

CHARGE OF DISCRIMINATION The Privacy Act of 1974 affects this form. See Privacy Act Statement before completing this form.		CCRD Charge No.
<i>COLORADO CIVIL RIGHTS DIVISION</i>		
Name (<i>Charging Party</i>) Corey Wise c/o Rathod Mohamedbhai LLC		Telephone (303) 578-4400
Street Address 2701 Lawrence Street, Suite 100	City, State, and Zip Code Denver, CO 80205	County Denver County
The Employer, Labor Organization, Employment Agency, Apprenticeship Committee, State or Local Government Agency who discriminated against me is: Douglas County School District		
Name (<i>Respondent</i>) Douglas County School District RE-1	Number of Employees 500+	(Area Code) Telephone (303) 387-0100
Street Address 620 Wilcox St.	City, State, and Zip Code Castle Rock, CO 80104	County Douglas County
Discrimination Based On: Race, Sexual Orientation, Gender Identity, Gender Expression, Sex, Disability, and Retaliation. Date Most Recent Discrimination Occurred: February 4, 2022		
<p>1. Jurisdiction: The Colorado Civil Rights Division (“CCRD”) and Equal Employment Opportunity Commission (“EEOC”) have jurisdiction over the subject matter of this charge. Charging Party was an employee at the Douglas County School District in Douglas County, Colorado, and Respondent is a covered employer under the Colorado Anti-Discrimination Act (C.R.S. 24-34-301 <i>et seq.</i>), as enacted, Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e <i>et seq.</i>), as amended, and the Americans with Disabilities Act (42 U.S.C. 12101 <i>et seq.</i>).¹</p> <p>2. Personal Harm: Corey Wise dedicated his talents and energies to the Douglas County School District (“DCSD” or “District”) for over twenty-five years, ultimately serving as District Superintendent. On February 4, 2022, four recently elected members of the Douglas County School District Board of Education (“DCSD Board” or “Board”) – Michael Peterson, Becky Myers, Christy Williams, and Kaylee Winegar (the “Individual Respondents”) – terminated Mr. Wise with only two and a half years remaining on his contract. In the process of doing so, the Individual Respondents admitted that Mr. Wise was a beloved educator and that his termination was “without cause.”</p> <p>Individual Respondents ran for office on a campaign platform to dismantle DCSD’s newly enacted equity policy and to end masking in DCSD schools, despite the potential lethal danger</p>		

¹ Mr. Wise has other potential claims that need not be administratively exhausted with the CCRD or EEOC, including potential claims of discrimination and retaliation pursuant to 42 U.S.C. § 1981 for a violation of his rights under the Fourteenth Amendment of the United States Constitution, retaliation under 42 U.S.C. § 1983 for a violation of his rights under the First Amendment of the United States Constitution, discrimination and retaliation under Section 504 of the Rehabilitation Act, 29 U.S.C. § 701, and retaliation in violation of the Colorado Public Health Emergency Whistleblower Act (“PHEW”), 8 C.R.S. 14.4 *et seq.* Because these claims need not be administratively exhausted with the CCRD or EEOC, they will be raised in other forums where and if appropriate and not be discussed in detail herein.

doing so might cause to students with disabilities and their families. After taking office, the Individual Respondents wasted little time in acting upon their discriminatory preferences by terminating Mr. Wise because of his association with and advocacy for students with disabilities and students of color, and in retaliation for, and in anticipation of, Mr. Wise engaging in protected activities. Accordingly, Respondent DCSD and Individual Respondents violated Mr. Wise's civil rights.

3. **Respondent's Position:** Unknown, although it is anticipated that Respondent will fabricate pretextual reasons for terminating Mr. Wise.

4. **Discrimination Statement:**

EXECUTIVE SUMMARY

Corey Wise is a lifelong teacher and education professional. He spent his entire twenty-five-year career at the Douglas County School District, working his way up from social studies teacher to superintendent. Mr. Wise's career was cut short on February 4, 2022, when a newly elected four-member majority of the DCSD Board abruptly terminated his contract without cause. As found by Douglas County district court judge Jeffrey K. Holmes, the new Board majority agreed to terminate Mr. Wise through a series of private one-on-one meetings, a deliberate scheme to circumvent Colorado open meetings law. The new Board majority also deviated from its longstanding custom and practice, which was to refrain from making changes to the superintendent position during the school year.

The Board majority's sudden, irregular, and illegal termination of a beloved educator was motivated by two main considerations: (1) Mr. Wise's advocacy for masking in DCSD schools to protect students and staff with certain disabilities that make them susceptible to potentially fatal results if contracting COVID-19, and (2) Mr. Wise's perceived and/or actual role in developing and executing the DCSD's Educational Equity Policy ("Equity Policy"), which implemented the DCSD's legal duty to address educational disparities and discrimination faced by minority students and staff. These motives can be gathered both from comments made by Individual Respondents during the duration of their 2021 election campaigns and statements made by them at the time of Mr. Wise's termination.

During their campaigns, the Individual Respondents made opposition to universal masking a centerpiece of their electoral platform. In particular, the Individual Respondents took issue with Mr. Wise's participation in a federal lawsuit wherein he, as the representative of DCSD, joined nine students with disabilities (collectively "Student Plaintiffs") in challenging a Douglas County Health Department order prohibiting universal masking requirements. The basis for the legal challenge was that "the Public Health Order discriminated against students with disabilities because it prevented the School District from granting the reasonable accommodations necessary to provide Student Plaintiffs with meaningful access to the School District's programs and services in violation of the ADA and Section 504." A federal court ultimately agreed with the Student Plaintiffs and enjoined the Douglas County Health Department order, concluding that the Plaintiffs could likely show that "the effect of the Order is to illegally deprive Student Plaintiffs of equal access to the School District's services to the fullest extent possible." Dissatisfaction with the

District's masking policies, the lawsuit, and with Mr. Wise's role in both motivated the Board majority to unlawfully terminate Mr. Wise.

Likewise, another key platform espoused by the Individual Respondents was hostility and opposition to gender and sexuality "constructs," "critical race theory," and anti-discrimination efforts aimed at supporting racial minorities more broadly, which the Individual Respondents crystallized into opposition to the District's Educational Equity Policy. After years of development, the Equity Policy was passed by the old DCSD Board in March 2021. Mr. Wise was a key advocate for the policy during its development and implementation.

The Equity Policy embodied, at a system-wide level, the District's existing legal obligations to address discrimination against its students and staff and to ameliorate its effects. Among other things, the Equity Policy committed the District to "create[ing] and implement[ing] a targeted system to identify" and to redress, *inter alia*, "[b]iased, inequitable, racist, or exclusive practices"; "[d]iscriminatory behaviors that disproportionately impact any particular group or groups of individuals based on their collective identity"; the "[p]erpetuation of racism or discrimination"; and to "eradicate any future inequities" in the District. The Equity Policy also tasked the DCSD with creating an Equity Advisory Council focused on system-wide implementation of the policy. Through its Equity Policy, the DCSD strived to "offer and afford every student and staff member equitable educational opportunities regardless of race, color, ancestry, creed, sex, sexual orientation, gender expression, gender identity, religion, national origin, marital status, disability, socio-economic status, or eligibility for special education services," as required by state and federal law. On January 25, 2021, the new Board majority approved a resolution requiring Mr. Wise to recommend changes to the Equity Policy, thus placing him in a position to change a policy that he had supported and advocated for. The new Board also challenged ongoing internal efforts to ensure unbiased recruiting and retention of diverse employees, and the District's efforts to ensure pay equity under Colorado's new equal pay laws after recent concerns arose that the District was in violation of those laws.

Mr. Wise does not himself contend that he was discriminated against because of his personal identity or protected characteristics. Rather, through his advocacy on behalf of students and staff whose characteristics are protected by state and federal civil rights laws, the new Board majority associated Mr. Wise with such protected groups, and unlawfully fired him for that association and advocacy. Mr. Wise's termination was also an illegal act of retaliation against what the Board majority perceived as Mr. Wise's opposition to its policy preferences—but which in fact was Mr. Wise's legally protected opposition to discrimination, which he in good faith believed was required by state and federal civil rights law.

SPECIFIC FACTUAL ALLEGATIONS

Demographics and Structure of the Douglas County School District

5. Douglas County is a predominately white suburban and rural county in Colorado, located south of Denver.

6. The Douglas County School District is the largest employer in Douglas County, serving over 65,000 students and employing over 8,000 people. Currently the District has over ninety schools making it the third largest school district in Colorado.

7. The Douglas County School Board of Education is comprised of seven members.

8. The seven Board members are elected to four-year terms, and elections are held on a staggered basis.

9. Board members cannot conduct business or make decisions for the District without doing so in compliance with Colorado's open meetings law, the Colorado Sunshine Act of 1972, C.R.S. § 24-6-101 *et seq.* The Colorado Sunshine Act requires any state or local governmental body to discuss public business or to take formal action in meetings that are open to the public. A meeting refers to any kind of gathering, convened to discuss public business, whether in person, by telephone, electronically, or by other means of communication.

10. The seven Board members meet regularly once a month in an open meeting format.

11. The School Board can also call additional special board meetings, but these too must be open to the public.

12. The School Board directly supervises and manages the superintendent.

Mr. Wise's Career at DCSD and Promotion to Superintendent

13. Corey Wise began his career with the DCSD as a student teacher over twenty-five years ago.

14. Throughout his tenure, DCSD regularly promoted Mr. Wise, including to full-time social studies teacher at Ponderosa High School and Chaparral High School, Assistant Principal at Chaparral High School, Principal at Legend High School, Director of Schools for the High School Level for the District, Executive Director of Schools for the District, Successor Superintendent, Interim Superintendent, and finally Superintendent.

15. Such promotions took place irrespective of the political composition of the DCSD Board.

16. In 2018, while Mr. Wise was serving as an Executive Director of Schools, the School Board unanimously voted to hire Dr. Thomas Tucker to serve as Superintendent.

17. Dr. Tucker was the first Black man to serve as superintendent in the DCSD. He was awarded a five-year contract.

18. During his tenure, Dr. Tucker named Mr. Wise and another DCSD leader as successor superintendents. Dr. Tucker recognized that Mr. Wise was capable of filling the role of

superintendent, even in emergency circumstances. Notably, Dr. Tucker selected Mr. Wise over Mr. Wise's supervisor and several others.

19. On September 1, 2020—the same day DCSD'S Equity Policy was first presented to the Board—a DCSD employee made allegations against Dr. Tucker, necessitating Dr. Tucker take a paid leave of absence until the allegations could be investigated.

20. On September 8, 2020, Dr. Tucker resigned from his position as the District's Superintendent following an investigation into allegations that he was ultimately cleared of.

21. After Dr. Tucker's resignation, Mr. Wise served as the Successor Superintendent and Executive Director of Schools simultaneously.

22. Mr. Wise then applied for the position of Interim Superintendent.

23. In a 4-3 vote by the Board, Mr. Wise was the second runner up for the Interim Superintendent position.

24. However, the candidate the Board preferred resigned the day following the vote after a D.U.I. in his past went public.

25. The Board turned to Mr. Wise to fill the position.

26. The Board vetted him for fourteen days.

27. On October 6, 2020, Mr. Wise signed a contract with DCSD to become the Interim Superintendent through June 2021.

28. Mr. Wise proved his leadership capabilities as Interim Superintendent. After an outside firm conducted a national search of over one hundred applicants to fill the Superintendent role, Mr. Wise was named as the sole finalist for the position on April 20, 2021.

29. Mr. Wise entered into a contract with DCSD to serve as a Superintendent from May 12, 2021, through June 30, 2024.

30. By all accounts, Mr. Wise served admirably as Superintendent. Indeed, even Individual Respondents have acknowledged this fact. Respondent Peterson stated that Mr. Wise was "beloved."

DCSD's Educational Equity Policy

31. The seeds of DCSD's Educational Equity Policy were planted during Superintendent Tucker's tenure.

32. Dr. Tucker solicited input from the community through a survey of district students, staff, and parents as part of creating a strategic plan. Over thirty thousand teachers, leaders, staff, community members, and students completed the survey.

33. As part of developing and implementing the strategic plan, Dr. Tucker formed an Equity Action Team consisting of several dedicated volunteer administrators to help organize and lead the formulation of an equity policy.

34. The need for an equity policy was apparent based on the startling lack of diversity in DCSD staff and documented instances of racism experienced by students. The District had also previously identified five areas where equity had not been addressed systematically, resulting in disparate impacts on minority communities, including in the distribution of resources, site-based budgets, student achievement, post graduate pathways, and maintaining an inclusive, safe, and positive learning and work environment for staff and students.

35. As of December 2020, DCSD had very few principals of color, including no more than one or two Black principals and only sixty Black teachers out of the 4,440 licensed educators in the ninety schools within the district.

36. Black students repeatedly reported suffering from a racially hostile learning environment, including warnings that racial slurs regularly appeared scrawled on restroom stalls, cavalier use of the N-word by white classmates, and feelings of isolation.

37. Then on May 25, 2020, at the height of the COVID-19 pandemic, came the murder of George Floyd. Mr. Floyd's death, captured on video and seen by millions around the world, ignited a global demand for racial equity, particularly in the justice and policing systems.

38. On June 9, 2020, DCSD students made public comments during a school board meeting expressing outrage at ongoing racial injustice and the lack of progress towards enacting an equity policy in the District. During their testimony, students noted that "[o]ur communities lack of racial diversity often limits the perspectives that students develop in the classroom which contributes to racial hostilities and microaggressions." Students further "implore[d] the board of education to take action to dismantle overt and covert racism in our community."

39. The students requested that the School Board take active steps by: (1) adding diversity and inclusion as a priority agenda item at the next board meeting; (2) creating an ongoing committee to review and improve curriculum; (3) require all teachers and administrators undergo implicit bias and anti-racism training so they are equipped to offer equitable educational experiences; (4) mandate teachers and administrators address issues of racism and systemic justice on a regular basis; (5) offer tactical resources for students to recognize and address racism.

40. At the same time, the District was engaging in an internal audit, looking into gendered and racial pay disparities amongst staff, seeking to address and ameliorate ongoing inequality at the personnel level and to limit liability for the District in the long run.

41. On September 1, 2020, the Equity Action Team presented an action plan to the School Board that addressed students concerns and lingering pay equity issues. The plan included, amongst other steps, the following:

- a. Creating and implementing an equity resolution and policy in the DCSD.
- b. Implementation of “No Place for Hate” in all secondary neighborhood schools. “No Place for Hate” is a customizable program developed by the Anti-Defamation League to help engage students and staff in dialogue and active learning on the topics of bias, bullying, inclusion, and allyship.
- c. Creation and maintenance of a standing committee, including staff, parents, students, and community members, to move action forward regarding diversity, equity, inclusion, and accessibility.
- d. Collecting sample audits, documents, and critical resources to help guide ongoing work and vet surveys regarding culturally safe environments.
- e. Beginning “Courageous Conversations” planning for administrators and strategic plan cohorts. “Courageous Conversation” is a professionally developed protocol for engaging, sustaining, and deepening interracial dialogue with the hope of exposing racial biases and eliminating racial disparities.
- f. Expanding professional development opportunities including making accessible to all staff courses that address equity, diversity, inclusion, and accessibility.
- g. Conducting equity audits and data collection.
- h. Auditing current curricular resources and introduce minimum recommended for list of diversity / equity books and resources in school and district collections.

42. Over the course of the next six months, the Equity Action Team met with and circulated drafts of the proposed Educational Equity Policy to many stakeholders for feedback.

43. On March 23, 2021, after first and second readings of the draft policy allowing for additional public comment and input, the DCSD Board unanimously adopted the final three-page Educational Equity Policy.

44. The Equity Policy aimed to “create, implement, and enforce” important equity initiatives.

45. In the Equity Policy, the District promised to form an “Equity Advisory Council” to focus on system-wide implementation of the policy. The Council was to be comprised of many permanent members including school and district leadership, teachers, students, parents, and community members, and focused on systemwide implementation of the equity policy.

46. Through the Equity Policy, DCSD committed “to establish an inclusive culture to ensure all students, staff, and community members feel safe and valued by increasing and embedding authentic and relevant learning opportunities and experiences involving inclusion, diversity, equity, and accessibility.”

47. The Equity Policy further expressed that: “[T]he School District shall offer and afford every student and staff member equitable educational opportunities regardless of race, color, ancestry, creed, sex, sexual orientation, gender expression, gender identity, religion, national origin, marital status, disability, socio-economic status, or eligibility for special education services.”

48. In addition to other objectives, the Equity Policy manifested an intent to address and eradicate racism as well as ameliorate past harms, specifically stating that:

The Board of Education recognizes the need for criteria and indicators to address successful growth toward equity, inclusion, diversity, and accessibility.

The Board of Education shall NOT condone, by its staff, students, leadership, or any other community member representing School District interests:

- A) Biased, inequitable, racist, or exclusive practices
- B) Discriminatory behaviors that disproportionately impact any particular group or groups of individuals based on aspect of their collective identity
- C) Practices that promote inequality or inequity
- D) Deficit-focused instructional or operational implementation frameworks
- E) Perpetuation of racism or discrimination
- F) Policies and resolutions that support exclusion or intolerance

The School District will create and implement a targeted system to identify any of the above practices, frameworks, systems, behaviors, and/or policies. The School District will also develop, in conjunction with school and School District leaders, a restorative process to address the identified concern, repair harm to the community, and to eradicate any future inequities.

49. As the Interim Superintendent when the Educational Equity Policy was enacted, Mr. Wise was intimately involved with helping to implement the policy, providing input on how to do so, and helping the Equity Team coordinate the timeline for implementation. Mr. Wise also helped the Education Equity Team coordinate the District’s first diversity and inclusiveness trainings and assisted in the development of the restorative process articulated in the policy.

The School District’s COVID-19 Related Policies

50. In August of 2020 many schools across the nation began returning to in-person learning for the first time since the start of the pandemic.

51. At the beginning of the 2020 school year, Dr. Tucker still occupied the position of Superintendent, and community members and staff expressed grave concerns about returning to in-person learning while complying with legal regulations and best practices for limiting the spread

of the virus. DCSD made significant efforts to implement social distancing guidelines, hybrid learning, cohorts, and quarantine protocols so that students could return to in-person instruction safely.

52. As an Executive Director, Mr. Wise worked with Dr. Tucker to implement a hybrid system so that some students could attend school in person while the other students could attend via online learning.

53. In September of 2020, Dr. Tucker took paid leave, rendering Mr. Wise Acting Superintendent as part of the district's succession plan.

54. In October 2020, increased political polarization around COVID-19 quarantine policies and universal masking began sweeping across the country, including in Douglas County.

55. In Colorado, to protect the health and safety of students and their families, Governor Polis issued Executive Order D 2020 110 and D 2020 138, which were subsequently renewed through May 14, 2021, requiring the wearing of masks in schools across the state.

56. At that time, vaccines to help protect against infection and the most dangerous symptoms of COVID-19 were not yet widely available. In the spring of 2021, the distribution of vaccines was being limited to healthcare providers and other priority groups such as the elderly. Until the summer of 2021, no vaccines were authorized for use on minors under the age of seventeen and only in late autumn of 2021 did vaccines become available to students between the age of five and eleven.

57. At the start of the 2020-2021 school year, Mr. Wise supported returning students to in-person learning.

58. Despite Mr. Wise's desire to return students back to in-person instruction, the District moved entirely to remote instruction between November 30, 2020, and January 5, 2021.

59. To get students back into schools, Mr. Wise worked diligently to put a plan in place to bring students back safely after January 5, 2021, including a plan to return all elementary school students to in-person instruction full-time in January and implementing for all secondary school students a hybrid in-person learning approach in January and February. However, in January 2021, the School Board overruled his plans, precipitating rallies and protests against the Board, as well as voter efforts to recall a number of board members.

60. Under hybrid instruction, students attended class in person fifty percent of the time and remotely fifty percent of the time. To further make this model effective, Mr. Wise and DCSD staff continuously worked on improving hybrid instruction, incorporating synchronous and asynchronous learning for all students to help improve instruction and learning, and to manage the impact of virus exposure and quarantine requirements.

61. This hybrid system was new for everyone, but Mr. Wise worked tirelessly to get students back in school full time safely and to restore a sense of normalcy in the District during the COVID-19 pandemic. During the pandemic, Mr. Wise was keenly aware of students falling behind in their learning and expressed concern for the mental health of students if they continued to only learn remotely.

62. DCSD remained with full in-person learning for primary school students and with the hybrid instruction model for its secondary school students for the remainder of the school year.

63. At the end of the statewide mandate, individual counties were authorized to decide locally whether mask requirements should continue, including in schools. However, state officials strongly recommended the continued use of masking in schools because COVID-19 vaccines were not yet available for most teenagers and young children.

64. After a year of remote learning, Mr. Wise hoped to have students return to in-person instruction at the beginning of the 2021 calendar year.

65. On August 9, 2021, students returned to full in-person learning for the 2021-2022 school year. Although the District recommended mask wearing, only a quarter or less of the students wore them.

66. In August 2021, the District's policy for managing communicable diseases and long-term illnesses was to act in accordance with Colorado Department of Public Health and Environment ("CDPHE") and Tri-County Health Department ("TCHD").

67. On August 23, 2021, as the COVID-19 virus continued to mutate, and the Delta variant of SARS-CoV-2 began to rise in Colorado, the TCHD issued a public health order requiring masking in school and childcare settings. The District, following Board of Education Policy JLCA, initiated a requirement that all students wear masks in pre-school through sixth grade.

68. The following week, the TCHD issued a public health order directing all individuals over two years of age to wear masks indoors. In line with Policy JLCA, DCSD initiated the requirement and practice that all students from pre-school through grade twelve wear masks which resulted in approximately 97% of students wearing masks in the District between September 1, 2021, and October 8, 2021.

The School District's Litigation Over Masking Policies

69. On September 7, 2021, the Douglas County Board of Commissioners, dissatisfied with the guidance from TCHD and CDPHE, voted to withdraw from the TCHD and created the Douglas County Health Department.

70. On October 8, 2021, Douglas County Health Department and Douglas County Board of Health ("Board of Health") issued a COVID-19 related public health order, which took effect on October 9, 2021.

71. The October 2021 public health order stated, *inter alia*, that:

[Children can be exempt from any Douglas County mask mandate if they submit] a written declaration signed by the parent or guardian of the child, requesting to be exempted from the requirement . . . due to the negative impact on that individual's physical and/or mental health.

No Individual in Douglas County, regardless of age, shall be required to quarantine because of exposure to a known COVID-19 positive case unless the exposure is associated with a known [o]utbreak.

72. The public health order conflicted with other public health orders and was created without any communication with DCSD or the input of any medical experts.

73. The Douglas County Health Department's October 2021 public health order conflicted with the DCSD Board of Education policy that required the District to comply with the TCHD's orders.

74. The Douglas County Health Department's October 2021 public health order discriminated against students with disabilities because it prevented the District from granting reasonable accommodations necessary to provide the students with meaningful access to the District's programs and services in violation of the Title II of the Americans with Disability Act and Section 504 of the Rehabilitation Act.

75. Furthermore, the Douglas County Health Department's public health order put the District in an impossible position: either comply with the public health order and, in doing so, discriminate against students with disabilities subjecting the District to civil liability; or comply with the ADA and Section 504 by practicing universal masking, and in doing so, subject itself and employees to criminal prosecution for violation of the public health order pursuant to C.R.S. § 25-1-516.

76. As Superintendent, Mr. Wise had an affirmative duty to protect students with disabilities from discrimination in schools.

77. Mr. Wise took seriously his obligation to provide a safe environment for *all* students and stood in solidarity with students with disabilities who were at greater health risk if they contracted COVID-19.

78. Mr. Wise joined nine students from different schools across the district in a lawsuit styled *Douglas County School District RE-1, et al. v. Douglas County Health Department, et al.*, Case No. 21-cv-02818-JLK (D. Colo.).

79. The Student Plaintiffs were students with disabilities, including autism, intellectual disabilities, asthma, cystic fibrosis, arthrogryposis multiplex congenita, down syndrome, type-1 diabetes, and a rare genetic disorder called partial trisomy 1q. Mr. Wise recognized that the Student

Plaintiffs were at a greater health risk if they contracted COVID-19, and joined the lawsuit as part of his affirmative duty to protect students with disabilities from discrimination in education.

80. The lawsuit sought a court order enjoining enforcement of the Douglas County Health Department's public health order.

81. The basis of the lawsuit was Title II of the ADA and Section 504 of the Rehabilitation Act which also states, "[n]o otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service." 29 U.S.C. § 794.

82. The lawsuit explained that DCSD could not comply with the public health order while also providing equal access to students with disabilities as required by federal law, and that the school district faced an impossible choice: either face criminal prosecution for violation of the public health order or violate students' civil rights.

83. The Student Plaintiffs claimed that the public health order violated their rights by discriminating against them on the basis of disability. Both Title II of the ADA and Section 504 of the Rehabilitation Act require public entities to provide disabled students with equal access to programs and services, and masking requirements helped fulfill that legal obligation in the midst of the pandemic.

84. Mr. Wise engaged in protected activity by providing a declaration attached to a Motion for Temporary Restraining Order and Preliminary Injunction. His declaration hypothesized that as more students learned about the public health order and saw that their peers were not wearing masks, they would cease to as well, elevating the risk of infection and adverse health consequences for students with certain disabilities.

85. On October 25, 2021, Mr. Wise was also one of the eight witnesses called to testify in court in support of the Motion for Temporary Restraining Order and Preliminary Injunction. Mr. Wise testified that the percentage of student masking varied based on what the public health orders required and he anticipated that the number of students wearing masks would continue to decline under the Douglas County Health Department's public health order.

86. On October 26, 2021, the Federal District Court in the District of Colorado found in favor of the District and the nine Student Plaintiffs and issued an order that temporarily restrained Douglas County Health Department and Douglas County Board of Health from enforcing the public health order against the District. The Order stated:

That evidence demonstrates that Student Plaintiffs are at a significantly increased risk of severe illness and hospitalization from COVID-19. It also establishes that quarantine requirements for exposed individuals and mask mandates that permit medically documented exemptions are prudent and necessary to prevent the spread

of the highly contagious Delta variant. These measures likely constitute reasonable accommodations for Student Plaintiffs under the ADA and Section 504. And the Public Health Order prevents the School District from providing those accommodations to students.

87. Despite facing criticism from the Individual Respondents and others, Mr. Wise knew that the Court’s ruling “was the right one,” because “[i]t will help [the District] continue to make our schools safe for in-person learning.” He further stated, “No parent should be forced to choose between sending their child to school and risking their child’s health, and no family should have to fear that their child may face life-threatening illness just to access their right to a great education.”

88. Mr. Wise publicly stated that **the lawsuit was, “about giving every child—no matter their circumstances—a fair shot to succeed and an equal opportunity to thrive in school.”**

89. Ultimately, the District recovered attorney fees and costs of \$95,134.40 for the lawsuit after the District and Student Plaintiffs won.

90. Despite Student Plaintiffs prevailing in the lawsuit, Douglas County Commissioner Abe Laydon criticized Mr. Wise and the District and exhorted Douglas County parents to respond “en force to this outrage at the ballot box this coming Tuesday.”

The 2021 School Board Election

91. After students returned to in-person learning, the recall election efforts fizzled out. However, four members of the Douglas County School Board were up for re-election in November 2021.

92. The Individual Respondents, Michael Peterson, Becky Myers, Christy Williams, and Kaylee Winegar, all challenged incumbents for those four board member positions.

93. The Individual Respondents campaigned as a slate called “Kids First,” with Respondent Peterson taking lead. The “Kids First” slate benefited from a political action committee that formed to help elect them, “Kids First DCSD.” Kids First DCSD’s registered agent, Andrea Fields, is a covert professional political operative who has started or served as the registered agent of a number of reactionary political action organizations and committees.

Individual Respondents’ Hostility Towards Masking and the School Board’s Lawsuit During the Campaign

94. During their campaigns, the Individual Respondents expressed hostility towards universal masking and the lawsuit that Mr. Wise and the Student Plaintiffs took part in.

95. The Individual Respondents made it clear that anyone who advocated for masking or any other precautions to protect other students or staff was the enemy. For example:

- a. Respondent Winegar stated on the Mandy Connell Podcast that, “there’s a lot of intimidation going on and **students are feeling anxious and threatened by leadership and these masks mandates and other things** and I just want to get us back to where... you know, we don’t have any of these parents considering pulling their children from our school in the large amounts that they are right now and just, I just want to have trust and confidence in our school board again. I don’t want to drive my child to school and be wondering how her days are going to go . . . are they going to be making her put that mask over her face all day?”
- b. Winegar told the Highlands Ranch Herald that her top priority in running for office, “**is to try to kill the current lawsuit that’s against the Douglas County Health Board.**”
- c. Winegar told the Colorado Times Recorder that, “...when it comes to mask wearing, parents are the ultimate authority over their health...And so, that’s where I stand, is that **we really need to fight to make it a choice for our kids because my personal stance is I do not like sending me daughter with a mask to school.** She’s five years old and I get worried if she’s too hot she’s scared to take it down and I’m not there to tell her, ‘Yeah, you can. You can take it down.’ So, yeah, that’s my stance on it.”

96. The Individual Respondents linked Mr. Wise to the success or defeat of those policies. Respondent Peterson, for example, updated supporters that, “**there are several parents that would vocally and visibly support the PROPOSED return to in-person learning (no quarantine for healthy kids, no masks requirements, to social distancing, & no vaccine mandates) IF [Superintendent Wise] would act as an advocate to ensure the proposal and “discussion” became a reality.**”

97. On another occasion, Respondent Peterson wrote, “**I met with [Mr. Wise] in person today... I expect him to use clear and concise language around the in-person plan for next year to include being an active advocate for his stated goals (no mask requirements, no vaccine requirements). I told him that if he actively fights for these outcomes, the parents will vocally and visibly support his efforts.**”

98. Respondent Winegar responded to a question about masks in school by complaining that, “[u]nfortunately, **a lot of leadership in Douglas County is doubling down on [mask mandates] and really creating a toxic environment where teachers feel like they have to enforce [it]...Right now it’s coming from emails from [Mr. Wise]. But I mean, his bosses are the school board, so I’m sure there’s some enforcement from them as well.**”

Individual Respondents Express Hostility Towards Racial Equity During the Campaign

99. In addition to supporting a ban on masking requirements in the District, the Individual Respondents campaigned against the Educational Equity Policy, which they critiqued as racist in suggesting that racial inequities be recognized and addressed.

100. For example, when discussing the District’s Equity Policy, which was created to foster “an inclusive culture to ensure all students, staff, and community members feel safe and valued by increasing and embedding authentic and relevant learning opportunities and experiences involving inclusion, diversity, equity, and accessibility,” Respondent Peterson, the leader of the slate and the current Board President, made the following statements during the campaign:

- a. Peterson blamed the Board for adopting a widely used sociology textbook because it “promotes Karl Marx’s theories,² and includes chapters on White Supremacy, Microaggressions, and all other elements of CRT.”
- b. Peterson lamented that, “DSCD [*sic*] brought in consultants for \$37K to push CRT on our teachers. They [the consultants] defined ‘the system’ as racist and ‘White, male, able, Christian, and straight’... set[ting] up the false oppressor/victims paradigm based solely on race and urged collective action against the system.”
- c. Peterson complained about the Board’s “radical agenda in practice – one based on division, equal (low) outcomes, and race-based policies that are discriminatory and will only set our kids up for failure.”
- d. Peterson inveighed that CRT would teach his own children that, “their father...is an oppressor based on historical actions of others and [that] two of them are permanent victims that cannot improve their station in life.”
- e. Peterson complained that an equity keynote speech “should scare the hell out of you,” particularly when “combin[ed]... with the [No Place for Hate] push, the adoption of CRT-based sociology textbook at the last board meeting and the draft Equity Policy in work.” According to him, these actions showed a “strong push . . . to move from education to indoctrination.”
- f. Peterson accused the keynote speech of promoting the idea that “America is systematically racist so the system needs to be destroyed” which he alleged was

² It is a timeworn tradition for those opposing racial equality to link advocates for civil rights with Marxism or communism. For example, avowed segregationist and staunch opponent of anti-civil rights legislation, Senator Strom Thurmond from South Carolina, argued that “passage of [the Civil Rights Act of 1964, including Title VII] will visit the heel of oppression on all the people... because ‘the approximate 20 million Negroes in the United States today constitute the largest and most important racial target of the Communist Party, U.S.A... We do know that Communist influence does exist in the Negro movement and it is this influence which is vitally important. It can be the means through which large masses are caused to lose perspective on the issues involved and, without realizing it, succumb to the party’s propaganda lures.’”

“divisive and nothing but a power grab by elites to change our culture and nation.”

- g. Peterson stated that, “equality of outcome (equity) is deleterious to preparing our kids to succeed in life.”

101. CRT is an acronym for “critical race theory” - a cannon of inquiry developed by scholars decades ago interrogating how slavery and other racist practices such as Jim Crow laws have impacted modern society, for example, resulting in continuing housing segregation or disparate wealth attainment. In the current political climate, however, use of the phrase CRT is invoked to vilify any mention of the broader existence or impact of racism on communities of color and is frequently characterized as an attack on white individuals. CRT is not taught in DCSD.³

102. Respondent Peterson not only repeatedly linked the incumbent challenged Board members with CRT, but associated Mr. Wise with CRT being taught in the District as well. He insisted to supporters that, **“I also suggest [Mr. Wise] define CRT with the same detail and rigor that went into defining the educational equity policy to clearly and concisely differentiate what he sees as positive principles and outcomes and what he does not condone . . . [h]opefully he commits to this action publicly on Tuesday so he can be held accountable for restoring trust between the parents and the Superintendent going forward.”**

103. During the campaign, the Individual Respondents made countless comments attacking “CRT” and condemning racially explicit awareness or trainings, including an implicit bias and race consciousness training by the Gemini Group:⁴

- a. Respondent Peterson sent a letter to Board member David Ray insisting that the Board needs to “rebuild trust with our parents who are vocally opposed to the implementation of Educational Equity Policy.”
- b. Respondent Peterson stated that, “[o]ur friends in D49 have drafted a resolution to ban Critical Race Theory (CRT) implementation in their school district – in professional development training and classroom curriculum. We will closely monitor their progress . . . [because] there has been umbrage expressed with regard to textbooks, speakers, and professional development sessions that clearly do not align with stated policy and, some parents believe, closer reflect divisive and deleterious elements of CRT.”

³ The fear tactic of using CRT to claim persecution by a white majority is a modern spin on the same tactic used by white supremacists during the civil rights movement. For example, Senator Thurmond asserted that, “The white people of the South are the greatest minority in this nation. They deserve consideration and understanding instead of persecution of twisted propaganda.” Orval E. Faubus, the Governor of Arkansas who sought to block the integration of the Little Rock Schools by the Little Rock Nine famously opined, “to you who oppose the great majority of Arkansas people in this fight [against integration], I urge you to think...you destroy also the very principles of government that enable you...to rear your children under the high standards of living and freedom which prevail in this state and nation.”

⁴The Gemini Group is a professional consulting firm, frequently hired by corporations, government entities, and non-profit organizations to identify, address, and eliminate racial inequalities in the organizations.

- c. Respondent Peterson responded to one supporter that, “[t]here is great opportunity here, if the district does it right, to bring different perspectives together and build trust in an apolitical way. [But] [t]hen again, they also have an opportunity to widen the gap and distrust if the council is stacked with people who all share the same views going in – especially if those views are aligned with Gemini Group (equal outcomes, oppressor/victim groups by race, intersectionality score, etc.) or the No Place For Hate suggestion to ‘move on from kindness to social justice’ activism.”
- d. Respondent Peterson told another supporter that, “[w]e need to reevaluate our priorities for Professional Development (PD) sessions [and not] push divisive agendas (like the racist theories of intersectionality and victim/oppressor groups advocated by the Gemini Group earlier this year)...”⁵
- e. Further speaking about the Gemini Group, Respondent Peterson complained that, “when you look at their teachings they don’t align with the stated policy and tend toward CRT and Marxism (intent doesn’t matter; judge people based on their skin color; the system is white, male, straight, Christian, and able; system must be torn down brick by brick, policy by policy, etc.). There are much better messengers and programs that can be used to deal with conversations regarding race and other controversial issues . . . - just don’t divide us by race and other immutable factors.”
- f. Respondent Peterson complained that the Equity Policy “is an intentional euphemistic word salad designed to green light CRT implementation under the guise of plausible deniability. We know that based on the original policy that included ‘systemic racism’ and the ‘myth of meritocracy’ and based on CORA communications that show their hubris and intent to push this policy regardless of what parents want.”
- g. Respondent Peterson drew the attention of his supporters to the fact that, “School District 49 (Northeast CO Springs in El Paso County) will vote on a resolution to ban Critical Race Theory in their district on August 12 . . . do we need to consider a similar resolution to avoid misalignment between Intent and Implementation (like we saw with the Gemini Group)?”
- h. Respondent Peterson claimed, “[w]e need to offer MORE choices than top-down driven CRT and other dictated Leftist curriculum . . . [i]ts just too fatiguing and polarizing for our students, parents, and teachers . . . Our parents don’t want Leftist indoctrination – they want education.”

⁵ Notably, the Gemini Group training for educators was not mandatory or required for staff to attend, and it was also grant funded. The training was carried out with full transparency and a copy of the training was recorded and posted online making it accessible to the public.

- i. In speaking with press, Respondent Peterson described the Board’s contract with the Gemini Group for equity training a major reason he ran for office, stating that, “Gemini was probably the one thing where I looked at that and said, ‘Alright, we’ve crossed the Rubicon.’ This is off the rails if this is what teachers are being told is appropriate in the schools.”
- j. Respondent Myers told one potential voter that, “[m]yself and my fellow candidates do not support the district equity policy as written in its entirety. We believe CRT has no place in Douglas County and do not feel Adult Politics or Social Justice Issues have any place within the classroom.”
- k. Respondent Winegar said during a school board meeting that she opposed the equity policy because it has led to “shaming and retaliation against teachers, students and staff who express views and opinions that are counter to others’ views and opinions.”

104. Individual Respondents also made clear that they did not view Mr. Wise as an ally in their crusade against the Equity Policy and racial inclusivity generally:

- a. Respondent Peterson wrote to supporters on the campaign trail that, **“based on my conversations with Corey Wise, he does not think that there are any significant incidents of CRT or extreme political philosophy being pushed in the classrooms. He states that when he asks parents if they are having issues in the classroom that he does not hear of any issues.”**
- b. Respondent Peterson later wrote that he **“met with Cory in person today...-WRT the Gemini group, he told me that they would not be conducting the training this Summer. I asked that he state that publicly on Tuesday to remove all confusion. He did say however, he is still considering what role they may play as advisors or in some other capacity in the future....”**
- c. Respondent Peterson later messaged, **“UPDATE: I received a professional and respectful response from Director Ray that said he and the Superintendent would work something out (TBD) prior to the next meeting . . . [i]t would be nice to see the Superintendent, Parents, Principals, and Teachers all on the same side of an issue after years of friction . . . If you disagree with the implementation of CRT and other issues, continue to speak out/ If you agree with and support a proposed policy, you also need to speak out – it [is] the only way to remain principled but also build trust. If we build trust on the in-person learning issue, we will be better able to influence the “equity/CRT” issue as a group. . . .”**

105. The Individual Respondents also touted endorsements they received from the 1776 Project PAC, a PAC that formed to elect candidates for public office that promise to “abolish critical race theory.” The PAC erroneously claims that, “[c]ritical race theory is a radical belief that

pushes the idea that America is an inherently racist country and white Americans are stained with the original sin of racism for which they can never be cleansed.”

106. Individual Respondents also directly collaborated with FAIR Douglas County – another organization recently launched in April of 2021 to advocate against “CRT” and for the teaching of a so-called “honest history,” which “rejects learned helplessness and grievance” and “harmful divisiveness and illiberal ideologies” including the “dehumanizing emphasis on racial difference.”

107. Before soliciting financial donations for the Kids First slate of candidates, Respondent Peterson declared to his supporters that, “We, like FAIR, value a culture based on fairness, understanding, common goals, character, and respect for EVERY individual, not division into competing identity groups based on immutable characteristics.”

108. FAIR leadership critiqued the District’s racial awareness training as “regressive ideology seeping into our school district,” and claimed an anti-bullying training aimed at building awareness of how LGBTQ+ youth, youth of color, or religious minority youth can be harmed, caused “shame or guilt” in students.

109. FAIR critiqued the District’s Educational Equity Policy based on the “experience of seeing the terms ‘inclusive’ and ‘equitable’ used to not only establish racially exclusionary groups, but to curtail other students’ speech, institute microaggression policies, justify racial stereotyping, etc.”

110. FAIR leadership complained in email messages to DCSD that the non-partisan Anti-Defamation League’s “No Place for Hate Program” programming should be eliminated because it was “partisan/activist.”

111. FAIR took issue with the following sign in a classroom, characterizing it as a “politically-charged message”:



112. In addition, potential voters recruited by the Individual Respondents expressed discriminatory animus to which the Individual Respondents often responded positively, including on message boards or during meeting where they exhorted individuals to turn out and voice their opinions. These supporters called for the end of teaching “CRT,” demanded an end to the District’s equity and inclusion policies meant to support students of color and expressed opprobrium for diversity trainings. One supporter, for example, equated those opposing changes to the Education Equity Policy of engaging in “BLM and antifa like tactics.” Another accused equity and inclusion

proponents of perpetuating “the psychological harming of children within our country... teach[ing] destructive values...[and of advocating for] a racist handout.” A third advocated for “get[ting] rid of the Equity Advisory Counsel. It is not needed.”

Other Signs of Unlawful Bias and Hostility During the Campaign

113. In addition to the race-based hostilities, the Individual Respondents also manifested discriminatory homophobic and transphobic animus on the campaign trail.

114. For example, Respondent Peterson concluded that references to homosexuality should not be in a curriculum. He provided an example math problem his daughter brought home that read, “Sally and Jane are married and have two kids and they invest ‘X’ money per year.” According to Peterson, this was an example of infusing a homosexual agenda into the curriculum. “I’m like, ‘Wow, that’s interesting; I didn’t know that we had to have a same-sex couple.’” It was this math problem that he credits for inspiring him to run for office.

115. Likewise, FAIR emailed DCSD leadership complaining that, “Parents are also concerned about exposing their children to certain ideas included in the [healthy kids] survey, including that middle schoolers should explore their sexual identity and gender is something that can be chosen.”

116. Seeking to prohibit discussions about sexual orientation and gender identity, Respondent Peterson has recently suggested that sex is “creeping” into classrooms.

117. Further investigation is likely to uncover other comments expressing animus against the LGBTQ+ community.

The New Board Majority Rescinds the District’s Masking and Educational Equity Policies

118. After campaigning against equity for racial minorities, students with certain disabilities, LGBTQ+ staff and students, and their allies, Individual Respondents won the elections against incumbent board members on November 2, 2021.

119. Individual Respondents took their oaths of office on November 29, 2021.

120. Almost immediately, the new Board majority called for several special meetings, including one on December 7, 2021, where Individual Respondents voted to retract Policy JLCA and make masking optional for students immediately.

121. In conversations with DCSD staff and community members, as well as a Board of Education work meeting, Respondent Peterson announced his intention to rescind the District’s Educational Equity Policy.

122. Respondent Peterson’s statements had the effect of generating public pushback. Before its January 2022 regular monthly meeting, Board members received many public

comments, letters, and emails from school principals, directors, teachers, parents, and students protesting the Board's move to rescind the Equity Policy.

123. Many principals and directors from across the District authored a letter discouraging the Board from rescinding the Equity Policy.

124. On January 24, 2022, Respondent Peterson called Mr. Wise interrogating him about the letter.

125. Respondent Peterson asked Mr. Wise about the letter again at the regularly scheduled Board meeting on January 25, 2022.

126. At the January 25th meeting, Individual Respondents, on a 4-3 vote, went ahead despite heavy opposition and proposed a new equity resolution entitled *Concerning Douglas County School District's Culture of Individual Excellence and Inclusion* (the "Proposed Resolution").

127. The Proposed Resolution directed Mr. Wise to reevaluate and make changes to the Educational Equity Policy.

128. The Proposed Resolution removed the previous Board's initiatives to ensure representation, accessibility, diversity, equity, and inclusion within all District-approved curriculum.

129. The Proposed Resolution eliminated all mention of diversity and replaced it with language like, "we should promote our common humanity" and "any policy or practice that wrongfully prioritizes group identity over individual beliefs, actions, and experiences will only hinder, and not help, every student and staff member, regardless of their group identity membership."

130. The Proposed Resolution did not speak to what "wrongfully prioritizes" meant, nor did it mention how diversity or identity would hinder a student's individual beliefs, actions, and experience.

131. All mention of identity had been replaced with language like, "School District staff members will thrive in supporting our students and families in an environment where they can freely express views and opinions that may be counter to others' views and opinions and are free from superficial attempts to ascribe group identity characteristics to his or her beliefs, actions, and experiences."

132. The new Board's Proposed Resolution also included language like, "the School District's Mission requires freedom from any policy or practice that wrongfully imposes stereotypical beliefs, actions, and experiences of an identity group(s) upon an individual student."

133. The Proposed Resolution made no mention and made no effort to identify, address, eliminate, or ameliorate the specific harms of discrimination against students of color which inspired the original Educational Equity Policy.

134. After issuing the Proposed Resolution, which has since been adopted as official policy, Respondent Peterson admitted that those who spoke out against the new Board members and their actions did so “in large numbers.” He accused these individuals, most of them parents, of “spreading false rumors about the intentions of our newly elected directors.”

135. The Proposed Resolution kept in place a version of the Equity Advisory Council. Despite numerous applications for representation on the Council, Individual Respondents, controlling the Board, selected FAIR as the only organization with representation on the Council other than a national organization promoting charter schools. No organizations with training or a history or record of combatting actual racism, homophobia, or other forms of hate were appointed to the Council.

The New Board Majority Terminates Superintendent Wise in an Illegal Manner

136. On January 27, 2022, Respondent Peterson sent a text message to Superintendent Wise and Respondent Williams requesting an early morning meeting for the three of them the following morning. They agreed to meet for coffee at 7 a.m. at Fika Coffee House.

137. Superintendent Wise arrived at Fika Coffee House a few minutes before 7 a.m. and found Respondents Peterson and Williams waiting. After ordering coffee, Peterson said that he wanted “to cut to the chase,” and that “independently we’ve had talks and um frankly we are looking to move into a different direction towards a new superintendent.” Respondent Peterson then said that the directors were interested in whether Superintendent Wise would voluntarily resign.

138. Respondent Williams added that she felt she had given Superintendent Wise a chance, but that “at this point there’s so much going on that we just have to move in a different direction.” She further stated that, “I feel like we want to do what’s right by you we don’t want to make this horrible. We don’t want to make this super public, but we are prepared to do that if that’s the direction in which it has to go. We don’t want that for you because we want you to be able to, if you choose, to find another, you know, find another job. We don’t want this to be super public and have it be horrible.”

139. Superintendent Wise responded that his entire professional life had been spent working for the School District and that his current employment contract, with just over two years remaining, timed perfectly with his retirement plans.

140. Superintendent Wise then asked Respondents Peterson and Williams why they did not want to retain him as Superintendent. Respondent Williams responded that, “I think we have a pretty good case” because there were “a lot of things happening behind the scenes to work against the four [new board members]. So, when I say we, I’m just talking the four of us, not the board. I’m specifically talking about the four of us.” She continued that, “I know meetings that have

occurred that probably shouldn't have occurred, without at least Mike knowing...a lot of things that have happened and so we believe we have enough for cause.”

141. Respondent Peterson then admitted that he had already discussed Mr. Wise's employment contract with attorney Will Trachman, and they had discussed “what the termination looks like but because this would be an abnormal request to move it forward” in the middle of a school year, given that even though “normally [a superintendent's tenure] would end at the end of an academic year,” he was asking Superintendent Wise “to move this up, and really that's around having four directors that are absolutely committed to moving in a different direction.”

142. Respondent Peterson offered to pay Superintendent Wise through June 2022, however Respondent Peterson warned Superintendent Wise that he needed to accept the offer, or they might have “to go for cause.”

143. Respondent Peterson ended the meeting by saying that he would speak with the other directors that morning about rescheduling their upcoming meeting with Douglas County's Board of County Commissioners.

144. Minutes after Superintendent Wise left Fika Coffee House, he received a text message from former interim Superintendent Erin Kane, who was a close political ally of Respondents Peterson, Myers, Williams, and Winegar.

145. The text message from Ms. Kane contained photographs from two superintendent employment contracts, including a superintendent contract for the District.

146. Ms. Kane's text message and the superintendent contract provisions that she sent to Superintendent Wise would only be pertinent if Directors Peterson and Williams had already told Ms. Kane about the ultimatum that Directors Peterson and Williams had just given to Superintendent Wise, meaning that Ms. Kane was consulted before even the other minority members of the Board of Education were informed.

147. Ms. Kane said she inadvertently texted Mr. Wise on Jan. 28. Both Respondent Peterson and Williams have publicly admitted that Peterson asked Kane several weeks prior whether she would be interested in the superintendency if it became vacant.

148. After conducting a scheduled tour of Legend High School where he was once the principal, Superintendent Wise received a phone call from Board member Elizabeth Hanson. He spoke with her as he drove to the airport. Director Hansen had just found out about the ultimatum Respondents Peterson and Williams had issued to Mr. Wise although the remaining minority Board members, Susan Meek and David Ray, had yet to be notified.

149. When they learned that the Individual Respondents had conspired to terminate Mr. Wise without a public meeting, Directors Hanson, Susan Meek, and David Ray went to the press and noticed a special public meeting for February 4, 2022, to discuss the ultimatum Respondent Peterson and Williams had issued Mr. Wise. In noticing the public meeting, the minority Board

members complied with state laws and formally published notice of the meeting and invited Individual Respondents to attend.

150. As knowledge of the Individual Respondents' decision to force Mr. Wise from employment proliferated, hundreds of teachers called out sick and joined parents on February 3, 2022, before Board of Education headquarters to protest.

151. Despite widespread opposition to their decision, at the special meeting on February 4th, Individual Respondents voted to terminate the employment contract of Superintendent Wise without cause. The three directors in the minority opposed the termination of Mr. Wise's employment and moved to postpone such termination until receiving appropriate community input, but their efforts to forestall the termination were unavailing.

152. The Individual Respondents refused to allow public comments at the February 4th Board meeting.

153. During that meeting, Respondent Peterson stated, "I get that Corey is beloved...I will stipulate that. But just because a leader is loved and respected doesn't mean he has the skills, the vision, and the capabilities to lead the large district."

154. Respondent Winegar admitted that Mr. Wise "has been here for 26 years and he's been great at his job. He's had a great support group. And when we first were sworn in and we walked Wilcox, you could feel the positive work atmosphere and that people are happy to be here and work here. And he has great staff, like he is supported by great people."

155. Within twenty-four hours of Mr. Wise's termination, local community members filed urgent lawsuits alleging that the Board, specifically, the four Individual Respondents, had violated laws mandating open meetings and public comment when three or more members of the Board met and engaged to discuss business.

156. Subsequently, on March 9, 2022, the Douglas County District Judge Jeffrey K. Holmes granted a preliminary injunction against the Douglas County Board of Education and Individual Respondents enjoining them from violating Colorado's Sunshine Laws - Colorado Open Meetings Law § 24-6-401, et seq.

157. In so doing, Judge Holmes found that the Individual Respondents' pattern of meeting in groups of two to do business, namely, to make the decision to terminate Mr. Wise, was improper. According to the Court, "[C]ircumventing the statute by a series of private one-on-one meetings at which public business is discussed and/or decisions reached is a violation of the purpose of the statute, not just its spirit."

158. On February 7, 2022, hundreds of students and teachers engaged in a walk-out to protest not only Mr. Wise's termination, but the illegal way it was carried out.

159. On March 29, 2022, after a 4-3 vote with all the Individual Respondents voting in favor, the School Board offered Ms. Kane the position of Superintendent with a contract of \$250,000.

Individual Respondents Had No Cause for Terminating Mr. Wise

160. Facing litigation and media scrutiny, not to mention the ire of teachers, students, and a large number of parents in Douglas County, the Individual Respondents began to give after-the-fact changing, varied, unspecific, and often conflicting reasons for terminating Mr. Wise.

- a. On January 28, 2022, Respondent Williams claims that she felt DCSD “need[s] different leadership because they don’t feel supported.” She further stated that the Board feels “push back at every turn,” that “things were going on behind their back that they found out about,” and that the Board “need[s] a Superintendent who works with all seven, rather than just three or four members.”
- b. During the February 4, 2022, Board meeting, Respondent Peterson alleged that Mr. Wise was not told he would be fired if he did not resign, but instead that Mr. Wise “was asked to come back with a thoughtful consideration of what he wanted to do and then it [wasn’t if you don’t resign] or you [will] be terminated; the answer was or the process will move forward as a Board.” He denied making any statements to Mr. Wise about “or you will be terminated.”
- c. During the February 4, 2022, Board meeting, Respondent Peterson said that he and Respondent Williams met with Mr. Wise in late January and told him that they wanted to move in a different direction, and that he had two choices: to resign or the Board would replace him. Respondent Peterson, however, stated that during the conversation, Mr. Wise was not ordered to resign, but instead “there was a discussion of all the options available in this contract, including his ability to terminate it...And then there was an idea that you could resign.”
- d. On February 7, 2022, Respondent Peterson told Rocky Mountain PBS that he and Respondent Williams did not issue Mr. Wise an ultimatum to resign or be fired, as other Board members alleged.
- e. However, when Board member David Ray asked Respondent Williams about the conversation at Fika Coffee House during the February 4, 2022, meeting, “so you are asking [Corey Wise] to resign by Wednesday or moving forward with termination,” she responded, “Exactly that.” Respondent Williams also stated that Mr. Wise was notified that the Board, “has a strong four and we are prepared to move forward.”
- f. During a February 7, 2022, interview with FOX News, Respondent Peterson attempted to justify the termination by stating that it was “just performance over

time, trust with the board members, and the direction that the district was going really wasn't changing."

- g. During that same interview with FOX News, Respondent Winegar complained that Mr. Wise "made some choices that divided our community," citing the strict enforcement of mask mandates for students and said Mr. Wise sent emails some parents viewed as "threatening."
- h. In a February 25, 2022, interview with Colorado Public Radio, Respondent Peterson told Colorado Public Radio that he and Respondent Williams told Mr. Wise leading up to January 28, 2022, that they wanted "to move in a different direction" and that they presented Mr. Wise with four options: "move up" his retirement, resign, or be fired with or without cause.

161. During the February 4, 2022, Board meeting, Respondent Myers made several statements further indicating mendacity. Specifically, when asked at the meeting why no mention of Mr. Wise's termination was made to the three incumbent Board members earlier, including at the previous Board meeting on January 25, 2022, she claimed she needed to "clarify some mishap in all of this miscommunication," and stated that she understood that Respondent Peterson and Respondent Williams had had every intention of contacting the minority Board members but that somehow Mr. Wise taking paid time off "threw a wrench into" the "timetable piece."

162. When pressed by incumbent Board member Susan Meeks further about the non-response to her question about why the three incumbent board members were not told of the intention to terminate Mr. Wise, Respondent Peterson piped in with another non-answer that, "there were directors that have contacted me individually and expressed some grave concerns...when I had more than one director contact me I contacted Director Williams and said we should express these concerns and talk to the Superintendent and then figure out where we are going to go and that is the attempt and that's what we intended to do on Friday."

163. When pressed a final time by Board member Meeks as to why any personnel issues were not discussed at the prior January 25, 2022, Board meeting, although the newly elected Individual Respondents had been discussing Mr. Wise's termination for weeks before that, Respondent Peterson responded, "I don't have an answer for the 25th but I have an answer now because this was thrown off the rails by Monday." Respondent Peterson was responding to the incumbent Board members turning to the press about a probable violation of the sunshine laws and Mr. Wise's termination once they found out, after the fact, of the decision to terminate him.

Statements Made by Individual Respondents Demonstrate the Retaliatory and Discriminatory Nature of the Termination

164. Other statements showed not just the irregular and pretextual reasons for discrimination, but also revealed the retaliatory and discriminatory animus.

165. During the February 4, 2022, Board meeting, Respondent Winegar specifically criticized Mr. Wise for his advocacy on behalf of disabled students and staff.

166. Respondent Winegar noted Mr. Wise's great job performance but stated "it was hard to, to get past some things **that happened in the beginning of the school year, especially around masks, where implementation of the mask mandate went really far. There were reports of [him] walking halls and making sure masks are on kids and just turning teachers into mask police and putting more on their plate and then the weekly emails that were so long. And just putting it kind of threatening people that they better wear that mask or else, and I just did not feel that was handled well. And then the fact that [he] put in a lawsuit against our own Health Board just really made it seem like, you're not you [referring to Mr. Wise], but I don't know, maybe some influences around you that you're choosing to listen to. Had you do that and make more division in our county."**

167. Respondent Winegar also explained on the Mandy Connel Show that, "**I am not for appointed members making decisions for our community, I'm for elected members making decisions for our community. So, because of this, you know, upsettedness over the mask mandate, I think really looking at that policy is definitely something that needs to take place."**

168. Similarly, Respondent Myers explained her decision to terminate Mr. Wise by stating that, "**leadership that allows closing of schools, masks on children, and removes the freedom of parents to choose what is best for their child is not truly leadership that values teachers or kids."**

169. Individual Respondents also referred to the Educational Equity Policy in terminating Mr. Wise, making clear that his advocacy on behalf of protected classes was motivation for his abrupt termination.

170. During the February 4, 2022, Board meeting, Respondent Winegar expressed frustration with Mr. Wise because he had to be ordered to revise and retract the Equity Policy. In Respondent Winegar's view, Mr. Wise should have taken the initiative to rescind the policy. She explained, "**And when we were writing up resolutions, especially with the equity resolution, I was kind of getting frustrated that we even had to do this. I mean I want a superintendent who I feel like aligns with us and who aligns with our community and who voted for us and just kind of is proactive rather than reactive."**

171. And then, on February 9, 2022, Respondent Winegar admitted on the Ross Kaminski Show that "**[f]or me personally, I do have concerns about what the equity policy leaves out. I believe it is very vague and it really focuses on group identity rather than individualism and the potential each kid has by their own merits, their own experience, and their own identity, instead it groups them together...and hopefully we can address that with the new superintendent that comes in."**

Emotion Distress Suffered by Mr. Wise as a Result of Respondents' Unlawful Conduct

172. Respondent DCSD and Individual Respondents have caused Mr. Wise significant emotional distress and suffering.

173. Individual Respondents have spread inaccurate, misleading, and malicious information about Mr. Wise and his job performance.

174. Individual Respondents, widely and in the press, have intentionally sought to damage Mr. Wise's reputation, credibility, and sought to impugn his integrity.

175. They deprived Mr. Wise of the full financial benefit of this contract, and of the honor of retiring with distinction from the school district that he had loyally served for over twenty-five years.

176. Individual Respondents to this day are knowingly and intentionally seeking to discredit Mr. Wise in the eyes of the public in order to avoid liability for violating the law and to conceal their discriminatory and retaliatory motives for terminating Mr. Wise.

177. Their callous and intentional conduct has caused pain, suffering, anxiety, and depression to Mr. Wise, and has greatly impacted his personal and familial life.

178. Furthermore, Individual Respondents have expressed no contrition or sorrow for ruining Mr. Wise's career, dragging his reputation through the mud, or sacrificing his wellbeing to the alter of their biased agendas.

DISCRIMINATION CLAIMS

179. Under Title VII of the Civil Rights Act of 1964 ("Title VII"), "[i]t shall be an unlawful employment practice for an employer. . .to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin[.]" 42 U.S.C.A. § 2000e-2. Likewise, the Americans with Disabilities Act ("ADA") states, in relevant part, that, no employer "shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to . . . discharge of employees . . . and other terms, conditions, and privileges of employment." 42 U.S.C. § 12112(a). The Colorado Anti-Discrimination Act ("CADA") reiterates that "[i]t is a discriminatory or unfair employment practice: (a) For an employer to refuse to hire, to discharge, to promote or demote, to harass during the course of employment, or to discriminate in matters of compensation, terms, conditions, or privileges of employment against any individual otherwise qualified because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, religion, age, national origin, or ancestry[.]" C.R.S. § 24-34-402(1)(a).

180. Individual Respondents, and hence Respondent DCSD, espoused racist views prioritizing white hegemony and exhibiting hostile animus towards youth and staff of color and the history and discrimination they still face. Key political organizations and supporters that endorsed, funded, and organized on behalf of Individual Respondents espoused similar discriminatory ideologies and lobbied them to agree, accept, and implement these discriminatory preferences and prejudices.

181. Individual Respondents openly fulminated against universal masking requirements and the lawsuit brought by disabled students and Mr. Wise on behalf of the DCSD against the newly formed Douglas County Health Department order forbidding masking. So did some of the Individual Respondents' supporters.

182. Individual Respondents expressed animosity towards LGBTQ+ staff and students.

183. Although as a general matter school boards and districts are empowered to change curriculum, policies, and practices between elections, such changes should not be grounded in discriminatory animus or cater to the discriminatory preferences and prejudices of others. *See Chaney v. Plainfield Healthcare Ctr.*, 612 F.3d 908, 913 (7th Cir. 2010) (employer's policy of catering to the racial preferences of patients in determining patientcare assignments was racially hostile and abusive); *Diaz v. Pan Am. World Airways, Inc.*, 442 F.2d 385, 389 (5th Cir. 1971) ("...it would be totally anomalous if we were to allow the preferences and prejudices of the customers to determine whether the sex discrimination was valid. Indeed, it was, to a large extent, these very prejudices the Act was meant to overcome.").⁶

184. Likewise, although a school board and district ultimately have control over the curriculum or any given policies or practices, the law prohibits authorities from making employment decisions that discriminate or retaliate against an employee who has engaged in protected activities under federal and state civil rights laws, even if board members disagree with those activities.

185. Mr. Wise has suffered from unlawful discrimination and retaliation based on the following grounds:

Associational Discrimination

186. The law "protects individuals who, though not members of a protected class, are "victims of discriminatory animus toward [protected] third persons with whom the individuals associate." *Barrett v. Whirlpool Corp.*, 556 F.3d 502, 512 (6th Cir. 2009); *see also* 42 U.S.C. § 12112(b)(4) (Section 102(b)(4) of the ADA defines "discriminate" to include "excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association."); *Den Hartog v. Wasatch Academy*, 129 F.3d 1076, 1082 (10th Cir. 1997) (explaining analysis of associational discrimination in the context of the ADA).

⁶ In reversing the constitutionality of separate but equal, the Supreme Court in *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), recognized that context matters. "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group." Thus, the antidiscrimination and colorblind rhetoric invoked by Individual Respondents, or their supporters needs to be placed in context, particularly given its rise in relationship to discussions by racial minorities of structural discrimination.

187. An employee may sustain a claim of unlawful associational discrimination if he can show that: (1) he was discriminated against at work (2) because he associated with members of a protected class. *Barrett*, 556 F.3d at 513. “The degree of the association is irrelevant.” *Id.* Courts have construed Title VII and similar laws “broadly in this context to accord with Congress’s stated purpose of ending [] discrimination in the workplace.” *Id.* at 512.

188. Here, Mr. Wise has been subjected to unlawful discrimination for his association with youth of color, LGBTQ+ students, and students with certain disabilities that make them particularly susceptible to severe symptoms or fatality from COVID-19.

189. Individual Respondents associated Mr. Wise with students with disabilities after he joined nine Student Plaintiffs in a federal lawsuit seeking to enjoin Douglas County Health Department from enforcing its public health order prohibiting universal masking on DCSD. This association is evidenced by the statements made by the Individual Respondents, including their aversion to the lawsuit and their descriptions of frustration with Mr. Wise for joining that lawsuit and advocating for universal masking so that the Student Plaintiffs in the lawsuit could have equal access to educational opportunities.

190. Mr. Wise is also associated with youth and staff of color or LGBTQ+ identity. He was selected by Dr. Tucker to be his Successor Superintendent. Furthermore, Individual Respondents associated Mr. Wise with racial minorities, including students and staff, by virtue of his role in supporting equity across the District and implementing the Educational Equity Policy and diversity trainings that addressed racism against minorities, and for helping implement the District’s prior curriculum which Individual Respondents accused of being racist and polluted by considerations of equity, CRT, and offensive notions of gender and sexuality.

Retaliation for Engaging in Protected Activities

191. Furthermore, an employer may not retaliate against an individual “because he has opposed any practice made an unlawful employment practice. . . or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under [antidiscrimination laws].” 42 U.S.C. § 2000e-3; C.R.S. § 24-34-402(1)(e)(IV).

192. Protected opposition includes a good faith refusal to participate in or objection to discriminatory practices.

193. Participation also includes taking part in internal investigations as well as external legal actions.

194. Anti-retaliation provisions in civil rights laws seek to prevent employer interference with “unfettered access” to remedial mechanisms. These provisions do so by prohibiting employer actions that are likely “to deter victims of discrimination from complaining to the EEOC,” the courts, and their employers. *Burlington N. & Santa Fe Ry. Co. v. White*, 548 U.S. 53, 68(2006) (internal citations and quotations omitted).

195. Hence, an employee may make a colorable claim of retaliation “based on a mistaken good faith belief that Title VII has been violated” and “may maintain an action for retaliation based on participation in a protected proceeding regardless of whether the conduct forming the basis of her underlying complaint is adjudged to violate Title VII.” *Crumpacker v. Kansas Dep’t of Hum. Res.*, 338 F.3d 1163, 1171 (10th Cir. 2003).

196. To prove discrimination or retaliation, an employee may rely on either direct or circumstantial evidence. *Maughan v. Alaska Airlines, Inc.* 281 Fed. App’x 803, 806 (10th Cir. 2008). “Direct evidence is evidence, which if believed, proves the existence of a fact in issue without inference or presumption.” *Riggs v. AirTran Airways, Inc.*, 497 F. 3d 1108, 1117 (10th Cir. 2007). Stated differently, “direct evidence demonstrates on its face that the employment decision was reached for discriminatory reasons.” *Id.*

197. There is direct evidence of retaliation in this case. Mr. Wise engaged in protected opposition by objecting to the Douglas County Health Department’s discriminatory public health order and participating in a lawsuit to advocate for disabled students. The Individual Respondents at various points in time stated that the decision to discharge Mr. Wise was a result of his participation in the Student Plaintiffs’ efforts to seek an injunction against the public health order.

198. Mr. Wise joined the Student Plaintiffs’ lawsuit in furtherance of the District’s affirmative duty to protect students with disabilities in schools.

199. The Individual Respondents also directly voiced frustration that Mr. Wise did not do enough to rescind the Educational Equity Policy or forefront their discriminatory ideologies. Indeed, one express rationale for terminating Mr. Wise’s employment was that he did not sufficiently support their agenda with respect to revisiting the Equity Policy.

200. In the absence of direct evidence, an employee must show: (1) “that he 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 exists between the protected activity and the materially adverse action.” *Hansen v. SkyWest Airlines*, 844 F.3d 914, 925 (10th Cir. 2016). Once the employee succeeds in articulating a prima facie retaliation case, the burden shifts to the employer to propound a legitimate, non-retaliatory rationale for the adverse employment action. If the employer does so, the employee is afforded the opportunity of demonstrating that the employer’s proffered rationale is pretextual. *Id.*

201. An employee can show pretext by revealing “such weaknesses, implausibilities, inconsistencies, incoherencies, or contradictions in the employer’s proffered legitimate reasons for its action that a reasonable factfinder could rationally find them unworthy of credence” *Plotke v. White*, 405 F.3d 1092, 1102 (10th Cir. 2005). An employee can “typically make[] a showing of pretext in one of three ways: (1) with evidence that the [employer’s] stated reason for the adverse employment action was false . . . ; (2) with evidence that the [employer] acted contrary to a written company policy prescribing the action to be taken by the [employer] under the circumstances . . . ; or (3) with evidence that the [employer] acted contrary to an unwritten policy or contrary to company practice when making the adverse employment decision affecting the [employee].” *Id.*

202. In this case, in addition to direct evidence of retaliation, there is also ample evidence of pretext. In terminating Mr. Wise, the Individual Respondents acted in secret to hide their discussions and decision from the public, diverging not only from written policy, but quite literally, the laws governing the business of elected officials, hence implying mendacity, subterfuge, and an intent to engage in wrongful conduct. “The factfinder’s disbelief of the reasons put forward by the defendant (particularly if disbelief is accompanied by a suspicion of mendacity) may, together with the elements of the prima facie case, suffice to show intentional discrimination.” *Id.* 1102. Likewise, Individual Respondents have given different varying reasons and explanations for their decision to terminate Mr. Wise, as it has become increasingly clear that their actions have resulted in liability and scrutiny.

Anticipatory Retaliation

203. An employee may also bring a retaliation claims when an employer engages in pre-emptive or anticipatory retaliation. Specifically, because “[a]ction taken against an individual in anticipation of that person engaging in protected opposition to discrimination is no less retaliatory than action taken after the fact,” the Tenth Circuit has held that “this form of pre-emptive retaliation falls within the scope of 42 U.S.C. 2000e-3(a).” *Sauers v. Salt Lake County*, 1 F.3d 1122, 1128 (10th Cir. 1993); *see also E.E.O.C. v. Bank of Okla.*, No. 03-CV-0657-CVE-PJC, 2005 WL 7870754, at *5 (N.D. Okla. Jan. 18, 2005) (same).

204. In such cases, “[a]lthough a protected activity is generally required to state a valid [] retaliation claim, courts have found that in certain instances, an [employee] need not undertake protected activity to successfully establish a retaliation claim.” *E.E.O.C. v. Cognis Corp.*, No. 10-CV-2182, 2012 WL 1893725, at *2 (C.D. Ill. May 23, 2012) (citing *Sauers*); *Hindman v. Thompson*, 557 F. Supp. 2d 1293, 1305-06 (N.D. Okla. March 4, 2008) (declining to grant employer summary judgment in Title VII retaliation case even though employee did not show she had engaged in protected activity before her termination).

Title VII’s [and other civil rights laws’] anti-retaliation clause covers anticipatory retaliation. Even though the language of the statute is written in the past tense and appears to assume that protected activity occurred at some point in the past and prior to any retaliation (i.e., “participated,” “assisted”), it covers preemptive employer actions. An employer may not discriminate against an employee who it fears will later . . . [participate in protected conduct].

E.E.O.C. v. Bojangles Rests., Inc., 284 F. Supp. 2d 320, 328 (M.D.N.C. 2003).

205. Comments made by the Individual Respondents indicate that they anticipated that Mr. Wise would engage in protected activities in the future and be an obstacle to implementing their racial preferences and prejudices, including frequent comments that they did not feel supported by Mr. Wise and that they did not believe he would partner with them in the future as they sought to implement changes to the curriculum and rescind the Educational Equity Policy.

206. Whatever the powers of the Douglas County School Board of Education are, those powers do not include subjecting their employees to adverse actions based on discriminatory preferences or prejudices, or in retaliation for engaging in protected activity.

Discrimination and Retaliation Based on Advocacy

207. “Individuals are also protected from discrimination because of their advocacy on behalf of protected class members.” *Barrett*, 556 F.3d at 513 (describing nature of advocacy claims under Title VII).

208. “As with the question of association, the key questions are whether [employees] were discriminated against, and whether the reason for the discrimination was their advocacy for protected employees.” *Id.* at 514. In such instances, where an employee advocates for a protected class or classes of other employees, discrimination is found to be against him because the protected characteristics of the classes he has advocated on behalf of. *Johnson v. Univ. of Cincinnati*, 215 F.3d 561, 575 (6th Cir. 2000) (holding that high-level white admissions officer at university had standing to bring a discrimination claim based on his advocacy for affirmative action or women and racial minorities). In such instances, the protected status of the individuals for whom he has advocated on behalf of are “imputed” to him. *Id.*; see also *Reinhardt v. Albuquerque Pub. Sch. Bd. of Educ.*, 595 F.3d 1126, 1132 (10th Cir. 2010) (speech-language pathologist’s advocacy on behalf of her disabled students sufficient to support a retaliation claim under Section 504 of the Rehabilitation Act).

209. Here, once again, there is direct evidence that Individual Respondents, and thus Respondent DCSD, engaged in discrimination and retaliation based on Mr. Wise’s advocacy for youth and staff of color, LGBTQ+ individuals, and students with disabilities. Mr. Wise advocated for all children and staff—no matter their circumstances—to have a fair shot at success and an equal opportunity to thrive in school. This entailed advocating for changes, policies, and practices, to make sure students with protected characteristics enjoyed equal access to resources and opportunities during the pandemic and in a school district that historically struggled—and continues to struggle—with equity.

210. For all the reasons described above and others, there is ample additional evidence of pretext to support that Individual Respondents, and thus Respondent DCSD, discriminated and retaliated against Mr. Wise because of his advocacy on behalf of marginalized students and staff.

Wherefore: The Charging Party prays that the Colorado Civil Rights Division grant such relief as may exist within the Division’s power and the Division may deem necessary and proper and that the Equal Employment Opportunity Commission does the same.

I declare under penalty of perjury that the foregoing is true and correct.

Date Charging Party/Complainant (Signature)

4/13/2022

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