed her shirt.

42. The picture of Dr. King was on the wall at eye level, so it appeared he was looking at everyone walking through the halls, Mr. Watts grabbed Mr. Federspill around the shoulder and tried to pull him under the picture and said to Mr. Federspill "Come on you know you all want a picture with him".

43. I was in the upstairs restroom and sent Sheila an email that there was urine on the floor and a strong odor in the bathroom. That afternoon, I turned and looked out the door and Sheila was standing in the corner of the hall staring into my room. I emailed Dr. Powell and told her that Sheila was making me uncomfortable. Later that day, I received an email from Sheila accusing me of harassing her for sending her an email about the state of the restroom. Her email stated that she did not have time to clean it every time it smelled or had urine on the floor, and she also complained that I did not say hi to her. I contacted Dr. Powell and I went to Mr. Johnson and told him if this nonsense was going to continue I would file a complaint.

44. We met as a staff for mediation with Mr. DeLaCruz from the Department of Equity. Pam Walters wore a sweatshirt with the words Melanin King on it. Ms. Mauldin was upset that the staff was gossiping. It was noticed and a comment was made by an African American teacher that the feeling in the room was so thick you could cut it with a knife.

45. The next day Sheila was in a teacher's room telling a student that they needed God in their lives. The next day, I emailed Dr. Powell and told her that Sheila had been preaching to students.

46. At a staff meeting to discuss Angela's absence, Debbie Staten told us that Angela had been a great leader for the school. Mr. Clymo asked her when we would know whether Mrs. Robertson would be coming back. She said she would let us know when she knew. She then confronted Mr. Clymo about the look on his face and asked him "why the look?" He complained that the staff was not being kept up to date. Staten attacked him verbally, then had him stay after the staff meeting to talk to him more.

We had a Partner meeting in the building today and Debbie Staten walked across the hall and looked in Mr. Clymo's room and told her colleague, "He's here-- let's make sure we go in his room."

47. Jerry (the custodian) made a complaint to me that a device was connected to the alarm line that would interfere with the ability of the alarm to notify safety and security that someone had been in the building after hours, and that he noticed that things were disturbed and that he had been asked to help load and unload Mr. Robertson's pickup on a Saturday. He also told me that Mrs. Robertson had made Mr. Gilmore leave the building that day.

48. Jerry notified me that Sheila had come into the building on Wed. over Spring Break on the premise that she needed to pick up her things. Instead of doing so, she walked around the building. Jerry also showed me some drills that showed up in a closet that had not been there before and stated that the other drills from the building were gone. I notified Dr. Powell by email and she emailed me back and told me to ask Jerry to contact his supervisor.

FURTHER AFFIANT SAYETH NAUGHT.

Allen Hagerman
Allen Hagerman

7/29/2016
Date

NOTARY

COUNTY OF DENVER)

STATE OF COLORADO)

The foregoing affidavit was acknowledged before me this 29th day of July, 2016, by Allen Hagerman, who appeared before me personally and whose identity was verified by his Colorado Driving License.

Kallie Benjamin
Notary Public

My commission expires: 7/22/19





AFFIDAVIT OF ERIC IVERSON

I, Eric Iverson, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. I am a Career and Technology Education (CTE) teacher licensed by the state of Colorado. I am Caucasian, as are several of the teachers on staff; our principal, Angela Robertson is African American.
2. I am currently teaching Auto Mechanics at PUSH Academy (“Persevere Until Success Happens”). This is the second year for the program at PUSH, and this is my second year at this “alternative” school in the Denver Public School District. I have never experienced such a racially hostile environment in any workplace in my career.
3. At PUSH Academy, the Caucasian (“white”) teachers are subjected to ongoing racial discrimination by Angela Robertson. This discrimination takes the form of pointed, publicly made, or personal, racially disparaging statements about whites in general, and comments directed at specific teachers who are white, including me.
4. At the start of last year, at the CTE ribbon cutting ceremony for the Automotive program, Mrs. Robertson asked me to be on the stage. I was on the stage with people from the mayor’s office, Emily Griffiths’ Executive Director, and other community leaders who were there to celebrate the initiation of the Automotive Program at PUSH. Most of those participating were African American except the Director from Emily Griffith, who is white. All of my students were in the audience and one of them gave a speech. Mrs. Robertson spoke about everybody on stage, except for me, both before and at the conclusion of the ceremony. Before the closing of the ceremony, she acknowledged every staff member at PUSH by name, except for me. My students noticed, and in the audience began to cough and say my name under their breaths when Mrs. Robertson refused to recognize me. She ignored them. The next day, at the staff meeting, Mrs. Robertson announced that she had made a huge mistake at the ceremony, that she had forgotten to mention someone important to the Program and

she apologized profusely. She then acknowledged the custodian, who is African American.

5. For example, at a recent faculty meeting, when we were discussing graduation protocols in December, 2015, the issue of graduation robes and hood came up since the faculty likes to make the ceremony as formal and impressive as possible for these kids. We want them to have a proper, solemn, ceremony to mark their accomplishment and stress the importance of finishing school. When Mrs. Robertson heard the word “hood” she interrupted the teacher speaking, acted out a vignette of a person running from the KKK, ran around the room, wild eyed, and when she stopped she said, accusatorily, “Look at all the white people looking away...”. I was staring at the carpet because I was ashamed at her twisting the conversation from graduation to a racially hostile statement. At graduation, there was no pomp and ceremony, and the staff wore business attire.

6. Mrs. Robertson tried to force me to see the movie, *Selma*, suggesting that I could not work well with African American students because I was not African American. However, my students, all of whom are minority except one, love my class and my attendance rate is very high. I served African American students for years as a college teacher at Lincoln Technical College—over a thousand students, at least half of whom were African American. Lincoln College to this day is willing to hire me back. While I was at Lincoln College, I was nominated for CCCA (Colorado Community college Association) Teacher of the Year, and I won numerous other teaching awards while I was there.

7. As an Auto Mechanics teacher, I have an on-site shop at PUSH, which was until yesterday, in an unheated garage; they fixed the heater yesterday. Mrs. Robertson refuses to give me the automotive classroom built for the program where I can conduct lessons and testing with my students. She told me that Mr. Hagerman, a math teacher, needs it more than I do because he has “too many crazy white boys”. She also refused to require the school custodian to clean that classroom last year, after someone allowed people to use it every Sunday. This means that my teaching area was, at least once a week, littered with trash from crafts and art projects, cupcake sprinkles, soda, frosting and other food on the desks,

the walls near the trash cans, and in the trash itself. I had to clean up myself, so the students wouldn't see the mess.

8. When I am required to attend Professional Development sessions, I do so at the Emily Griffiths campus, part of Denver Public Schools. Mrs. Robertson confronted me and asked me "Why do you like going to Emily Griffiths so much?" I explained that I was going there for my required professional development training. She sneered at me, and intimated that I was lying, rubbed her index finger up and down on her raised arm in front of me and said "No, I think you have a problem with this."

9. Mrs. Robertson's racial discrimination is not limited to white adults. Last week, Mrs. Robertson was conducting three days of pre-class seminars on college/career readiness. The sole white student at our school, Christopher—a very quiet and nice young man, and one of my students—was signed up to be in Angela's seminar. When he tried to enter the class, Mrs. Robertson told him "I don't want you in here." The boy returned to the office and the secretary escorted him to a different teacher's class, and informed the teacher that she (Lindsay Myers—another CTE teacher) was receiving the child because Angela "didn't want him."

10. While the students were in these seminars, I went to all the far northeast area high school counselors to "market" my program, one of my duties according to Mrs. Robertson. I visited, CPA(Collegiate Prep Academy), DCIS Montbello (Denver Center for International Studies at Montbello), Noel Community Arts School, and High Tech Early College. Two of these counselors told me that when they called the school, they were informed by the secretary that the classes were full, and Mrs. Robertson told them there was a waiting list. I have been trying to build my class roster to 15 students (my maximum) since I started. I currently have 11 students in the morning and 10 in the afternoon class, so there is room for several students in each class. Nevertheless, the counselors have told me that every time they call, they have been told the classes are full and, per Mrs. Robertson, there is a waiting list. This is an intentional attempt to get rid of the entire automotive program under the guise of "low numbers" or "lack of interest". Nothing could be further from the truth: last year, the counselors had sign-up sheets full of names last year, and this year, right before Christmas, a PUSH employee, Mrs Walker, who helped me put

together an open house this year to register kids for next semester got verbally berated for helping me. I went to the open house and no one showed up. I was later told by a school counselor from another school that when she called about registration night, she was told my registration night was full.

11. The Auto Mechanics program at PUSH is amazingly popular. My attendance percentage is in the low 90%, rare at PUSH, counselors from other schools have told me that they have to add pages to their sign in sheets for Auto Mechanics, for both boys and girls, my students often tell me that they want this career path, they want the training, they want the school, and they want to go from my program to technical college—Emily Griffith Technical College; Lincoln Technical College; and Pickens Tech. Students talk to me about expanding their knowledge to diesel mechanics, auto body, collision and welding, and setting themselves up for a career. They talk about getting a driver's license and keeping a clean driving record so they can get and keep a job and build a career.

12. Mrs. Robertson has made it very clear that there is no toleration for white teachers at PUSH, that we are disrespected and made the butt of numerous slurs and ugly references. It is a hostile environment for me, for many of my colleagues, and it affects the students in negative and demeaning ways.

13. Sheila Mauldin, the Facilities Manager fueled the racially divisive atmosphere after white faculty began to complain about the hostile environment at PUSH. She posted a racially pointed picture outside her office. It depicts an African American man with his hands bound in handcuff position by an American flag, and in bold letters states "Let my people vote." It was posted on February 25, 2016, and at the bottom of the poster is a website reference for a religious website. Some of our faculty made complaints to the central administration about this and about a computer print-out that explained "white privilege", but central administration did not rectify the hostile environment and racial discrimination at PUSH.

14. This year, the DPS central office sent Dana Risch to investigate our complaints at PUSH, but we got no resolution from DPS. Last year, I had decided to quit DPS due to the atmosphere at PUSH, and I asked to meet with HR to find out the right way to resign. I complained to HR about the

racially charged atmosphere at PUSH among other things. HR sent Dana Risch to talk to me. I gave a statement to Ms. Risch last year about the racial atmosphere at PUSH, but the statement I gave went nowhere, and I saw no changes at the school. No one told me any results of the investigation, although a colleague informed me later that the administration found no evidence of discrimination. This year, we again received no vindication, and no findings. Every staff member gave two or more hours to interview with Ms. Risch, but the written notes of my interview were sanitized and most frequently focused on the hearsay I was asked about. My own experience was not thoroughly investigated.

FURTHER AFFIANT SAYETH NAUGHT.

Eric Iverson

Date

NOTARY

COUNTY OF DENVER)

STATE OF COLORADO)

The foregoing affidavit was acknowledged before me this 22nd day of April, 2016, by Eric Iverson, who appeared before me personally and whose identity was verified by his Colorado Driving License.

Notary Public

My commission expires:



AFFIDAVIT OF LINDSIE MYERS

I, Lindsie Myers, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. I am a Career and Technology Education (CTE) teacher licensed by the State of Colorado. My license is in Social Studies 7-12, and I am in the process of obtaining my CTE endorsement in Business Education.

2. I am currently teaching at PUSH Academy ("Persevere Until Success Happens"). This is the second year I have taught there, and the second year I have been in education. I was previously in the business world.

3. At PUSH I am also a designated Teacher Leader a stipended and specialized leadership position; I also sponsor yearbook, FBLA (Future Business Leaders of America) and student leadership.

4. I work with Matt Neely. In the month of October, I was in the office, and a colleague mentioned it was Cancer Month and we should do something for Mr. Neely; I mentioned it was not "Cancer month" but "Breast Cancer Month". Mrs. Robertson, the principal, remarked, "Yeah, he doesn't have cancer of the boobies, he has cancer of the penis." I know this to be inaccurate, and I was taken aback and told Mr. Neely about it the next day because he had the right to know the principal was talking about his medical condition in specific.

5. Mrs. Robertson has made many comments about race: she has told me that I have "a little Black" in me; that I am "Blacker than most white people"; and one time I was in an SLT meeting when Angela mentioned that her nephew brought a white girl home as a date, and that the white girl was not allowed into the house. She stated she didn't know how black men could marry white women and treat them as their queens, when their mothers had been treated by white women so horribly--cleaning their floors, mending their clothes and cooking their meals.

6. On December 7th, at the staff meeting before the next day's graduation ceremony, Mrs. Robertson asked us if we had graduation regalia. Someone asked what that was, and someone else asked if that was the

robe with the hood. She said I am from Louisiana and we don't talk about robes and hoods. Then, she continued, "now all the white people in the room are looking down."

7. The next day a teacher stopped me and said he hadn't slept the night before because of the hood comment, but I had been more concerned that her son, Kendall Robertson had walked into the December 7th staff meeting. I was concerned because I was under the impression that Kendall had been charged as a sex offender, and that he was waiting for his sentencing. Angela had told me that he had been convicted by a jury but hadn't been sentenced yet.

8. After Kendall came into the building on December 7th, the next night, December 8th, which was the night of December graduation, there were four girls in my room getting cameras to take pictures. Three of the girls were cheerleaders who said that Kendall had been at the previous basketball game, and asked if it was ok for him to be where students were. While we were in there one of the girls told us she had seen Kendall at a business, and he had sold weed to two of her friends. The reason Kendall had been removed from his previous school was because he had taken her and her friend to Starbucks during school hours. Then, she continued to say, she and he had smoked weed together; he was cool like that. I reported this incident the next day because I am a mandated reporter.

9. Three or four days later, I received a call from Angela from NYC. She said she wanted to talk about our school and our school culture. She said she was very transparent and wanted to know why people were bad mouthing her family and her son and making allegations about the Robertson's. She said if she can't trust her staff they will have to go. I directly asked her if she was talking about me and she said I trust you and want you to let me know if anyone is turning me in for unwarranted accusations. Angela told me that she wanted people to report things directly to her instead of letting allegations fly around the district that could be false. She told me that the situation with Kendall could have been avoided if the principal at CPA (Collegiate Prep Academy) would have handled it internally instead of reporting it to the authorities. She also went on to talk about how there had been allegations by students that they had been touched by teachers, and she brings the girl in and does her own

questioning and sees if she (Mrs. Robertson) thinks the girl is lying, and whether reporting it is necessary. She said she can usually tell when a girl isn't telling the truth. She told me she was calling Mr. Hagerman to talk with him. The conversation ended on that note.

10. Mr. Hagerman had been asking at school whether Kendall should be at school. Kendall had showed up at two basketball games at another school sitting with the players and coaching them. On December 7th, when he showed up at our staff meeting, he started coaching basketball at PUSH. Hagerman went to the basketball coach and asked if Kendall should be at the practices. The coach said he didn't know. Everyone started asking questions.

11. After Christmas break, my student, "Miss M", came to me and asked me if I knew why Mrs. Robertson wanted to talk to her and her mother. Miss M is the girl who reported that Kendall smoked weed with her and her friends. I told Miss M I had no idea what was going on. Angela got wind that I had made the report.

12. After Angela had a conversation with Miss M and her mother, Miss M accused me of lying and told me she was in trouble with her mother, and Mrs. Robertson and the school were going to F---with her and not let her graduate. She told me Mrs. Robertson is going to make her graduate in May and has taken away the privilege of her continued concurrent enrollment at PUSH and CCA (Community College of Aurora) after this semester. That means she is losing concurrent enrollment, and free college classes and college credit for the whole 2016-17 school year. She told me she had been taken into Mrs. Robertson's office and Mrs. Robertson told her to keep Kendall's name out of her mouth and to stop talking about all of this. This occurred last week, on January 12, 2016.

13. After Miss M came to me, I knew that Mrs. Robertson knew I had reported Kendall, and then I understood why she had been treating me coldly since our conversation while she was in New York.

14. Last week we had an ILT meeting, and Mr. Gilmore asked me to put items on the agenda that her daughter Pamela, had refused to put on the agenda. Pamela usually puts together the agenda. Mr. Gilmore asked me to put them on the agenda and I did. These items were the current year's

UIP, a codified attendance policy, and he wanted to see this year's budget and next year's projected budget.

15. The school leadership team, (SLT), is made up of me, Hagerman, Pamela Walters (Mrs. Robertson's daughter) and both principals—Mrs. Robertson and her Assistant principal, Dr. Powell. ILT (the Instructional Leadership Team), consisting of every department head, both principals, the SPED teacher and the ELA coordinator/teacher, meets on Thursdays. When we met on January 14th, Hagerman, myself, Gilmore, Ms. Alberca, and both principals were present. Gilmore is the department chair of Social Studies

16. During the ILT meeting, when Mr. Gilmore asked about the budgets, the tone of the meeting turned. Angela denied having the budget, but she said it was public record. Mr. Gilmore wanted details of the budget with names on the line items. Angela told Gilmore that she took his questions as a personal attack. When Gilmore started asking questions, her reactions to the questions and her unwillingness to give him the information and her comments made me very uncomfortable. Mr. Gilmore was told by Angela, "Mr. Gilmore, we don't need you anymore in this meeting and you can leave." He did not leave the meeting. He had every right to be there.

17. On Wednesday this week, January 20th, when Mr. Neely came into the building, the Facilities Manager, Sheila Mauldin, who is Black, confronted him and asked him "what are you white teachers doing? You are doing something to Mrs. Robertson." Sheila told Neely that Mr. Bernal and Ms. Myers were leading a racially charged movement to have Mrs. Robertson removed from the school.

18. I went and talked to Dr. Powell that evening and told her what Sheila had said about me and what another custodian Jerry, had told me the day before; that Mrs. Robertson had asked him questions about me and whether I was behind the allegations made against her. Jerry told her he had no idea what she (Robertson) was talking about. Dr. Powell advised me that there are people here to protect me. I told her that this was coming down about me because I had reported the situation about Kendall and hadn't gone to Mrs. Robertson first so she could do damage control.

19. Dr. Powell told me that because I am a mandated reporter, I did nothing wrong, and that I should seek advice to obtain protection from retaliation.

20. I can't be working at a school where our entire student population is minority, and some of who are gang affiliated, thinking I am a racist or that I am leading any racially charged movement. Mrs. Robertson's husband also is at PUSH, Charles Robertson. When I have taken my students to his presentations, he always talks about how he was gang affiliated when he was in school—a message which is misinterpreted by some students, that if they are in gangs, they will be "rich like him."

21. After the Tuskegee Airmen assembly, I heard Sheila Mauldin state that "she hates our kind (white people) and there have been other times when she talks derogatorily about white people: how white cops shoot Black people, and how Black lives don't matter. She makes these statements in front of staff, many of us who are white. Angela had Sheila teaching a Racial/Social Justice class last year, even though Ms. Mauldin has no teaching credentials.

22. I reported these things last year to Dana Risch the District's HR investigator who was conducting an investigation at PUSH. I gave a written statement to her about these things. After my report, Sheila stopped eating lunch with the teaching staff, and she no longer teaches that class. She still works at the school, however, and I know that she has been in my classroom looking around my desk, during lunch when my room was locked and I was out of the building.

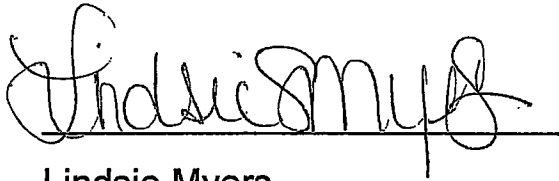
23. What scares me to the point that I feel unsafe is that Kendall is so close in age to these students, and the gang affiliations are so strong, that if these things are being said about me in the Robertson's home, these rumors about me will spread to the student community. I have a very good relationship with my students and they know how much I care about them, their education, and their safety.

24. I feel true retaliation was taken against me by Angela Robertson. She views everything through a Black/White racial lens. When I turned her son in for smoking marijuana with one of my students she took it as a racial attack on African Americans, and not a student protection issue, and retaliated against me by eliminating my job at PUSH. I teach in both the

CTE department and the social studies department. Both of my positions at the school were cut by the principal after my complaints, my position as a CTE teacher has been completely cut from the school. The only CTE position that was kept at the school was for an IT endorsed instructor, which is not the certification that I hold. The person that holds that specific CTE endorsement is an African American, Curtis Whitman, who is also a fraternity brother of Charles Robertson and a family friend of the Robertson's. I was made to re-interview for the remaining social studies position for the 2016-2017 school year. After interviewing for the position, and because another teacher stepped aside, I was selected for the social studies position next year by the personnel committee, which was established after Mrs. Robertson was out of the building, and is made up of other teachers and Dr. Powell the assistant principal. Angela Robertson had no part in the rehiring of me back into the social studies department.

25. On February 30, 2016, Sheila Mauldin, the African American building Facilities Manager (a custodian position) walked into Matt Neely's classroom and apologized for making the "white staff" feel uncomfortable about the racial posters and shirts she had been wearing to school in days prior. She continued to say that she feels that some "white" teachers at the school are racially charged but she didn't want to name names. Roughly five minutes later, I overheard Sheila Mauldin speaking about me with two students in Mr. Neely's classroom. She was in the middle of a conversation with the two girls when I walked by the classroom. As I walked by, I overheard one of the girls say, "And that Ms. Myers she is racist and plays favorites." Sheila agreed with the student and said that the student needed to report me to the administration. Because of this incident, I was called into Dr. Powell's office (the acting principal) with HR the next morning. I was spoken to about the incident and I was told an investigation would be opened and the accusations against me would be thoroughly investigated. I felt like the entire incident was retaliation against me for turning Sheila in a month earlier for her comments about me to Mr. Neely that I was "leading a racially charged movement to have Mrs. Robertson removed from the school."

FURTHER AFFIANT SAYETH NAUGHT.



Lindsie Myers

4/8/2016

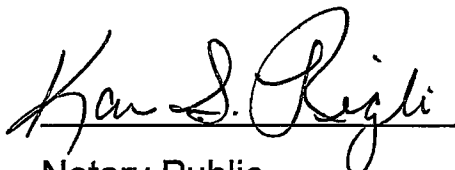
Date

NOTARY

COUNTY OF DENVER)

STATE OF COLORADO)

The foregoing affidavit was acknowledged before me this 8th day of April, 2016, by Lindsie Myers, whose identity was verified by her Colorado Driving License.



Notary Public

My commission expires:

**KAREN S. RIGLI
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19904015928
MY COMMISSION EXPIRES NOVEMBER 9, 2018**



AFFIDAVIT OF MATT NEELY

I, Matt Neely, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. I am a science teacher working at PUSH Academy. This is my first year teaching. I enjoy working with my students at PUSH, I have a lot of faith in my students and they respond well to me.
2. I was diagnosed early this school year with testicular cancer, and had surgery the end of October. I informed my principal, Angela Robertson, who assured me that she had reached out to HR, that she could hold my position for the entire year. She appeared completely sympathetic to my situation; I had no idea that she had been making fun of me behind my back on multiple occasions, to staff members,--including Lyndsey Myers--who were my friends and who reported to me she was saying these things.
3. Although to my face, Angela appeared very motherly about my absence and my health, She also informed the staff, without my permission, of the type of cancer I had and was making humiliating remarks about my physical condition—she showed no respect for me or for what this condition might mean to me and my future. I felt the hypocrisy was cruel, particularly as it was couched in religiosity—she actually prayed with me for four minutes on the phone one day.
3. Angela Robertson quizzed me about race before she hired me—I had to respond to questions about how I felt working with “this demographic” and I told her kids were kids and that I care about kids. Her response was “it will show if you don’t.” We had a training in the first week of school with a strong emphasis on how to teach African American boys, although our student population is mostly Hispanic. The undertone of that meeting was clearly to educate a white staff.
4. There is no honest policy at the school for earning a grade or getting an education. The common theme at the school if a kid isn’t showing up for class is that we shouldn’t fail them; the common question from administration is “can’t they just do a project to pass?” We are expected not to fail kids. We were also obliquely pressured with our jobs if we didn’t sign attendance sheets earlier this year in October that had been fabricated.

This was before the October count. We received attendance packets ten minutes before a meeting, and we were pressured to sign off on the attendance lists, even though many of us could see that the sheets had numerous errors. Mrs. Robertson told a group of us that if these sheets weren't signed she didn't know how many positions we could keep next year; we would be cutting positions. Everyone threw a fit about signing these false sheets. Many of us refused to sign them; Mrs. Robertson applied a lot of pressure to individuals to sign them and was extremely intimidating to them. She also called me down and asked "What are we going to do about this attendance issue?" I asked her "Are you asking me to sign these attendance sheets?" She replied, "No, but I cannot guarantee the number of positions we have next year because of funding." I was told by Mrs. Robertson that in order to get funding we just had to show that the student was there during the day, not specifically in my class. I would not sign.

5. The first time I knew attendance was being manipulated was when a student had not shown up in my class for six weeks and then showed up out of the blue. His parents had a question after reviewing his attendance in Infinite Campus. I had marked this student absent every day for the first six weeks until he showed up one Monday. When his parents checked his records through their parent portal, they saw that he had been absent only the Monday and Tuesday of the week he showed up. When they asked about his absences, I checked my records in Infinite Campus, and I saw that someone had marked him present for the entire six weeks. I have no idea who went in and changed my attendance records, but to my knowledge they have not been corrected even though I complained. This is a common practice about student attendance at PUSH.

6. We have a tardy policy at PUSH that if a student is tardy three times, they get expelled. This policy is on paper only. We do not even have a written discipline policy—discipline is at Mrs. Robertson's will and she applies it in an inequitable manner and inconsistent manner. In our school students are allowed back in after terribly bad behavior, and there is no clear reason why. There are no consistent behavior or discipline policies in place and no staff has any understanding of what the policies are, other than as made up by Mrs. Robertson.

7. As a new teacher, I asked a lot of questions about how things were to be done at the school. I was belittled by Mrs. Robertson, referenced as having anxiety, and told that I needed to take a “chill pill” because I wanted answers to basic questions about policies at the school. One of the policies I inquired about was grade submission, and asked what grade I should give for the first three weeks, since I did not have access to Infinite Campus; I was told by Mrs. Robertson’s daughter, Pam Walters, the language arts teacher leader, to just “give the grade that will keep them coming back”.

8. Until this last week I had no materials in my classroom. I have survived teaching science all year by buying materials at the Dollar Store. At the new teacher institute, I told our science coordinator that we had no materials; she told me that this was shocking because she had sent materials to PUSH the previous year. When I was hired, I was told I would be teaching biology and earth science. Two weeks before I started, this was changed to teaching anatomy/physiology and chemistry. This is indicative of the lack of organization, the lack of coherence, and the lack of planning at the school. As a result, we have no legally required chemical storage, no goggles, no vent, no way to dispose of waste products other than by putting them down the drain and other violations. The students are receiving a lab credit in a building that has no labs, and I cannot get approved to do labs because of our limitation.

9. Yesterday, I saw Charles Robertson, who is the husband of Angela Robertson, sitting outside the Counselor’s (Adam Federspill’s) office. He was there for at least 45 minutes, and there was a definite attitude about his presence. He was scowling and sitting right outside Adam’s office with a hostile posture and staring intently at Adam’s door. He looked aggravated. After that, I heard Mrs. Robertson on the phone complaining to someone that Mr. Gilmore was “harassing” her by asking a lot of questions. Mr. Robertson, as far as I know, has no official role at the school but he has helped Mrs. Robertson, in my presence, to make budget allocations for science—we did not get the equipment I suggested.

10. The bottom line, no matter which infraction by Angela Robertson you choose to look at, she is crippling a demographic that is already under privileged, she is handing out fake diplomas that have no meaning to boost the graduation rate, and she is short changing the kids on their education.

We are not teaching students to fish, we are handing out fish and students know it.

11. I was present in the staff meeting where Mrs. Robertson turned a discussion about graduation into an opportunity to be racially offensive towards Caucasians. I was shocked, and didn't actually catch on until she said, "and now all the white people get quiet." She started slapping her knee and howling with laughter as if she had proven something important—when no one on the faculty was anything other than uncomfortable, and many were offended, including me.

12. I am often the first teacher at the school arriving anywhere between 6:30 and 6:45. In early January, Shelia Mauldin (PUSH Facilities Manager who is African American) approached me upon entering the school. She asked me what I knew about the "white faculty trying the take down the Black principal" (Angela Robertson). I denied the accusations and defended my extremely strong objection to racial inequalities of any sort. She then responded by stating she was told that Mr. Bernal and Lindsie Myers were the two faculty members leading "the white" group. After the conversation with Mrs. Mauldin, I informed fellow teach Mr. Hagerman of the inappropriate racially motivated conversation. After school, we informed Lindsie Myers of the conversation as well, and she then spoke to our interim Principal Dr. Karen Powell. The following morning Dr. Powell spoke with me, and I reported to her verbally the conversation between Mrs. Mauldin and me. Dr. Powell told me she would speak to Mrs. Mauldin. The very next day Mrs. Mauldin stopped talking to me, avoided eye contact, and had a clear scowl throughout the day aimed at me. Although we had greeted one another congenially and chatted before school, after I complained about her racial comments to me, her attitude was openly hostile toward me.

13. The following week, I was teaching a science lab on heat transfer that I had done with students a number of times previously, using hotplates that had previously been approved by the administration through Mr. Hagerman the Math/Science Teacher Leader. After my complaint to Dr. Powell, the Dean of students, Mr. Watts, who is also African American, walked into my class during a science lab, and told me that I was not allowed to have a hotplate in the classroom. Although I knew that this was not accurate, I

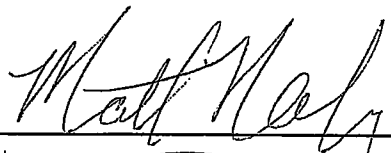
apologized immediately and unplugged all hotplates in the classroom. Roughly 5 minutes later, Mrs. Mauldin entered my room without knocking, looking angry, but before she could speak, I apologized repeatedly and assured her the use of hotplates would not occur again. Sensing her hostility, my students responded negatively to both Mr. Watts and Mrs. Mauldin due to the clear unnecessary interruptions. Later that day two similar incidents occurred. During the transition from 5th to 6th period I was in the hallway moving other teachers' students towards their classes. Mr. Watts then complained to me in a condescending tone that my students were always in the hallway and I was not sufficiently doing my job. I responded by stating that my students were working in my classroom, not running through the halls, and that I was merely lending a hand to other teachers in the hallways. He then turned his back and walked away in the midst of our conversation. I began my class, and Mr. Watts walked back and forth between his office and my door frequently throughout the class period and kept looking into my room through the half open door. His repeated interruptions caused my students to become confrontational and disturbed the progress of the lesson. During 7th period, I excused a student to take an emergency phone call. I could see Mr. Watts confronting the student as she left my class. I immediately walked up to Mr. Watts, who was just outside the classroom, and explained I had given the student permission to exit the class. It was obvious to me and to my students that Mr. Watts was intentionally trying to intimidate me, and was ignoring the fact that his conduct was disturbing the students and interfering with the lesson. I was unwilling to allow the harassment of my students and promptly shut the door.

14. Although the faculty repeatedly complained to the administration about the racially charged statements, numerous religious comments by Mrs. Mauldin and her proselytizing to staff and students, and Mrs. Robertson's doing the same (the students reported she had said "the reason you kids are having so much trouble is that you were born in sin"), and the intimidating and racially based actions of these two and other African American staff, the students became infected with the same tension and a white teacher was verbally attacked as being a racist and driven to tears.

15. The District allowed this hostility to persist for several months and a lack of decisive action caused enormous pain and distress for everyone-- students and staff, and disrupted the learning environment completely. As a result, the school has been polarized and students have threatened to walk out. Members of the White staff are fearful, have been threatened with their jobs at various times during these events, and the entire building feels unsafe. I have been devastated by this environment, by the utter disregard for my privacy, by the humiliating realization that I have been ridiculed behind my back for a physical impairment that I did not choose. I feel horrible on behalf of my students who are vulnerable in the extreme and have been shortchanged in their education.

16. The District has ignored our school by putting in place administrators and network supervisors who have demonstrated complete disregard for the future of this neighborhood and the children who attend our school. What they see as the norm is corruption, racism, retaliation, and abuses of power.

FURTHER AFFIANT SAYETH NAUGHT.



Matt Neely

4/6/16

Date

NOTARY

COUNTY OF DENVER)
STATE OF COLORADO)

The foregoing affidavit was acknowledged before me this 6th day of April, 2016, by Matt Neely, whose identity was verified by his Colorado Driving License.



Notary Public

My commission expires:

**KAREN S. RIGLI
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19904015928
MY COMMISSION EXPIRES NOVEMBER 9, 2018**



AFFIDAVIT OF AMANDA WILLHITE

I, Amanda Willhite, hereby depose and state that the following facts are true and accurate to the best of my knowledge and belief:

1. I am a professionally licensed teacher by the State of Colorado in secondary math.
2. I have worked as a teacher in Denver Public Schools since April 2015. Prior to that I worked at a charter school unaffiliated with DPS.
3. I began work at PUSH Academy as a Saturday School teacher in April 2015 while working full time at another district school.
4. At that time, PUSH did not have a certified math instructor at the school, but was using a "math fellow" and another subject area teacher to teach math. Angela Robertson, the Principal, informed me that since the other two math individuals were not licensed to teach math, she needed a licensed teacher to sign off on student credits for the year. She presented this to me as a mere formality, and I didn't question this request.
4. In August 2015, I became a full time teacher at PUSH, teaching math. I have since learned from other staff members that Mrs. Robertson's requirement that I sign off on the math credits may have been improper.
5. The first time I felt that things were not right at PUSH were at the time of the October count 2015. Mrs. Robertson's records of the October count were inaccurate according to my knowledge of the students assigned and present in my classes. Students were listed on her October count sheets that I had never met. When I refused to sign

the attendance records, she asked if I had proof that they had not been in my classes. I informed her that I had never seen nor met some of the children listed, and other teachers were present in the discussion and agreed that they also had such inaccurate records. Several of us refused to sign these records. During the discussion with Mrs. Robertson about not signing these sheets, she stated "If we don't get these signed, there won't be as many positions next year." I then refused again and left for the day. Mrs. Robertson had approached us at the end of the day, and made it seem like something needed to be done right away—as if it were a rush. When we refused to sign, Mrs. Robertson made us put post-it notes on the sheets indicating the inaccuracies that we thought were there. Mine had multiple post it notes. She asked me to sign it with the post it notes on there. I refused.

6. The next morning, I was approached by the attendance clerk, Jalonja Walker, who gave me brand new attendance/October count sheets, one for each class, and the numbers were completely different from the day before. Some students' attendance records were inflated, some decreased. I said I wouldn't sign it; Mrs. Walker asked me what she needed to do so I would sign it. Students came in, so nothing was resolved.

7. Later in the day, Ms. Robertson came to me and said there wasn't anything to worry about since as long as the kid was in attendance at any class during the day, any teacher could use that as evidence that the student had been in attendance that day. In other words, it was ok for me to show a student had been in attendance, even though he/she had not been in my class, if someone had seen the student that day.

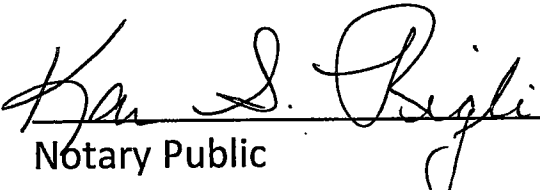
8. Mrs. Robertson approached me at the end of a grading period about my number of D's and F's; I was asked to justify some of them, which I did, mostly because the students had not attended, and she asked if there was anything I could do to help their grades. This was after

grades had been turned in, and I said no. She then pointed to the name of a special education student (M. O.) who had a 58% in my class and insinuated that since she was a special education student, her grade needed to be adjusted upward. I knew that the student had never received any special education assistance (there was no special education teacher at the school, and no one had been in my class to assist this student) but Mrs. Robertson required that I raise the girl's grade to a D stating that special education students could not fail a class.

9. Mrs. Robertson brought me into her office and stated something about my seeming to be unhappy and asked whether I "liked these kids". On this occasion, she told me a group of girls had said to her that I was racist. I asked her which girls, so we could do a mediation or have a conference. She told me she could not remember who they were. She stated that talking to other people was a bad idea and that if I wasn't happy there, she knew "people" who could find me another place in the district.

10. Mrs. Robertson accused me a second time of being a racist. There was a student in my room throwing a tantrum; I sent him out of the room for misbehavior. Mrs. Robertson told me later that "he is an Islander and you are a white lady, so it won't work." Oddly enough, this student works hard for me and consistently, stating many times that I am his favorite teacher.

11. The climate at PUSH is hostile, and not only because of race. There is no leadership or direction at that building. There are no policies, no one is held accountable, rules are constantly changed, and discipline is haphazard and inconsistent. Some students are given favorable treatment, and others are disciplined at Mrs. Robertson's discretion. Likewise, certain faculty are not held accountable: her "daughter" is a teacher in the building but is not held accountable to a schedule. She is


Notary Public

My commission expires:

**KAREN S. RIGLI
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19904015928
MY COMMISSION EXPIRES NOVEMBER 9, 2018**

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

<p>I. (a) PLAINTIFFS: Adam Federspill 6934 W Ida Place #1236 Littleton, CO 80123</p> <p>(b) County of Residence of First Listed Plaintiff: Jefferson <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number: Pro Se) Adam Federspill 6934 W. Ida Place #1236 303.242.0575 Littleton, CO 80123</p>	<p>DEFENDANTS: Denver Public Schools 1860 Lincoln St. Denver, CO 80203</p> <p>County of Residence of First Listed Defendant: <u>Denver</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known): <u>Jerome Deherrera</u></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395f)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS - Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input checked="" type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities Other</p> <p><input type="checkbox"/> 448 Education</p>	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 463 Alien Detainee</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p>Other:</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>		

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district *(specify)* 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq.

VI. CAUSE OF ACTION

Brief description of cause: AP Docket
 I am suing my former employer, Denver Public Schools, for violating my civil rights

17 - CV - 01480

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$5 million CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

DATE: 6/19/17 SIGNATURE OF ATTORNEY OF RECORD: Adam Federspill (Pro Se)