



## MEMORANDUM

TO: Auon'tai Anderson, Vice President, Director At-Large  
FROM: Xóchitl Gaytán, President, Director District 2  
CC: Aaron Thompson, General Counsel  
DATE: March 29, 2023  
RE: Board Governance Process Violations

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Per the policy governance model the DPS Board of Education abides by, if a single Board member is in violation of Board policies, the entire Board is out of compliance, especially if it goes unaddressed. Hence, as President of the DPS Board of Education and abiding by and in compliance with GP9.7, 9.11 & 13, it is with deep regret that I am inform Vice President Auon'tai Anderson of credible information regarding board member violations to the Governance Processes as set forth in the board policy governance structure. This formal memorandum is in conjunction with a private 1:1 with Vice President Anderson on March 29, 2023 via zoom.

On Monday morning, 03/27/2023 Vice President Anderson held a press conference at Brother Jeff's Cultural Center, initiated several 1:1 interviews with various media outlets including the 9News Next with Kyle Clark, emailed antagonizing responses to constituents and violated the following policies:

1. First and foremost, VP Anderson disclosed information divulged to the board in the Executive Session that took place on Thursday 03/23/2023. Specifically, naming the Mayor's private communication with the Superintendent regarding the creation of an Executive Order to address school safety.

**Impact:** Due to VP Anderson's disclosure of privileged information, the Executive Session that took place on Thursday 03/23/2023 is now subject to at least 2 CORA requests as of Monday 03/27/2023.

2. **GP5.4:** The President has the following authority and duties: Represent the Board to outside parties in announcing Board-stated positions and in stating decisions and

interpretations within the areas delegated to the President, delegating this authority to other Board members when appropriate, but remaining accountable for its use.

**Impact:** VP Anderson decided to hold a press conference without consent of the Board to address outcomes decided on by the board as a whole. The President has the duty as outlined above and had already held a press conference on Thursday to address the District's safety concerns.

3. **GP9.2:** Board Members will take no individual action that could compromise the integrity of the Board, Superintendent or DPS.

**Impact:** VP Anderson made inaccurate statements about the student at East not being officially expelled from Cherry Creek. This inaccurate information can compromise the integrity of the Board. The District was fully aware of the expulsion and charges associated with the expulsion. This is being perceived by many as inaccurate and misinformation.

4. **GP9.3:** Board of Education members will recognize the importance of their community leadership roles, and they shall not allow their conduct to endanger the District's public image, credibility, or ability to accomplish its Ends.

**Impact:** Statements from the press conference being held by VP Anderson may be used as part of a lawsuit against the District regarding the Board's culpability for the violence at East HS.

5. **GP9.4:** Board Members shall respect official Board decisions, recognizing that the Board speaks with one voice, and no Board Member shall attempt to exercise individual authority over the organization or express individual views as those of the Board.

**Impact:** VP Anderson did not state before the press conference that he was not representing the voice of the BOE. Even if he did, the Board President has the responsibility to speak on behalf of the Board.

6. **GP9.5:** Board of Education members may not attempt to exercise individual authority over the organization:
  - b. Members' interaction with the public, press, or other entities must recognize the same limitation and the inability of any Board member to speak for the Board of Education except to repeat explicitly-stated Board decisions; and,...

**Impact:** VP Anderson did not state before the press conference that he was not representing the voice of the BOE. Even if he did, the Board President has the responsibility to speak on behalf of the Board.

6. **GP9.6:** To build trust among members and to ensure an environment conducive to effective governance, Board of Education members will:

a. Focus on issues rather than personalities;

**Impact:** Focused on the personality of the mayor and was critical of the mayor's decision to create an Executive order.

b. Respect the legitimacy and authority of decisions of the Board, regardless of their personal position or vote on the issue;

**Impact:** The Board never approved that an individual Board member other than the President be the spokesperson. This was exhibited during the Thursday press conference.

c. Exercise honesty in all written and interpersonal interaction, never intentionally misleading or misinforming each other;

**Impact:** VP Anderson was misleading when stating that he never wanted police out of schools but wanted to disrupt the school-to-prison pipeline.

d. Make every reasonable effort to protect the integrity and promote the positive image of the District and one another;

**Impact:** Statements from the press conference being held by VP Anderson may be used as part of a lawsuit against the District regarding the Board's culpability for the violence at East HS. In addition, stating that having an officer present would not have prevented the shooting is misleading and speculative.

e. Communicate in a timely manner to avoid unnecessary surprises;

**Impact:** VP Anderson did not inform the entire Board in a timely manner and tweeted about his press conferences prior to informing the Board.

f. Withhold judgment on issues until fully informed;

**Impact:** Clearly VP Anderson was not fully informed about the student’s expulsion from Cherry Creek Schools. Even if he was informed, it could be argued that he was in no condition to fully comprehend due to his recent surgery less than 12 hours prior to the incident. In such cases, talking points would limit the occurrence of misinformation. However, VP Anderson was not seen using any of the talking points which were previously prepared for the press conference on Thursday 03/23/2023.

g. Publicly support final actions of the Board and Superintendent.

**Impact:** By scheduling and attending press conferences without the consent of the full Board, VP Anderson did not publicly support their decisions which were made on Thursday.

7. **GP9.7:** A Board member aware of credible information that suggests that a Board policy has been violated, by either the Board or the Superintendent, has an affirmative obligation to bring the concern to the Board’s agenda for monitoring.

8. **GP9.9:** Board members shall maintain the confidentiality of all Superintendent decisions prior to public release and all matters required to be kept confidential by federal or state law or regulations and all matters discussed in executive session.

**Impact:** VP Anderson disclosed information discussed in the Executive Session. Specifically, naming the Mayor’s private communication with the Superintendent regarding the creation of an Executive Order to address school safety.

9. **GP9.11:** Board Members shall hold themselves and other Board Members accountable for complying with this Code of Conduct.

10. **GP10.12:** Follow the chain of command.

**Impact:** VP Anderson did not follow the chain of command. He made a phone call the morning of Thursday 03/23/2023 to Denver Chief of Police Thomas and made statements on armed police without consent or knowledge of the board President or the board as a whole.

11. **GP10.17** Make every reasonable effort to protect the integrity and promote the positive image of the District and one another; and

**Impact:** Statements from the press conference being held by VP Anderson may be used as part of a lawsuit against the District regarding the Board’s culpability for the violence at East HS. In addition, stating that having an officer present would not have prevented the shooting is misleading and speculative. Also, stating Dr. Marrero has been dealing with the dysfunction of this Board being played out in the media. These statements continues to add to the narrative that there is in-fighting which continues.

12. **GP10.17** Once the Board has taken final action on a matter before it, we will continue, at our individual discretion, to state our individual viewpoints about the matter, but will do so by first describing the majority decision and rationale and then clearly identifying any individual comments as such;

**Impact:** The Board never approved that an individual Board member, other than the President be the spokesperson. This was exhibited during the Thursday press conference. At the start of any press coverage or 1:1 media interviews on Monday 03/27/2023, VP Anderson did not state a disclaimer to indicate that he was not speaking on behalf of the board or the District and that his statements were his and only his viewpoints.

General counsel will complete a full review of the information within this memo and will advise on items to add, remove and/or to move forward to a public meeting of the board. The President will add the final items for a public discussion as next steps. Final steps to be advised by general counsel and the board as a whole.

Attentively,  
Xóchitl Gaytán, President

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LINKS to only a few of the press coverage VP Anderson initiated and conducted on Monday 03/27/2023:

[Press conference at Brother Jeff Cultural Center](#)

VP Anderson completed an interview the morning of Thurs 03/23/2023, prior to the start of Exec Session without prior knowledge or acknowledgement to and by the board:

<https://www.cbsnews.com/colorado/news/leading-critic-denver-police-officers-schools/>

[9news Next with Kyle Clark interviews VP Anderson](#)

[Denver Post Article](#)