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MILLS

April 20, 2007

Sabrina Zirkel, PhD
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Dear AIPCS Board Members and Dr. Ben Chavis:

I am enclosing with this letter several letters of complaints about a recent visit that my students and I made to American Indian Public Charter School (AIPCS). During our visit we witnessed what we strongly believe to be unlawful, discriminatory, and sexually harassing behavior from Ben Chavis towards both my students and at least one student in the AIPCS high school.

I have visited AIPCS on two other occasions prior to this visit, and was very familiar with Dr. Chavis' "outrageous" style (his words). I anticipated foul language and loud pronouncements, and was even braced for my students to possibly hear racial epithets in his comments. I am sure you are all also familiar with Dr. Chavis' style. Nevertheless, what we are reporting to you in these complaints is not our shock at his style, manner of speaking, or his ideas. Rather, what we witnessed was violence, threats of assault, racial epithets shouted at my student in hearing range of his young middle school students, and sexually harassing comments about the breasts of tenth grade female student. These behaviors are not simply "outrageous", but instead fall into the range of what I would understand to be unlawful, discriminatory, and sexually harassing behavior towards his students and the public while visiting his school.

I have read the AIPCS complaint procedures and realize that those formal complaint procedures – which call for the Director of the school to investigate -- would be of no use when the complaint is about the Director of the school. Therefore, although I am sending these complaints to the Director, I am also sending copies of these complaints directly to you as the Board of AIPCS and to relevant officers in OUSD, Alameda County, and the State of California for further investigation.

It is my understanding that all complaints must be investigated, and that those filing the complaints must receive a written response regarding the outcome of this investigation. I am sure you agree that all children, under all circumstances, must be treated with respect and dignity and be protected from discriminatory and harassing behavior on the part of school personnel. I trust that you will complete an investigation of the serious allegations raised in the enclosed complaints, I look forward to hearing from you regarding the outcome of that investigation.

Sincerely,



Sabrina Zirkel, PhD
Visiting Professor

Cc: Liane Zimny, OUSD Charter School Coordinator
Kimberly Statham, OUSD State Administrator
Roy Combs, OUSD General Counsel
Kirsten Vital, OUSD Chief of Community Accountability
Gabriel Valenzuela, OUSD Ombudsperson
Shiela Jordan, Alameda County Superintendent of Schools
Marta Reyes, Director, Charter Schools Division, California Department of
Education
Office of Civil Rights, US Department of Education
Rose Lee, AIPCS Board President and Member
Larry Martinez, AIPCS Board Secretary and Member
Paul Hanson, AIPCS Board Member
Hilda Alvarado, AIPCS Board Member
Robert Cooter, AIPCS Board Member

April 3, 2007

To whom it may concern:

On Thursday, March 15th I joined a group of students from my race and ethnicity class at Mills College to attend an optional field trip to the American Indian Public Charter School in Oakland. The trip was scheduled for 9:30 but I was under the impression that the event began at 9:45. On my way in the door I saw my classmates and Mr. Chavez in session and realized that I was late. Still just as eager to experience the field trip, I tried to make my way into the room as quietly and as humbly as possible. However, before I could set foot in the door I was confronted by Mr. Chavez demanding me to, "leave now." At first every one in the room thought that he was joking and laughed. But then we realized that he was serious. As I began to apologize for my tardiness he cut me off, stating that I was, "a bad student, a bad role model and example for other students" and that he "wouldn't tolerate it at his school."

Although my classmates, my professor and I were all shocked by his misinformed perception and diagnosis of my character I didn't feel like buckling under his judgment. I proceeded to tell him as calmly and politely as possible that he didn't even know me. This enraged him and he proceeded to stand up and charge at me exclaiming, "I know one thing! Your fucking ass is out of here right now, you fucking black minority punk!" As he approached me I began to back out of the room in fear that I was going to be struck by Mr. Chavez. He pushed his chest into my shoulder and began to usher me out of the building, shouting profanities and insults in my face. He called me a "fucking minority punk" at least five times and told me that he was "going to kick my ass," at least seven times. He said that I "didn't deserve to be in school" and that I was a "worthless piece of shit" that "people had been making excuses for" all of my life. The verbal abuse continued in this manner all the way outside of the building where he continued to verbally abuse me and threaten physical abuse. He encouraged me to swing at him so that we could begin fighting.

He called security over and told the young man to "kick my ass and kick me out!" As he stormed away I saw my professor Ms. Zirkel coming out of the room to talk to us. I explained to the security guard that I needed to speak to my teacher. As I said this Mr. Chavez walked past Ms. Zirkel sarcastically exclaiming "Teacher? Hah!" criticizing her ability to teach. When Mr. Chavez was no longer in sight the security guard walked away from me and let me speak to Ms. Zirkel. We were both very shocked and agreed that Mr. Chavez's behavior was unacceptable and needed to be addressed. I went home shaken and deeply hurt by the interaction. The rest of my class carried on with the visit but came back reporting more disturbing encounters that they experienced with Mr. Chavez that day.

Mr. Chavez's behavior raises serious concern about the care and environment he is providing for his students. Students were watching and could hear how he was interacting with me. He stated in his own words his disgust for minorities and the majority of the students that he works with are minorities. Not only was his behavior

racist but also it was also violent. I left with the feeling that this man, Ben Chavez was capable of damaging his students emotionally and physically. I am requesting that Mr. Chavez be removed from the position of Principal at A.I.P.C.S. immediately before he is able to do any more damage.

Sincerely,

A handwritten signature in cursive script that reads "Unity Lewis". The signature is written in black ink and has a long, sweeping horizontal line extending to the right from the end of the name.

Unity Lewis
unitylewis@yahoo.com

March 26, 2007

To whom it may concern,

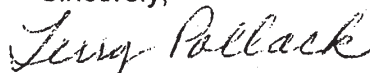
I was part of a group of Mills College graduate students (from the Educational Leadership department) that visited American Indian Public Charter School in Oakland on March 15, 2007. I am writing this letter to officially document and report the abusive and possibly criminal behavior exhibited by the principal, Ben Chavis, during the course of our nearly two hour visit.

Though there were countless instances of inappropriate behavior on the part of Mr. Chavis, I have listed, in chronological order only the most egregious behaviors I witnessed that day:

1. Throughout the entire time we spent with Mr. Chavis, he used language that was profane, racially derogatory, and at times sexually explicit. Here is just a tiny sample of some of the offensive language he used in our presence, and well within ear-shot of students: "mother fuckers", "darkies", "titties", and referred to the parent of one of his students as a "prostitute".) Mr. Chavis's foul language was profuse and constant.
2. Mr. Chavis physically threatened and verbally abused a member of our group when he arrived late. Though the Mills student entered the office quietly, and respectfully apologized for being late, Mr. Chavis began verbally accosting him, calling him a "black punk" and a "disgrace to his race". He ordered him to leave and threatened to "kick his black ass" if he didn't. Mr. Chavis made it clear that because the student was African American he is applying a stricter punishment for tardiness: removal from the premises. As the student repeatedly tried to calm the situation, Mr. Chavis's verbal attack only intensified. When the student criticized the abusive and humiliating treatment he was receiving, Mr. Chavis moved toward him in a sudden, angry, and very threatening manner. The student backed off and began to leave, but Mr. Chavis followed him out of the school, again threatening to "kick his black punk ass." After they both left the building, we could still hear yelling, foul language, and threats, at which point Dr. Zirkel, our instructor, went outside in an attempt to calm the situation.
3. Toward the end of our visit, we were all standing outside one of the classrooms when a female student came out of the room. Mr. Chavis stopped her and asked, "Is (male student's name) still trying to suck on your titties?" The girl looked down and quietly said, "No, sir." Mr. Chavis laughed, and the girl continued on her way along the path. This was said loud enough for all of us to hear. In light of this explicit and humiliating comment to a female student about her breasts, it's also noteworthy that earlier in the visit Mr. Chavis was overly familiar with a female student he stopped while walking down the hallway. And on three separate occasions, Mr. Chavis said that he would much rather run an all-girls school. Taken together, these incidents clearly point to a pattern of sexual harassment.

Mr. Chavis's excessive abuse of power, his overtly racist beliefs and comments, his violent temper, his foul language, and his alarming displays of sexual harassment toward female students are sufficient grounds to remove him from the principalship immediately. Mr. Chavis told us how much he relishes his power and believes himself to be untouchable because of the high test scores his students receive. I believe this makes him all the more dangerous, and I fear for the children's physical and emotional safety. I urge you to act now to protect the children at the school, for whom you are legally liable, by removing Mr. Chavis from his position as principal.

Sincerely,



Terry Pollack
tpollack@mills.edu

April 2, 2007

Dear AIPCS Board Member:

I am writing to inform you of two incidents that I witnessed personally at American Indian Public Charter School on March 15, 2007. Both of these incidents involved the school's principal, Dr. Ben Chavez. One reason I have decided to relate these incidents to you is because I feel that as a board member, you should be informed of Dr. Chavez's inappropriate actions that represent the school. Furthermore, I fear that Dr. Chavez could be a negative influence on the children who attend AIPCS.

The first incident occurred at 9:45 am, 15 minutes after I had arrived. Dr. Chavez had already begun speaking to us in his office about his philosophy of running a school that was comprised of mostly students of color. While Dr. Chavez was speaking, one of my classmates, Unity Lewis, was just arriving and walked toward the office. Before he got to the threshold, Dr. Chavez verbally attacked him. At first, I thought Dr. Chavez was joking but I soon realized that Dr. Chavez was quite serious. I was surprised that Dr. Chavez did not ask Unity why he was late and I was shocked at the type of language Dr. Chavez used with him. He was condescending, rude and used an excessive amount of profanity. Dr. Chavez stood up and backed Unity out of his school using his physical presence; the principal was yelling the entire time.

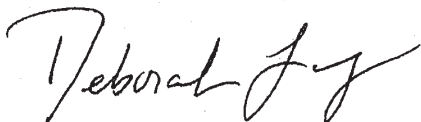
Once Unity and Dr. Chavez were outside the school, I could no longer hear what they were saying but I could see that they were inches apart and shouting at each other. At this point, my professor, Dr. Sabrina Zirkel, ran outside to break them up. When Dr. Chavez re-entered his office, one of the first things he said was that he would not have acted that way if Unity had been White. He stated that because Unity was Black, he was "an embarrassment to minorities." He also said, among other things, that he hoped that he would see my classmate on the street so he could "kick his ass."

Near the end of our two-hour site visit, another incident occurred that I found offensive and inappropriate behavior for a principal. My classmates and I were talking with Dr. Chavez outside a 10th grade classroom. (Dr. Chavez was standing by the door.) A girl came out of the classroom and was obviously startled to see us all standing there. Dr. Chavez interrupted himself and asked the girl if one of her male classmates was still trying to "suck her titties." I almost could not believe what I had heard except that it was loud and clear and my classmates heard the same thing. The girl was embarrassed and managed to just shake her head, signifying "No."

I am bringing these observations to your attention because Dr. Chavez's actions genuinely concern me since he is around young people daily. I noticed that the students' contract contains a statement about not being allowed to use foul language, yet I heard Dr. Chavez use profanity in their presence. I am worried that because children tend to model adult behavior, they will pick up his negative traits like swearing and using condescending and disrespectful language. Finally, I fear that the students at AIPCS are not being treated respectfully or with the dignity that they deserve.

If you have any questions about what I witnessed on March 15, 2007 at AIPCS, please do not hesitate to contact me.

Sincerely,



Deborah Long
Mills College Graduate Student and
Coordinator of Student Financial and Administrative Services for Mills College

April 3, 2007

To Whom It May Concern:

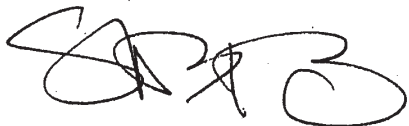
I am enrolled in a graduate course at Mills College in Oakland, CA entitled "Race and Ethnicity in Education." On Thursday, March 15th, our class went on a field trip to the American Indian Public Charter School (AIPCS) in Oakland, CA. We met outside at 9:30am and proceeded inside the school to meet with the school principal, Mr. Ben Chavez. The class filed into Mr. Chavez' office at 9:30 am and he began to tell us a little about AIPCS. At 9:45am, another classmate, Unity Lewis, entered the school and began walking towards Mr. Chavez' office to join the field trip. Unity is a black male, and according to Mr. Chavez, he was holding a hot beverage cup. At the point where Unity was entering the room, Mr. Chavez firmly told Unity that he was not welcome in his school because he did not come in on time. He repeated this sentiment multiple times and in a firm tone. Unity responded by asking if he was being serious, and remarked 'But you don't even know me.' At this point, Mr. Chavez got up from his chair and shouted obscenities at Unity, including phrases such as 'People have been giving you breaks your whole life, get the F—k out of my school.' As Unity backed away, Mr. Chavez followed him outside onto the sidewalk and he continued to shout and swear at Unity for approximately 5 minutes. According to another classmate, Unity and Mr. Chavez's faces were about 2 inches apart and both were yelling at the top of their lungs. I recall hearing Mr. Chavez use curse words numerous times during this altercation. Our professor, Sabrina Zirkel, went outside to ensure this altercation did not become physical. When Unity left, Mr. Chavez came back into the classroom and it was apparent that he was still very angry. Mr. Chavez said phrases including 'That kid is f—king idiot, how dare he walk in here with his coffee 15 minutes late,' and "He is an embarrassment to people of color." Mr. Chavez claimed that if a Caucasian student had walked in late, he would not have said anything to them. Throughout the rest of the field trip, which lasted approximately 2 hours, Mr. Chavez made repeated comments about Unity and often used the words 'idiot', and 'fool.' It was apparent that Mr. Chavez' anger level did not decrease for the duration of our field trip. This incident left me utterly shocked and very intimidated, and made me wonder if the students at AIPCS are treated appropriately.

During our time at AIPCS, Mr. Chavez made a few other comments that made me uncomfortable. He used words such as 'darky' and 'whitey' to describe students of color, and at one point made a comment to one of my white female classmates asking her if she 'was a mixed breed' because it looked like 'her family had been doing a lot of screwing.'

Mr. Chavez also led us on a tour of the neighboring American Indian High School that he started, and during that tour we visited a 10th grade classroom. As we spoke outside the classroom, a young, black female from that classroom walked out to use the restroom. Mr. Chavez stopped her, and in front of our entire group, asked her 'is that Mexican boy still trying to suck on your titties?'" I believe a comment such as this, made by an adult male administrator to a young, female student, constitutes as sexual harassment. If Mr. Chavez is comfortable making comments such as this in front of a graduate school class, then I fear he is making even more inappropriate comments to these students in private. Such comments have the ability to mentally damage a vulnerable adolescent.

This complaint, in combination with other complaints toward Mr. Ben Chavez, will hopefully create an investigation that looks beyond high test scores and focuses on the treatment of children as well as adults at the American Indian Public Charter School.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Bathey', with a large, stylized flourish at the end.

Shrimathi B. Bathey

March 16, 2007

Sabrina Zirkel, PhD
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To Whom It May Concern:

I am writing to report on a recent experience I had taking my students –graduate students in education -- to visit American Indian Public Charter in Oakland, CA. I had visited the school on two occasions before and had taken my students to visit the school knowing that the Principal, Ben Chavis, is a controversial figure in educational circles. All the same, I felt that my students might still learn a great deal from visiting the school and speaking to him. However, fifteen minutes into the visit things turned very badly and the visit instead became, unfortunately, an opportunity to witness a school leader out of control.

The visit began as scheduled at 9:30 am. At 9:45, one of my students, an African American male named Unity Lewis, arrived late. Dr. Chavis immediately began shouting at him that he needed to leave, and that he was an embarrassment to his race. When Unity objected and assumed that Ben was not serious, Ben grew more and more agitated. Ben then jumped out of his chair and “chased” Unity out of the building, shouting racial epithets at him and making threats such as “I’ll be happy to fight you! Let’s take it outside!” Ben continued to threaten Unity in a very aggressive manner, pushing him out the door and threatening him with physical harm. I followed them outside and when Ben saw me he stopped making threats to Unity and instead stormed back inside.

Needless to say, this extremely aggressive interaction left us in stunned silence. I had to quickly decide whether to leave with my students, but decided against it because I felt there was more we would witness that morning. After sitting down again, Ben remained quite agitated, and repeated several times that if any of the white students had been late he would not have said a thing, but that as an African American student, Unity needed to be “taught a lesson”. He then continued that the women in the class would want to “mother” him and that the problem with African American males were that their mothers were always trying to protect them. This portion of the visit continued with his ongoing ranting about the problems with “darkies” and the kinds of things that “darkies” do.

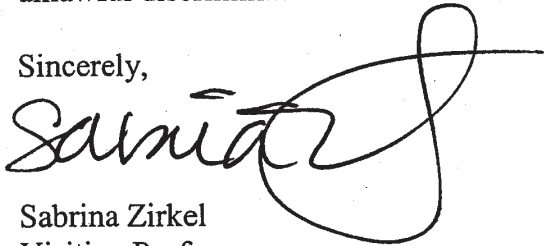
Later we visited classrooms. While Ben never really regained his composure, it was not until the end of the visit that we again witnessed his discriminatory and possibly unlawful behavior – once again towards one of my students, and another time directed towards his own students.

To another of my students – a young, white female student, he said “You look like a mixed breed...” and when she responded that she her heritage included several different European groups he said “Well, your people sure fucked around a lot”.

Still later, while we were standing outside the 10th grade classroom, a female student came out of the class and as she walked past us, Ben asked her if “[name] was still trying to suck her titties”. She whispered no and quickly moved past. We were all pretty shocked at this comment, and then Ben added his explanation: That a student had told her “he wanted to suck her titties” and that Ben had approached this situation by having the boy stand in front of his class while Ben announced to everyone that he wanted to suck [girl’s name’s] titties.

I feel that the behavior we witnessed throughout this short visit (< 1 ½ hours) constitutes unlawful discrimination and sexual harassment.

Sincerely,

A handwritten signature in black ink, appearing to read "Sabrina Zirkel". The signature is fluid and cursive, with a large loop at the end.

Sabrina Zirkel
Visiting Professor